

**BOOK REVIEW OF 'COMPARATIVE LAW: GLOBAL
LEGAL TRADITIONS' BY MICHAEL J. BAZYLER,
MICHAEL BRYANT, KRISTEN NELSON AND SERMID
AL-SARRAF**

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The Comparative Law Global Legal Traditions is truly unique in its method, structure, articulation, resources, depth, reach and the stirring of intellectual engagement by an invitation to an intellectual debate of academic writings. It brings together a collaboration of experts in the areas of English (Michael Bazylar), German (Michael Bryant), Chinese (Kristen Nelson) and Islamic (Sermid Al-Sarraf) law. It is a pioneer law school casebook in presenting a global reading of the area of comparative law by selective representation of countries not only encompassing common law and civil law, but also Chinese law and Islamic law. It took ten years in the making and resulted in a highly intellectually academic 853 pages of text resource, yet with practical insights viewed through a lens of diverse perspectives.

The authors' approach is to respect the unique cultural inflections of the law as they vary between different legal traditions, arguing that differences in the pathways to arrive at solutions is worthy of comparison. The focus of the book is on law as an interpretive, or hermeneutic, activity in terms of which a culture informs legal reactions. Hence history and context play an important role. The focus is on the macro level of legal cultures and systems that impart a distinctive meaning to legal traditions and not on the individual legal institutions. In this regard, the search for general concepts or universal principles of law are not the aims of the book. The focus is to document similarities and differences, both of which are traced to the context from which each legal tradition has emerged.

Within each chapter, there are layers of comparative views by other renowned authors at times offering conflicting views to stimulate appreciation of different perspectives. Within each chapter there are sub-themes followed by notes and questions to further draw and stimulate debate and thought on the given topic.

In the first chapter, introduction to comparative law, the readers are invited to consider the aims and meaning of a study of comparative law. Is it an exercise beyond just making comparison of similarities and differences? It also allows a lens into how different legal systems with different cultures attempt to solve legal issues within the context of their environment. The interdependence of nations has pushed the borders of concentration beyond just domestic laws. The method of comparative law could provide a much diverse range of model solutions. The question of whether interdisciplinary studies (history, philosophy, anthropology and political science) or mainstream approach should

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inform the study of comparative law is debated. It covers issues such as law as an import and export, the history of comparative law, how to do comparative law, the taxonomic project and the concept of a legal tradition, the approach and structure of the casebook, comparative lawyering and women in law.

The four major parts of the book explores four legal traditions. German law is chosen to reflect the civil law system. English law is chosen to model the common law system. The eastern representation is Chinese law which is a secular system. The final legal system is that of a religion based legal tradition represented by Islamic law (*Sharia* law). Each part has seven chapters which are intended to empower students to compare and differentiate the legal traditions under review. Five common chapters are included in each part. These are the history and development of legal tradition (for Germany and the English common law there is a sub-chapter on constitutionalism), the political process, the judicial process, the legal actors and legal education and civil law (for Islamic law, civil law is represented as family law). The remaining two chapters for each part focuses on a legal subject most relevant to that legal tradition. The German constitution is in a single document and the discussion is on finding the proper balance between giving powers to governments to protect national security, public health and welfare and the placing of limits on government power to protect civil liberties. The German experiences during the Nazi era, post 9/11 and in the aftermath of the Covid -19 pandemic are explored. The focus of the English law chapters is given to the Brexit aftermath implications. The impact on Scotland (which voted to stay in the European Union) as part of the United Kingdom and the signal to the dream of a united Europe is articulated for intellectual thought.

The Chinese legal traditions include a chapter on foreign investment and trade law which is targeted for readers who wish to engage in trade with this fast emerging nation on an economic footing. The People's Republic of China (PRC) is a nation-state ruled by a single party (the Communist Party of China) whose rule is enshrined in Article 1 of the PRC Constitution. The lightning speed of economic growth in China in the last three decades would advocate for an alternative legal model for governance to the multiparty liberal democratic systems in the West. The Chinese population is just under 20% (1.38 billion) of the world population aside from the political and economic factors would justify a study of the same.

For Islamic law, the history and development of Islam and the *Sharia* (body of rules that make up Islamic law) is covered as a base. The theoretical influence is seen within three Muslim majorities' countries of Pakistan, Iran and Iraq. Each represent a different model on how Islam is manifested within the country's legal system. The book also goes the extra mile to explore how Islamic norms appear in secular nations of Europe, Australia and North America. A chapter is also devoted to Islamic family law which is a primary area where the rules of the classical Islamic jurists are salient. There is also a related discussion of the rights of women in Islam.

The book is rich in the bridging of the past and present in the representation of a comparative study of legal global traditions. It covers diverse sets of selected global traditions in a non-judgmental manner, bringing in authoritative literature with notes and questions to further guide the reader. It is a useful read not only for law students but

to any reader who for whatever reason is seeking to navigate through an interconnected interdependent globe to comprehend the global legal traditions and cultures that shape it.

