SELECTED WRITINGS (1978). By Otto Kahn-Freund. Stevens & Sons, 11 New Fetter Lane, London, U.K. Pp. xv+381. Price £ 11.

I

IT IS but rarely that a reviewer of a book is in the happy position to acknowledge at the outset that he feels truly privileged at being asked to review a book. To review Otto Kahn-Freund's present work[1] is by itself a privilege because one is put immediately in the presence of a luminous mind which has taken all law for its province. The lamented Kahn-Freund will assuredly be numbered among the few legal thinkers of this century. He will also be counted among the handful of law professors who can write on law with elegance, conviction and feeling. His erudition never reaches the point of pedantry and his mastery of English prose is enviable for one whose mother tongue was German.

For the Indian reader, there are many implicit and explicit messages in this book. One is that it is sheer arrogance for a scholar to insist that he is a specialist in this or that branch of the law; India has produced many scholars who claim specialization in administrative law, constitutional law, family law, labour law or even specific articles of the Constitution like article 14! The author demonstrates that such claims of specialization amount to arrogant cultivation of prescribed ignorance. The law has to be understood in its totality, in its past, present and future. And our understanding of our own legal system has to be from within as well as from without. That is, a similar close grasp of other legal systems is crucial to the appreciation of our own. Not merely this, legal scholarship has to be multidisciplinary; to understand, explain and analyze legal developments one has to go beyond *Hansards* and law reports. Indeed, one has to move to sociological and anthropological levels of understanding as well.

All this is acknowledged massively at a level of platitudes concerning the law and social change, and the much abused Poundian phrase of social engineering. But India has so far produced very few legal minds with the astonishing technocratic, comparative and sociological sweep of scholars like Kahn-Freund. He is equally at home with problems of matrimonial property law, conflict of laws, labour law, law of torts, law of transport and comparative law, to mention only a few arenas. In other words, he displays versatility of interests and concerns in law of a kind that is reminiscent of Renaissance scholars and thinkers before the advent of the so-called specialization.

The writer also demonstrates that one may not specialize in comparative law, without a total understanding of one's own legal system. To attempt

1. *Selected Writings* (1978).

to do so is to attempt to clap with one hand, although in this land of yogis and godpersons many of us feel called upon to perform just this kind of a trick. It also follows that comparative jurisprudence—a much adequate expression as Albert A. Ehrezweig following Jeremy Bentham has shown –is an important domain.[2] Unless legal education and research assigns a central place to comparative jurisprudence in the best sense of that notion, as demonstrated in the book under review, we will naturally fail to develop true jurists.

Of course, Kahn-Freund's comparative jurisprudence is confined to the universe of Western Europe and America, as is the so-called comparative jurisprudence to India. In this, the model of the author must be rejected by India and Third World scholars. While some of us cannot altogether ignore the Eurocentric heritage of the past and the present borrowings mostly perpetuated by juristic *dependencia*,[3] our comparative jurisprudence has to be oriented towards an understanding of the legal evolution in the Third World socities.[4] In this process, we may continue to benefit from Western scholars like Kahn-Freund in their single minded devotion to the Euro-American comparative jurisprudence orbit. In course of time, we may offer them the same benefit concerning the Third World orbit. Such division of labour makes good sense. What is fatal to the growth of Third World legal scholarship is the process of reinventing the wheel. In other words, we do not need Asian, African or Latin American scholars to emulate the author's analysis of Western law and jurisprudence. Rather, we need to emulate his vision and craftspersonship, adapting it to our needs and remedying its deficiencies, in doing our own jobs for ourselves.

The book under review is a collection of writings most of which appeared in *The Modern Law Review*. T.M. Partington, who has collated and edited the work with the approval of Kahn-Freund, and the board of editors of the *Review*, deserves appreciation for this venture. Divided into five sections, the book contains six essays on labour law, two on family law (matrimonial property), two on conflict of laws, three on comparative law and one on legal education. Of these, seven articles were written during the period 1948-54, four during 1960-67 and three during 1970-74. Very rarely, in fields so diverse as the ones in which he wrote do vintage articles attract any enthusiasm; it is a testimony to the author's manner of analysis that even period pieces continue to invite reading in the eighties. The exhaustive bibliography prepared by Lady Kahn-Freund provides a most convenient reference tool. In what follows, we deal merely with some aspects of *Selected Writings*.

