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William Harvey Named Dean at Indiana

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"William Harvey Named Dean at Indiana" (1966). *William Harvey (1966-1971)*. 16.
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INDIANA UNIVERSITY
Maurer School of Law
Bloomington

William Harvey Named Dean at Indiana

**Completes study of Ghana.
Calls for research programs
on role of legal institutions
in emerging countries**

Professor William Burnett Harvey was named dean of the School of Law at Indiana University March 21.

Professor Harvey will also hold joint professorships of law and government and will assume his new position August 1.

Already a lecturer in the U-M School of Business Administration before receiving his J.D. degree at Michigan in 1949, Professor Harvey joined a Washington, D. C., law firm and taught at George Washington University before joining the Michigan faculty.

Specializing in contracts and contract remedies, he quickly expanded his interests to legal philosophy and the development of law in the new nations of Africa. His research and study in the new state of Ghana and in London led to his appointment in 1962 as director of legal education and dean of the faculty of law at the University of Ghana. His work ended in 1964 when he was one of six teachers deported by the government for "subversive activities."

Professor Harvey spent the academic year of 1955-56 at the University of Heidelberg, Germany, doing research in jurisprudence and legal philosophy. He has served as chairman of the Committee on Pre-Legal Education of the Association of American Law Schools and is a member of the Bar of the United States Court of Appeals for the District of Columbia Circuit and the Bar of the Treasury Department.

He is the co-author with John P. Dawson of Harvard of the text, *Cases on Contracts and Contract Remedies*.

Commenting on leaving the Michigan Law School that "has been almost the entirety of my professional life," Professor Harvey said his alma mater "is a great school, and I'm sure it has an even greater future." He expressed regret at leaving that he will not have an opportunity to work with Francis Allen, new dean of the School, "one



William B. Harvey

of the most distinguished men in our profession."

One of Professor Harvey's reasons for accepting the new responsibilities at Indiana is the opportunity there for developing programs and research on the role of legal institutions in less developed countries.

"American law schools, all of them," he says, "have been delinquent in coming up with a meaningful response to the phenomena of underdeveloped countries. Other social disciplines have been concerned; but law, thus far, has lagged far behind."

Professor Harvey's interest in "the legal aspects of nation building," as he calls it, motivated his recent book *Law and Social Change in Ghana*, published by Princeton University Press.

"I became convinced many years ago," he explains, "that we need, not archaic speculation about legal philosophy and political development, but rather, empirical data as to how law actually operates in society, how certain value acceptances become incorporated in the legal order."

In this connection, Professor Harvey turned to the new societies "where people were first getting the reins of government into their hands. Thus, the pilot study from which the book evolved was undertaken in 1959."

He admits the book came out considerably different from his first expectations.

"I begin with a whole set of false

hopes regarding the materials and research methods which could be used. There simply had not been the serious scholarship on institutions in Africa, and Ghana specifically, that would satisfy a lawyer. The work by anthropologists was not centrally concerned with legal institutions but as simply one facet of the life of primitive people. The data very frequently lacked the detail that lawyers would look for.

"Full use of modern social science was simply out of the question. In the first place, outside investigators are viewed with too much suspicion. Secondly, the types of indices of community sentiment we employ in sociology just aren't available in Ghana. For instance, the only publications are those controlled by the government and the dominant political party."

The book traces the development of public law institutions in Ghana over three periods. "I wanted to view, over a period of time, the modifications of the indigenous system by the Colonial experience and then further modification by independence and African government."

The book was not written as a professional lawyer's book. The emphasis is on what society does to shape law and what law does to shape society. Anyone who writes about Africa, of course, is committed to writing history. Within five days of the book's publication, the government of Ghana fell, and there was a change of central actors in the play. But a legal system is not wiped out overnight.

"From the standpoint of legal philosophy, it was my hope that any general insights would have validity not only for Ghana but also for other societies," Professor Harvey said.

The principal poles of competition Professor Harvey notes in Ghana are: nationhood vs. a larger organizing unity, individualist vs. collectivist values, democracy vs. aristocracy, and forces of stability vs. forces of change.

"The only surprise," he notes, "was to discover the extent to which democratic and individualistic values ^{had} been given expression contrary to the public statements and impression of the Nkrumah government."