

B O O K S

Bainbridge, J.S., THE STUDY AND TEACHING OF LAW IN AFRICA.
 South Hackensack, N.J., Fred B. Rothman & Co., 1972. x,
 342 p. \$12.50

It is a personal pleasure to be asked to note John Bainbridge's book. Here is the story of the outburst of interest and work of young American law teachers in Africa (and young African law teachers who came here) during the last decade. That period is now a discrete, finished chapter of history. But its history (which influenced the lives of many who follow this Journal) would never read as it does had not John Bainbridge done so much to help so many people and institutions in so many ways.

The book starts with a description of the professional and legal educational scene in various African countries at independence in the early 60's: plural legal cultures; the critical shortages of lawyers in many places; the anachronisms in existing "systems" of professional legal education; the absence of institutions to relate future law and lawyers to a suddenly changed environment; the decisions in various countries to establish national, university law faculties and the (almost "crash") programs directed towards that end; the difficult political setting of legal education in some countries, (e.g. Ghana in 1964, Nigeria in 1965, the decline of Dar-Es-Salaam as a regional law school, the fortunes of the law faculty in Sudan); the influences which colonial cultures sometimes exerted over education generally and legal training particularly (e.g. in curricula, external examinations, bar certification and the profession's control over legal education).

The main part of the book recounts the interesting, rather tentative origins and later, rapid development of the "SAILER" program and the work which a great many [mostly (then!) young] SAILER recruited people did in African universities and the work of others who served in various public sector capacities. The SAILER program in turn stimulated the interesting, if temporary Peace Corps programs for young lawyers and Fulbright and other exchange programs. The SAILER program was thoughtful, flexible, totally nongovernmental, and carried out in a low key

with an extraordinary minimum of administrative overhead, red tape and the more odious aspects of "technical assistance." Unquestionably it was generally well received in those countries in Africa where, during the 60's there existed an acute shortage of teachers, a strongly felt need to organize institutions for legal training and a receptivity to expatriates willing to undertake teaching jobs on proper terms. SAILER helped many projects immeasurably and a few indispensably. It helped many young African law school graduates study abroad to prepare for teaching and other work thereafter. It helped many modest but usually useful research projects in Africa. SAILER organized conferences, institutes and seminars, and the records of some of these will remain valuable. SAILER helped many Americans, on return, to finish -- or continue to maintain -- strong research interest in aspects of African legal development.

Behind all this effort, not as "eminence grise" but as the convivial, modest, tactful, resourceful, technical director and expeditor was John Bainbridge. The book does not recount his personal efforts: the amount of hard work, and (on frequent occasion) hard judgment he perforce brought to bear. SAILER, after all, depended on sensitive, careful recruitment, and, also, paradoxically, on a great sense of restraint: those who sought SAILER help were never (as far as I know) told what to do or who to appoint or otherwise pushed towards particular policies or people -- an extraordinary record in the history of such projects. That is in part a tribute to John Bainbridge and his colleagues, notably Terry Wood (who has contributed very valuable appendices to this book, notably analyses of institutions and curricula in African law schools).

Of course today it is now fashionable (and certainly appropriate) to ask questions about the significance of the role of law, legal education and lawyers in "development," to deplore American ethnocentrism in this field and to reflect critically on some of the "brashness" of some of the SAILER projects (and the earlier writings of some of us who worked abroad). But I doubt if there would be either the expertise or the audience to move on to more sophisticated and hopefully important research and development of this important field of comparative law and jurisprudence were it not for the contributions of SAILER. It is good that John Bainbridge has left us with the record. Many of us in this Association, and many abroad, are indebted to him, and I am

privileged to record the appreciation of that large, multinational "class".

James C.N. Paul

Dean
Rutgers, The State University
School of Law
Newark