

CHAPTER 8

LEGAL INFORMATION AND LEGAL DEVELOPMENT

SOME REFLECTIONS ON THE ETHIOPIAN EXPERIENCE

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This paper is an attempt to examine problems of creating information and methods of communicating it to facilitate legal development in third world polities.

By legal development, I mean conscious efforts to develop new legal structures ** as a part of a broader range of efforts to create other, new structures leading to social change. This task may often be especially difficult in polities characterized by absolute poverty on a large scale, pluralism, lack of infrastructure, extensive social stratification and social gaps, historic legacies of exploitation and economic (and other) kinds of dependency.

Information and communication systems may be necessary in order to create and disseminate knowledge and skills enabling both lawyers and "ordinary" people to develop and use legal structures. The development of legal information and communication systems -- as an aspect of legal development -- may also be especially difficult in those "third world" countries where there is a socio-linguistic and cultural diversity and a historic lack of political integration, no well developed lingua franca, massive illiteracy, an absence of a well established and widely known -- or shared -- official legal culture, an educational system which is distant from most people in social terms, weak institutions for mass communication and a lack of infrastructure to produce books and collect materials on law.

It is generally agreed among those interested in the subject, that the existing literature on legal development is a large but mixed bag. The same seems true of writing which focuses on needs for legal literature and other sources of information and modes of communication to aid legal development. There are works which show us why it is important to communicate laws to the appropriate addressees if the laws are to be implemented,¹ and there are some writings and bibliographical work which describe difficulties in achieving that objective, for example, linguistic problems, the absence of books needed to help judges and lawyers develop local law, the lack of resources to develop local legal literature.² But there are few case studies -- as opposed to aspirational claims -- which carefully analyze both experiences and issues to be confronted in developing legal information for purposes of legal development.³

This paper attempts to develop concepts of, and relationships between, legal information and legal development by focusing on experience in Ethiopia, a country which epitomizes the characteristics of "underdevelopment" described above. There were significant efforts directed towards "legal development" and the generation of legal information, and the "case study" is, perhaps, rich in suggesting questions about the assumptions and paradigms which underlay those efforts.

The first portion of this paper describes the development of legal structures in post-war, pre-revolutionary Ethiopia -- particularly during the 1960's, and to describe efforts to create a legal information (particularly a law-oriented literature) to further the kind of legal development apparently envisioned at that time.

The second portion consists of some observations which attempt to generalize from the Ethiopian experience. It reflects, in many ways, a classic example of attempts to create (albeit through the vehicle of an anachronistic regime) modern, western-style legal structures as a part of a larger process of social modernization -- to impose these structure in a polity characterized by conditions described above -- notably wide gaps between a privileged few and the mass of people.

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** By "legal structures" I mean: law conceived as a body of officially sanctioned by rules and norms; institutions which play distinctive roles in regard to law, e.g., in making or administering it, in training people to use it; processes for administering law (e.g., in courts, government agencies, police stations); actors who are especially trained in regard to the above. Thus, the development of information and systems of communication to supply needed knowledge for these actors, and for people generally to help them cope with legal structures, is the focus of the paper.

The third is a critique of this approach, attempting to look at legal development from the perspectives of the rural poor.

The fourth offers some concluding observations about approaches to developing legal information.

Ethiopian Experience

To use Ethiopia as a "case study" of almost any kind of socio-legal phenomena is a formidable task and a dangerous one for a foreigner (like myself) who was an active participant in the history described. Many Ethiopia-oriented scholars have been going through a period of agonizing reappraisal of received wisdom: earlier assumptions about the history and social institutions of this amorphous polity are now questioned, and there have been "discoveries" of striking new social perspectives, e.g., the importance of understanding the variety of societies -- and historic sub-polities -- which make up greater Ethiopia; the centrifugal, as well as centripetal, social forces at work in the modern state; "bottom-up" and periphery-center-oriented perspectives of problems of agrarian development as opposed to studies which look at these problems from the "center" through the perceptions of the government and the dominant elites and groups who, despite revolution continue to manage (or attempt to influence) the social environment of these rural communities.⁴ Perhaps better understanding of present problems and historical continuities can be gained by focusing on relationships and interactions between the institutions and programs of the central government and the people in the various, quite diverse, rural sub-polities of the country.

The Ethnolinguistic Diversity of Ethiopia. Historic Ethiopia -- the Semitic kingdom founded in the Ethiopian highlands, at Axum, allegedly by descendants of the unions of Solomon and Sheba -- is one of the world's oldest, continuing polities.⁵ Modern, "greater Ethiopia" is this polity plus an aggregate of many, historic sub-nationalities and distinct polities which were incorporated by conquest or co-option into an empire by kings and warlords of the peoples who claimed descent from the Axumite rulers⁶. Greater Ethiopia, today, faces problems of political integration as difficult as any of the new nations of Africa.⁷

The arid far north of the country (Eritrea) jutting along the Red Sea into the Sudan, is occupied by many small tribes; many of these people are nomadic herdsmen of cattle and camels, loosely organized. The region is now in rebellion seeking its independence. The mountainous north central and northwest regions are historic Ethiopia -- the homelands of the Tigre and Amhara peoples. The central part -- Shoa province -- was long ago occupied by the Galla who migrated throughout much of the south and west. But Shoa was later taken by Amhara warlords and the sub-kingdom founded there became, following the political decay of the north, the home of a new line of Emperors and the base of a revived empire. The fertile southern and western provinces were inhabited primarily by the Galla who differ widely among themselves in religion, style of life and political organization, and who differ in political tradition from the Amhara-Tigrean peoples. Other groups, the Gurage and the Sidamo, agricultural peoples, live in the fertile regions of the south and west. A huge part of Ethiopia, the East, which becomes very arid as one moves into the Ogaden, is inhabited by Islamic peoples, notably the Afar and the Somalis -- staunchly self-sufficient, nomadic peoples who were never well integrated into the social and political structures of the imperial state.

