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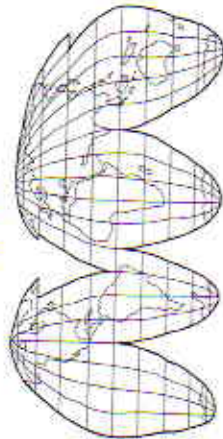
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UNITED STATES. By Thomas David Jones. Boston: Martinus
Nijhoff, 1998. \$115.00.

Reviewed by Julie Mertus*

The field of international and comparative law has long been
concerned with "transplants," that is the moving of law from
here to there.¹ International bodies borrow laws from states' law
and practice, and in the same vein states borrow laws from each
other.² State-based projects, commonly termed "rule of law"
endeavors,³ attempt to transplant laws, and in some cases entire
legal systems, from one place to another. The transferees are

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1. The seminal text on "transplants" is ALAN WATSON, *LEGAL TRANSPLANTS:
AN APPROACH TO COMPARATIVE LAW* (1974) (defining legal transplants as "the
moving of a rule or a system of law from one country to another, or from one people
to another").

2. See PETER DE CRUZ, *COMPARATIVE LAW IN A CHANGING WORLD* 486-87
(1995). Tracing the history of laws he notes:

There was the reception of Roman law in later Europe, the spread of
English law through the colonies of the British Empire, even into parts of
the United States which had never been under British rule, and the
tremendous impact of the French Civil Code on other civil law systems in
Europe and abroad, and latterly, the spread of American law to Europe

Id. at 486.

3. The "hallmark of the rule of law [is] the claim most commonly made for it,
namely, that under the rule of law the exercise of all power, both private and public,
is limited by law." JOHN REITZ, *Constitutionalism and the Rule of Law: Theoretical
Perspectives, in DEMOCRATIC THEORY AND POST-COMMUNIST CHANGE*, 111, 113
(Robert D. Grey ed., 1997). The independence of the judiciary is an important aspect
of the rule of law. See Ralf Dahrendorf, *A Confusion of Powers: Politics and the Rule
of Law*, 40 MOD. L. REV. 1, 9 (1977) "such independence of the 'judicial department'
may indeed be regarded as the very definition of the 'rule of law' If the law and
the judiciary come under government control, they cease to be necessary as such; if
courts become a part of political struggles, they merely simulate parliament and
parties and lose their function." *Id.*