THE LAWS OF SOUTH-EAST ASIA, VOLUME I: THE PRE-MODERN TEXTS. By M.B. HOOKER. [Singapore: Butterworths. 1986. xvi + 624 pp. Hardcover: S$280]

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I

DESPITE the two years that separate the publication of both the aforementioned volumes,[1] they each constitute part of an organic whole, *viz.,* a detailed exposition of the laws of South-East Asia during the pre-colonial, colonial as well as post-colonial periods. The pre-colonial (or the "pre-modern") laws form the subject-matter of the first volume, whilst the second completes the 'picture' by focusing upon the various European laws introduced as a result of the waves of colonialism that swept through South-East Asia, especially during the eighteenth and nineteenth centuries.

These two volumes are packed with information. Indeed, so detailed are the various pieces that the uninitiated could find it rather heavy-going. There are, in addition to the sheer weight of information, relatively too many technical terms that are not easily assimilable, despite the excellent translations and explanations. Indeed, I must confess to having found some parts of the books rather difficult, simply owing to a lack of expertise. The persevering reader will, however, learn and profit much, not least because the articles are written by experts in the fields concerned. And for comparative lawyers themselves, the volumes provide a veritable treasure trove of information as well as further references. In fact, insofar as the latter is concerned. Volume I alone contains an extensive bibliography that runs to some 69 pages — a fact that is doubly welcomed simply because the volume concerned deals with the pre-modern texts about

[1] Hereinafter referred to as *Hooker I* and *Hooker II,* respectively.

which relatively less has been written and, consequently, about which even less has been made available by way of further references. In this regard, the general bibliography in Volume II is rather disappointing, comprising only some 7 pages, although it is admitted that the references are to *general bibliographies* themselves. What this means, however, is that the researcher of the European colonial laws will have relatively more to do, although he could get by quite comfortably with the individual references to be located at the end of each piece simply because these are themselves rather comprehensive in nature.

Insofar as reference *within* the volumes themselves is concerned, there ought to be few problems. The index in each volume is very comprehensive. And this is evident by the number of pages alone; the index to Volume I runs to some 58 pages whilst that in Volume II is 63 pages long. It ought to be pointed out that such exhaustive indexes are worth" their weight in gold, simply because they would aid tremendously in the location of the detail desired as well as in the marshalling and correlation of huge masses of detail in common areas between countries.

II

Turning, then, to the individual volumes themselves, the reviewer must admit to having found Volume I much more fascinating and interesting than Volume II, although, as already mentioned above, the subject-matter in the first volume was much more difficult to take in. As the editor himself points out in the 'Preface' to the second volume:[2]

> "In contrast to the first volume, and from the point of view of comparative law and legal history, the material is much easier to deal with in the sense that it is more, rather than less, familiar. We are dealing with European laws. By this, I mean that however great or little one's knowledge of a law or legal tradition might be, the premises on which these laws rest are familiar to the educated reader. This proposition of course assumes some degree of historical knowledge but even where this is lacking, it is always possible to repair any inadequacies."

Volume I begins with (in my view at least) an extremely thought-provoking introduction by the editor himself;[3] in it are raised many issues that go to the very nerve and core of legal historiography.— issues that are too infrequently discussed, at least within the local context. There is, for example, a succinct and incisive account of the problem of'sources'; this reviewer found the reference to the problems of're-construction' especially interesting.[4] Also of more than passing interest is the writer's reference to a related point, that of making sense of the various indigenous legal materials when faced not only with the choice between either the European categories of legal thought or the internal categories of the materials themselves, but also with the fact that many of the indigenous materials *themselves* have borrowed from

[2] *Hooker II,* 'Preface', at p. iii.

[3] M.B. Hooker, "Introduction: The South-East Asian Law Texts — Materials and Definitions": *Hooker I,* pp. 1 to 22.

