

Book Review:
An Introduction to Zimbabwean Law
Author: Madhuku, L.

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REVIEWED BY: NYANGA TAKUPIWA

The text introduction to Zimbabwean law is a compilation of the author's lecture notes for introduction to law, a course which he has taught at the University of Zimbabwe for several years. The author used his teaching experience and his experience in carrying out consultancy work to give the text a strong practical and theoretical background, which is very good to readers since it provides them with a wide coverage of conceptual and practical issues relating to law practices in Zimbabwe and else. To arouse the interests and build confidence of readers, the author started by giving his auto- biography where he cited his academic and professional achievements. The author's auto- biography clearly demonstrates that he is an experienced researcher, scholar, educationist and consultant. It is always important for authors to provide information about themselves so that readers will know the author's expertise and experiences.

The author is also commended for managing to effectively collapse his teaching notes, marrying them with practical examples to produce a book that is intended for the beginners in law studies and other non-legal practitioners who have interest in understanding the law, law making process, law enforcement systems and the repercussion of failing to adhere to national laws.

The text comprises of nine (9) chapters with sequentially and logically presented ideas, and concepts. In the first chapter the author discussed conceptual issues relating to law and provides general over view of the text. Terms such as law, legal system, morality, justice, legal right and legal personality were explicitly explained and differentiated. The relationship between law and morality and law and justice were fully explained. The explanation of terms assists readers to grasp concepts without difficulties. The author is also applauded for providing the conceptual framework that provides the reader with a clear understanding of law and a clear distinction between law and morality. A clear outline of the purpose and functions of law were also clearly outlined.

Chapters 2, 3 and 4 effectively cover important issues relating to sources of law, divisions of the law and the law making process. The text provides useful information regarding to sources of law. The legislature, custom, judiciary and international law were cited as the main sources of law in Zimbabwe. Various divisions of law such as criminal law, civil law, public law and national and international law were explicitly explained and backed by illustrative examples. The text also did well to give full details of the law making process, explaining the role of the state organs, the legislature, the executive, the judiciary and other key organs in the law making process. Most importantly the author outlined the whole law making process in parliament starting from the pre-bill stage right to the passage of bills in parliament. The legislature is the most active law making organ in Zimbabwe hence the author did extremely well to give readers full details of the role played by parliament in the law making process.

The fifth, sixth and seventh chapters examined the implementation of law explaining the law enforcement organs, giving details of roles of each. In chapter five, the author gives a rundown of the levels and types of courts in Zimbabwe starting from the lowest right to the Supreme Court. For each level and type of court an effort to explicitly explain the composition and jurisdiction of each was made. A distinction between criminal and civil courts was also given. Chapter six deals with legal profession issues, covering admission of legal practitioners, the legal training after registration and discipline for professional misconduct. To further equip the readers with law enforcement skills, chapter seven which is the longest of them all provides a clearly defined outline of court, civil and civil trial procedures. As if that was not enough, chapter eight explains the legal aid systems. The author covered both the old and new systems of legal aid. Reference to English and South African legal aid systems was made, which provides readers with a good comparison of what is

provided for in Zimbabwe with what is provided for elsewhere. The last chapter deals with statutory interpretation. It explained the objective of interpretation rules of statutory interpretation. The interpretation rules that are covered include the following; literal rule, golden rule and mischief rule. The internal and external aids to statutory interpretation are also covered. Reference to the tools of statutory interpretation, for instance the interpretation Act chapter 1: 01, Historical background, treaties and international conventions was made.

The author is further commended for providing readers with a strong theoretical framework of law, which makes them have a strong foundation of the discipline. For instance the text used the natural law theory and positivists' theory to distinguish law from morality. The mark list theory was also cited. Since the text is mainly intended for beginners studying LLB degree a strong theoretical foundation becomes fundamental. The author is also applauded for backing the theoretical framework with legal instruments that are currently in force in Zimbabwe, for example the Labour Act (chapter 28: 01), criminal law (codification and reform) Act (chapter 9: 23), Customary marriages Act (chapter 5:07), just to mention a few. He also used local and international case laws to drive home concepts, for instance the prominent English case of *Corbott v Corbott*, American case of *Riggs v Palmer*, and Zimbabwean cases of *Ministry of lands v commercial farmers Union*, *Hama v National Railways of Zimbabwe*, *United Bottless v Murwisi*. The practical perspective employed by the text puts readers at a strategic position to easily grasp concepts. The practical approach also helps to collapse and simplify legal issues, which are usually regarded as complex and difficult to grasp into understandable units. Of great appreciation and acknowledgement is that the author managed to simplify issues without compromising on quality. The author is therefore commended for managing to effectively marry the theoretical and practical aspects of law in Zimbabwe.

The author is also applauded for managing to reach both legal specialist and non-legal specialist readers. The author used relevant legal language, which he later explained in simplified terms so as to accommodate non-law specialist readers. For example on page 21 ratio decidend (reason for decision), intravires, ultravires, arbiter dicta terms were used. A simplified version of the Latin terms was given as a way of accommodating the non –legal specialists. While he managed to meet the needs of the non-law specialist readers he also managed to keep the tempo high for the legal specialist readers. The author is also applauded for explaining key concepts such as lawyer (page 84), discovery (page 110).

Since the text is intended for University students, academics, legal practitioners, the text is commended for providing a reference list after every chapter where readers can refer to, for further reading and cross examination of ideas. The provision of a reference list raises readers' appetite to want to read more about the concepts because the author acknowledges that his text is not the only 'biblical truth' to law. Readers are referred to other important sources where they can acquire more information with regards to introduction to law.

Although the text's nine chapters are standalone chapters they however feed into each other. There is a pervasive theme that is carried from one chapter to the other. Reference is also given to previous chapters which keeps the reader updated of the already covered issues.

All in all, the author, to a greater extent realised his goals of equipping readers with information relating to law, by providing a comprehensive coverage of issues concerning the conceptual frame work of law, law making process, court structures, legal systems and legal aid systems in Zimbabwe. However there was considerable inconsistency in the presentation and layout of information. For example in other instances bullets were used to itemize points while in others figures were used. The author could have employed one uniform system of itemizing his points. However, looking at it from a different view point, the differences in layout maybe regarded as motivating tools that are meant to keep readers aroused and interested. The chapters could also have been concluded by giving a summary of key issues which could have assisted readers to consolidate and solidify concepts. Despite these observations, this is an important text which provides researchers, practitioners and law students who want to have an in-depth understanding of law with adequate and accurate information.

Nyanga Takupiwa

Great Zimbabwe University

Masvingo

Zimbabwe

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