The Political Economy of the Ethiopian Empire. The modern empire was built by the aggressive expansion in all directions of the Amhara-Tigrean polity -- by conquest, treaty and migration. The most notable expansion, southward and westward, occurred under Menelik II who annexed the fertile lands of Sidamo, Kefa, and other southern provinces and eastern arid lands such as the Ogaden -- and then negotiated the existing boundaries of the country with England, Italy and France.*⁸

The Amhara-Tigrean polity was "feudal" in various respects. The mass of people in the highland provinces (of historic Ethiopia) were cereal-producing peasants whose claims to their lands derived from membership in a clan and the right to share possession of lands held by a common (perhaps mythical) ancestor. Communities and regions of peasants were governed, through local headmen, by a hierarchy of "nobles" --

* Ethiopia was liberated from Italian fascist occupation in 1941 with the aid of British troops. Thereafter Eritrea, a former Italian colony, parts of which were once part of the historic (pre-Menelik) Amhara-Tigrean empire, was taken by the United Nations from Italy and, in 1950, "federated" with, or "restored" to, Ethiopia.

a fluid class, partly hereditary, partly recruited through service to other powerful chiefs or a king. The local nobility were given tax-tributary-type rights over particular lands and, thus, peasants by superiors. They in turn owed obligations to regional, baronial-type warlords to the "king of kings," the Emperor. Thus, much of the "state" was, for some purposes, a network of "governments" of feudal-type, landholding chiefs who operated through patron-client relationships and tributary obligations, with the Emperor in theory (but often less in fact) as the apex and, theoretically, the source of all rights and obligations.⁹ Most peripheral lands and peoples were governed rather like occupied territories.

A decisive third element in the more Amharized, highland areas was the Ethiopian Christian church -- a member of the Coptic branch. Loosely organized, the "church" (more accurately, churches and monasteries, in the aggregate) "owned" or enjoyed tithe rights in vast quantities of land. The church was a sizeable, if loose, organization of people, and churchmen played important roles as intermediaries between the feudal classes and the mass of people. Cut off from other Christian churches, lacking a "cultural capital", the twentieth-century Ethiopian church has often been seen as a decadent, conservative force. But its historic cultural role has been important: as legitimator of the monarchy and the feudal state; custodian of a shared religious heritage and a written language; transmitter of an ancient political and legal culture; to be the primary source of education and the source of the polity.¹⁰

The institutions of the Amhara-Tigrean polity, including the church, were used, along with methods of "indirect rule" and co-optation of local elites, to establish that polity's economic and political hegemony over the many, vast and very different kinds of lands and peoples incorporated into the nineteenth century empire. Menelik sequestered thousands of square miles of conquered country as his own and handed over much of it -- in the form of feudal-type tenures and appointments to govern -- to his chiefs, and to his supporters from among the occupied peoples.¹¹ Thus, there developed in southern and western Ethiopia a notoriously exploitive land tenure system. Since the south and the west are, in terms of historical experience, culture and political economy and the effects of feudalism, very different from the northern Ethiopian highlands, this adds to the regional and ethnic tensions of today.

The Modernization of Ethiopian Law and Government. Crowned regent in 1916 and king of kings in 1930, Haile Selassie came to power in a time of political turmoil and uncertainty following Menelik's death. First by battle, but then by using law (and co-opting the church to help to sanction his laws), the Emperor set about "centralizing" and "modernizing" the state.¹² In 1931 he promulgated Ethiopia's first constitution -- an interesting law patterned on Japan's Meiji Constitution. This was the first in a long series of steps to use imported structures to create a centralized, monarchical government which purported to rest on a basis of law rather than simple imperial fiat and patron-client relations. Of course the law was, often enough, simply a facade over old style political methods. But over time, with the introduction of a bureaucratic class, law became an increasingly important means of government. Thus, the constitution created a bicameral parliament -- with a "Lords-type" upper house into which the high nobility were, like it or not, recruited to advise and consent to laws proposed by the Emperor. The constitution revised the system of regional and local governance by creating a vast, hierarchical pyramid of offices -- all to be filled through the Emperor's patronage. Similarly with a system of courts. The constitution projected a cabinet and ministries -- creating institutions and processes virtually unknown before that time. It even included a watered-down version of Japan's rather vague bill of rights. Most of this was programmatic, and the Italian invasion slowed the implementation, but the constitution, though little known about the land, laid down the blueprint of structures -- institutions, norms, actors and processes -- which the Emperor followed, fairly faithfully, to create an apparatus of "modern" government.

In 1941, flushed with victory and armed with British troops and British advisors (schooling by colonial experience) the work of "political modernization" commenced in earnest. The next two decades were the formative years, and the influence of British and later American advisers on the language, form and content of law-making and administration -- and hence of secular education -- was profound.¹³

Almost immediately after the Emperor's restoration to power, there was established the Negarit Gazeta -- the first official, printed reporter of legislation in the country. Heretofore, royal decrees were published ad hoc and usually disseminated by word of mouth; there was no organized collection of earlier, written laws. "Negarit" refers to the drum beaten on occasions when the Emperor's oral orders were carried to the villages and countryside. "Gazeta" was the Italian term incorporated into Amharic; the term reflects the interesting problems of coinage of legal language. All legislation was to be published in both English and Amharic -- the latter "official". Courts were to take "judicial notice" of these laws, a concept which, itself, was difficult to translate.

There followed in rapid order legislation establishing: the Ministries and cabinet; and other major activities of government, e.g., taxation, a state bank, and various commodity boards; the centralized, broad-based court system (with five layers of courts and thousands of judges -- an important source of Haile Selassie's patronage); the prosecutorial offices; regulation of the legal profession though there was no "profession" (in the western sense) at that time; indeed there were no Ethiopian lawyers with any formal schooling in law for years thereafter; but there were hundreds of legal intermediaries and the licensing of them became a big business not always scrupulously conducted by the Ministry of Justice.

In 1955 a "Revised" Constitution (largely drafted by American advisors) was promulgated. It expanded powers of Parliament to approve the budget and all taxes, created the prime ministry and cabinet as constitutional institutions and implied some vague theory of separation of functions between the Emperor and a working government accountable to him (and Parliament). It also articulated new "constitutional" rights, and some (notably the right to "due process" and "equal protection of the laws") were drawn from the U.S. constitution.