[4] See *Hooker 1,* at p. 9. The writer's proposed solution is very similar to that proposed (in another, albeit related context) by Gunnar Myrdal in his book. *Objectivity in Social Research* (1969).

other broader traditions.[5] And all these problems are merely compounded (as the writer quite correctly points out[6]) for the reader who can only attempt to understand the given indigenous text through a *foreign* text. Then again, there is raised the problem of assumed cultural dominance that is a problem notwithstanding that there is no conscious attitude of superiority.[7] There are, in fact, as just mentioned, many other interesting issues that cannot be canvassed in the present review. The problems include that of the viability of comparing various legal systems[8] and consideration of the quite intriguing (and potentially controversial) demarcation between history on the one hand and legal history on the other.[9] This is not to state that this opening Chapter is not useful in explicating the more specific issues themselves, for example, the problem of definitions.

The remaining Chapters of Volume I comprise, as already alluded to above, detailed accounts of the pre-modern law of the various South-East Asian countries, though a caveat is in order to the effect that the word 'countries' ought not to be taken literally, especially insofar as (especially) Muslim law is concerned; Muslim law itself has had, by its very nature, an across the board influence, and is thus dealt with in a separate Chapter.[10] It must be stated at the outset that I do not propose to summarize the massive quantity of details as well as analyses to be found within both this Volume (I) and the next; only the briefest sketch will thus be attempted.

Notwithstanding the 'geographical caveat' mentioned in the preceding paragraph, the first substantive Chapter does, however, in fact deal with the pre-modern law of a specific country; this is Ryuji Okudaira's "The Burmese Dhammathat"." The Burmese legal system did come under a not inconsiderable amount of Indian influence,[12] though this did not result, however, in a total 'carbon copy' of Indian law, so to speak, but, rather, a resultant blend that can be truly described as an indigenous law; in the words of the author himself:

> "Although the Indian law books and Buddhist canons had some influence on the growth of Burmese law, the law, including the *Dhammathats,* was essentially the secular, civil and customary law of the Burmese people. This law was based on customs or habitual practices as well as on other factors such as royal edicts, judicial decisions and so forth."

Insofar as legal historiography is concerned, however, the author points out that serious studies of Burmese law were begun only in the nineteenth century, and were undertaken by *European* scholars; thus:[14]

5 Especially the Indian, Islamic and Chinese traditions.
6 *Hooker I, alp.* 10.
7 *Ibid.,* at pp. 11 to 12.
8 *Ibid.,* at pp. 13 to 14.
9 *Ibid.,* at pp. 14 to 15.
10 See M.B. Hooker, "The Law Texts of Muslim South-East Asia", *Hooker I,* pp. 347 to 433.
11 *Hooker I,* pp. 23 to 142.
12 *Ibid.,* at p. 23.
13 *Ibid.,* at p. 24. And see, also, the discussion at pp. 128 to 131.
14 *Ibid.,* at p. 41.

> "Our knowledge of the Burmese legal literature is, therefore, mainly derived from English scholarship as part of the then theory of legal history."

Although the author does state that there were Burmese commentators as well,[15] we confront (yet again) the fact that much descriptive as well as analytical writing comes from *foreign* sources and that the reader has thus to be wary of, amongst other things, ethnocentricity, whether blatant or otherwise.

The instant Chapter contains, as already mentioned, a detailed enunciation of the various sources of Burmese law, the main ones of which were, of course, the *Dhammathats* that, however, were not codes in the strict sense of the word. It also sets out in great detail all the major substantive areas of Burmese law, including both public as well as private aspects (the latter covering, especially, the various aspects of family law as well as property rights); in addition, the general law relating to obligations (especially with regard to contract and civil wrongs[16]) is also dealt with.

