
Volume 4 | Issue 2

1972

Book Review

Stuart Friedman

Follow this and additional works at: <https://scholarlycommons.law.case.edu/jil>

 Part of the [International Law Commons](#)

Recommended Citation

Stuart Friedman, *Book Review*, 4 Case W. Res. J. Int'l L. 186 (1972)
Available at: <https://scholarlycommons.law.case.edu/jil/vol4/iss2/5>

This Book Review is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Journal of International Law by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

BOOK REVIEW

THE FUTURE OF LAW IN A MULTICULTURAL WORLD. By Adda B. Bozeman, Princeton: Princeton University Press (1971). Pp. 229. \$2.45.

The international legal system that exists today is largely a result of the development of the European Nation State. Originating as it did in the context of European history, the legal structure which evolved was adapted to the particular demands of the emerging States and empires of that continent.

European power expanded into other lands and cultures accompanied by European concepts of law, the State, and social organization. These concepts were transplanted into the alien soil of colonial territories whose social and legal structures bore little in common with those of the invading nations.

Where the colonial settlers subjugated or annihilated the native populations, the European values and institutions took root and thrived. The foreign policy of the United States, for example, has been conducted largely within the framework of the European political and diplomatic traditions. Beginning with its war of independence which was fought in recognition and support of accepted European values and in the context of existing Anglo-French diplomatic channels, American adherence to the European norm has been the rule.¹ In other territories, however, the imperial powers merely superimposed themselves upon an existing non-European society, resulting in a europeanization which was markedly less pervasive. Thousands of years of Indian history could not be overcome by a few decades of British colonial administration, nor erased by a few years at Oxford for selected Indians. The same holds true generally for colonies in Africa and Asia. Wherever the indigenous population was allowed to maintain its existence and its identity, the contact with European institutions and values was superficial and its impact ephemeral.

Many of the public values most sacred to western society are not, contrary to dogma, an eternal part of natural law, but are the product of Judaeo-Christian morality and centuries of political and eco-

¹ A more striking example of this phenomenon is Rhodesia and the Republic of South Africa, which traditionally have constituted a European enclave in an otherwise non-European area. Although today their racial policies have set them at odds not only with black Africa but with their erstwhile cousins in Britain as well, they still must be regarded as part of European society in all fundamental respects.

conomic experience. The distinction between crown and king, for example, is essential to the development of the modern institutionalized State, but is generally unknown in non-European traditions. Similarly, it was out of a need to legitimize the authority of the central government that the English kings, and later other Western rulers, instituted the concepts of an independent and incorruptible bureaucracy and judiciary. The effort to transplant these to other climates has not been successful.

During those centuries when diplomacy was played as essentially a European game, a veneer of cultural homogeneity was maintained by the players and ensconced into the very structure of the system itself. French was recognized as the official language of diplomats from St. Petersburg to Washington; and European rules of diplomatic protocol were observed as rigorously in Constantinople as in Paris. In retrospect this veneer never was particularly secure, but for generations it formed the superstructure which supported the weight of the world's diplomacy. Its fundamental weaknesses became apparent only with the expansion of the diplomatic community in this century, and especially in the years since World War Two. Dozens of new States have been proclaimed in Africa and Asia, States which have been forced to fit preexisting European molds for which in most cases their own historical antecedents and social structures have ill-equipped them. Concepts of law, of property, and of the State which developed in Britain and France over centuries are often inappropriate or even meaningless to these peoples; but, they have been obliged to interact in a system in which such notions are not only accepted but are considered as fundamental underpinnings.

Recent social unrest in the United States has provided compelling evidence of the folly of acting as though there were no significant differences between ethnic or racial groups. This recognition of the complexities involved in building and maintaining a successful heterogeneous national society has come only slowly to the American consciousness. In the conduct of international relations, however, Euro-American parochialism continues to prevail — largely due to the same ignorance which dominated American domestic thought for so long.

It is this situation which Adda B. Bozeman explores in her recent book, *The Future of Law in a Multicultural World*. Professor Bozeman examines the contexts in which various social, political, and legal institutions developed in several cultures. The author

discusses why neither the institutions themselves nor the words used to characterize them can be translated precisely to other societies.

A major portion of the book is devoted to analyses of five societal structures — the West, the Islamic Middle East, sub-Saharan Africa, India and indianized Asia, and China. Through most of their histories, these five cultures have had only minimal contacts with one another, and as a result their social and political institutions developed to rarely reflect more than superficial similarities. It would be presumptuous and altogether inappropriate in this context, however, to attempt to examine in detail specific comments or conclusions made by Professor Bozeman on one society or another. The extent and depth of her research are apparent on even the most superficial perusal and on reading more closely, her familiarity with the several cultures is more impressive still.

Of greater importance than the factual content in a work of this kind is the use made of it to support meaningful conclusions and recommendations. Here again it is evident that the author has analyzed and weighed her material carefully. Her final chapter weaves the threads developed in the preceding sections into a cloth which reiterates with compelling logic the arguments developed earlier.

In their rush to westernize during the nineteenth and early twentieth centuries, the elites of the occidentalized nonwestern world became culturally torn. They no longer could fit comfortably into the traditional patterns of their societies, yet they were ingrained with too much of that tradition to accept easily the new Euro-American values. That western influence now has waned. The result, says Professor Bozeman, is that:

Drawn inward by the demands of their respective societies and functioning in a psychic environment in which the major demands are traditional in nature, they are now representatives of their native orders rather than mediators shuttling between two different worlds.²

As Professor Bozeman indicates, the conflicts between these two factions — the occidentalists struggling to develop a westernized society and State, and the traditionalists who reject these alien institutions and the values they represent — lie at the heart of the seemingly endemic internal conflicts in many of the new States of Africa and Asia. Indeed, it may be impossible to impose a feeling of national identity on a society which is tribal in nature, and to attempt

² A. BOZEMAN, *THE FUTURE OF LAW IN A MULTICULTURAL WORLD*, 163 (1971).

to do so would only lead to frustration and conflict. If it is true, however, this is only one of the consequences of emerging cultural awareness in the nonwestern, and nonwesternized, world.

What is more crucial, and what Professor Bozeman urges as the central theme of her book, is the need for the diplomatic machinery to be overhauled to take into account the realities of the modern world. It is time to recognize that the world is no longer Europe's soccerball to be kicked around according to European rules and with European referees. They certainly did not plan it that way, but in expanding the league, the western powers created a new ball game. They must recognize that fact or risk being defeated in the next World Cup.

STUART FRIEDMAN*

*Member of the Ohio Bar and law clerk for Chief Judge Battisti (Northern District, Ohio).