Codification followed. Most foreign scholars (unfamiliar with Ethiopia) see these modern, esoteric books of law -- notably the Civil Code -- as the main feature of Ethiopia's legal development in the 1960s. In fact, they came long after the basic structures of legal administration had been developed and at a point when it was clear that English was the language of education, trade, and sophisticated transactions. Perhaps the most important codes -- in the terms of contact with people -- were those dealing with crimes and criminal procedure and civil procedure. The Penal Code was drafted by an eminent Swiss academic -- as a reformed version of Swiss law. The Criminal Procedure Code was written by an experienced, English colonial officer, who borrowed bits and pieces from Commonwealth sources. The Civil Code has fascinated many scholars who, perhaps, are blinded by the audacity and brilliance of its draftsman, Professor René David of Paris. Written in impeccable French, badly translated into English and even more carelessly into Amharic, the Civil (and the Commercial) Code introduced the need for the "complete lawyer" to know a lot about French legal culture (and thus the need to know another foreign language). On the other hand, the Civil Procedure Code was based on Indian law, and its immediate impact on judges and what courts did was probably more significant. Thus, by 1965 Ethiopia could be said to enjoy one of the world's most "mixed" (up?) legal systems.

Certainly if this legal history is recounted without reference to its social context one would have the impression of steady creation of a modern constitutionalized monarchy, civil and judicial service and legal system, and the complete expropriation of customary law into it. In some ways the Imperial government simply went further, faster than other colonial and post-colonial African governments in unification, modernization, and the imposition of European inspired legal structures and jurisprudence.¹⁴

But, of course, one must understand that this "legal repertoire" was highly programmatic, and for some purposes, a facade of modernization. It became a common phenomenon in Ethiopia to enact a law (often creating some theoretically important program and structure) and thereafter proceed to implement it in the most gradual, sometimes unsystematic -- or even illegal -- way; and, indeed, many laws fell on barren ground -- they were left ignored or unimplemented.¹⁵

Until 1963 there was no law-training institution and only a very small, UN-sponsored public administration center and before then there were only about a dozen people -- most of them young -- who had received university training in law somewhere abroad. Until 1960 the country lacked "high level" manpower to implement much of what was ordained; the upper levels of the bureaucracy at the courts were usually filled by older men who owed their position to imperial patronage rather than technical qualification, and often their commitment to modernization and any ideology of "development" was superficial and uninformed.¹⁷

Modernization and Linguistic and Ethnic Policies. Education and language were of course obstacles to implementation of the modern laws. Most lower level officials, nearly all judges and pleaders, were "illiterate" in English -- and many were not too literate in Amharic. The English or American or French-inspired laws would "read" one way to an Anglo-American-trained lawyer, perhaps another to a Continental jurist, and still another to the Amharic official who might often be highly puzzled by it, not the least because sometimes the translations into Amharic (from original English drafts) created a confusing message, ambiguous commands; all sorts of key words in key clauses were, per force, "coined" but there was, for lack of human resources, no effort to develop a new standard legal terminology.¹⁸ Further, the government lacked systematic and energetic policies for communicating law. It is one thing to print a law in a government shop, quite another to distribute it to officials and others to whom it is addressed and still another to explicate it to those who need to know. Not until the revolutionary land

reform decrees of 1975 did the government ever evince an interest in developing vigorous, systematic measures to communicate important laws to relevant addressees through programs of informing and educating.¹⁹

But there were general policies regarding languages and ethnic and cultural matters. Haile Selassie favored both Amharization of Ethiopia and the creation of bi-cultural (i.e., westernized and Amharized) elites as carriers of modernization.²⁰ Efforts were encouraged to develop teaching of Amharic, to revive classical scholarship and -- at a more mundane but important level -- to propagate history, myths and legends which would support the legitimacy of the monarchy and its government. Amharic and English were taught (theoretically) throughout most formal schooling beyond the lowest levels. Ethiopian history was taught as the history of the Solomonic monarchy -- which was depicted as the creative force which had forged the nation and, for centuries, had fought off invading barbarians, both European and African (e.g., the Somalis). Religious freedom was prescribed, but at the same time the symbiotic relationships between the Ethiopian church and the state were emphasized, and there was no de jure recognition of Sharia courts which had long existed in fact. All Ethiopians, it was often implied, were members of a unique, Semitic-speaking nation which occupied a unique place among Semitic peoples who, in that part of the world, were seen as God's chosen peoples.²¹

The Development of Legal Training, Legal Literature and Legal Language. Founded in 1963, initially staffed by foreigners -- Americans, Canadians and Europeans -- the law school launched ambitious efforts to help make the new legal system work in accordance with official legal premises -- the programmatic laws to be found in the books of Negarit Gazetas.

Some of the context for this awesome project has been described in a literature which is fairly extensive:²² there were virtually no trained lawyers; there were no books about law or the legal cultures, or legal history in Ethiopia; there was an increasingly extensive, sophisticated body of national laws, and English or French was the language and legal culture of the creators of those laws and English the language for teaching law, but Amharic was the language for communicating and administering law. All of this took place in a highly stratified, pluralistic society, over 95 per cent illiterate, and a political economy characterized by feudalism, exploitation, extensive stratification and segmentation, a small money sector and an even smaller "modern", westernized sector.²³

The educational context added to the problem. The university (of about 1500 full-time students) worked entirely in English. Accordingly, its students tended to come from the few schools (nearly all in Addis Ababa) where English was effectively taught and used successfully to put students through an Anglo-American-style curriculum. The student population was predominantly Amhara, Tigrean, or Amharized Galla and often elitist, but increasingly anti-government in outlook. Thus, many of the people who came to receive intensive professional education were, in some ways, less and less committed to the political and legal system in which they were being schooled.²⁴

While university students and degree-level training were a central part of the law school's program, the "founders" of it saw a wider set of objectives and a wider clientele: the judges, the advocates, the police prosecutors, government bureaucrats charged with law-oriented tasks (e.g., tax officials) who needed training quite urgently if they were to use the modern laws according to their terms. Many of these people had a shaky, formal educational formation, but many evinced a keen desire to take sub-professional training at one level or another in either English or Amharic (the latter classes were taught by a small cadre of the few available Ethiopian lawyers, who themselves were all in government). Several thousand officials were so "trained" in the decade that followed. Indeed, temporary training programs of this sort were later set up in provincial cities, and everywhere there was a great demand for them. One consequence was that the law school had a large "alumni" and thus a base of support which began to give it some influence in establishing working relationships with government officials for other purposes.

