

FIRST ANNUAL REPORT FROM THE DEAN
For the Year 1956 E. C.

By
James C. N. Paul
Professor of Law and Dean
Faculty of Law
Haile Sellassie I University

The Board of Editors has suggested that each volume of the *Journal of Ethiopian Law* should contain a report from the Dean of the Faculty of Law of Haile Sellassie I University so that future generations may have access to an accurate version of the history of their institution. In this respect we shall list only what has been done and perceived within our first year of existence 1956 - E. C.

In December 1961; His Imperial Majesty Haile Sellassie I declared, upon the occasion of the first Convocation of Haile Sellassie I University:

"We would ask for the immediate founding of a Faculty of Law, where our own students may be trained to enter the legal profession... Our Empire has need, in its government and its commerce, for well-educated lawyers and particularly for those who have been trained in their own University, in their own codes and customs."

On September 23rd 1963, the Emperor, as Chancellor of the University, formally dedicated and opened the Faculty of Law, and a new University center for legal education was launched.

THE NEED FOR A FACULTY OF LAW

Only a limited number of Ethiopian citizens have yet received professional university training in law. The need, now, to increase this supply of human resources, in our opinion, is a matter of the highest priority, a very significant task confronting the university.

Ethiopia can rightly boast a venerable and rich legal tradition; Ethiopia can rightly boast a modern legal system: a new Constitution; codes in the area of criminal law and procedure which reflect modern concepts of penology and the use of the rule of law; to secure fairness and human dignity in the administration of criminal law; modern codes in the areas of civil, commercial and maritime law — legislation which is designed to facilitate, and indeed is essential to, continuing economic and social development.

But complex, written law, to be effective, requires capable human resources for its administration. The more "modern" and thus sophisticated laws become and the more complex a society becomes, the more urgent the need for these human resources. To make her modern legal institutions work, Ethiopia must produce a far greater number of broadly educated, well-trained lawyers.

The effective administration of justice is not a luxury which can wait upon other aspects of development; it is as important as hospitals, roads, and schools. I believe effective administration of justice is important for three basic reasons: first, because it

is right in the abstract; second, because without it a society can be undermined; third, because it is an indispensable tool for the development and improvement of social institutions. All societies, I believe, are only in the process of developing the administration of justice — simply because justice is probably the hardest concept to define and administer in this world and because that task is perforce utterly dependent on a kind of human integrity, wisdom and mental discipline which mankind so often lacks. All societies have, in a sense, under-developed systems of justice, but I believe, it must be a matter of deep concern when the gap between a sizeable and impressive body of law on the books and the supply of professionally trained lawyers to help implement it is wide.

Lawyers are needed in Ethiopia, not only to staff the courts and provide legal services in the traditional sense. I believe lawyers are needed for other vital roles in the process of rational development. In terms of Ethiopia's Five Year Plan, "development" means, among other things: the conception and implementation of land reform laws and other legislation designed to spur agriculture and utilize land resources; investment and banking arrangements; the assembling and condemning units of land for highways or airports or mines or agricultural plantations; various kinds of new welfare legislation; an expanded, efficient revenue system. Development means expanded economic activity, and that means an increasing amount of contractual negotiations with foreign business concerns and foreign governments; the development of techniques for efficient arbitration; legal negotiations between business concerns; the drafting of charters of organization for all sorts of enterprises. Modernization inevitably entails specialized legislation and administration, careful drafting of laws and regulations. And the doing of all these things calls for the use of special skills which only come through intensive, disciplined legal training. As so many of the meaningful texts on "development" so graphically teach, "development", no matter how defined, simply does not come without human resources to provide these skills.

Finally, there is the still broader role which lawyers should play in a society which would live and develop under the rule of law; they are — or should be — men with civic awareness and a keen civic conscience. Ethiopia has a rich tradition of respect for law as the means of solving disputes. The need to make that tradition serve modern demands and work in a changing society is surely of the essence.

SOME PROBLEMS IN FORMING A FACULTY OF LAW

There are many interesting problems in organizing university legal education in Ethiopia.

A significant difficulty confronting us derives from the diversity of sources of Ethiopian law, coupled with the diversity of languages relevant to its study and the paucity of published materials analyzing and explaining this modern legislation in depth.

Substantial areas of Ethiopia's private law are now patterned upon the Civil Law system: thus, effective teaching in these areas calls for a knowledge of continental law and a reading proficiency in French by all teachers. Other areas e.g. procedure and public law are more patterned on Anglo-American concepts, and the sources of law and thus teaching in these areas calls for expertness in that system. Other areas e.g. law dealing with land and family relationships require understanding of traditional institutions as well as foreign law. The effort to understand relationships between law and economic develop-

FIRST ANNUAL REPORT FROM THE DEAN

ment has only recently been undertaken in a systematic way in the world of legal education and it presents for us an important new field.

