

BOOK REVIEWS

MAJOR LEGAL SYSTEMS IN THE WORLD TODAY. By RENE DAVID & JOHN E.G. BIERLEY. Second Edition. [London: Stevens & Sons. 1979. H/Back £14.00, P/Back £9.00]

This seminal work is, as its alternative title suggests, an introduction to the Comparative Study of Law. It originated as a work in French and, in its English translation (of which this is the second edition), a pronounced attempt has been made to incorporate English language and common law points of reference. Fortunately, and perhaps because of the skill of translation, the essential French elegance of style and expression nevertheless emerges in this English translation.

The book systematically surveys the major families of law: civil law (referred to as the Romano-Germanic Family), common law (the book gives separate treatment to English and American law), socialist, Muslim, Jewish and Hindu law, and for completeness, law in the Far East (China and Japan) and in Africa. With such a universality of approach an attempt is made to integrate within this model variations caused by reception of common or civil law into colonial legal systems which survive post-independence, and the integration of personal law and customary law in modernised legal systems in much of the Third World.

The structure of analysis, common throughout, is an introduction to the structure and the sources of law of the particular system of law. Indeed, through this focus, a reading of any system other than of one's own serves to illuminate problems and approaches in one's own legal tradition in a way not possible except through comparative study.

In an introductory work about this vast legal universe, one is bound to come across generalisations with which one disagrees. Thus, in the introduction, reference is made to the perceived general reluctance to litigate in China and Japan, and this phenomenon is attributed to the Asian view that 'law is only for barbarians'. Suffice it to say that while this view is generally held, questions are being raised about the reality of such assertions. Studies like J. Haley's "The Myth of the Reluctant Litigant" (1978) 4 *Journal of Japanese Studies* 359, and the current return to legality and legal instruments in China's attempt to modernise its economy, serve to negate the validity of this widely held myth.

An excellent bibliography on comparative law journals, on works in various languages and, in more detail, on specific systems and areas, serves to conclude this excellent exposition of the comparative study of law, the sheer elegance of which should commend it as essential reading to lawyers and students, even beyond those interested in comparative law.

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