indebted to the author for his study, which is especially interesting to an English reader. It may well be—in my submission—that in this country also the creation of such companies might be beneficial to the commercial community. The Limited Partnership Act of 1907 does not seem to have been taken advantage of and the private company is a most complicated form of commercial association when compared with the simplicity of "companies with limited responsibility."

Vladimir Idelson.


Since the publication of Forchhammer's Jardine Prize Essay in 1885, little has been written on the origin and development of the laws of South-East Asia; that work was concerned solely with the Burmese law, and attached excessive importance to the dharmasastras as its source. Professor Lingat, with personal experience of Siam and French Indo-China, has long been interested in the laws of South-East Asia. Using the comparative method, he has earlier given us some most instructive, illuminating, and thought-provoking essays, such as L'Esclavage Privé dans le vieux droit Siamois (Études de Sociologie et d'Ethnologie Juridique III. Paris: 1931) in which he has discussed the theory that the Thais in the course of their pilgrimages and conquests, borrowed law from the Khmers and Mors, and absorbed the Hindu element in their law from the latter. Vinaya et Droit Laïque (B.E.F.E.O., Vol. 87; 1937) is an admirable comparative study of the problem of the married man who becomes a Buddhist monk, as dealt with in Burma and Siam. In La Conception du droit dans l'Indochine Hinayaniste (B.E.F.E.O., Vol. 44; Fasc. 1; 1951), dealing generally with the laws of Siam and Burma, he has critically examined Forchhammer's material and his thesis, and shown that the debt of the Burmese jurists to the dharmasastra writers lies in the form and method of exposition rather than in the essence.

Though mainly concerned with the laws of marriage, his latest work covers the laws of China, the laws of Cochin-China and Vietnam, which have been subjected to Chinese influence, the Hindu law, and the laws of Burma and Siam, which are indebted to Hindu influence. His researches establish beyond doubt that, in all the countries of South East Asia, marriage appears as an association of property rather than a union of persons, an association into which the wife enters on equal terms with the husband. Such an institution is totally incompatible with either the Chinese law or the
Hindu law. Its vigour is demonstrated by its survival in Vietnam, notwithstanding a millennium of Chinese domination and the Gia-long Code of 1812, which, though substantially the Chinese Code of T'sing, was introduced by a native prince, and later accepted by the French as representing the indigenous law.

In Burma, the English courts, unfamiliar with the institution of communauté des biens, were perplexed by the problems arising out of the texts relating to marriage in the dhammathats. For marriage itself they could find no better definition than cohabitation with the immediate intention of becoming husband and wife. On divorce by mutual consent, the property of the marriage is divided, each spouse taking two-thirds of what he or she brought to the marriage and inherited during coverture, as well as half the property jointly acquired. What, then, is the nature of the spouses' interests in the property of a subsisting marriage? Who has the powers of management and alienation? To what extent is the property liable for the separate debt of a spouse? Can a spouse alienate his or her undivided interest? Rejecting an obsolete text vesting the power of management in the husband, the courts evolved a rule that the spouses were partners, which was later repudiated. Liability to attachment of a spouse's undivided interest to purge his or her separate debt was recognised without difficulty, but there was reluctance to recognise the right of voluntary alienation of an undivided interest. Eventually, in U Pe's Case ((1952) 59 I.A. 216) the Judicial Committee held that "unburdened property which can be attached but not disposed of is a juridical contradiction." This, however, is precisely the position of an unseparated Hindu's Mitakshara coparcenary interest in North India; where the power of alienating it is recognised, in South and West India, the non-alienating coparceners can protect themselves against an improvident coparcener by partition, a remedy not available to the Burmese spouse. As Professor Lingat comments, for community of property there has been substituted a mosaic of separate rights. It is not difficult to believe that, had Professor Lingat's book been available earlier, the approach to these problems might have been different, and the solutions more in keeping with the spirit of the Burmese law than those actually found.

Not only does this book illustrate the practical value of the comparative method, but also its importance to the legal historian. Obviously the search for the origins of the law of South East Asia must be pursued in other directions from those followed in the past, but Professor Lingat deprecates too hasty an assumption that it is an amalgam of the law of the proto-Burmese and Thai invaders with the matriarchal institutions of the earlier Austro-Asiatic indigenous inhabitants.
The precision and lucidity of a French jurist would have been expected in this work, but the reader will also find, on taking up this book, that he starts on a voyage of discovery with a friendly guide who can claim his interest to the end. The second volume of this work, dealing with the modern law, will be awaited with interest. If Professor Lingat pursues his researches into other titles of the law in South-East Asia, we may expect many new and interesting discoveries.

A. GLEDHILL.

*Les Conflits collectifs du Travail et leur Règlement dans le Monde contemporain. (Grèves, Procédures de Conciliation et d'Arbitrage.)* By P. GRUNEBAUM-BALLIN and RENÉE PETIT with the collaboration of French and foreign jurists. [Paris: Recueil Sirey. 1958. 822 pp.]

This is a work of the utmost value for students of comparative law. The learned authors, in their preface, modestly disclaim exhaustive treatment; indeed, in a theme so vast, this would be impossible. For their object is nothing less than a series of miniature treatises on the law of industrial relations of sixty-three countries, concluding with a comparative essay.

The research requisite for the production of such a work must have been prodigious, and the information conveyed by it is monumental. It is hard for a reviewer to criticise—he can only admire. Such remarks as he can make must necessarily be selective, and confined to the systems of which he himself may be cognisant. The chapter on Great Britain has been well done. The bibliography mentioned clearly falls far short of the range of the authors' actual reading. It includes the Webbs' *History of Trade Unionism*, Cole's *Short History of the British Working-Class Movement*, and Amulree's *Industrial Arbitration*, but is silent as to the works of a more individual and specialised character, with which, nevertheless, their familiarity is revealed by their writing. The historical part, for instance, is especially strong with regard to the eighteenth century, and the allusions to the influence of Francis Place must certainly owe their origin to a careful perusal of his biography by Wallas. Their account is a triumph of condensation, and demonstrates, in the main, an historical and analytical faculty of a high order. In two places only have the learned authors misunderstood the British system. They attribute to the Trade Disputes Act, 1906, the establishment of conditions curbing and regulating the right to strike, such as the giving of notice, and the necessity for a period of delay. The Act contains no such provisions. What the learned authors probably had in mind was the fact that the rules of many unions do lay down various conditions, the non-observance of which will prevent a strike from being "official," and that in *National Sailors' and Firemen's Union v. Reed* [1926]