

THE STATE, LAW AND DEVELOPMENT. By ROBERT B. SEIDMAN.
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This work seeks to set out a theory about the relationship between the state, law and development on the basis of extensive empirical observation of Anglophone Africa's development experience. Inherent in its postmortem of the development experience and the causes thereof, lies the writer's prescription for effective development planning and administration.

It begins with a restatement of the goals of development, *i.e.* the elimination of poverty and oppression, and the role of law in development, particularly beyond that of orderly resolution of disputes, to include its role as an instrument for inducing and channelling social change. An elaboration of Myrdal's soft development which is characterised by paper development plans, endemic corruption and resistance to observing and implementation of legal norms is attempted together with the espousal of reasons for such soft development.

In analysing the legal order and its role in development, together with its shortcomings, the author posits two laws—that of non-transferability of law and the law of reproduction of institution. He demonstrates the inappropriateness of received legal systems and institutions to a development oriented society. In particular he demonstrates this not only in relation to the legal order but also to the underlying principles which common law courts adhere to, *e.g.* equality before the law, access to courts, fair trial and judicial independence and control over government, and again demonstrates how these doctrines operate in Africa, under conditions which belie their original assumptions. The exercise is extended to administrative law and its doctrines and shown to be unequal to the new challenges of development administration.

In two specific areas, public enterprises and development planning, the African experience again reveals pathological problems which are accounted for by simplistic adoption of English models, without adaptation or understanding of the local conditions, and thus engenders their dys-function.

While the analysis of causes of failures, sometimes painfully hilarious, seeks to identify the symptoms of the disease of failure of structural economic development, attention to these only is not necessarily the prescription and it is this approach that the reviewer feels obliged to take issue with. The same transfer of colonial legal systems and institutions took place in South and Southeast Asia. While the development experience has not in all cases been dramatically successful, sustained success have been achieved in India, Malaysia and Singapore. An enumeration of the conditions of development as is done here does not explain the different development record. The writer himself explains his approach thus: "Good theory never arises in a vacuum, it necessarily arises to explain existential problems. Here I use the African experience as the historical matrix from which to derive theoretical propositions. Whether they can be useful only in explaining the state, law and development in Africa, or whether they have more general application, each reader will arrive from his own knowledge and experience." To which this reviewer would add: the experience of the three Malaysian Development Plans and their administrative location within the Prime Minister's Office; the coordination of economic policy from creation to successful implementation in the administrative Utopia of Singapore require selective evaluation whereas the Indonesian development experience and especially its public enterprise system suggests greater relevance and parallels with this African study.