

LAW AND JUDICIAL SYSTEMS OF NATIONS. Edited by Charles S. Rhyne. Washington, D.C.: World Peace Through Law Center, 1978. Pp. xiv, 919. \$35.

Charles S. Rhyne states in his forward to *Law and Judicial Systems of Nations*¹ that these sketches² of the legal systems of various nations were presented to educate the legal profession on the defects and deficiencies of national law systems. By inference, Mr. Rhyne proposes that the legal profession of each nation learn from the judicial experience of other nations and borrow liberally to improve their own jurisprudence.

The foreword notes that life and business has grown more uniform throughout the world and that the affairs of nations have grown more intertwined. Mr. Rhyne uses these social and economic factors as a mandate to advocate essential legal uniformity of the laws of nations.³ This advocacy of a contemporary *le droit common* or Napoleonic Code has received fresh emphasis in this post world war⁴ period due to the new balance of power between the Western powers and the Communist bloc, and due to the impact of technology.

While Mr. Rhyne's advocacy of improvement and universalization of law is certainly worthy of applause, it is most certainly doomed to the failure of earlier attempts. In point of fact, one may view the current negotiations under United Nations' auspices of the Law of the Sea Treaty⁵ as dispositive of his prayer for universal law. The stance taken by the various diplomats on the wording and interpretation of that treaty reflect far more nationalistic interests than any common good or universal law.⁶

Further, Mr. Rhyne's position fails to give consideration to the

1. LAW AND JUDICIAL SYSTEMS OF NATIONS (C. Rhyne ed. 1978).

2. This edition covers 144 countries. Information on 19 countries was insufficient to include them in this volume and these countries are to be presented in a later supplement. *Id.* at ix.

3. *Id.* at xii.

4. Comparative law was studied as early as the drafting of the laws of Solon. In the second half of the nineteenth century various European and Latin American nations adopted or planned to adopt law reflective of the Napoleonic Code in varying degrees. Subsequent to the ending of war in 1918 there was another fresh impulse for unification of law. R. DAVID & J. BRIERLY, MAJOR LEGAL SYSTEMS IN THE WORLD TODAY (1st English Ed. 1968).

5. Geneva Convention on the High Seas, *opened for signature* April 29, 1958, 13 U.S.T. 2313, T.I.A.S. No. 5200.

6. The nations of the Third World demand as part of their execution of this treaty rights to and transfers of high technology in addition to a sharing of the profits of the sea bed mining operations. The industrial nations which possess the technology needed for such

fundamental incompatibilities of the various families of law. The Romano-Germanic family, the common law family, the socialist law family and the religious systems, all possess philosophical and social bases which preclude unification or borrowing to any great extent. In addition, the current theme of nationalism seen throughout the world makes no wish on the part of the Third World for further "colonialism by culturalization." On the reverse side of the coin, the First World has no wish (or need) to adopt reflections of their own legal systems or systems based on religious precepts governing the whole of human conduct.

While Mr. Rhyne's advocacy is misplaced, his book does provide a useful compilation of various aspects of the legal systems of 144 nations. It is interesting to note that the information for the individual nations came generally from the embassy or the World Peace Through Law Center National Chairman of that nation. Each nation's sketch is divided into four categories dealing with Practicing Lawyers and Organization of the Bar, Legal Education, Courts of Justice and the Legal System.

The first category of Practicing Lawyers and Organization of the Bar provides some interesting, and at times humorous, footnotes. Uganda found itself with a vacant Public Service and 70 lawyers following Idi Amin's expulsion of British citizens of Asian origin.⁷ Those who successfully pass the Greek bar examinations are appointed to various bar associations around the country.⁸ The Ministry of Justice of the Republic in which a Soviet lawyer practices determines the maximum fee schedule for services in the Soviet Union.⁹ It is also noteworthy that the majority of countries in the world require an apprenticeship ranging from one to five years before licensing.

The second category of Legal Education presents one striking fact. Admission to the bar as a barrister or solicitor in the United Kingdom allows a practitioner a choice of practice in the United Kingdom, Antigua, Australia, the Bahamas, Botswana, Dominica, Fiji, Gambia, Grenada, Kenya, Lesotho, Malaysia, Mauritius, Nauru, New Zealand, Papua New Guinea, Sierra Leone, Singapore, Sri Lanka, St. Kitts-Nevis, St. Lucia, St. Vincent, Swaziland, Tanzania and Trinidad and Tobago.

The third and fourth categories of Courts of Justice and Legal Sys-

operations have quite justly refused either. Pragmatically, the need for any treaty including as signatories those nations which do not possess such technology is questionable.

7. LAW AND JUDICIAL SYSTEMS OF NATIONS, *supra* note 1, at 756.

8. *Id.* at 274.

9. *Id.* at 776.

tem reinforce the difficulty of a universal system of laws. Countries which were part of or influenced by the European empires of the nineteenth and twentieth centuries have fused their own tribal, customary and religious laws with the aspects of colonial law most suitable to their cultures and societies. The socialist countries use the legal system to safeguard the socialist economic system; property and individual rights are a grant of the state. The common law countries base their concepts of justice on individual rights inherent and inalienable in mankind. The categories emphasize that the fundamental antagonisms of these differing philosophies on which legal systems are based preclude movement toward a universal law as Rhyne advocates.

Mr. Rhyne has compiled a useful tool to introduce the legal scholar to a concise view of the legal systems of the nations of the world. Its brevity in dealing with these legal systems is understandable in view of the fact that the volume covers more than one hundred nations. However, it is apparent from Mr. Rhyne's own writing that there is little to support a universal system of laws.

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