That was important when, with Ministry of Justice support and Imperial blessing and tremendous amounts of translation and other work by students, the Law School began publishing a bilingual Journal of Ethiopian Law²⁵ which, because it was bilingual, rapidly achieved a market of over two thousand purchasers. Selected court judgments (chosen because they were good models of legal reasoning) and descriptive, expository, doctrinal articles and, occasionally, "sermons" from the dean were its main fare. The goal of the Journal was to provide more learned judges, lawyers and other legal actors with a knowledge of the content of Ethiopian law -- and to encourage indigenous scholarship. It deliberately eschewed more academic, theoretical writing. This publication effort taught many lessons about making legal literature and communicating laws in Ethiopia, e.g., the serious difficulties one encountered in rendering foreign

concepts into Amharic, the time and people required for such efforts, the uneven effect of such writings as one came to realize that often the degree of literacy in Amharic necessary to understand law was problematic in many sectors of the empire, the difficulty of setting criteria for picking judgments to report.

Another major legal literature effort was a project to prepare a Consolidation of the laws in force in Ethiopia²⁶ -- in up-to-date organized compendiums of all the Negarit Gazeta legislation which spanned some twenty years, much of which was out of print or out of force (by virtue of amendments or other laws) or so badly translated into Amharic in the first place as to be unintelligible. That project was launched on a crash basis, but in fact it took years and vast amounts of money and painstaking efforts even to complete it partially.

Another effort was to prepare law books for professional training - textbooks and collections of legal source materials and commentary and problems: a tough job in view of the immense amount of faculty time involved, the eclectic sources and nature of Ethiopian law, the need for a Continental law background to deal intelligently with some codes and an English or American background to deal with laws, the "programmatic" character of the law, the lack of knowledge about even some rudimentary social facts and the sensitivity of some ideological issues. (Indeed, unofficial government censors at first wanted to screen these books; they relented on this issue when the university insisted (correctly) that the whole scheme of de facto censorship which the government tried to practice over book printers was totally illegal). All told, more than a dozen books (on, e.g., constitutional law, criminal and civil procedure, property and penal law, labor and administrative law) were printed. Many other "books" of this kind of legal literature were multilithed, and parts of some were hastily translated for teaching in Amharic.²⁷

A further research-publication project was to open up the subject of "land reform"²⁸ through a series of interdisciplinary monographs. One of these--which exposed landlord-tenant relations in southern Shoa was of some value in forcing establishment of a Ministry of Land Reform which then undertook, itself (as it was hoped) further empirical studies in this field and went on to publish much valuable material.

Another interesting project was the initiation of programs of "popular education" in law. Students were enlisted to give radio talks on legal subjects, and sometimes TV dramatizations of cases - in Amharic, of course.³⁰ I was told these programs enjoyed extraordinarily high "ratings" (and visits to bars around town, where TV existed, provided some empirical basis for this assessment). Sometimes these programs made the Ministry of Information (which sponsored them) a little edgy, but they did suggest the popularity of "popularization" of legal information. As law students grew more radical, they turned to other "extra legal" ways (e.g., crude political pamphlets) to communicate contradictions in the sociolegal order in Ethiopia to the mass of people.

Another group of projects dealt with legal history and tradition. A considerable amount of scholarly effort was expended to produce an annotated English translation of the "Fetha Neghast",³¹ an ancient compendium (dating back to the sixth century) of canon law and ideas about law and justice in general -- a book developed from historic times by scholars in the Ethiopian Church. The Fetha Neghast, supposedly at least, had historic, symbolic influence. It was written in Gheez (the Latin or northern Ethiopia) and even Amharic translations - let alone translations with the scholar's gloss - were rare.

Another project was to organize what came to be called the Ethiopian Archives³² - a collection of government legal and official documents, legislative history materials, court judgments, scholarly writings and other unpublished material on Ethiopian law and legal phenomena. Initially launched almost in a regime of secrecy - the archives notion was gradually accepted by more and more officials and materials of great value (or copies of it) were turned over with increasing liberality (though some were highly confidential). In view of the chaotic state of the Ethiopian national (archives) library and the government's penchant for secrecy, the law school collection became a very valuable information resource.³³

Another valuable source of information which went into the archives was student field study papers -- reports of various surveys, observations and other kinds of rough "law in action" type studies made by students during their senior year (as part of the established curriculum). Some of these provided valuable glimpses of "real" legal phenomena -- badly needed to complement pictures portrayed by pure doctrinal commentaries on the "law in books". A few of these were published - many were far too sensitive for that.

Another project - very important for purposes of attempting to develop standardized usages and terms of art in Amharic, and very difficult in terms of human resources - was the Amharic-English-French Law Lexicon.³⁴ Translation of French and English terms were laboriously compiled, analyzed and explained. This was a long slow effort - never

finished, though various, short, mimeographed, lexicon-type pamphlets were prepared to aid readers of particular materials, e.g., the Civil Code.

As a basic resource for all this, one needed, of course, a law library. Here again there were interesting problems in view of the diversity of sources of Ethiopian law. But beyond that, it seemed that Ethiopia (and other third world African countries) needed, on principle, both an "interdisciplinary" and a comparative law oriented library - if not in depth, at least in terms of basic materials dealing with the kinds of social phenomena which seemed relevant to a problem-centered approach to legal education - an approach which (in theory) was to emphasize comparative sociolegal perspectives on legal development. For example, materials on land reform, or bureaucracies or political modernization were at least equally important as heavy French tomes on esoteric points of civil law. Unfortunately, this kind of library development requires professional skills of a high order, difficult to obtain, or retain, in the Ethiopian setting.