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2. *Psychoanalytic Jurisprudence* 96 (1971).

3. See Upendra Baxi, *The Crisis of the Indian Legal System* 42-44 (1982).

4. Gyula Eorsi, *Comparative Civil (Private) Law : Law Types, Law Groups, The Roads of Legal Development* (1979).

II

The six essays on labour law constitute the core of the collection. Here the writer is at his best, traversing the nooks and crannies of the British labour law with effortless ease of a master. The shorter pieces on status and contract in British labour law and on the "tangle of the Truck Acts" are as important as the more elaborate ones such as legislation through adjudication,[5] labour law and public opinion,[6] and intergroup conflicts and their settlement.[7] Kahn-Freund is completely at home in dealing with evolution of concepts and institutions of British labour law, approached from the vantage points of comparative labour law and sociology of law. The address on trade unions, the law and society[8] demonstrates how a great and gifted law teacher can transmit the social substance of law to an audience of non-lawyers.

In one sense, the essays offer explorations in the contemporary history of British labour law. The sixties and seventies have seen such expansion of legislative activity (including that "strange interlude"—the short lived Industrial Relations Act 1971)[9] that many of the author's observations made in the essays need to be sharply qualified in the fine print of compact notes to each chapter. The notes accurately describe these changes but do not attempt to explain them in sociological terms. Such an attempt would have enhanced the already high value of this treatise. For example, he tells us in notes to chapter 1 that in the twenty years since it was written "more profound changes in British labour law" have occurred than in "the period between 1914 and 1957" and that "the pattern of labour law has been transformed."[10] Until the sixties, there prevailed the "policy of withdrawing the law from the battlefield of industrial hostilities".[11] The policy of legal non-intervention generated what the author prefers to call "collective *laissez-faire*"[12] and "pluralistic legislation".[13] Public opinion favoured "industrial autonomy"[14] and disfavoured any type of compulsory arbitration. Labour law is characterized by its "aversion to legislative intervention, ...disinclination to rely on legal sanctions, ...almost passionate belief in the autonomy of industrial forces."[15] The essence of this aversion is summed up by Sir Winston Churchill's observation in 1911:

> It is not good for trade unions that they should be brought into

5. *Supra* note 1 at 87-127.
6. *Id.* at 1-40.
7. *Id.* at 41-77.
8. *Id.* at 128-53.
9. *Id.* at 152.
10. *Id.* at 39.
11. *Id.* at 23.
12. *Id.* at 11.
13. *Id.* at 20.
14. *Id.* at 24.
15. *Id.* at 8.

contact with courts, and it is not good for the courts.[16]

Churchill explained why "it is not good for the courts." :

> The courts hold justly a high and, I think, unequalled prominence in the respect of the world in criminal cases, and in civil cases between man and man, no doubt they deserve and command the respect and admiration of all classes of community, but where class issues are involved, it is impossible to pretend that the courts command the same degree of general confidence.[17]

Judges in India who nurture illusions of "neutrality" and "impartiality" in the administration of labour law have a lot to learn from this robust insight.

Understandably, given this premise, the function of legislature and courts has been subsidiary, its aim is to "supplement" and "enrich" rather than to "impoverish" collective bargaining.[18] Given this, it makes good sense to say that "the legal profession has less to do with industrial relations in this country than perhaps anywhere else in the world", and its share in the evolution of labour relations has been small.[19] The bar has "very little to do with collective bargaining, with protective legislation or with social security."[20] But lawyers have played a mighty role in one respect, namely, the civil liability of the employer for the industrial accidents. The writer suggests that this "socialization" of accident risks "is the most important contribution which the legal profession has made to labour law."[21] How one wishes that the same could be said some day of the role of legal profession in India!

How does one understand these indubitable features of British labour law in the first half of this century? The author continually invites reference to "public opinion", to the "spirit of empiricism which presides over the law... in Britain"[22] and to the "English legal tradition".[23] Being a distinguished thinker, he is well aware that these grand expressions either explain too much or too little, and, therefore, enmeshes himself and the reader into the rich and complex details of labour law. Having done this he asks us to try and answer the following questions: Why did no one insist on compulsory arbitration in Britain? Why in particular did the unions not do so? Why was there no specific demand for joint consultation or worker participation in management? Why have the unions not asked for elimination of unfair labour practices? Why indeed

16. See *id.* at 14.
17. *Id.* at 22.
18. *Id.* at 29-31.
19. *Id.* at 37.
20. *Ibid.*
21. *Id.* at 38.
22. *Id.* at 39.
23. *Id.* at 38.

there has been no pressure from the trade unions to implement the International Labour Organisation Collective Bargaining Convention (1949) ?

