

process which presupposes that men looking for a job try to find work soliciting their interest and training within the framework of the organization. The study deals in detail with the elements which have a determining role at the selection of the career.

The following chapter discusses with the particular periods of life with the development of intelligence and the changes of values and demands. According to Freud the fundamental criterion of a normal person is the dual unity "Lieben und arbeiten". This is analyzed by Erikson's theory of periods of life a question discussed in detail in the present work in this connection he presents a review of the demands for, and possibilities of a career in the various periods of age.

In the following chapter we may become acquainted with the factors which influence the efficacy of a career. Here the author draws a parallel between individual and organizational efficacy, the critics of the work point out that in a remarkable manner similar criteria have been resorted to at the assessment of the degree of efficacy at both. This chapter makes us acquainted with the methods

which are in practice at the organizations at the study of the development of careers.

A special chapter deals with consciousness, attitude and adaptability further with the problems of the transformation of the organizations in the interests of careers of a higher degree of efficacy. The author discusses in a detailed form the role of the managers in the shaping of the career of the employees the support extended to them, in their progress for the purpose of training of the reserves. In connection with the latter he quotes a few illustrated examples taken from the personnel development scheme of the powerful AT&T Concern.

A separate chapter of special interest deals with the self-management of careers: the motivation, the strategic of career organization, the problems of the selection of organizations.

The last chapter discusses the present problems of personnel, the author present a detailed characteristic of a Protean typ of career.

The work has been completed by a section of case-studies.

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#### KRSTIC, D.: Pravni obitshaii kod Kutsha

(The Customary Law of the District of Kutsha) Belgrad, 1979. 234 p.

(Srpska Akademiia Nauka i Umetnosti, Balkanoloski Institut, posebna izdana, kniga 7.)

In the latter years with the enthusiasm otherwise accorded to new inventions, attention has been directed to the fermenting role of certain regions of Middle East Europe, and in particular of the former Habsburg Monarchy, in the birth of modern sociology of law. These were areas regarded in development and therefore preserving their autochthonous economic and social environment, challenged by central tendencies attempting modernization through more administrative measures, which led to a duplication of the law or, more accurately, to an ostensible establishment of a new layer of the law. In these circumstances the extensive survey of Valtazar Bogishic covering the South Slav territories might mean a turning point in the empirical study of law and so did his proposal for legislation based on this survey at the end of the nineteenth century and formulate his concept on living law in his research made by Eugen Ehrlich in

Bukovina in the first decade of our century (Per Stjernquist "Political use of legal forms" *Scripta minora*, Studier utg. av Kungl. Humanistiska Vetenskapssamfundet i Lund 1968-1969: I, pp. 42). It is commonly known to those engaged in research that a number of coherent areas has remained the melting pot of such symbioses in particular in Albania and Yugoslavia. As the case is one of sociographical and not of purely legal character, research in this field comes within the framework of Balkanistics.

Obviously, the mere fact of survival of customary law testifies of the continuance of the life of past ages. Customary law is a set of requisites which are faithful reflections of economic and social conditions, consequently their mapping out is of importance for the knowledge of the past. At the same time the interest in these requisites is by far not of a purely historical character. As a matter of fact,

the best selection of the paths of development and modernization presupposes the concrete analysis of the concrete situation. The analysis of a surviving system of customary law is instructive also for the theory of law as its archaic components indicate the mutual interdependence between the law and its social medium.

The book I review in the following has been written within the long-range research program of "Customary Law and Institutions of Self-Government in the Balkans and South-Eastern-Europe" at the Institute of Balkanistic Studies of the Serbian Academy of Sciences and Arts in Belgrade. Those taking part in the program base their research work on the assumption that customary law is still living, moreover even within urban environment it has become a Protean process. At the same time the researchers are aware of the fact that the phenomenon sanctioned by the state as customary law is extremely indirect and quite even open to doubt.

The subject matter of the work is the set of legal customs as they exist in the area of Kutshi in Montenegro, near the Albanian frontier. The population of this area consists of three nationalities affiliated to three different religious denominations (orthodox Croats, Roman Catholics and Moslems) who, in a severe region amidst a grim climate in an area of extremely poor vegetation, are fighting under very primitive circumstances, for mere survival for centuries. Hence their customary traditions are not merely the sign of their fight with the surrounding tribes and conquerors (mainly with the Turks) but the symbol of a life adapted to the possession of poor mountain pastures, the only source of their surviving. The author follows in the footsteps of Bogishic: for his survey an amended addition of Bogishic's questionnaire served.