The law school - as suggested above - became extensively involved in the publishing business - an activity which consumed much faculty and administrative time. While the publication program was heavily subsidized by a series of Ford Foundation grants (which included, and lumped, sums for both "research" and "publishing"), the idea (and promise) was that if the pump were sufficiently primed, we could do it on our own. Whether that could ever have been possible - and if so, how? - is a difficult question to answer. There were substantial markets for Amharic (for Amharic-English) law books - if they were aggressively cultivated. Thus, the Journal was sold by considerable proselytizing in the courts and the part-time programs. It was also subsidized by creating and publishing the names of "patrons" of the Journal - several hundred people ranging from the Emperor and Prime Minister to a great many police sergeants and modestly paid public officials - all of whom paid an extra Eth. \$10.00 over the subscription price to have their names listed alphabetically (under the Emperor) as a supporter of the venture.

Legal education books could only pay their own way over a long period of time - and by maximizing foreign sales on the theory (usually true) that they were valuable source materials. The consolidation project cost (I believe) around Eth. \$30,000 in direct printing costs, and much more in labor. Again, over time, much of this might have been recouped - but only if a substantial additional investment was made in the costs of running a publishing-distribution business, cultivating overseas markets (which proved very difficult.)

The production of these books required, of course, much faculty and student time. On precisely this theory, most regular law teachers were assigned only 50% teaching loads - a situation which aroused envy from other university quarters and continual suspicion from the university administration. Production also required a rather luxurious secretary-faculty ratio and a lot of time spent in trying to educate various printers in Addis to produce the type and quality of material (both in Amharic and English type) which we wanted. The whole effort sometimes also required a bit of decanal whip cracking to assure that when one man left his unfinished effort it would be completed by his (sometimes reluctant) successor(s) in interests.

All of this suggests that it is possible, given resources, to conceive of university institutions for legal education as centers for legal development. There is no reason in theory why tasks of legal development beyond degree-level education can't (in the setting of a smaller country) be assigned to - or simply (in a vacuum situation) be taken up by - the law school.³⁵ If it is to serve this function, the law school must, however, perceive of itself as an agency of legal development, prepared to work closely with professional colleagues in other institutions, mostly off the campus. And, of course, this concept of a law school requires money and manpower beyond an ordinary teaching faculty. It also requires some careful thought about the assumptions and goals which inform these legal development tasks.

Observation on the Ethiopian Experience

Strategies of legal development (and thus strategies for the planned creation of legal information) are frequently dependent on - and a product of - paradigms of development in a more general sense. The strategies of legal development pursued in Ethiopia from the early '50s till 1973 reflected a number of widely-shared assumptions about what "modernization" and "development" meant and how they could be induced.³⁶ The role of law and legal specialists in these strategies, though rarely articulated by non-lawyers, was significant. Just as other structures (e.g., bureaucracies, government institutions, schools, hospitals) were to be modelled along western lines, so with law, courts, legal professions and other legal phenomena.

With the ushering in of the "development decade" there emerged, in many professional and academic circles in the third world, a growing interest in the adaptation of all

kinds of professions as human resources of development.³⁷ Social "modernization", and "economic growth" seemed to call for "change agents," for "planning" and "institution building," for the creation or reform and rationalization of new social infrastructures conducive to changes which would make less developed countries more like developed ones. A modern political system (we were told) was one which enabled interest articulation by different groups in society ("inputs") and expert analyses of the problem and reasoned responses ("outputs") from rational, efficient, bureaucrats in public structures. A modern society was one which was socially integrated, de-tribalized. A modern economy was one which would encourage savings and investment, new forms of organizing economic activities -- from larger scale commercial farms and local entrepreneurial activities to forms enabling transfers of capital and technology and integration into the world economic system. A modern administrative system called for scientifically organized, efficient bureaucracies operating under the rule of rational law. A modern society was one which contained and diffused conflict by channelling claims and grievances into tribunals and rational modes of dispute resolution. The state's role was emphasized. "Development" and "modernization" were to be induced from the top -- they were dependent on the way the state controlled or directed production and allocation of resources, on "development administration" by new kinds of professionals. Thus, the '60s was a time of "educational" and "human resource" "planning" geared to a process of generating new skills, e.g., in problem and policy analysis, organizing, managing. Great importance was ascribed to higher education, particularly to development-oriented professional education. Within all "professions" there emerged a new "profession and development" literature.

The volume of writing about "law and development" was large but mostly aspirational, and was usually built around one or two themes.³⁸ First, it was asserted that modern legal structures would produce more rationality, due process, accountability and sensitivity to human rights in administration - qualities conducive to the rule of law. Second, it was asserted that legal frameworks and "legal skills" would contribute instrumentally to other ends of development: e.g., the facilitation of business organizations and transnational transactions; the unification of land tenure and family customs and the erosion of syncretic social forces. These benefits, it was usually assumed, could only come through creation of effective professionals and through effective professional work. Thus, implicit in the modernization model of legal development was a model of an autonomous, impersonal legal system and an independent, articulate legal profession. The creation of modern legal information was an important means of producing this kind of professional development; through legal education and through a national legal literature.³⁹

The modernization model (whether adapted to a post-colonial state or a country like Ethiopia) relied heavily on the use of foreign language and concepts, and the assumption that foreign legal notions could be transferred into the indigenous legal language. The model contemplated a system of legal information largely developed by and for professionals - information which was not aimed at ordinary people (but in fact tended to make it increasingly difficult for them to gain knowledge about law). The model assumed that professionals would take appropriate steps to produce timely official reports of the law, digests and commentary, educational and research materials, and libraries in which to store all these things.⁴⁰

This mode of creating legal information creates a dependency on professionals and (for a long time) on foreign material. In this way legal information, like professionalization, affects popular access to and participation in the development of legal structures. It may tend to make law a resource for those classes who have access to professionals and information, and to create an increasing social distance between official legal structures and the poor, the ill-educated, the mass of people who live on the "periphery" of modern social sectors. Professionalization of information strengthens the power of bureaucracies and other large organizations which have superior access to information. It may enhance possibilities for manipulation - and indeed for abuse - of legal structures by reducing possibilities of calling power-wielders to account.