The questions are real. But the Catch-22 answers relying on the "public opinion" or "tradition" do not answer these questions. Rather, such answers raise the further question : Why public opinion was whatever it is said to have been ? And why the so-called tradition could not have been otherwise ?

The notions of public opinion and tradition are at best poor explanatory devices. The writer certainly uses these devices with considerable sophistication. He deals with functionally relevant publics : Unions, lawyers, judges, legislatures. Even so, the fact remains that he cannot avoid references to people at large; also the publics he refers to are really, from another standpoint, establishment institutions. If nothing else, the Herculean labour of E.P. Thompson, especially his work *The Making of the English Working Class* (1963), should alert all of us to the need of attending to "articulate minorities" and their patterns of intraclass dissent. Of course, the significance of Thompson's work for a student of British labour law is not exhausted with this awareness. Even a lawyer has to appreciate that a study of history of labour law is grossly inadequate without a study of the history of labouring classes. There is not a shred of evidence in lamented Kahn-Freund's writings of the organic nexus between the two histories.

This should be a cause for astonishment, for Kahn-Freund was no mere lawyer. Truly, he deserves the distinction of being called a jurist in the best sense of the term. How then can one explain this failing? One suspects that the author was under an incredible grip of a model of legal scholarship in which "hard law" comes first, legal policy analysis comes second, but politics is simply not allowed to enter the consciousness. This is a predominant model of scholarship in law almost everywhere but it seems more conspicuously associated, barring a few notable exceptions which prove the rule, with common law world.

The writer, of course, realizes that political factors are important in doing comparative law;[24] but the recognition stops there. Thus, for example, when confronted with the problem of statutory regulation of industrial disputes in Australia and New Zealand, he does not even refer to politics, even as an approach to the understanding of this sharp contrast. Rather he contents himself with saying : This "phenomenon... ought to be of some interest to those who are inclined to explain social institutions with the help of 'national' or 'racial' characteristics".[25] How can racial characteristics, whatever these might mean, help explain the posture of Australian labour law ?

Not merely thus is the author able to explain at a comparative level

24. *Id.* at 299-300.
25. *Id.* at 66.

differences within the Anglo-American legal orbits. He is not able either to explain why British labour law has been the way it was in the first half of this century, and why in the last twenty years or so it has seen "profound changes".[26] Do these changes represent Continental shifts, as it were, in the tradition or public opinion? Or do they mark a redemption for Britain of the "national weakness" inherent in the "strong public opinion in favour of industrial autonomy" which tends to "frustrate any idea of planning in the area of industrial relations"?[27]

Such profound changes cannot be explained through establishment conceptions such as public opinion and tradition. One has to look to the political economy of labour relations, to the changing patterns of class consciousness and structure, to developments and crises of governance in advanced capitalist societies, to the transformations in industrial technologies and to *attimia* (loss of status and identity) on reversion to an island state from a mighty empire. None of these and related factors could possibly enter the writer's eclectic analysis whose bounds are set by something mysteriously called "the law". There is a lesson in all this for scholars of the Third World, and especially India, where hagiography of British jurists conflicts with the demands of the time.

III

Although Kahn-Freund never moves explicitly to political or ideological analysis, he does constantly endeavour to promote sociological orientation to the study of labour law. Chapter 2 of the volume under review should be prescribed reading for all sociologists interested in industrial relations; and certainly, for the mere lawyer this contribution opens up new and exciting ways of grasping the substance of labour law. Modern sociologists of law may not find in his writings anything that they may regard as belonging, as it were, to their genre and craft. But even they would benefit by reading Kahn-Freund carefully, because the harvest of rich insights he has to offer may well sustain for many a day many empirical projects.

