

Book Review

Nataliia Ivanovna Marysheva,
Semeinye otnosheniia s uchastiem inostrantsev: pravovoe regulirovanie v Rossii
Moscow: Wolters Kluwer, 2007, 315 pp.
RUB 400 ISBN 978-5-466-00258-6

The reason for having selected this book for review is because the reviewer is writing her doctoral dissertation on *Judicial Cooperation with Russia*. At the very beginning of my research, it became clear to me that Professor Marysheva is one of the key figures in Russia in the area of judicial cooperation in civil matters.

The first mention of Nataliia Ivanovna Marysheva found by this reviewer dates from 1961: an article (co-authored with Professor Mark Boguslavskii) entitled “Pravovoe sotrudnichestvo sotsialisticheskikh gosudarstv”.¹ Another work of Marysheva to which reference is frequently made is her 1970 monograph *Rassmotrenie sudami grazhdanskikh del s uchastiem inostrantsev*. The central work of Soviet times in the field of private international law—and, in particular, of international civil procedures—is Professor Lunts’ *Kurs Mezhdunarodnogo chastnogo prava v trekh tomakh* (1959-1966). In 1976, Marysheva—together with Lunts—revised the Third Part *Mezhdunarodnyi Grazhdanskii protsess*. In addition, she has co-authored several textbooks on private international law.²

As we can see, there are many closely related branches in the structure of international cooperation: (public) international law, private international law, international procedural law, etc. I feel safe to say that the sector that Marysheva knows best is ‘international judicial assistance’ (*mezhdunarodnaia pravovaia pomoshch*). In Russian doctrine, one can observe here an interesting dichotomy: international procedural law is classified under private international law as a branch of legal science (*otrasl’ pravovedeniia*);³ however, under procedural law, it is a branch of law (*otrasl’ prava*).⁴ Judicial assistance, in its turn, forms a part of international procedural law.

¹ Nataliia Ivanovna Marysheva and Mark Moiseevich Boguslavskii, “Pravovoe sotrudnichestvo sotsialisticheskikh gosudarstv”, *Sovetskoe gosudarstvo i pravo* (1961) No.11, 92-103.

² See Boguslavskii’s book review of Nataliia Ivanovna Marysheva (ed.), *Mezhdunarodnoe chastnoe pravo* (Moscow, Iurist, 2006), Mark Moiseevich Boguslavskii, “Ne tol’ko studenty”, *Zhurnal rossiiskogo prava* (2007) No.6, 167-170.

³ Mark Moiseevich Boguslavskii, *Mezhdunarodnoe chastnoe pravo* (Moscow, Iurist, 2006), 491.

⁴ Nataliia Ivanovna Marysheva, *Mezhdunarodnoe chastnoe pravo* (Moscow, Iurist, 2006), 19, 297-299.

The point is that Marysheva is the only scholar who systematically has, over decades, dealt with questions concerning judicial assistance. One of her latest articles, which is particularly worth mentioning, is “Prisoedinenie Rossii k Gaagskim konventsiiam 1965 i 1970 godov po voprosam grazhdanskogo protsesssa”,⁵ in which she analyzes the accession of Russia to The Hague Service (1965) and Evidence (1970) Conventions.⁶ Marysheva has also been active in editing a variety of compilations of essays, such as *Problemy mezhdunarodnogo chastnogo prava* in 2000, where her own article is devoted to forms of legal assistance.⁷

Consequently, Marysheva is one of those rare Russian scholars who have also analyzed and elaborated *the concept* of legal assistance from a theoretical point of view. Marysheva further believes that there are sufficient grounds to consider legal assistance as a distinct “complex legal institution” with its own subjects, relations and principles.⁸ On the other hand, Marysheva’s style is to constantly link her interpretations with examples from practice.

However, let us now consider in more detail the monograph under assessment here. The title of her work can be translated into English as: “Family Relations with the Participation of Foreigners: Legal Regulation in Russia”. It is divided into three main sections:

- (1) General Provisions;
- (2) The Law To Be Applied in Different Forms of Family Relations with Participation of Foreigners; and
- (3) The Examination in Courts of Family Matters with Participation of Foreign Persons.

The first section is a typical one, dealing with the concept of international family relations, sources of conflict norms in family law, conflict norms, effects of conflict norms, obtaining information on foreign law and the legal position of foreigners participating in international family relations.

A primary reason for publishing such a monograph, undoubtedly, is that during the last decade—as a result of the increasing number of

⁵ Nataliia Ivanovna Marysheva, “Prisoedinenie Rossii k Gaagskim konventsiiam 1965 i 1970 godov po voprosam grazhdanskogo protsesssa”, *Zhurnal rossiiskogo prava* (2001) No.6.

⁶ Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, adopted 15 November 1965, entered into force 10 February 1969, 658 UNTS 163 (hereinafter “The Hague Service Convention”); Convention on the Taking of Evidence Abroad in Civil and Commercial Matters, adopted 18 March 1970, entered into force 7 October 1972, 847 UNTS 231 (hereinafter “the Hague Evidence Convention”).

⁷ Nataliia Ivanovna Marysheva, “Mezhdunarodnaia pravovaia pomoshch i ee vidy”, in *id.* (ed.), *Problemy Mezhdunarodnogo chastnogo prava* (Moscow, Kontrakt, 2000).

⁸ *Ibid.*