There is evidence from Ethiopia in support of these generalizations, and to show the contradictions and diverse social impacts of this kind of strategy of legal development. On the one hand, the creation of a significant number of professional (in the western sense) lawyers led to increasing professionalization of some institutions (e.g., higher, urban courts) and of legal administration (e.g., in the Ministry of Justice and Foreign Affairs). The impact of the new legal professionals was made manifest in the early days of the Ethiopian revolution, the "liberal" stage. A new Constitution was initially promised, as a basic reform, by the military regime which had seized power, behind the throne, at that time. The Commission to draw it up was composed (in significant part) of many law graduates, and much of its work in fact was done by these people and other graduates and by law students who produced an exemplary liberal democratic constitution (with guarantees for cultural pluralism and local autonomy); one of the most interesting of this kind of constitution to appear on the African

scene.⁴¹ This reflects, I think, a growing status of the profession and of the ideas about law. It reflects the mobility and versatility of many law school graduates and their use of information to transform the structures of the central state.

On the other hand, there were other, very different perspectives. How did the official legal structures look from the view of the marginal or impoverished wage earner in Addis, or a tenant farmer in Sidamo whose existence was often virtually at the mercy of an absentee landlord, or a Tigrean peasant who was constantly caught up in litigation to defend his "rist" (i.e., possessory) rights in clan lands or the small merchant in a provincial town or a nomadic Galla herdsman in Bale? We have some empirical literature, studies of the social impacts of legal structures in various settings initiated in the late '60s.⁴² They suggest sharp discontinuities between law in books and law in action; a legal system more accessible to some than others; a judiciary often susceptible to corruption and manipulation by those with superior wealth and access at the lower (and sometimes upper) levels; a social distance between people and official law; bureaucracies (including the judiciary) administering various kinds of development-oriented laws who were often vested with wide discretion to initiate programs to bring resources to poor people - such as, water for farming, credit, health care; and which repeatedly failed to effectuate the objectives laid down in the law. For various reasons (rooted, in part, in the new political economy built around the latter day imperial period and in the sub-culture of the Ethiopian bureaucracy) these kinds of development laws were usually used (if they were used at all) to allocate resources to the more affluent, for example, to "progressive," better capitalized farmers or, indeed, to urban landlords who were often bureaucrats. These studies suggest that (despite the "crash programs") most legal intermediaries, still largely untrained, were often unscrupulous or incompetent; they monopolized roles of access to the courts and often made litigation a morass of confusion and frustration. We would see urban courts flooded with landlord-tenant disputes, debt collection and employment disputes - a system which probably pressed hardest on the poor. We would see widespread fear or contempt for courts in many rural regions, where judges were linked to local officials, to landlords, to corruption and to an exploitative modern kind of state-supported feudalism.

The fact of the matter, we are now told, was that the old feudal political economy was gradually being changed into a transitional feudal-capitalist agricultural economy. New elite groups were emerging - a bureaucratic and a commercial bourgeoisie, an urban-based class increasingly investing in land and capitalist-type modes of agricultural production. The contradictions in "development" were becoming more obvious; contradictions between the avowed aims of "modernization" and the reality. While the modernization of legal structures did not contemplate or ordain this kind of social change, they probably seemed to contribute to it in the eyes of many. Dissatisfaction with the legal system may have been one of major popular grievances which undermined the legitimacy of the Emperor's regime.⁴³

Today some of the underlying strategies of development of earlier decades are challenged. Modernization of social structures based on western experience and "top down" models of "development administration" - coupled with "growth-oriented" economic policies - are said to contribute to skewed development, continuing underdevelopment and enlargement of gaps between the relatively few who are affluent and the great mass of urban and rural poor whose condition grows worse and whose power to influence government through established institutions seems to grow weaker. New strategies and approaches to development, emphasizing the satisfaction of "basic human needs" and the creation of social structures which will foster more "self-reliance" and "participation" over the control and distribution of essential resources are being articulated.⁴⁴ These recent strategies may have important legal implications; and therefore important implications in respect to assumptions and goals which influence efforts to develop legal literature and information and communication systems. The third part of the paper introduces these questions.

Alternative Approaches to Legal Development

Studies of Ethiopian development during the decades of 1950- 1970 reflect increasing gaps in the distribution of land, wealth and other resources, increasing similar gaps in terms of access to political, administrative and legal institutions. Development failed to reach masses of urban and rural poor; whose needs for essential resources (such as land, food, health care, habitat) became more urgent as state structures increasingly affected their distribution. Deprivation of essential needs coupled with alienation from the political system gradually increased the possibilities of major social upheaval should the government begin to lose power over the forces it used to control the country, should a new regime emerge which could catalyze the widespread discontent.

The present "revolutionary" regime is committed to "scientific socialism" in the development of all sectors of life.⁴⁵ Precisely what this means in terms of legal development is still unclear. The most striking reform of the Dergue is the land reform in the erstwhile feudal areas.⁴⁶ The reform was achieved by organizing local Peasant

Associations and using them as a vehicle for redistribution of land. But the Peasant Association is also envisioned (and may be) a social structure for other redistributive purposes, and a means to mobilize the rural poor into participatory, self-help, self-governing bodies. While obviously the present socialists who are now trying to manipulate the Dergue and the bureaucracy may have a different view of the matter, I think Ethiopia presents a situation in which to think concretely about philosophies and strategies of development emerging in a new stream of international literature which focuses on the satisfaction of Basic Human Needs as a central objective. I have described these in another paper:⁴⁷

"Fads" in intellectual "development circles" often change with a rapidity equaling if not surpassing changes in clothing styles.