The author calls attention to the fact that it is often "conflict...which gives rise to the formation and consolidation of groups and to the establishment of the relevant social relations as group relations"[28] than the other way round. He insists that in "labour-management relations conflict is very much the 'father of all things'."[29] He also stresses that the "eternal dialectic of spontaneity and organisation" is present in labour relations too. "Growing consistency and strength of the organisation on both sides" will definitely tend to the emergence of "collective relations for industrial peace"; it will "supplant deliberate and more effective pressure for spontaneous action." But this may only mean that the element of

26. *Id.* at 39.
27. *Id.* at 24.
28. *Id.* at 42.
29. *Id.* at 43.

spontaneity may move from intergroup social relations to intragroup ones, as the "wildcat" strikes suggest. If organisation is progress, then there is this constant "danger" of regression in labour relations "into more primitive forms of conduct...inherent in the rigidity of the social patterns of the labour disputes at the highest point of its development."[30]

The author indefatigably develops the notion through the analysis of labour law and relations that out of the intergroup conflicts and their settlement arises "something like code of industrial morality demanding mutual group recognition on both sides."[31] There develop through the process of articulation and resolution of conflicts, endemic in relations between labour and capital, definite "standards of conduct" which operate as the law for the groups, even though this may not be the "lawyers' law". He identifies two ideal types of standards which emerge through the process of collective bargaining—the "contractual" and the "normative"; collective bargaining must be seen as the "autonomous bilateral legislation", and this legislation is oriented to what may be called "norms conditions". The latter primarily relate to "norms conditions of hiring and terms of employment". He suggests that "as intergroup relations in industry reach a higher level of maturity, the emphasis sometimes shifts from the regulation of entry into jobs to that of the rights and duties connected with the jobs themselves."[32] In other words, the richly complex customary corpus of law, with its dynamic possibilities of regression, "ought to be of primary interest to the social anthropologist" and more importantly to the legal sociologist.

The author also proceeds to identify the additional attributes of the collective standards emerging from intergroup conflicts. The standards are "manifold and subtle", characterized by "informality", or in other words, by the principle of "imperfect codification".[33] Not merely this, the corpus of customary standards may be marked by "aversion to...systematic codification" and by a tendency to maintain its boundary condition, that is, maintenance of the "fluidity of the line which separates the 'normal' from the 'normative', of what has 'always' been and that which ought to be done."[34] Thus, as in all preeminently "customary" norm systems, labour law emerging from intergroup relations knows no distinction between enforcement of existing norms and making of new norms or between the breach of norm and instant creation thereby of a new norm.[35]

What factors account for the emergence or existence of the relative autonomy of industry and labour which makes a distinctive system of legal relations possible? The author suggests that "there can be no wide

30. *Id.* at 44-45.
31. *Id.* at 44.
32. *Id.* at 46.
33. *Id.* at 54.
34. *Ibid.*
35. *Id.* at 55-59.

measure of autonomy in the settlement of industrial disputes unless organisation, at any rate on the workers' side, has been very fully developed." He suggests that autonomy in this sphere grows to the extent that intergroup conflicts "themselves assume an intergroup character" and they can "do so only as groups acquire strength."[36]

The second important factor tending to threaten autonomy is what the author calls the "safety margin" beyond which "warfare and peacemaking by autonomous forces industry" is not tolerated by the state or the community.[37] He has clear cases such as war or emergency procedures when vital industries are threatened. He, of course, has the British experience in view here; in the Third World societies the "safety margins" are often determined by paranoid politicians or the generals ! But the validity of the point about political tolerance of autonomy remains.

The vital contribution of the author is to suggest that at the very core of the state legal system (SLS) lies, what I call, the non-state legal system (NSLS). And, in many senses, his lifework on labour law has been an elaboration on the complexities of relations between SLS and NSLS, the relations of complementarity, conflict and the struggle for hegemony.[38] When we recall that he is thinking of labour law in these terms as early as the fifties we begin to appreciate, in perspective of context and contribution, his pioneering stature.

IV

And this emphasis on the NSLS is pervasive in Kahn-Freund's writings, and not just confined to labour law. His essay "English Law and American Law—Some Comparative Reflections"[39]—the second most memorable essay in English language after Roscoe Pound's address in 1950 to the Third International Congress of Comparative Law—concludes with the insistence that a comparative study of SLS ("corpus of...institutions, statutes, judicial and administrative decisions...") is "futile and misleading" unless one looks at the "large body of extra legal arrangements". He insists that "[w]hether we look at the world of industry, at the world of finance, or at the legal profession itself, everywhere we find the strength of extra-legal customs, etiquette, norms and sanctions, with the law itself in the background rather than in action."[40] It is this creative grasp of the many domains of the law, of the state law and the people's law, which constitutes the enduring strength of his contributions to comparative jurisprudence and entitles him to a rank in the annals of jurisprudence with Eugen Ehrlich and Roscoe Pound.