The Chapter immediately following deals with the Thai premodern legal system; it is by Yoneo Ishii and is entitled "The Thai Thammasat" (with a Note on the Lao Thammasat). Again, the sheer quantum and complexity of the relevant details defy summary, but it is interesting to note that, as in the case of Burma, the history of studies in Thai law may be traced, in the main, to *European* 'r0ote'(here, French). And the parallel with the account of Burmese law continues with an examination of Indian influence on Siamese jurisprudence.[17] Needless to say, the present Chapter is extremely comprehensive, with the author covering all the major areas of substantive law.[18] There is, in addition (and as the title of the Chapter itself suggests), a brief note on the Lao texts.[19]

Yoshiaki Ishizawa's "Remarks on the Epigraphy of Ankorian Cambodia" (which is the next Chapter[20]) describes as well as analyses the inscriptions on stone monuments in Angkor.[21] This Chapter concerns, yet again, a legal system where there has been a not insignificant amount of Indian influence.[22] There is, in this Chapter, a very interesting description of the various courts of law (and their procedure) which were quite unlike those we are used to today (that derive, in the main, from the West).[23] The next substantive section deals with the execution of judgments and the various penalties which were entailed for default.[24] Of much interest to the reader would be the very interesting illustrations of the entire legal process *via* two actual

[15] See, *ibid.,* at pp. 56 to 59.
[16] Although the distinction was not clear: see, *ibid.,* at p. 105.
[17] See, *ibid.,* at pp. 194 to 198. The Chapter itself is found at pp. 143 to 203.
[18] See, generally, *ibid.,* at pp. 157 to 194 (Section entitled "Contents of the Law").
[19] See, *ibid.,* at pp. 198 to 200.
[20] *Ibid.,* pp. 205 to 240.
[21] A point to note in this regard is the variety of materials upon which the various laws in the many countries may be found. This is one example; another is the palm leaf, upon which some of the Burmese laws may be found: see *supra,* note 11.
[22] See, *Hooker I,* at p. 236.
[23] See *ibid.*, at pp. 210 to 218.
[24] *Ibid.,* at pp. 221 to 228.

decisions.[25] Finally, it ought to be mentioned that the focus in this particular Chapter is on land[26] — a not surprising fact because "[livelihood in Angkor was based on an extensive agriculture of a self-sufficiency nature. A household or family cultivated its land to produce crops."[27]

Of interest to many readers must surely be the next Chapter entitled "The Law Texts of Java and Bali" where two acknowledged experts in the field avail us of their insight and experience.[28] As the title of the Chapter suggests, it may be divided into two main parts that deal with the law texts of Java and Bali, respectively. Insofar as the former are concerned, the authors deal with them comprehensively, making 'digestion' for the reader easier by supplying the various categories.[29] The discussion dealing with the latter *(viz.,* the Balinese law texts) is also very extensive,[30] with the authors indicating two main problems right at the outset; these are, first, whether the correct classification is "Balinese" or "Java-Balinese" and, secondly, the extent to which the relevant material is "Indian". Of special interest (to the present reviewer at least) are Tables setting out "a schematic representation of the relations between the London, Leiden and Bali texts"[31] of the Bali Agama (which is "the most important traditional Bali lawbook"[32]). Of great aid, too, is the precis set out of the Bali Agama itself,[33] as well as the accounts of the Adigama[34] (which, together with the Agama, is "the text which is most often mentioned by commentators as the fundamental lawbook of Bali"[35]) and its corresponding precis,[36] the Kutara Agama,[37] and the Purwa Agama.[38]

"The Law Texts of Muslim South-East Asia" by the editor, M.B. Hooker (who is also co-author of the preceding Chapter),[39] is a succinct study that is able to retain depth of discussion. He discusses, *inter alia,* the transfer of Islam to South-East Asia by Muslims (especially the traders); the differences in forms of Islam (owing to cultural and other differences in the various countries); the actual law texts (or 'Digests') themselves[40] which were "not only emanations