Amharic is the official text of the law, the text of most court records, legislative proceedings, and other materials we must study as well as the language of the law in action; French was the language in which the draftsmen of many of the codes thought and worked and is thus the language of much basic source material; English is the language of instruction for higher education — and thus of “thinking” in the Law School. This means we must help students develop a new proficiency in communication and conceptual thinking in English and thence Amharic; we must require a reading proficiency in French, to secure additional language tools needed for the job; and, further, we must learn how to bridge unique and interesting gaps and differences between each of these languages in analyzing those provisions in the law where the texts may differ, as inevitably they do in their formulation of some concepts, or in the more minute details of translations.

Finally, it must be reiterated that there simply are no ready-made texts, commentaries, court reports or sourcebooks on Ethiopian law. In this respect our situation differs from most other countries in Africa which have “received” foreign legal institutions. So our teachers must work up their own material, both text books and case books — a job made more difficult since there are yet no published materials on the legislative history of the codes, few published court decisions, few other secondary materials at all.

These factors combine to pose very unique problems in requirements for faculty selection, in the emphasis we must give to research, in the problems of planning a curriculum. To meet these problems, it is desirable, to the extent non-Ethiopians are enlisted on the faculty, that there be a diversity of backgrounds and expertise among foreign staff; it is also very desirable, especially in the formative stages of an institution, that there be effective communication and team work by the faculty. Curriculum planning, improving teaching methods and co-operation in research, depend upon shared ideas, excitement, easy communication and the sense of a *joint* venture. The Faculty must thus be both diverse and integrated in various subtle ways.

There are problems which derive from the peculiar nature of the impact of legal education on students and the development of effective teaching methods and relationships. The essence of university legal training is teaching men how to analyze and reason — and *thus* learn how to use legal materials. The lawyer’s work, be he judge, advocate or counsellor, calls for skills at problem solving, precise identification of issues and the competing arguments and other interests bearing on resolution of those issues, a sense of procedure and its importance as a device to assure fairness and full consideration of an issue, and, finally, the skill of communicating clearly and effectively. While a good lawyer must have a vast fund of information in his mind — knowledge of content of written sources of law — this information can be dangerous when it is not coupled with the skills depicted above. Thus, the process of legal education must be the very opposite of rote-lecture learning. Students must, in class and in their total experience here, learn to analyze and argue issues. Students must painfully learn that mere repetition of what they have read is not at all the purpose of a class or written exercise. They must learn that law has, sometimes, an illusory certainty. They must learn to educate themselves. They must learn that laws are the solution of social problems, the expression of social policies. They must study law in this context. This is a difficult process — particularly here where so much of the law is relatively new.

Law study, as a form of disciplined problem analysis, is thus a frustrating experience to every novice law student for there is almost a psychological urgency in everyone to

know, or feel, that somewhere there is always a single "right" answer to every legal problem, and to be told what it is. But many legal problems have no certain answer, and many require both deep study and hard thought. Teachers are not in fact infallible legal oracles and do disservice when they pose as such. Thus the truly challenging problems developed in class discussion are often left dangling; student arguments are often criticized and seldom accepted without further challenge. This confrontation with uncertainty and use of "socratic" methods frustrates many students at first — especially when the process comes as quite a new educational experience. Students must also learn to write papers — which are rather mercilessly criticized — from syntax to substance — and which must be re-written and re-written. They must learn to criticize their own work. That too is frustrating. Thus, the first year of law school is the hardest. There is a difficult psychological as well as academic adjustment. But students also gradually learn that it is the year in which those who do immerse themselves in law and do work hard and do enjoy-it also begin to develop a new outlook and esprit which becomes exciting to them and which permits far more sophisticated study in the future. They become lawyers — members of a profession. That I believe is happening here. It is exciting.

The Faculty has much to learn in meeting these problems in the present context. We profited greatly from a team of external evaluators who spent many days here at the end of last year, going over course materials, reports from Faculty, examination papers and other matters. Such external evaluation will, of course, be continued as an indispensable tool to the achievement of academic excellence. We can, however, take modest pride in the first year's "test"; we can profit from many mistakes.

THE LAW LIBRARY

The center of law study is the law library. Just as chemists cannot work without test tubes and doctors without medicines, so lawyers must work with books and the ideas which come from books. Books are the essential tools of our profession. Thus, in the library the student comes in direct contact with the sources of the law—codes, statutes, decrees, decisions of courts and the writings of many legal commentators who have thought about these things. It is here that he engages in the individual research and further study which is not only necessary to law study, but is what he constantly will be doing when he is a lawyer, irrespective of the particular path which his legal career takes.

With the help of a grant from the Ford Foundation, the Law Faculty has developed the framework of a law library, which, it is hoped, will be useful, not only for the academic study of law, but for the future needs of Ethiopia's legal profession. At the end of the academic year 1963-64, the law library contained a total of 5,000 volumes, all properly indexed and shelved. We are most grateful to all the donors — foreign governments, universities and individuals whose substantial gifts have enabled us to acquire materials we need. The library is staffed by a full-time librarian and student assistants. A professional law librarian is serving as library consultant in helping us identify and buy the books we need. The library contains a complete set of the *Negarit Gazeta*, numerous copies of all of the Ethiopian Codes, and other materials that have been published on the law of Ethiopia; it contains sections on African law, the Common law, Roman law, Civil law and international and comparative law. In addition there are many leading textbooks, treatises, legal periodicals, case reports and a great variety of materials dealing not only with the law, but with the social sciences.

