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an introduction to the legal system in east africa

william burnett harvey



William Burnett Harvey is Professor of Law and Political Science in Boston University. He has served as Professor of Law in the University of Michigan (1951–66) and Indiana University (1966–73), and was Dean of the Faculty of Law of Indiana University from 1966 through 1971.

Professor Harvey has been interested in African legal development since the 1950s. From 1962 to 1964 he was Professor of Law and Dean of the Faculty of Law in the University of Ghana and served simultaneously as Ghana's Director of Legal Education. The current book grows out of his period as Visiting Professor of Law in the University of Nairobi (1971-72).

In addition to numerous publications in legal periodicals, Professor Harvey is the author of Law and Social Change in Ghana (1966).

The evolution of the legal institutions of a society reflects the power balance among its constituent groups and the interests they pursue. Once established, however, the legal order possesses great stability and does not yield readily to pressures for change of even that magnitude engendered by the end of European colonization in Africa and the advent of sovereign African states. This book explores the development of the legal institutions of Kenya, Tanzania and Uganda and the beginnings of their adaptation to the imperatives of independent nationhood.

The book is designed primarily for students beginning the professional study of law in the three countries of the East African Community. It treats the structure and processes of the legal order in historical perspective and encourages the students' critical reflection on the responsiveness of these institutions to the development aspirations of the countries today. Since the book does not assume prior knowledge of law, it may be used for teaching or reference in any programme of study in which the legal order of Angolophone sub-Saharan Africa is relevant. With minor supplementation to cover local differences, it may also be used for introductory legal system and process courses in the law faculties of other African countries within the English common law tradition.

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