

AFRICAN LAW. Edited by Hans W. Baade and Robinson O. Everett with specialist contributors. [1963, New York: Oceana Publications, Inc. pp. 119 US\$6.00.]

This book consists of the articles contributed to the symposium on African Law in the 1962 volume of *Law and Contemporary Problems* published under the auspices of Duke University School of Law. The contributions are as follows:

African Legal Studies — A Survey of the Field and the Role of the United Nations.	Denis V. Cowen.
Personnel Problems in the Administration of Justice in Nigeria.	Sir Adetokunbo Ademola.
The Evolution of Ghana Law Since Indefence Customary Law in the New African States. .	William Burnett Harvey. Lloyd Fallers.
The Future of Islamic Law in British Commonwealth Territories in Africa	J. N. D. Anderson.
United Nations Law in Africa: The Congo Operation As A Case Study	Thomas M. Frank.

A glance at the table of contents shows that the book deals not with the various branches of substantive law in Africa, but with contemporary problems of legal development in the newly emergent states of Africa.

15. Cap. 98. s.2. quoted in Allott, *op. cit.*, pp. 89-90.

16. *Eleko v. Officer Administering the Government of Nigeria* (1931) A.C. 662 at p. 673.

17. See the observations of Dr. Allott, *op. cit.*, pp. 74-75.

What makes African legal problems unique is the “clash between a truly singular cumulation of... institutions and an equally unprecedented pressure for the speedy attainment of modernity” ((p. 1). For, in most parts of Africa, peoples of different ethnic, cultural and religious groups live within one and the same political unit under different systems of law. In this *pot pourri*, there is an added complication — for there is superimposed upon the legal and cultural pluralism, Western legal influence from English common law, French law, Roman-Dutch law and the laws of Bergium, Portugal and Spain. Hence, the immediate task is to introduce comparative study of law and legal techniques in the law schools. As Professor Denis V. Cowen in his paper on “African Legal Studies”, suggested, “there should be added to the techniques of significant comparative study the illumination gained from legal history. Problems concerning the interaction of various legal systems, problems of ‘hybridization’ and ‘infiltration’.... merit a place in any realistically planned African law curriculum....”.

We might also consider one of the questions posed by Professor Denis V. Cowen: to what extent should the condition of cultural and legal pluralism be allowed to continue? Professor Denis V. Cowen himself observed a discernible tendency to foster the development of a single national legal system and to play down the roles of laws which are personal to religious, tribal, and ethnic groups. He attributes this to the desire of achieving ‘modernization’ and also of creating national unity and sentiment. Professor Lloyd Fallers in his contribution “Customary Law in The New African States” spoke in similar fashion when he said “... a deeper and more enduring sense of nationhood and citizenship can only develop slowly through the confrontation of common problems and through the ideological creativity of leaders who are able to synthesize new national cultures....” (p. 72).

While it is salutary to create a legal system applicable to all its nationals, one has to tread with caution in the field of domestic relations and succession. One of the question prefaced by Professor J. N. D. Anderson in his discussion on the Future of Islamic Law in Africa was whether a modern society can long remain viable if its legal system enshrines an interpersonal conflict of laws in the sphere of family relations and succession. While it is natural for a new nation to advocate for a system of personal law i.e. family law, inheritance and succession applicable to all its nationals irrespective of creed or religion, the problem is a delicate one and needs investigation from the experience of other countries.

For example, the Singapore Women’s Charter (passed by the Legislative Assembly in 1961), which introduced monogamy was made to apply to all the peoples in the community except the Muslims whose religion permits polygamy. It seems strange that while this piece of legislation represents a milestone for the betterment of women, exception should be made to Muslims.

The book provokes thought as to the scope of “Africanization” of a legal order out of a welter of indigeneous, religious and foreign law . It contains much interesting material and food for thought to anyone concerned with comparative law. As Mr. Hans W. Baade in his forward observed “. . . the really singular telescoping of a articulate societal and legal developing into an unprecedentedly short time span affords the comparative scholar a splendid opportunity not only to see other societies in actual development, but also to comprehend his own legal frame of reference more thoroughly” (p. 8).