FIRST ANNUAL REPORT FROM THE DEAN

THE HONOR SYSTEM

Students who enter our law school seek to enter a profession. It is a profession where honor is prized and is practiced as a matter of course. In recognition of this the students in the Faculty of Law have voluntarily put themselves under an Honor System—a system where they trust themselves and are trusted by others to be truthful, just and scrupulously honest in all their dealings with the Faculty. Examinations are conducted under the Honor System and are not proctored. Students are left on their honor not to give or receive aid, nor to use any assistance not authorized by the instructor. Similarly, students are on their own honor with respect to all other standards of conduct expected of all members of the Faculty of Law.

The Rules of the Honor System were drafted by the students in consultation with the Faculty and are administered by an Honor Board chosen by the students. The Board deals with charges of violations of the Honor System and recommends appropriate disciplinary action to the Dean.

THE LAW STUDENT ASSOCIATION

As befits future members of the legal profession, students in the Faculty of Law have their own governing body. Representatives elected by the students meet with the members of the Faculty to discuss various law school matters. The Association has adopted regulations relating to the Honor System, proper library conduct, the taking of examinations and other rules. The Law Student Association also has presented a number of important functions during the year and sponsors an annual Law Day, at which the Moot Court finalists argue a case before a court consisting of members of the legal profession. With the increase in size of our student body, the Law Student Association, hopefully, will become an active professional body interested in problems of law and legal development in Ethiopia.

PROGRAMS OF INSTRUCTION

(a) *The Full-time 3 year LL.B. Program.*

We accepted 21 applicants as full-time LL.B. students. The minimal entry requirement was completion of 2 university years of study plus a high overall academic record which demonstrated that the applicant had an adequate breadth of study and had demonstrated superior academic ability. In fact most of those admitted had completed more than this minimal period of studies, and many have had considerable practical experience. Three years of instruction are required for the LL.B. degree.

(b) *The Part-time 4 year LL.B. Program.*

As a temporary project; we enrolled 40 students as LL.B. candidates in an evening course requiring four years for completion. The purpose was to permit persons qualified for admission as LL.B. candidates, but who held responsible positions which they could not forsake for full-time study, to try for the degree. In all essential respects the evening program is the same as the day. The same materials are studied, the same examinations are given, and all are graded together, anonymously. The evening program puts vigorous demands on those who undertake it. There has already been a substantial attrition, there may be more. But the rewards won by those who stick with the course will

be, not only personally beneficial, but a genuine contribution to the development of the profession in Ethiopia.

(c) *The Law Certificate and Diploma Programs.*

Early in 1962 on the initiative of some of Ethiopia's university-trained lawyers, a program of extension instruction in law was established. This program is now a part of the Faculty of Law. Instruction is in Amharic. The course consists of two and one-half years of part-time attendance, and upon successful completion of the course the Certificate in Law is awarded. The curriculum consists of courses in Constitutional Law, Civil Law, Penal Law, Procedure and Commercial Law.

Candidates for admission must be fluent in the Amharic language and satisfy the Admissions Committee of the Extension Law Program that they are capable of benefiting from the course.

The first group of 200 students successfully completed the course in July, 1964. Members of the Parliament, public officials, judges, advocates and other government officials composed the class. The graduation held this year, with His Imperial Majesty presiding, was a memorable and moving event.

In our first year we made the decision to broaden part time legal education further by adding our evening Law Diploma program. Teaching in this program is in English. The admission standard is liberal, but the course is intensive. At the beginning of this year we enrolled some ninety students in this program.

Finally I should report that in our first year, discussions were had on various occasions relative to the establishment of an extension program in Asmara. This year we have launched courses in Penal Law and Procedure there. Hopefully they mark the beginning of a full fledged Extension School.

LAW JOURNAL AND RESEARCH

The dearth of available material on Ethiopian Law cannot be overemphasized. Law cannot be understood and intelligently administered without commentaries to explain it. Ethiopia's written law is, to a substantial extent, *sui generis*; it draws on diverse sources which need to be studied if the law is to be understood; little of this work has yet been systematically undertaken. We have no commentary on the codes, no volumes of reports of court decisions, no basic manuals for officials administering law, no study of the myriad of important problems arising day to day: e.g. the settlement of accident claims; tax administration; land and business transactions; urban expansion; foreign investment; natural resource development; criminal law enforcement; administrative procedures; problems, practical and profound, which arise inevitably in a legal setting. There is little published information on the land tenure system and other legal institutions, which existed before the codes and which must be understood to appreciate new problems arising under the new codes. Ethiopians need to learn about their country's new constitution and its past traditions — if they are to be useful citizens for tomorrow. As a first step, members of the Faculty and other scholars and lawyers in the Empire have begun preparation not only of teaching materials, but of various other writings on Ethiopian law. In collaboration with the Institute of Ethiopian Studies, two monographs on land tenure have now been sent to the printer for forthcoming publication. Other material is on its way, and I look forward to the opportunity to announce completed projects in a later report.