Preface

Law is a universal phenomenon, with a place of fundamental importance in societies throughout the world. In national constitutions and legal systems it provides the structure of statehood. Religious or customary laws are powerful elements of local cultures in many countries. At the international level law offers the framework for co-existence and co-operation. At regional levels laws are the instruments of choice for political, economic and other collaboration in the protection of human rights or the environment, the promotion of trade, and other purposes.

Yet in most countries lawyers and the law schools in which they are trained have been slow to adopt a world view. In the United Kingdom, despite the expansion of legal education which occurred in the second half of the twentieth century, most law schools find their curricula sufficiently overcrowded with the ‘essential’ subjects of English (or Scots) law, including the now vital ingredient of European law, with options in international law (although Roman law was for long considered an essential part of British legal education). The comparative study of other people’s laws has been generally ignored, as an unnecessary indulgence. Even the scope for a comparative study of English law was long neglected, most basic textbooks giving little attention to the continuing evolution of the common law after its expansion from England to Australia, Canada, India, the U.S.A. and other countries.

In this context the Department of Law at the School of Oriental and African Studies, in the University of London, is a unique law school. Within a unique college, dedicated to the study and teaching of the languages, history and cultures of the peoples of Asia and Africa, the Department has, through the second half of the twentieth century, maintained a programme of teaching and research encompassing the laws of the majority of the world’s countries and the overwhelming majority of its inhabitants. In so doing it has made a distinctive contribution to the texture of British legal education. Research conducted and supervised in the Department has con-
tributed significantly to increase and diffuse the available knowledge of for-
eign legal systems — some of them, at least, otherwise little known or stud-
ied beyond (in some cases even within) their own borders.

Of course, there have been distinguished, usually isolated, British
scholars of foreign laws for centuries, including orientalists, historians and
anthropologists. Moreover, the British Empire was constructed on founda-
tions of power, trade and, especially, law: among the lawyers, judges and
other officers who applied the laws of its diverse territories many developed
an intellectual fascination for, and expertise in, the local laws which, under
colonial policies like that of ‘indirect rule’, continued to apply alongside the
imported English law.

Another consequence of empire was the resort to the institutions of
the metropolis by some of her colonial subjects — no doubt a fortunate
elite — for educational qualifications, among which a qualification for
legal practice (principally, a call to the English Bar) was especially favoured.
Until quite late in the twentieth century students from South Asia, Malaysia
and Africa were a prominent, even a dominant, presence at the Inns of
Court in London and the syllabus for the Bar examinations for many years
provided appropriate options in Hindu and Islamic (‘Mohamedan’) laws
and even, from the 1960s, in ‘African law’. Those subjects (and another, ‘The
Indian Penal Code’) were also included in the syllabus of the LL.B. degree
of the University of London for ‘external’ students (who could complete
their degrees without ever visiting London).

With the end of Empire, despite the emergence of the modern Com-
monwealth, there was little concern or incentive in most British law schools
to offer systematic opportunities to study the laws of the world beyond Eu-
rope. However, the Royal Charter of 1916 which established the School of
Oriental and African Studies, as a college of the University of London,
rightly provided that the subjects studied and taught at the School should
extend to the laws, as well as the languages, history and literature of the
peoples of Asia and Africa.

In 1931 Seymour Vesey-Fitzgerald was appointed to teach Indian Law
at SOAS in the India Department, of which he later became head as Profes-
sor of Oriental Laws. He also taught Hindu and Mohamedan Law to stu-
dents studying for the Bar examinations. A separate Law Department, of
which he became the first head, was established in 1947, in the post-war ex-
pansion of the School. The Department initially included Norman Anderson
and Shaikh Abdul Kader as Lecturers in Islamic law; they were joined
the following year by Tony Allott (African law), Duncan Derrett (Hindu
law) and Alan Gledhill (who had retired from the High Court bench in Burma and specialised in constitutional and criminal law). After Vesey-Fitzgerald's retirement in 1951, Norman Anderson, the leading British scholar of Islamic law, headed the Department for twenty years. Henry McAleavy joined the Department in 1953 as its first teacher of Chinese law. With Anderson, Noel Coulson, appointed in 1954, made the Department the leading international centre of scholarship in Islamic law, while Gledhill and Derrett made complementary contributions to the reputation of the Department in the laws of India and Pakistan.

During the decade of African decolonisation, the 1960s, African law studies expanded under Tony Allott's leadership: the *Journal of African Law*, founded under his editorship in 1957, has now been edited mainly in the Department for over four decades. He directed the Restatement of African Law Project, members and associates of which conducted fieldwork research in the unwritten customary laws.

For the first half of its life mainly a centre for graduate and advanced research and teaching, from 1975 the Department has provided a full programme of teaching for undergraduates, although with a distinctive pattern of courses for LL.B. and (joint) B.A. degrees it remains a highly unconventional law school. Its graduates have entered the legal professions (not only in the United Kingdom) with enhanced world views and sensitivity to the legal and cultural diversity of the world — a diversity fully reflected in contemporary British society. As globalisation has extended to legal practice, British firms of solicitors with offices in the Middle East, East Asia and elsewhere have recognised the value of qualified recruits with additional familiarity with local legal systems.

The Department also offers rare opportunities for students from ethnic minority communities in the United Kingdom to combine training for the legal profession with exploration of the legal values and traditions of their ancestral communities or countries. Moreover, those legal traditions are not irrelevant to the practice of the law in contemporary British courts: members of the Department offer a scarce resource of knowledge, regularly tapped for advice by British courts and lawyers on questions of 'exotic laws'.

The papers in this collection, most of them by past and (mainly) current members of the Department, originated as contributions to a series of lectures which celebrated the Golden Jubilee of the Department. They demonstrate the wide range and diversity of subjects and research interests within the Department. The collection includes important contributions
from two of the distinguished scholars whom the Department has wel­comed as supportive friends over the years and who accepted invitations to give guest lectures: Professors William Twining and Patrick McAuslan.

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