Legal scholarship in East Africa during the last decade or so seems to have undergone two important phases. The first, which ended roughly in 1970, saw the proliferation of a basically regional approach to research and publication. This was not at all surprising. The common heritage of the East African legal systems, as well as the fact that the Faculty of Law at Dar es Salaam was still the only center for legal studies, made this macro-level approach pragmatic and inevitable. But there was another factor. Many expatriates who held teaching positions in the Faculty also tended to define their research...
interests in rather global terms, quite apart from the con-
straints already explained. Since 1970, however, scholarship
has moved into a phase that emphasizes national-level analyses
of specific aspects of law and legal regulation. The explana-
tion is not simply that there are now three separate law facul-
ties within the region, each concentrating on the problems of
a separate country. There is a feeling among many East Afri-
can scholars now that a more disciplined focus on micro-level
issues may yield a better literature than that which presently
exists.

William Burnett Harvey's massive 902 pages is, for reasons
that will be explained later, a classic example of the first of
these two phases. The book consists of a collection of reading
materials on the legal system in East Africa, co-ordinated by
a series of introductory notes at the beginning of each chap-
ter. In this, the book follows the dominant trend in pre-1970
scholarship, the drive towards the publication of reading ma-
terials rather than monographs. The primary motive for this
was to put together source-books that could be built upon as
legal education grew and became more established within the
University community. But the emergence of source-books was
also a function of the way in which the intellectual back-
ground and approach to legal education among expatriate teach-
ers shaped the nature, content and style of the works that they
produced. This was particularly conspicuous in relation to
work by American teachers in East Africa. Their methodology
style of presentation and theory of learning was markedly dif-
ferent from the English approach that dominated much of Uni-
versity education. The tendency towards the socratic (quest-
ton-and-answer) method of teaching and the emphasis on self-
learning techniques among the students themselves tended in
the case of American scholars to manifest itself in the form
of source-books. Harvey's book is part of that tendency.

The purpose of the book, Harvey explains, is to enable
the students to step back from the details of rules and doc-
trines to develop a perspective of the legal order as a sys-
tem and a process. In other words he sees his work essential-
ly as an aid to socio-legal investigation and a stimulant to-
wards more intelligent enquiry. Without questioning whether
the book succeeds in achieving any of these values, I would
like to raise several other issues that are of importance both
in terms of the book's coverage and the future of legal schol-
arship in East Africa generally. The first relates to Harvey's
arrangement of chapters and themes. He starts with legal ed-
ucation, then proceeds to structure and process of civil (how
about criminal?) litigation, nature of law and its social
functions, the sources of law, the role of precedent and fi-
nally the interpretation of litigation. This order is puzzl-
ing. It reads as if the author started from the middle and
worked himself to an unspecified beginning. Where is the the-
etorical construct that explains that order or ties it all
neatly together? Shouldn't he have included a chapter on the
nature of a legal system - as opposed to the nature of law?
The student may well be baffled by it all since at the end of the year he may not separate a course on legal systems from a poorly taught course on substantive law areas. My hunch is that these are the topics which Harvey covered when teaching at the University of Nairobi in 1971-72 and the order in which he taught them.

The second issue related to the content of the materials Harvey has selected and its relevance to the study of legal systems in East Africa. In this respect I must commend Harvey's painstaking effort to include East African materials in his Shopping List. But that List also contains important foundation readings which describe situations that may be extremely different from our own. What this means is that the burden of contextualising such readings must rest heavily with the teacher even though Harvey poses pertinent questions at the end of each reading that are of valuable assistance. Harvey will probably agree and justify these readings on the grounds that there are no local materials on the subject. That is true, and it points to an important issue that future scholarship must take into account. That is what the publication of a source-book such as this merely highlights the need for serious research in these areas. A book of readings must not be treated as a substitute for the kind of work that "second phase" scholars are beginning to get into.

The final problem relates to the audience which Harvey's book is likely to reach. The book runs 902 pages and originally cost the astounding sum of Sh. 218/= (approximately $27)! Even at Sh. 150/= (approximately $18.50), the market for the book is practically reduced to libraries. This factor alone will greatly reduce the utility of the book. The question that may be posed to the publishers (and Harvey's is only one among many) is whether the size of publication and the pricing are not in the end counter-productive. It might be a lot better if they promoted monographs based on solid research rather than massive collections of materials which must eventually be superseded by the former. What is being called for here is not an "extra/or" policy but one that is likely to shape scholarship in the direction of a more permanent contribution to the understanding of legal phenomena in East Africa.