

BOOK REVIEWS

Robert Martin, Personal Freedom and the Law in Tanzania.
 Nairobi: Oxford University Press, 1974. 224 pp.

JULIO MENEZES

Tanzania has a great deal to do to reshape its bureaucracy and machinery of justice from their colonial forms to serve post-Independence goals. Special concern is felt for the preservation and enhancement of individual freedom while restructuring the government machine and developing its capacity to ensure freedom from want and exploitation. The issues involved in such innovation are not exclusively the concern of lawyers. Robert Martin's book is an attempt to put the legal aspects of the problem before non-law students.

The predominant concerns of legal academics in East Africa of exposing students to primary sources and of ensuring that laws are shown to be operating in a wider social context has obviously influenced the author. He was, therefore, left with having to decide what amount of legal detail could non-law students be expected to be interested in, and also, how much of the political, social and economic processes ought to be set out, to make the context meaningful. The only common factor distinguishing the proposed readership is its limited exposure to courses in law. This heterogeneity, coupled with the problems inherent in setting boundaries between 'law', 'politics' etc., when engaging in an exposition of "freedom" make the choices in selection and ordering of materials very difficult. Complicate matters further by restricting the size of the book to 200 small pages and one has a prescription for disaster. The book is, as a result, fragmented, eclectic and, I would predict, almost impossible to use as a teaching tool.

The book fails because the author has not been sufficiently ambitious. My disappointment with the book does not stem from a disagreement with the objective of familiarizing non-law students with public law. But, given the results, I would have preferred to see them introduced to it through current newspapers, leaving the author free to aim at a better informed readership. The best part of this book - the compiler's views, speculations and prescriptions - has been crammed and hidden amid snippets of socialist theory, platitudinous political garbage and the relics of colonial legal monsters, dragged away from their Kenyan haunting grounds. The author's notes give a hint of fueling an important and interesting debate. But, in this book, they are mere teasers. An example that amused me was a question thrown out amid

huge chunks of statutory material on the powers of the President. The author stops to ask "What should be the role of the artist in the process of cultural renewal and, more important for the purposes of this study, what should be the state's reaction to the artists?", but sensing the incongruity he quickly moves on after referring briefly to Soyinka and Naipaul.

In contrast a huge amount of space is devoted to resurrecting colonial decisions that went against the popular will. If one accepts historical materialism one could hardly expect anything else. Maybe it takes that much effort to illustrate the point to students. But can these same students, in their innocence, be expected to react to bold slogans, such as "*Certiorari must go...*" set out in large italics?

The sources of the materials make it obvious that Mr. Martin is very familiar with Tanzania, socialist theory, and the common law. While it is possible that he was over sensitised to the arrogance of "missionaries" it is at least clear that he has the sympathy for Tanzania's goals that would permit him to participate in the debate on freedom and law without having his motives queried. It does seem a waste of that scholarship not to have given his views more room in the book and served them up to an audience that could more readily have engaged in a dialogue. Matching socialist development with belief in British procedural justice may be an exercise in futility but it is not inconceivable that innovations could make the law more effective in promoting the development of collective strength and individual freedom.