politischen Entwicklung des Landes in der Zeit vor der Erklärung der Republik durch Daud Khan werden zwar angedeutet, kommen jedoch mangels Quellenmaterials und grundlegender Forschungen zu kurz. Die jüngsten Ereignisse im Lande offenbarten, daß weitere, bei Newell nicht oder nur summarisch erwähnte Faktoren in der Politik des Landes eine wesentliche Rolle spielten. Newell betont in seiner Einleitung, daß den personellen, familiären und intrastammlichen Dynamiken wegen des Mangels an definitiven Informationen wenig Aufmerksamkeit geschenkt wurde, ebenso dem Auftauchen von religiösen Führern, die verstärkt nach der Verfassungsannahme von 1964 ans Licht der Öffentlichkeit traten. Er meint dazu, daß kaum ein Außenstehender in der Lage sei, ihre personelle Dimension im politischen Leben Afghanistans zu erklären und es daher den Afghanen selbst vorbehalten bleiben müsse, diese Phänomene zu untersuchen.
An diesen beiden Punkten läßt sich eine Kritik am Konzept des Buches ansetzen. So nützlich es als Einführung in die politische Problematik des Landes sein mag, es zeigt nur einige Aspekte skizzenhaft auf. Gerade die familiären und personellen Spannungen, das Verhältnis der Stämme und ethnischer Gruppen zueinander, die internen Verhältnisse in ihnen und der Einfluß der Religion spielten bei den jüngsten Ereignissen eine nicht unbedeutende Rolle. Diese Phänomene konnten jedoch aufgrund fehlender Voruntersuchungen in ihren Relationen zueinander und zu anderen kaum gedeutet und gewertet werden. Eine Analyse der Politik eines Landes setzt nach Meinung des Rezensenten jedoch die Untersuchung aller tragender Faktoren und ihrer Korrelation zueinander voraus. Bei einem Land wie Afghanistan sind dazu eingehende empirische Feldforschungen nötig, da das Quellenmaterial über einige Bereiche unzureichend ist. Das Buch von Newell gibt nur eine Auswahl einiger Faktoren wieder; weitere Untersuchungen müßten das Bild der politischen Entwicklung der afghanischen Gesellschaft abrunden. Erhard Franz

VERNON V. PALMER and SEBASTIAN M. POULTER
The Legal System of Lesotho
The Michie Companie Charlottesville, 1972. Pp. xxi — 574.

When Palmer and Poulter started teaching at the University of Botswana, Lesotho and Swaziland in 1967, they were faced with the problem of finding the relevant material for their law courses. They found there was not much written material dealing specifically with the law of Lesotho and therefore decided to write a book that would introduce the law of Lesotho to students, practitioners and the general reader. The authors have been very successful in their venture.
After a very informative introduction, the main body of the book is divided into three parts. The first part deals with the sources of law, namely, the common law, customary law, and legislation. Lesotho, unlike many former British colonies, did not receive the English common law together with the doctrines of equity, and statutes of general application, in force in England on a particular date. Instead, a proclamation of 29th May 1884 directed that the law to be administered in Basutoland was, as nearly as the circumstances of the country would permit, to be the same as the law for the time being in force in the colony of the Cape of Good Hope. After considering the question whether the intention was to import the Cape colonial of 1884 or the living system of law administered in the Cape

from time to time, Palmer and Poulter come to the conclusion that it was the living law of the Cape that was thus transplanted into Basutoland. Arguing that there has been very little change in the judicial structure in the Cape since 1884 and that the present Cape Province is the same geographical entity as the former Cape Colony, the authors conclude that the common law in Lesotho is basically the common law in force in the Cape Province of the Republic of South Africa today. The wide and serious implications of this conclusion are obvious, and perhaps the Basotho might try to changes this state of affairs.

Having determined that Lesotho's common law is basically the same as that of the Cape Colony, the authors explain the nature of the Cape colonial law. They show that the Roman-Dutch law and the English common law have exercised some influence on each other in Southern Africa. The expression „Roman-Dutch law" is considered inadequate for describing the law of South Africa, which contains elements of both the common law and the civil law. The authors therefore decided to describe South African law as "South African common law" or simply, "the common law". Throughout the rest of the book, the reader has to read carefully in order to find out what the phrase "common law" is referring to and, sometimes, he meets expressions such as "Roman-Dutch common law" (p. 461).

A very interesting and useful part of the discussion on the common law is concerned with judicial precedent. Here the authors compare the flexible and sensible attitude of the Roman-Dutch law to the rigid common law approach.

A detailed treatment of customary law and a short chapter on statute law complete this part of the book.

The second part of the book traces the constitutional development of Lesotho from the colonial days to independence in 1966. Like many other African countries, Lesotho has experienced unconstitutional changes in government and while this book was in press (January, 1970), the 1966 constitution was suspended as a result of a coup d'état. But such a change does not diminish the value of the critical discussions on judicial review and human rights.

The third part of the book is concerned with the courts, the legal profession, and law reporting. The authors should perhaps have explained why students for the LL.B degree course at the University of Botswana, Lesotho and Swaziland spend part of their time at Edinburgh University. Scots law and Roman-Dutch law are, in the words of T.B. Smith, "neighbours in law". They both share a tradition which dates back to the Romans and though many writers describe them as "mixed jurisdictions", they maintain an attachment to the civil law tradition. Both systems have to fight against the expansionist tendencies of the English common law.

On reading this well written book, one cannot help regretting two things: firstly, the total dependence of Lesotho on South Africa, and secondly, the fact that the policies of the present regime of the Republic of South Africa make it impossible to recommend to many Africans the study of the interaction of the civil law and the common law in that part of the continent. One can only hope that the legacy of Grotius, Bynkershoek, and the Voets will survive the insanity of the present.

K. Opoku