[25] See, *ibid.,* at pp. 218 to 221.
[26] See, generally, *ibid.,* at pp. 228 to 235..
[27] *Ibid.,* at p. 228.
[28] *Ibid.,* pp.241 to 346. The authors are M.C. Hoadley and the editor himself, M.B. Hooker.
[29] These include the law relating to 'public order offences' (see *Hooker I,* at pp. 276 to 280); loans, sales and purchase (pp. 280 to 285); dependent status (pp. 285 to 287); marriage, divorce and sexual matters (pp. 287 to 289); and agricultural matters (pp. 289 to 290), respectively.
[30] See *ibid.,* at pp. 291 to 341.
[31] *Ibid.,* at pp. 313 to 316.
[32] *Ibid.,* at p. 312.
[33] *Ibid.,* at pp. 316 to 322.
[34] See, generally, *ibid.,* at pp. 325 to 331.
[35] *Ibid.,* at p. 325.
[36] *Ibid.,* at pp. 326 to 331.
[37] *Ibid.,* at pp. 331 to 337.
[38] *Ibid.,* at pp. 337 to 341.
[39] *Ibid.,* at pp. 347 to 433.
[40] Which fall into four main categories, viz., "Malay-Muslim"; "Java-Muslim"; "Islamic"; and "European-Muslim". And see, especially Part III *(Hooker I,* pp. 375 to 424) which provides an extremely comprehensive survey of the main editions and a precis of the substance of the various laws themselves — a survey that, however, may prove a little too dense and complex for the uninitiated.

from sovereign rulers, but were themselves an affirmation of sovereignty";[41] as well as the main structural features of the statutes themselves.

It is interesting to note that the author raises, yet again, that perennial and endemic problem in historiography, *viz.,* the (largely unintended, though) bias of European scholars.[42] Finally, the author's conclusion,[43] wherein he derives some important propositions, is not only interesting but also (by its very nature) extremely important. Four propositions are advanced in this regard. First, the author points out that reference to Islam as a source of law is not usually to a classical legal text but, rather, to an Islamic 'ethic'. Secondly, he states that there is "an almost obsessive concern with the question of sovereignty"[44] as manifested in the texts themselves, though this is achieved by the infusion of values and elements from *foreign* legal sources. Thirdly (and this proposition is apparently more ambiguous), whether the Islamic norms accurately reflected the actual legal practice depended on what was meant by Islam. Finally, Islam and the definition of obligation were characterized by no small measure of relativism. The author summarizes the totality of the situation well thus:[45]

> "Islamic legal history in South-East Asia is a history of the tension between an absolute scheme of (revealed) obligation and its adaptation to local cultural realities. The result is an inconsistency as to the source of law, the sovereignty of law, the reality of law and the definition of obligation."

The final Chapter is a study of "The Vietnamese Texts" by Nguyen Ngpc Huy and Ta Van Tai.[45] The authors point out that an understanding of the legacy of Chinese legal thought in all its various forms is of vital importance to a corresponding understanding of the Vietnamese texts, not least because of one thousand years of Chinese domination over Vietnam itself. They begin with an interesting account of Vietnamese legal history before embarking upon a discussion of the substance of the various laws themselves. They also point to the paucity or original documents owing to several causes.[47] The discussion of the substantive law covers, in the main, the public as well as private laws of the Le (1428-1788)[48] and Nguyen (1802-1945) Dynasties.

Ill

Turning, then, to Volume II (which, as the reader may recall, deals with the various *European* laws), the editor indicates right at the outset that the term "European" is preferred to the (more usual) term

41 See *Hooker I,* at p. 350.
42 See, *ibid.,* especially at p. 364.
43 *Ibid.,* at pp. 425 to 428.
44 *Ibid.,* at p. 426, with the exception of the European-Muslim laws.
45 *Ibid.,* at p. 428.
46 *Ibid.,* pp. 435 to 495.
47 As to which see, *ibid.,* at pp. 442 to 443.
48 The selfsame authors have in fact recently also co-authored a book focusing exclusively upon the Le Code: see Nguyen Ngoc Huy and Ta Van Tai, *The Le Code: Law in Traditional Vietnam — A Comparative Sino-Vietnamese Legal Study With Historical-Juridical Analysis and Annotations (*1987).

