
Malaysian Law is an ambitious title. To get across a view of the nature of law as it exists in a unitary jurisdiction with homogeneous sources is difficult enough. To convey the idea in respect of a multi-racial federation of 13 States and two federal territories, with its written constitution and with less fundamental laws derived from English law, Indian legislation, Islamic law, Malay custom, the customs of other native peoples, Chinese law or custom, or what judges have sometimes mistaken for it, and a multiplicity of local legislatures far exceeding in total the present 14 assemblies, is demanding indeed. It is a task requiring a rare breadth of reading and linguistic competence. Professor Hickling handles his vast array of disparate materials with enviable ease, presenting his facts and opinions in a felicitous and pellucid style, occasionally tinged with humour, which will make reading the book an engaging pursuit for a first-year undergraduate. In short, he has done it. The design was ambitious but not over-ambitious.

There is much to set the experienced lawyer, legislator or law teacher a-thinking. For those of us who have made mistakes about law in Malaysia, such as accepting too facile or superficial an appreciation of adat, there are salutary correctives. The very notion of Malaysian law is a novelty, as distinct from bits and pieces of law that have arrived in Malaysia from here and there, or which have evolved in bits and pieces of Malaysia. Professor Hickling has worked in a number of countries (not always as a professor), and uses from time to time his knowledge of them, but he has had particularly prolonged, if intermittent, Malayan careers. While making full reference to European legal theory, he queries whether what is practised in the urban communities of the West is necessarily appropriate for oriental farmers or fishermen. In the development of his exposition, opinions and an open mind both come through. The spread results in no vagueness: each source or authority is handled with technical precision. This craftsman is a tolerant person who nevertheless knows what he approves of. That impression is probably enhanced by the fact that, varied and numerous as are the sources of law he uses, Professor Hickling also deploys material that is not lawyers' stuff at all. The delight is that with so much packed into little over 200 pages, the pace is relaxed, with no skimping on the development of ideas. The result is a civilised book.

L. A. Sheridan

The Private Company in Germany. By M. C. Oliver. 2nd ed. [Deventer: Kluwer. 1986. xi + 89 pp. £22/Dfl.72/$35]

The new edition of this work, which is outstanding in the literature of international company law, is a revision of the previous edition, adhering to the original approach.

This book is not only a presentation of the text of the Private Companies Act (GmbHG) in two languages, but an excellent guide for the English lawyer. Published posthumously, this edition proves again how sympathetically Lady Oliver understood didactic necessities and the needs of learners.
Practically, the book is divided into four parts.

Before examining the complicated text of the Act itself the book gives an excellent and easily understood outline of the systematics of German civil law with special regard to the interaction between Civil Code, Commercial Code and the GmbHG, thus presenting a clear orientation of the place of the private company (GmbH) in German law and the rules which apply to it. In his introduction Professor Clive Schmitthoff emphasises that this “belongs to the best essays written on the subject outside Germany”.

The introduction is followed by a textbook-like illustration of the law of the private company. This informative summary explains the most important provisions and accentuates the peculiarities of the Act, where necessary in comparison with the law of the public company (AG) and with the English law.

Part 3 contains the text of the Act in German and English, clearly arranged by setting the individual paragraphs opposite each other in the respective languages. This edition considers the numerous amendments since 1976, as illustrated in the commentary. Unfortunately, legislation has again moved on since the version of 25 October 1982 on which the book is based. On 19 December 1985 Germany implemented the fourth, seventh and eighth EEC Directives on Company Law, in a law known as the Bilanzrichtliniengesetz (Balance Directive Act) amending all the provisions which directly or indirectly concern accounting. The reader dealing with these rules should take this into account. Another minor amendment took effect on 15 May 1986.

In the last part (glossary) one finds a selected schedule of important, mostly judicial translations of German terms—a useful complementary aid to the text of the Act.

The book addresses the non-German-speaking lawyer dealing with the law of the private company for the first time, as well as the German-speaking practitioner who needs an accurate translation of the not easily understood wording of the Act. In this reviewer’s experience, the first edition enjoyed great popularity, particularly with students of international company law and it is anticipated that the present edition will provide equally indispensable help in their studies.

Thomas Reith