

***An introduction to Namibian law:  
Materials and cases,  
SK Amoo, Macmillan Education Namibia,  
Windhoek, 2009, 482 pages  
Steve Gray\****

Never have I seen a book so greatly anticipated as *An Introduction to Namibian Law* has been here, at the Law Faculty of the University of Namibia (UNAM). Ask any of the 110 first-year law students in Sam Amoo's Introduction to Law class and they will be able to tell you not only when the book is due, but also name the ship it is arriving on and the day that ship is due in the Port of Walvis Bay. Not even John Grisham's next legal thriller has been awaited with such eager expectation.

The anticipation at the Law Faculty is quite understandable. This is the very first published textbook written by a UNAM Law Faculty member for use in Namibia. It is indeed a watershed event for the Law Faculty and the students. Mr Amoo, in his own quiet and unassuming way, has opened the door for his colleagues to follow in his footsteps.

This book should be recognised for the impact it will have beyond the Law Faculty in promoting the rule of law in Namibia and beyond. Lest you think I give too much weight to one book, let me explain.

Each year, 100 or so new law students enrol at UNAM to pursue the study of law. They are Namibia's future lawyers, prosecutors, legal advisers, magistrates, judges, parliamentarians and legal scholars. In essence, they are the future guardians of the Namibian legal system. Most are fresh out of high school and unaccustomed to the study of law, which is unlike almost any other they have participated in to date.

The study of law does not simply involve memorising facts or learning formulas, like many other studies do. The law is a living entity that is always changing. You cannot just memorise the law and think you will become a good lawyer. You must learn how to think like a lawyer.

As Amoo introduces so well in Chapter Two of the book under "The Sources of Law", –

One of the primary objectives of legal training is the inculcation, in the law student, of the ability to analyse facts, to locate the relevant law and to apply the law to the facts.

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What makes this book so important is that it provides a rock-solid foundation for the future guardians of the Namibian Constitution and the rule of law. In these times of political uncertainty across the southern African region and the world, this is no small thing.

I think one of the reasons that I was asked to review this book is because, like most of the students who will use this text in their course, I am a relative newcomer to the Namibian legal system. I have been visiting the Law Faculty for only six months now, and had not lived in Namibia before that. Granted, I have 20+ years' experience as a lawyer in another common law jurisdiction, but I discovered very quickly after my arrival that common law legal systems can be very different. So I jumped at the chance to review this book because I thought it would help me understand the Namibian legal system. I must say that my hopes were not disappointed.

In Chapter One, entitled "Jurisprudence", Amoo does a very competent job of getting the reader to begin to think about the meaning and reasons for law. Along with selected readings from all of the classical legal thinkers, he introduces other legal schools of thought that form the basis for other legal systems that differ from Namibia's. This allows students to put the rest of their legal studies in context right from the beginning.

In the chapter entitled "Sources of Law", Amoo provides an overview of the hierarchy of law in Namibia from the Constitution through to case law, legislation, and regulations. The chapter roots the concepts in reality by using an early Namibian Supreme Court case to explain the interplay of these different sources of law. This chapter also sets out the history of Roman-Dutch law, and explains how a common law system works.

Under the chapter entitled "Classification of Laws", Amoo takes some time to lay the groundwork for students understanding the rest of their legal studies. Although classifying law into different areas such as constitutional, commercial, criminal, family and customary is not strictly speaking a 'legal' topic, explaining the distinction between public and private law in this way was immensely helpful to this newcomer to the study of law in Namibia. I think the flow chart Amoo includes of the legal classification system used here would also be very helpful to new law students.

The chapter entitled "Structure of the Namibian Judicial System" was another one of those core chapters that I found essential for my understanding of the Namibian legal system. It was helpful to have not only the layout of the current structure of the judicial system, but also a history of the judicial structure, to enhance my understanding of how the system evolved.

No common law system can be adequately understood without an introduction to cases and authorities. Amoo does so in a separate chapter in which he

succinctly explains a case reporting and citation system, and gives some real-life examples of case decisions that I am sure form the basis of classroom discussion. In the middle of this chapter there is a section called "Some Hints on How to Answer Questions". While this explanation of how law school exams work is undoubtedly useful to students in the class, I thought it was out of place in this chapter and might be more appropriate in an annexure.

Understanding the role of judicial precedent is another essential part of understanding a common law legal system. It is also the backdrop which the author uses to introduce the reader to Latin legal concepts. While the Church gave up Latin centuries ago, the law has not been as hasty. Lawyers are still required to have an understanding of key Latin phrases and the legal principles they represent. I think it was wise for Amoo to wait until Chapter Six for a serious exposure to Latin: any earlier in the book, he might have lost half of his class of first-years.

At the risk of pointing out the obvious, after reading the book, I found it to be an excellent contribution to the understanding of the Namibian legal system. However, it would be remiss of me if I did not offer the author at least a couple of suggestions for the next edition.

The book might appeal more widely if the discussion questions, exam hints and other items directly connected to the classroom study of the introduction to law are contained in a companion Study Guide. I appreciate that this is primarily a course book, but equally appreciate that much of the content has value beyond law students.

One other suggestion I would make is for the book to be regularly updated and possibly be published biannually; alternatively, it should be republished as changes in the Namibian legal system occur. For example, some of the structure of the judicial system has completely changed with the implementation of the Labour Act, 2007. This book has the potential to have impact for years to come if it is kept updated.

I would like to conclude this review by thanking and commending the author directly for all his effort on this book. The Law Faculty and its students as well as the country as a whole will benefit for years to come from all your hard work. And even though most of Namibia will not have a chance to read your contribution, this is one US lawyer who has, and commends you for a job well done.