"colonial" as the former is more specific and does some justice to post-independence legal development which, though not comparable to the development described in Volume I owing to the (quite obvious) time factor, should nevertheless be noted, whilst the latter inevitably entails prejorative connotations.[49] He also points to two legacies which ought to give the reader some food for thought, *viz.,* the technical one pertaining to legal pluralism as well as the indigenous effects on the European laws, and, secondly, the role of "westernization", "modernization" and "development" *vis-a-vis* the nation states themselves.[50]

Before attempting a short description of the contents of Volume II itself, it ought to be pointed out that it is generally less tough going than Volume I, although it is, admittedly, still relatively difficult for the uninitiated, if nothing else, because of the sheer volume of information contained therein; as already mentioned, however, this makes it an extremely valuable reference indeed. The Chapters are as large as those contained in Volume I, but are worth the effort of the persevering reader simply because to read through the volume is *a valuable educational experience* in itself; the volume opens windows onto the nature and workings of the various European laws, giving the common lawyer an insight into the civil law system as it operates in colonial contexts, and, on the other hand, the civil lawyer a corresponding insight into the operation of the common law in such similar contexts. The situation in many cases is, in fact, much more complex, often entailing the successive reception (or imposition?) of both common as well as civil law systems! There is, however, no essay on the operation of French law in the Indo-Chinese context — a fact that is, as the editor himself admits, "a matter of great regret".[51]

Volume II itself begins in a similar vein as the first, *i.e.,* with a valuable introductory overview by the editor. The Chapter is entitled "Introduction: European Laws in South-East Asia",[52] and almost immediately encourages a sensitivity toward time frames; places and cultures;[53] the "redefinition and reformulation" of indigenous laws; and the varying nature of "the European *imperium*".[54] What follows (in the relatively brief space of just under twenty pages[55]) is a succinct account of the main characteristics of the various European laws, *viz.,* Portuguese law (in relation to Malacca and which generally adopted an attitude of *non*-interference with local laws and customs); Spanish law (in relation to the Philippines, and with its religious emphasis as well as complexity and persistence of legal principles); Dutch law (with regard to the Netherlands East Indies, and which was concerned, in the main, with legal sovereignty, local autonomy, and plurality of laws (in the context of the development of *adat* law)); English law (especially with regard to the Straits Settlements, the Malay States and British Borneo, and which was part of a much larger worldwide movement);[56]

[49] See *Hooker II,* 'Preface', at p. iii. See, also, generally, *ibid.,* at p. 1.
[50] *Ibid.,* at pp. iv to v.
[51] *Ibid.,* at p. v.
[52] *Ibid.,* pp. 1 to 26.
[53] Thereby avoiding ethnocentricity.
[54] See *Hooker II,* at pp. 2 to 4.
[55] See, *ibid.,* at pp. 4 to 22.
[56] Of special interest to the present reviewer is the reference to the reception of English law and the (less extensive) development of the personal laws in the context of the Straits Settlements.

and American law (with regard to (once again) the Philippines).[57] Last, but by no means least, is the. introduction of European laws into Siam (now Thailand) in order to remove incursions into Siamese sovereignty. The result was, strictly speaking, *not* a 'colonial' law as such, and it ought to be noted that Siam was, in fact, *never* a colony. The editor ends this illuminating Chapter with some suggested minimum characteristics necessary for a given law to constitute a 'colonial' law.[58]

The other Chapters may now be briefly described.

The first substantive Chapter as such is by the editor (Professor M.B. Hooker) and John Villiers entitled "The Laws of Portugal and Spain".[59] The title is self-explanatory, and the Chapter itself begins by supplying the necessary background, covering both the intellectual background (which was grounded in natural law)[60] as well as the institutions of state (from the sixteenth to eighteenth centuries).[61] The authors then proceed to describe the administration of Portuguese law,[62] which is a relatively simpler account compared to consideration of the rather more complex Spanish legal codes in the overseas context (in particular, the Philippines) which follows.[63] The last substantive section of the instant Chapter is concerned with the survival of the Iberian principles in South-East Asia (thus bringing the 'story' right up to the modern period).[64]

