

STATES' RELATIONS

ARTICLE IV

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

SOURCES AND EFFECT OF FULL FAITH AND CREDIT

Private International Law

The historical background of the Full Faith and Credit Clause is furnished by the branch of private law that is variously termed “private international law,” “conflict of laws,” and “comity.” This branch comprises a body of rules, based largely on the writings of jurists and judicial decisions, in accordance with which the courts of one country, or “jurisdiction,” will ordinarily, in the absence of a local policy to the contrary, extend recognition and enforcement to rights claimed by individuals by virtue of the laws or judicial decisions of another country or “jurisdiction.” Most frequently applied examples of these rules include the following: the rule that a marriage that is good in the country where performed (*lex loci*) is good elsewhere; the rule that contracts are to be interpreted in accordance with the laws of the country where entered into (*lex loci contractus*) unless the parties clearly intended otherwise; the rule that immovables may be disposed of only in accordance with the law of the country where situated (*lex rei sitae*);¹ the converse rule that chattels adhere to the person of their owner and hence are disposable by him, even when located elsewhere, in accordance with the law of his domicile (*lex domicilii*); the rule that, regardless of where the cause arose, the courts of any country where personal service of the defendant can be effected will take jurisdiction of certain types of personal actions—hence termed “transitory”—and accord such remedy as the *lex fori* affords. Still other rules, of first importance in the present connection, determine the recognition that the judgments of the courts of one country shall receive from those of another country.

¹ *Clark v. Graham*, 19 U.S. (6 Wheat.) 577 (1821), is an early case in which the Supreme Court enforced this rule.