The essay on English and American law is a masterpiece, and will soon

36. *Id.* at 67.
37. *Ibid.*
38. See *supra* note 3 at 323-47.
39. *Supra* note 1, chapter 13.
40. *Id.* at 353.

find a place among the classics of legal literature. It offers a model of comparative jurisprudence scholarship, exemplifying the desiderata for doing comparative law prescribed in chapters 11 and 12. This essay demonstrates the contribution to human thought, not just juristic thinking, which comparative jurisprudence has the potential of making.

How does one explain the "survival of the English common law in America" ? This is a problem of reception more intractable to handle than the one of the reception of Roman law in Germany, Western Europe in the late Middle Ages. The author feels that the reception of Roman law has "never been difficult to understand" as it was a corpus of law "designed to serve the needs of a far flung commerce" which responded to the "social and economic needs of early capitalism."[41] The "Anglo-American situation", as he calls it, "offers far more difficulty and interest"[42] and offers an astonishingly rich "laboratory" for sociology of law.[43] The challenge posed by Kahn-Freund has been largely ignored by comparativists as well as sociologists of law, most of whom are now unfortunately adverse to grand questions of jurisprudence and believe that their task begins and ends with micro-empirical studies of the law in action.

Be that as it may, the principal contribution of the author's analysis of English and American law, aside from the critical theoretical question raised above, is to show that ultimately one has to look to the "real contrast of ideas, ideas on what the law can do and on what it should be asked to do."[44] The ideas and attitudes towards the role of the state law in relation to community mores, despite the commonness in the pursuit of advanced industrial capitalism in both countries, do indeed decisively contribute to an understanding not merely of legal system but also "mainsprings of social action and behaviour".[45] Whereas English law "has always been and is today a substitute for insufficient mechanisms of adjustment in society itself", the American law has been a more active agent of social change.

At the same time, the author also demonstrates the errors of blanket generalization. The American law continues to provide, for example, "the most incongruous setting in the world for a drama in which the father appropriates his childrens' earning." The American and English laws differ fundamentally on the issues of father's right to child earning and support obligations. As he charmingly puts it, that "the parent's right to appropriate the child's earnings is utterly out of tune with the facts of our time, with the place young people occupy in society, with the structure of most contemporary families, is a truism one hesitates to put to paper." It is clear that an obsolete legal principle and attitude continues to

41. *Id.* at 324.
42. *Ibid.*
43. *Id.* at 323.
44. *Id.* at 354.
45. *Id.* 353.

flourish in America despite the much vaunted social responsiveness of American judiciary. Kahn-Freund provides other similar striking examples from the areas of the liabilities of railway companies and conflict of laws.

The emphasis in doing comparative law and jurisprudence is both on mastery of technical legal development and a sensitive grasp of history, culture and economy in their various phases of evolution. A comparativist is thus a truly learned man who acts on the maxim : "In comparative law it is the destiny of boundary stones to be kicked aside."[46]

V

The essay on legal education (chapter 14) makes some very fundamental points which would be of relevance to the continuing debate on the objectives of legal education and its reform in India. Law teachers have less reason, the author reminds us, than other social science teachers to confuse "a professional education with a vocational training."[47] Education is not merely "training"; rather, it involves formation of personality. With this we all agree. But among the principal purposes of education is the instilling in the student "the desire and the capacity for critical thought..., that is the courage to form and express a reasoned opinion without any fear of a so-colled 'authority'." But, on the other hand, authority is "a concept which looms large in the thinking and practice of lawyers everywhere." The author suggests that "legal authorities" occupy "in our field the place which Aristotle occupied in the philosphical thinking of the earlier Middle Ages...."[48]

So, there is inherent in the idea of legal education "a contradiction which cannot be argued away" : The student has to be taught, at the same time, to accept authority as well as to critically question it.

Of course, this "contradiction" depends on the nature of legal authorities involved. If the sources of the positive law are impersonal representing "an anonymous tradition or...the will of an anonymous legislator"—as was the case with the received Roman law—the task of critical questioning in law schools either takes form of a "legal science" or "legal philosophy", both involving an "appeal to the reasoning power" of the student.[49] We might add that this too is the case with revealed or religious law such as the Islamic law or the classical Hindu law where the law develops through reasoned commentation by those qualified to do so.

