while so doing, skilfully avoiding the pitfall of a *loi la plus favorable* regulation, has adopted the only acceptable, *nihil aut aliquid* approach—see Kisch, *Ius et Lex*, Gutzwiller-Volume, p. 393—and refers, in art. 3—quoted in the previous *Note*, *sub* 1, see *supra* p. 185—also to the national conflict rules of the *lex fori*. What now, one may ask, will come of the said *favor pueri* if, as a consequence of the fact that the *lex fori*, like the Convention—or even, in imitation of the Convention—also applies the law of the habitual residence, the poor bastard is robbed of its second chance? If regret, felt at the adoption of the two-pronged Convention, is sincere: "*tout désireux à faire bénéficier l'enfant de la loi la plus favorable, réflexion faite on doit se résigner à le protéger seulement, si possible, contre une loi qui lui refuse tout secours*", it must be utter distress to have to admit that the Convention, instead of making do with the *two* prongs, will at the hands of the local judiciary which melted the two into one, now be left with no more than a toothpick. One may—jesting aside—ask oneself, whether the local judiciary, while rightly—I couldn't agree more—applying the law propounded by the Convention even outside the scope of the latter, must not, with an eye to preserving the double-chance-system of the Convention, set about developing a subsidiary rule on the *nihil aut aliquid* basis, a rule applicable, thus, in the event of the law of the habitual residence failing to give any maintenance whatsoever. I would say yes; and I would propose the subsidiary application of the personal law of the father, his national law, his domiciliary law or rather, and this I would prefer, the law of his *résidence habituelle*. In my opinion it is not justifiable to fall back onto the infant's national or domiciliary law from which, on tactical and very strong social grounds, one has justly taken such considerable trouble to escape. In this bilateral relationship it is logical to avail oneself of the contralateral link: '*milieu*' of the father, where the original connecting factor ('*milieu*' of the child) has proved to lead to refusal of the maintenance claim. If the child will have a right to maintenance in neither of the relevant social environments then, in my opinion, *favor* must have a stop and there must be no search for a third chance such as *e.g.* the personal law of the mother.

2. As to the argument in connection with the application, outside the scope of the Convention, of the convention's main rule, I am inclined to think that the fear that application of the personal law of the father would incite him to indulge in maintenance dodging, on the lookout for a cheap country, is counterbalanced by the fear, not spoken of but equally realistic—or unrealistic—that application of the residential law of the infant would cause a stampede of unwedded mothers to legal environments particularly favourable to their specific hardships. Maritain's saying: "*Celui qui sort de son milieu, sort de l'humanité*" holds for misbehaving gentlemen just as much as for impetuous and incautious ladies. I, for one, do not think the argument convincing; it sooner constitutes a holding point for those who adhere to the frequently voked opinion that in p.i.l. one can prove anything.

J. E. J. Th. Deelen

ERRATUM:

On p. 206, *supra*, fifth line from top, "March" must be replaced by July.