Basic Human Needs (BHN) approaches now have wide appeal among those who think about designs for development. But, like fashions on the drawing board, the approaches presently exist more as abstract conceptions than as finished models in use. There are dangers in underestimating problems and constraints and overestimating possibilities. Nevertheless, BHN concepts may have strong appeal because they force sharp issues (development of what? for who? by which means?); and they direct attention to concrete steps which might be taken to redress social injustices now so widely revealed. Precisely because these steps do entail conflict they pose questions about the role of law.

BHN approaches go further than "redistribution with growth" or "employment" strategies because they broaden the concept of development beyond more purely economic concerns to focus on dignitary interests and because they link satisfaction of material needs to realization of other kinds of social goals. Thus while one BHN concern is to provide greater and more equitable access to goods and services which enable people to realize some optimal level of nutrition, health care, habitat, education, and employment, a second concern is to provide for more self-reliant, popular participation in structures which define needs for these resources and which produce and allocate them; and the two objectives are seen as interdependent.

The concept of self-reliance emphasizes the need to reduce the dependency of the poor on the expertise and discretion of those who presently control these structures and to enhance capacities for effective, responsible participation in these structures by people affected by their activities. The concept of participation emphasizes the need for an optimal sharing of power through one mode or another, including direct participation -- or direct representation -- in decision-making, enhanced communication with, and access to, decision-makers, expanded, or new, structures to secure social accountability in resource allocation -- i.e., responsiveness to BHN concerns. The concept of human rights, in this context emphasizes not only the importance of developing doctrines of equity to govern allocation of essential resources but also of developing and facilitating rights which are crucial to realization of self-reliance and participation, including rights to organize groups which will articulate and advance the interests of the poor and historically excluded.

BHN strategies emphasize endogenous social transformation rather than social revolutions imposed by benign elitist or authoritarian rulers. BHN strategies do not call for repudiation of growth strategies, nor for autarchy; they call for a reordering of priorities; they are relative to time and place, to country specific situations; they envision different ways of achieving progress toward realization of people-grounded values which become articulated over time as different groups, hitherto, excluded, begin to mobilize and identify and advocate their shared interests; they envision social transformation through expansion of modes of participation and inclusion of new groups in decision-making and continuous redefinition of social goals and targets.

While BHN goals and approaches can be cast in utopian terms, perhaps their tangible value to law-oriented advocates is that they suggest immediate strategies to force attention to the use of some explicit criteria to examine existing legal phenomena. They provide a means of assessing the social accountability of structures which produce, regulate, manage or allocate resources essential to human well-being. They provide a means of evaluating the role of legal professions in these structures. They focus attention on needs for legal resources for groups hitherto deprived of them to secure the social accountability sought.

While BHN approaches may be criticized as unscientific, unrealistic and incomplete answers to the problems of poverty and social gaps, they do force attention to crucial problems in countries like Ethiopia: how to develop development both by and for the rural poor? How to create participatory structures to help people determine and satisfy their needs through their own action? How to address historic social gaps and prevent domination of rural life by centralized bureaucracies and the urbanized elites?⁴⁸

BHN approaches depend less in the first instance on benign, central government policies than on the ability of the rural poor to mobilize, organize and begin to make

demands to resources (land, knowledge, credit, health and other services) essential to improving the conditions of life. The organizations - if they are to succeed - must achieve a high degree of participation and self-reliance.

While it is obviously a matter which requires far more analysis than can be expended here, and far more research, there is evidence that legal resources may be important to the processes of mobilization and institutionalization of the kinds of participatory groups needed.⁴⁹ By legal resources I mean a functional knowledge of relevant laws and the skills to use them. Thus legal resources are important to help people develop an internal "constitution" for groups -- a means of facilitating and maintaining organizations. Legal resources are important to help articulation and legitimation of claims, and to develop new, participatory structures to allocate resources (e.g., credit, knowledge) and resolve disputes in a way which is understood.

The provision of legal resources to groups may call for both provision of legal assistance (through community organizers and others working with groups) and the provision of information. Crucial to the success of the Ethiopian land reform may have been the "Zemecha" effort⁵⁰ the deployment of thousands of students, teachers and others to peasant communities to explain the new law and the means of implementing it. Crucial to the vitality of future rural organization may be the provision of functional knowledge about other laws.⁵¹

All of this entails a very different system of legal information; and a very different focus of professional efforts. Legal literature like the knowledge and skills of legal specialists - can be seen as a resource which can be provided to people to help them use existing legal structures to articulate and advance interests which reflect their needs. Whether these kinds of legal resources can be provided to those most in need, to the different groups of historically impoverished, often exploited or disadvantaged groups which, in aggregate, make up the great mass of people in so many African countries depends on the initiation of more basic changes and strategies of development and legal development. One cannot, I believe, go very far in talking about "the problems" of developing legal literature without having some kinds of objectives and evaluative criteria in mind to assess experience.

Concluding Observations: Categories of Legal Information and the Ends of Means of Legal Developments

Legal information is a means of promoting different objectives of legal development. It comes in many different kinds and forms.

On the one hand, we may conclude that "modernization" of law is, for some purposes, inevitable; that the modern state, whatever its ideology, will need increasingly complex law to govern and act as states must in today's world. On the other hand, in countries like Ethiopia, if our concerns and perspectives focus on people - centered development, on poor and historically peripheralized people, it becomes important to focus on bottom-up legal development which helps people become self-reliant and capable of controlling, to an optimal extent, their own social environments.

The conventional approach to legal literature is "top down" and "profession-centered". It looks to the legal profession, often to private practitioners, as the clientele, and determines needs and modes of satisfying them accordingly. Too often, within this matrix, it only looks to more conventional categories of legal literature, such as the "need" for court reports, texts on conventional lawyer's subjects, professional legal educational materials. Even this approach may overlook less discussed, but - from a public perspective - far more important kinds of legal information, for instance the kinds of knowledge and materials which will enhance, from a third world perspective, transnational dealings, such as trade and investment transactions. These needs can only be discovered as one begins to learn about the problems which generate them, in a developmental context.

