



Jean-Gabriel Castel

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IN HONOUR OF JEAN-GABRIEL CASTEL

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PREFACE[©]

BY JANET WALKER*

The list of honours at the front of this issue and the list of publications at the back are, by any estimation, awe-inspiring. They tell a story of remarkable achievements in the service of scholarship and country. These achievements have benefited countless persons, including many who have not had the benefit of knowing Jean-Gabriel Castel personally. As remarkable as these achievements are, they represent only two of the areas in which Jean-Gabriel Castel's contributions to the lives of others are significant. Those who have known him personally—generations of members of the profession for whom he was a dedicated teacher, scores of academics for whom he was a longstanding colleague, and still others for whom he was a much-loved family member or friend—can attest to the fact that his contributions in these other areas are equally remarkable.

It was, therefore, a singular honour in 1999, on the occasion of Professor Castel's retirement from the Faculty of Osgoode Hall Law School, to be invited by the Editorial Board of the Osgoode Hall Law Journal to serve as guest-editor for this special issue paying tribute to the leadership and inspiration Jean-Gabriel has provided to Canadian scholarship in the field of international law.

The issue begins with a personal appreciation of Jean-Gabriel by Professor Harry Arthurs,¹ former Dean of Osgoode Hall Law School and former President of York University. Following this are four articles by other colleagues of Jean-Gabriel on recent developments in various areas of international law in which his scholarly influence has been foundational.

The first of these is an article on a topic in an area which is at the heart of the scholarship for which Professor Castel is best known, that of the law of jurisdiction and judgments.² The article is Professor Vaughan Black's Lewtas Lecture, which he presented at Osgoode Hall Law School in April 2000 as the 2000 Lewtas Professor. It offers a Canadian

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¹ H.W. Arthurs, "Jean-Gabriel Castel: An Appreciation" (2000) 38 Osgoode Hall L.J. 229.

² V. Black, "Commodifying Justice for Global Free Trade: the Proposed Hague Judgments Convention" (2000) 38 Osgoode Hall L.J. 233.

perspective on the ongoing negotiations under the auspices of the Hague Conference to establish a multilateral convention on the assumption of jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. As Professor Black observes, there is considerable contrast between the style of the current negotiations and the style of negotiations that prevailed when Professor Castel brought Canada into the Hague Conference many years ago.

Following this, is an article by Professor Paul Crépeau³ of the Faculty of Law of McGill University on the codification of private international law. Those who are familiar with Professor Castel's work as a leading common law text writer and commentator in the conflict of laws might tend to overlook the fact that he has also made contributions of great importance to the civil law. Among these has been his work on Book X of the Québec Civil Code, which provides comprehensively for the private international law of Québec. Professor Crépeau's article commends these contributions and reflects upon the question of codification itself, which is particularly important to a country such as Canada that contains both common law and civil law legal systems.

As if this would not suffice to cover the range of subjects encompassed by the *oeuvre* of a prominent scholar, Professor Sharon Williams' article⁴ pays tribute to Professor Castel's work in the field of public international law. This article, which details the negotiation of difficult issues arising in the establishment of the International Criminal Court, gives but a small indication of the breadth and significance of Professor Castel's role in inspiring Canadian scholarship in the full spectrum of topics arising in international law.

Finally, I have provided an article⁵ on a subject about which Professor Castel has written on several occasions: choice of law in tort. In it, I indicate how two sage observations of his, with which I struggled as his student, have come to make eminent sense in light of recent developments, and how they might serve as touchstones for developing a workable rule for choice of law in tort.

Before closing this preface, however, I would be remiss if I did not correct the impression that might be created by a publication such as this that Jean-Gabriel's retirement in any way signals a cessation or

³ P.-A. Crépeau, "Réflexions sur la codification du droit privé" (2000) 38 Osgoode Hall L.J. 237.

⁴ S.A. Williams, "The Rome Statute on the International Criminal Court: From 1947 - 2000 and Beyond" (2000) 38 Osgoode Hall. L.J. 297.

⁵ J. Walker, "'Are We There Yet?'" Towards a New Rule for Choice of Law in Tort" (2000) 38 Osgoode Hall L.J. 331.

reduction in the range or extent of his efforts. Indeed, the story of achievements told by the tributes in this special issue is far from over. As an emeritus member of the faculty he continues to pursue scholarly projects, in particular, the preparation of the forthcoming looseleaf edition of his leading work, *Canadian Conflict of Laws*. He continues to be actively involved in international commercial arbitration. And, as if it is not enough to continue in the fields in which he has developed such consummate expertise, Jean-Gabriel has begun to devote his considerable energy and compassion to charitable works in the community under the auspices of his church. Accordingly, I join with the Editorial Board of the Osgoode Hall Law Journal and the Faculty of Osgoode Hall Law School in celebrating the contributions of our colleague Jean-Gabriel Castel with the publication of this special issue. I stress that it marks not the culmination of a remarkable career of achievements but merely a milestone in a career of service that will continue to inspire us all.