

James, R.W., LAND TENURE AND POLICY IN TANZANIA, Toronto, University of Toronto Press, 1971. liv, 375 p. \$12.00

The legal literature of and on East Africa is sparse, especially when contrasted with that of West Africa. The virtual absence of an indigenous legal profession until independence, as well as the slower and less prolific development of law schools, assured that. But those who have sympathized about the literary underdevelopment of the East, when compared with that in the West, may well have misplaced their sympathies.

The vast bulk of the legal literature in West Africa has been competent plumbing: books by technicians for technicians. East Africa is not free of such works. The earlier work on land law in East Africa, for instance, by Maini--has many of the defects characteristic of the literature of West Africa. But in general, East Africa has been singularly fortunate in its publishing legal scholars. The work of Ghai, McAuslan McAulen, Read, Sawyerr and Twining competes in distinction with scholars on any continent. To this we must now add the name of James.

LAND TENURE AND POLICY IN TANZANIA is a subtle blend of the analysis of technical law and the evaluation of land policies--past, present and projected. The structure of the book gives a good sense of the approach: Part 1--Introductory; Part 2--Alienation and Occupation of Public Land; Part 3--Trends in Land Policy; Part 4--Collective Sector; Part 5--Trends in the Traditional Sector; Part 6--Secured Credit Transactions; Part 7--Conclusion.

It may be that I am particularly sympathetic to and impressed by what James has done, since it was my lot to teach the first course in land law in East Africa--in 1962--at what was then the University College of Dar-es-Salaam. Faced with the bewildering, and competing systems of land law--customary law, common law, Indian law and local statutes--and bewildering policies of the colonial and independent (or about-to-be independent) governments, my courage almost failed. And where my courage did not fail, I was forced to cut far too many intellectual corners. Hence, I have a feeling of envy when I read James and see him suavely blend the different systems and sources and handle with remarkable objectivity the traditional and the modernizing, the Colonial period and the Arusha Declaration.

There is always a danger that a scholar's interest in policy will swamp his concern with more traditional doctrinal analysis. While I have not attempted to keep pace with doctrinal changes in Tanzanian land law such information and knowledge as I have suggests that James has taken no short cuts with his law. Every obvious piece of legislation is there and primacy is rightly given to East African judicial decisions. Conventional lawyers may find it irritating to find that they are required to think while "looking up the law," but that will merely show how far out of touch they are with modern Africa.

I was equally impressed by James' handling of the policy problems of today's Tanzania. While sympathetic to the government, he does not pull his punches. I would have preferred to see more about the practical difficulties of implementing the Ujamaa Village policies, especially in those areas where cash crops predominate, while nationalization of rented property presumably occurred too late to be included. But the inconsistencies in and weak implementation of parts of the Arusha Declaration are explored fully, and the strengths--as well as the weaknesses--of the colonial policies are examined.

Of course, a book of this length is likely to have its faults. The style at times leaves something to be desired. The prose, particularly in the Preface, is strained. The dusk jacket, for which I assume James is not responsible--is illiterate. But these are small blemishes in an excellent book which adds noticeably to the list of sophisticated volumes on East African law.

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