



University of Ghana Law Journal, Vol. 1, No. 1, 1964, Edited by ROBERT B. SEIDMAN (Sweet & Maxwell, London, African Universities Press, Lagos) 74 pp.

The Law School of Ghana was founded in 1961. In the following year Legon Law Journal appeared, edited mainly by a student group. This first volume of the University of Ghana Law Journal is the result of those pioneering efforts.

The Journal begins with a foreword by the Dean, Faculty of Law, followed by a message by President Kwame Nkrumah to the first lawyers enrolled at the Ghana Bar. The objective of such an addition to the legal literature is primarily to analyse the Ghanaian legal development and to show how far, in the post independent era since 1957, the judiciary in Ghana has departed from the traditional Common Law impact and has upheld the dignity, freedom and social value of an individual in the light of country's economic development.

Dean Harvey, in his article,¹ refers to various enactments, reports and important cases and excellently places before the readers how the law in Ghana has developed through stages in the varied aspect of human life, namely, how the customary law existed with the common law, how the imperial power addicted to and interpreted the idea of legislative supremacy, natural justice, equity and good conscience, and what changes it brought ultimately after the country adopted the Republican Constitution in July, 1960. The learned author throughout lays emphasis that the law should be a tool of social order protecting fundamental decencies and that the judiciary, while interpreting the laws and the Constitution of the country, ought to realize the social needs and values within the community. Professor Woodman, through the medium of comprehensive case law, very well presents the position under customary law regarding the alienation of land property in Ghana. He seems to take the view that the law on the point is still in a fluid state.² The journal under review not only deals with civil law problems but also introduces the readers to an aspect of the Ghanaian Criminal law. Insanity is no doubt a defence in Ghana under its Criminal Code, 1960, but the author, Editor Seidman, with his expert knowledge of the English doctrine of *Mens rea* and M'Naughten Rules, which reflect the philosophical dilemma of a criminal mind, acquaints the readers with the

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2. P. 23.



reforms brought about through s. 27 of the criminal code to those rules by rejecting their Psychiatric foundations.³ The Rule of *Stare decisis* in the Supreme Court of Ghana is best illustrated through a comparative study of the problem. What actually is the rationale behind the English doctrine of *precedent* and to what extent the principles derived therefrom have been followed in common law countries, are logically summarized by Mr. Asante.⁴ In addition to these informative articles, some thought provoking comments on problems relating to law of Crimes, Evidence and Tort also feature in this number of the Journal.

The authors have commendably succeeded in their efforts in bringing out an analytical survey of the legal development of Ghana. It is worth pointing out that a thin journal of 74 pages contains a good amount of valuable information. A Journal of this kind should be considered on its merits as an effective means of instruction, useful for students as well as lawyers. But one cannot fail to realize that the Journal devotes itself fully to discussions on Ghananian Law. The reviewer hopefully anticipates the second issue of the Journal in which there will be time and space for legal problems relating not only to Ghana but also for problems which have a wider impact on its neighbouring countries.

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3. P. 42.

4. P. 52.

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