If, on the other hand, the nature of legal authority is not just the legislative text but judicial decisions, acceptance of authority can still be reconciled somewhat with its critical questioning. One may still not ask the question, "how would the courts decide?" But as suggested by the author, the question "how would you decide?" is certainly one that ought

46. *Id.* at 287.
47. *Id.* at 361.
48. *Ibid.*
49. *Id.* at 362-63.

to be raised in the classroom. Unless such a question is asked, education as education and education for a profession would not be attained.

But the author transcends the "contradiction" between acceptance of the authority and development of a critical temper by highlighting the fact that judicial decisions might themselves be inadequate pursuits for legal education. He rightly insists that litigation is "a pathological phenomenon in the body politic." The reported cases are "the cases of the most serious diseases, and the leading cases are often the worst, and least typical of all."[50] Therefore he asks :

> Is legal education based on case law not like a medical education which would plunge the student into morbid anatomy and pathology without having taught him the anatomy and physiology of the healthy body? More than that, is the concentration on decided, and especially on reported, cases not like a clinical education which would enable the doctor to diagnose and to treat some complicated brain tumour without ever telling him how to help a patient suffering from a simple stomach upset?[51]

Concentration on "complicated case law" results in the "neglect of simple situations in which the law exercises its normal function of...'social engineering'."

Learning to look beyond "the complex situation... discussed in class" thus required critical thinking not directly related to the question of acceptance of any legal authority. The writer could have gone further and said (but he does not do so) that the legal authorities—be they the constitutional or the legal texts or judicial decisions—do not always solve the problems of the people but are often addressed to the solution of the problems of the managers of the people. In other words, legal authorities represent the exercise of political authority, and the obedience to law is ultimately an obedience either commanded or deserved by a political group or a regime in power. It is characteristic of the author, as noted before, that he does not wish to go so far. Perhaps, the reason is that he wishes to maintain a distinction between *critical* legal education and *subversive* legal education. When critical thinking becomes subversive thinking, it is indeed a matter where opinions are bound to differ in each context. But so long as the distinction between critical and the subversive education is maintained, there is indeed no escape from the contradiction inherent in legal education to which the author painstakingly draws our attention.

Whatever may be said concerning legal education in the advanced capitalist societies as Europe and America, it is clear to this reviewer that in India and in other Third World societies legal education which fails to

50. *Id.* at 364-65.
51. *Id.* at 365.

foster the devotion of the critical intellect to an unmasking of the abuse of power, governmental lawlessness, administrative deviance and executive tyranny cannot be said to be education at all in the sense of formation of personality of the student. If sensitivity to injustice does not figure at all on the agenda of the legal education, and if sustained attention to uses of law to combat injustice and exploitation in society is not imparted in classroom, then one may well ask whether legal education, in the context of the Third World societies, is any more than vocational education.

The author justifies university education in law on other distinct grounds. One is that only universities can provide what he calls "general legal education". The general legal education includes methods which go beyond "the things to which lawyers earn their living." As he puts it:

> The Rule against Perpetuities is more important to him than the National Assistance Act, and the details of *certiorari* are more important than the organisation of the police forces. But for our student who should know what law does in society it is at least as vital to know about the law of public assistance as it is to know about perpetuities, and watch committees may be more important in this context than administrative remedies. Marraige is a more important legal institution than divorce, whatever the practitioner at the Bar may think about it. That "general legal education" which I have mentioned can be transmitted only in a university and nowhere else.[52]

The other important justification for university education in law is that the university does make law intelligible, primarily through the writing of textbooks, considered "as an inferior occupation" by many. He reminds us that the textbook writing has a great influence on the "structure of the law". He refers in this connection to the great labours of publicists like Gaius, Pothier, Savigny, Stephen, Chalmers and Pollock. Good textbooks achieve reform of the law at least by clarification of the existing law.

It is thus that Kahn-Freund attempts to resolve the conflict between authority and rationality in the structuring of legal education. Professional writing on Indian legal education can certainly profit from a close reading of his article, even if the result is one in which the Third World rationality questions the inherited wisdom of the West concerning the role of university education in law.

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52. *Id.* at 367.

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