In connection with ownership it becomes evident that private property serves the interests of wider collectives (family, tribe, village) in a very limited way indeed: customary law governing ownership has had to be in certain parts formulated by a Yugoslav statute of 1937, (Part II). As carriers of legal capacity even such subjects appear as the family community or the tribe. These wider communities will be liable jointly also in a way as persons are liable under private law of damage caused by them (Part III). In the field of contract law the aid extended by families to persons in need is of

special importance. This applies to both work in farms and the construction of homes (*moba*): this includes the pasturing of the sheep flocks to another shepherd in the same tribe on the mountain pastures during the summer months (*na planinu*; *na zetsku*); further the parole (in Albanian *besa*; in Montenegro *riječ*) which is a part of contract law sanctioned under criminal law (Part IV). The distinction of the various communities has its roots in the patriarchal past. These have been studied by the author in the public archives of Montenegro at Cetinje and in the Bogishic archives at Cavtat in Croatia. It is worth noting that the distinction of "male" and "female" types of activities is still a criterion in the forming of communities, although the gradual disappearance of this institution is noticeable also in the most secluded parts of the world just as in the mountains of Kutsh of the district of Komov, thousand five hundred meters above sea level among the cattle breeders (*Katuni*) (Part V). In this respect the situation of women is still characterized by inequality. Unmarried women dispose of fewer rights, moreover, the legal position of married women is restricted, too, e.g. in respect of inheritance of real estates. All this tradition and its everyday reinforcement lends a stabil framework of the system is prevailing in an unchanged manner even in the teeth of legislation and, moreover, of judicial practice consistently contradicting it (Part VI). One of the most peculiar components of the customary laws of the Balkan is the "order of the mountain", which settles the questions of the use of mountain pastures constituting the subsistence of these people. In this respect the determination of the days on which flocks may be driven to mountain pastures constitutes a special institution (*izdig*; *zdig*) and so does the term of when, in the autumn, these flocks have to return to their winter pastures (Part VII). Vendetta and warfare between families, even if they have lost much of their former significance, have still remained characteristic of the inhabitants of Albania as one of the features of societies lacking a central government. On the other hand, exactly in the area of Kutsh in the district of Malesia inhabited by Albanians, mediation is still a living institution (*pomira*; *umir krvi*). This is called to life to put an end of thrives between families and tribes. In the appendix, the work gives the tape recording of a *pomira* (mediation) (Part VIII, pp. 205-211). The self-government of these areas relies on the tradi-

tional associations of families and villages. Of these special mention is to be made of the annual meetings and the various community festivals (Part IX).

I am in agreement with the conclusions the author has drawn, insofar as in customary law he has discovered the inevitable consequence of past developments. It seems to be a system of institutions of relative independence, which has a right to live on even in the presence of a written system of the law based on central regulation. I can, however, hardly agree with the ideological framework inasmuch as

the author believes to be able to translate into reality the most developed forms through re-institutionalizing of the experience of the most primitive ones in an unchanged manner. Or, as he writes, "the principle of such an approach is hidden in the concept that, in a long-range parallel to the process of withering away of the state, written law will gradually be relieved by self-government and by the reestablishment of unwritten codes and regulations."

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HOFSTADTER, R.: *American Political Tradition*,  
New York, Random House, 1980. 381 p.

John Dos Passos, the great writer said "that in this age of changes and dangers when beneath the thoughts of men the wind blown, sand of fear is drifting, continuity parting through the generations appears as the line of life in relation to the dangerous present". In the same way the history of the United States of America as in the past decades insisted with extreme urgency on a re-interpretation of the national traditions as regards both the institutions and the underlying legal thinking. This volume of studies on the prominent figures of the American political and legal life Hofstadter began to compile in 1948. His meditations begin with the period of the founders and end with F. D. Roosevelt.

In the first essay he points out that the Constitution of the United States relies on "on the philosophy of Hobbes and the religion of Calvin." It is though beyond doubt that the Constitution itself rests on experience than on philosophy. The men — lawyers, businessmen, plantation owners, merchants and bankers — assembled in Philadelphia in the summer of 1787 were fully acquainted with human nature in the early stage of capitalism, they witnessed its manifestations in the market, in the court-rooms, in legislation and were deeply convinced of human frailty and egotism. They did not trust men still they were convinced that a properly formulated constitution would be able to keep human nature within bounds. These men yearning for democracy were full of aristocratic prejudices as far as the intention of the lower levels of society were concerned this prejudice manifests itself in both their writings and the constitution of the United

States. Hamilton e.g. quotes Montesquieu saying that when in a federal state a popular revolt broke out in one of the states the others would be capable to suppress it. The following study speaks of Thomas Jefferson who was received into the Bar Association already at an age of 24 and who demands the recognition of the equality of men not because he feels that men are equal, but because with his brain he professes that men ought to be equal.

President Andrew Jackson represented populist farmer traditions and declared that "the bankers' profit must serve the interests of the whole nation and not only those of a minority." He was an odd mixture of the pioneer farmer and the aristocrat and in neither capacity he was capable of understanding the nature of the political and economic aspirations of liberal capitalism. During his presidency momentous changes took place in American political institutions in particular in the electoral system. The author dwells on the nature of these changes and discusses in detail the economic history of the period its financial problems as a background.

He speaks of Abraham Lincoln as a figure in American mythology. Lincoln was not the first and not the last of politicians who fought their way to the White House from a very low level, still he embodied the ideal of a politician of puritan mind, a lover of justice, keeping in high esteem the law and institutions of the state, a man for whom the American public opinion loathing the political adventurers of weak character is yearning to these days. Lincoln warned that injustice meant a mortal