The next Chapter (by Peter Burns) concerns "The Netherlands East Indies: Colonial Legal Policy and the Definitions of Law".[65] Interestingly, at least the first portion of the Chapter evinces a more conceptual approach;[66] there is, for example, an interesting (albeit brief) application of legal realism to the status of a particular source of Indonesian law, *viz., The New Statutes of Batavia,*[67] as well as an attempt at Marxist analysis in the context of social control.[68]

What follows is a very interesting account of "Dutch Legal Policy: 1600-1950"[69] — a policy that was premised, first, upon monopoly (under the United East India Company and, later, the Netherlands Trading Company), and then upon "competition between commercial

[57] This comprised "a thorough-going Americanization" which was "combined with indigenous Philippine legislative activity (especially after 1916)" that was nevertheless also "based on the American model": see *Hooker II,* at p. 21. And it was this (American) law that either supplanted or modified the pre-existing *Spanish* codes, although the substratum (as we shall see) is less Americanized than one would expect.

[58] *Viz.,* new sovereignty *(i.e.,* redefinition in completely European terms); bureaucratization (where laws are administered by the institutions of state); and the redefinition of law (in the context of reception, reformulation and legal pluralism); see *Hooker II,* at pp. 22 to 26.

[59] *Hooker II,* at pp. 27 to 145.

[60] *Ibid.,* at pp. 27 to 48.

[61] *Ibid.,* at pp. 48 to 65.

[62] *Ibid.,* at pp. 65 to 75.

[63] *Ibid.,* at pp. 75 to 121.

[64] *Ibid.,* at pp. 122 to 142.

[65] *Ibid.,* at pp. 147 to 297.

[66] A generally jurisprudential approach is to be discerned in the first section entitled "Introduction: Approaches to Law": see, *ibid.,* at pp. 148 to 157.

[67] *Ibid.,* at pp. 150 to 151.

[68] *Ibid., at p.* 153.

[69] *Ibid.,* at pp. 157 to 185.

interests and the claims of conscience".[70] There are, in fact, detailed illustrations (or "cross-section examples of law"[71]) set approximately three hundred years apart.[72] And the conclusion to this Chapter has the virtue of being both succinct, yet perceptive.[73]

The next Chapter is by the editor and is entitled "English Law in Sumatra, Java, The Straits Settlements, Malay States, Sarawak, North Borneo and Brunei".[74] This is (as to be expected) a thorough survey of all the jurisdictions mentioned in the title of the Chapter itself in the context of the reception of English law and administration. Of special interest to the present reviewer, at least, are the accounts pertaining to Bencoolen,[75] Java,[76] Sarawak,[77] North Borneo,[78] and Brunei.[79] And the author's perceptive conclusion on the nature of the legacy of English law in South-East Asia, generally, deserves special mention.[80]

E.E. Steiner's "Judicial Reinforcement of Empire: Philippine Law in the American Period 1898-1935"[81] is of special interest for at least two reasons. First, as the author himself points out, apart from a couple of works, "... historians have neglected the basic institutions of America's overseas territorial 'empire'".[82] This is a point well-made since the popular conception of colonial laws has almost always focused upon the other European laws hitherto mentioned. Secondly, this piece is interesting for its footnotes which (at various junctures in the essay itself) are clearly of relatively greater length — a characteristic of virtually all American law reviews! This particular Chapter is, however, extremely readable. The author states that the Americans adopted a policy of'direct rule' in the Philippines — with a difference insofar as the logical end was perceived by the then powers that be as being Philippine self-rule. The substance of legal evolution and development itself was, however, rather more complex; the system was a *mixed* one, containing Spanish and native elements as well, although the American elements predominated *(via* a process of 'Americanization'). In fact, the greater part of the present essay comprises very detailed analyses of four cases as ultimately reviewed by the U.S. Supreme Court — analyses which are intended to graphically illustrate the process of local *(i.e.,* Filipino) legal develop-

[70] *Ibid., alp.* 157.
[71] See, *ibid.,* at p. 185.
[72] There are accounts of the practice of law during the Company's time *(ibid.,* at pp. 214 to 225); the court systems during the late colonial period (pp. 225 to 245); persons before the law (pp. 245 to 275); the end of the Netherlands East Indies (pp. 275 to 283); the new federal policy of the Republic of the United States of Indonesia (R.U.S.I.) (pp. 283 to 285); and the resolution of the problem private estates (pp. 285 to 288) — accounts which cover the gamut indeed.
[73] *Hooker II,* at pp. 288 to292.
[74] *Ibid.,* at pp. 299 to 446.
[75] *Ibid.,* at pp. 3J4 to 328.
[76] *Ibid.,* at pp. 328 to 332.
[77] *Ibid.,* at pp. 406 to 424 (where rule was much more personal *(via* the Brookes) and where native laws were given more scope).
[78] *Ibid.,* at pp. 424 to 436 (where native laws also figure with some prominence).
[79] *Ibid.,* at pp. 437 to 439 (where administration by the 'Resident concerned predominated for the greater part).
[80] *Ibid.,* especially at pp. 440 to 442. He adverts to a new sovereignty, a redefinition of law, and the plurality (or hybridization) of laws.
[81] *Ibid.,* at pp. 447 to 529.
[82] *Ibid.,* at p. 447.

ment in the context of American law.[83] This approach, in fact, renders the entire piece rather less heavy-going. The author concludes, however, by stating that the effect of American influence was *not* a *lasting one,* although it was of no mean consequence during the period in question.[84] Also of interest is an Appendix showing the effect of American law on Spanish law[85] — and is especially, helpful in giving a more complete 'picture', so to speak.[86]

The final Chapter is by the editor who at this point, one must feel, has really played a pivotal role in ensuring the success of both these volumes, having not only edited both this as well as the previous volume but also having contributed a great many erudite essays, both jointly and personally. The present Chapter is entitled "The 'Europeanization' of Siam's Law 1855-1908",[87] and is a concluding Chapter with a difference. Siam (or Thailand, now) was, as mentioned much earlier on, never a colony as such. Its legal system, however, did not, as illustrated in the present Chapter, escape unscathed. As the author quite correctly points out, the 'story' told is one that has more to do with international (as opposed to colonial) law in general and the concepts of sovereignty and extra-territoriality in particular. Especially helpful is the author's skilful guidance of the reader through a veritable mass of treaties and orders, as well as through the attendant reforms in the Siamese legal structure that were effected in response not only to the pressures of extra-territoriality but also to local needs. He completes the 'picture', so to speak, in a postscript.[88] One notes that although the extra-territorial system had effectively ended by the end of the 1920s, the European legacy is still evident in Thailand.

IV

The present review cannot, by any stretch of the imagination, do justice to these two extremely detailed and erudite volumes; the reader will have to sample the richness of the essays himself. It is, however, unfortunate that the work is priced on the high side. But, there is no doubt that these volumes will serve as the main reference points for any future study of South-East Asian laws (both pre-modern as well as modern) for many years to come. And even for the uninitiated (such as the present reviewer) there is much in this work that simply educates — and that is not something that can be said of just any book.

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[83] See, *ibid.,* at pp. 458 to 505. The first two cases illustrate the limits of 'Americanization', whilst the latter two, curiously enough, not only supplanted the pre-existing Spanish-era Philippine law but also themselves left a lasting imprint on American law itself!

[84] See, generally, *ibid.,* at pp. 505 to 508.

[85] *Ibid.,* at pp. 513 to 529.

[86] The first 'part' of the 'picture', so to speak, comprising the Chapter by the editor and John Villiers on the laws of Portugal and Spain, *supra.*

[87] See *Hooker II,* at pp. 531 to 607. This Chapter also contains a useful Appendix containing two reports on the Penal Code of the Kingdom of Siam: see pp. 578 to 607. See, also, Apirat Petchsiri, "A Short History of Thai Criminal Law since the Nineteenth Century", (1986) 28 Mai. L.R. 134; and by the same author, *Eastern Importation of Western Criminal Law: Thailand as a Case Study* (1987).

[88] *Ibid.,* at pp. 573 to 574.