Certainly from a people-centered, Basic Human Needs, perspective, the problem of assaying legal information needs, as a part of the needs of the poor for legal resources, is an important task, and one which forces us to abandon conventional assumptions and models which so often dominate discussions of this subject. Whether, and the extent to which, attention is to be focused on these needs depends on what one perceives by way of paradigms and hopes for legal development.

DEVELOPMENT AND LEGAL DEVELOPMENT APPROACHES AND ADMINISTRATIVE STRUCTURES

Two Models (with due caveats on limits and value of models)

STRUCTURES AND LANGUAGE AND LEGAL INFORMATION POLICIES		Emphases on Development	
		"MODERNIZATION" MODEL	BASIC HUMAN NEEDS MODEL
INSTITUTIONS (for allocating essential resources)	Chief executive. Legislative organ Civil Service Ministerial departments Public corporations Government courts Local officials		Party, National Movement or Village, or local bodies as resource allocation units Local Popular Justice-type tribunals Worker councils. Peasant Associations.
ACTORS	Political executives "Technocrats" - Managers Civil servant - specialists Law-trained specialists and professional intermediaries		Community, group and party leaders Intermediaries or cadres of specialists working in groups as assistants Paraprofessional: (trained within groups)
NORMS Values emphasized	Legality - separation of law from politics Autonomy of legal actors Principled decision based on legal rationality and expertise Due process - procedural fairness Formal equality Hierarchical delegation of juris- diction Institutional loyalty/morality		Reintegration of law and political ideas Emphasis on equitable satisfaction of needs, self- reliance participation Affirmative obligations to redistribute or distribute to satisfy basic needs of all with priority on poor Expanded participation in both law-making and admin- istration Optimal local control of power over resource allocation

Emphases on Development			
STRUCTURES AND LANGUAGE AND LEGAL INFORMATION POLICIES	"MODERNIZATION" MODEL	BASIC HUMAN NEEDS MODEL	
NORMS Sources	Official state declared ideology State organs Concepts derived from foreign models used Books of law written for legal and administrative specialists	Ideology derived from BHN concepts and particular experience Synthesis of demands, grievances, needs of communities, groups Shared concepts of justice, Custom Education about fundamental concepts of justice General statements of principles to be followed	
PROCESSES Modes of decision-taking and dispute settling	Emphasis on importance of procedure Processes governed by written rules Access regulated by rules, rules of "standing", etc. Adversarial. Need for professional intermediaries	Informal. Problem-centered Access enlarged, "standing" relaxed Greater emphasis on social advocacy Intermediaries provided where necessary, but self- reliance encouraged.	
LANGUAGE POLICIES	One "official" language for law, administration, education, and most mass communication. Specialized concepts, terms for legal purposes	Plurality of languages at regional/local level Encouragement of lingua francas for explicit purposes Encouragement of indigenous expression of fundamental concepts	
LEGAL INFORMATION AND COMMUNICATION POLICIES	Gearred to key actors Top-down Diffusion from Center Formal system of education Government media Specialized books of law	Gearred to above institutions and norms Bottom-up Gearred to "capacitation" of communities, particularly disadvantaged; obligation to communicate terms of law as part of official law Popular access to the media Books geared to enabling paraprofessionals within groups to use law	

FOOTNOTES

1. R. Seidman, The State, Law and Development (1978), Chapter 7. See also O.K. Mutungi, "The Communication of Law Under Conditions of Development: the Kenya Case", 9 East African Law Journal 11 (1973); Brun-Otto Bryde, The Politics and Sociology of African Legal Development (1976), 180-189.
2. Cf. Y.P. Ghai, "Legal Education in Africa," I.L.C. (International Legal Center) Working Paper, (1973); ILC, Committee on Legal Education in the Developing Countries, Legal Education in a Changing World. (1975) 71-88, W.L. Twining, Academic Law and Legal Development (1976) Chapter 2.
3. Twining, *op. cit.*
4. J. Cohen, "Research Problems in Describing and Explaining Ethiopian Socio-Economic Development", African Studies Association (1976). (A critical, annotated bibliography).
5. A good overview of Ethiopian history is Margery Perham's The Government of Ethiopia (1969) Chapters 2 and 3.
6. H.G. Marcus, "Imperialism and Expansion in Ethiopia 1865-1900", in Gann and Dugan, Colonialism in Africa 1870-1960, Vol. 1 (1969).
7. D. Levine, Greater Ethiopia: the Evolution of a Multiethnic Society (1974) (on which the following text is based).
8. Marcus, *op. cit.*
9. On the governance of 19th century Ethiopia and struggles between the feudal nobility, Emperors and church see, e.g., Marcus, The Life and Times of Menelik II, 1844-1913 (1975); S. Rubemon, The Survival of Ethiopian Independence (1976).
10. See, e.g., D. Levine, Wax and Gold (1965).
11. See Marcus, *op. cit.*, note 9 at 190 and 195. See also Yohannes Noggo, "Agrarian Reform and Class Struggle in Ethiopia" (ENDA, Dakar, 1978).
12. See L. Mosley, Hailie Selassie: Conquering Lion (1964) for a sympathetic account of the early years of his reign.
13. This history of legal development is recounted in more detail in J.C.N. Paul, "Problems of Public Law and Political Development", in H. Marcus (ed.), Proceedings of First. U.S. Conference on Ethiopian Studies (1975).
14. See R.A. Sedler, "The Development of Legal Systems: The Ethiopian Experience", 53 Iowa Law Review 562 (1967).
15. See Brun-Otto Bryde, The Politics and Sociology of African Legal Development (1976).
16. Cf. J.C.N. Paul and C. Clapham, Ethiopian Constitutional Development, Vol II (1972), Chapter VI. Cf. C. Clapham, Haile Selassie's Government (1969).
17. See Clapham, *op. cit.*, note 16.
18. See Fasil Abebe and S.Z. Fisher, "Language and Law in Ethiopia", 5 Journal of Ethiopian Law 553 (1968).
19. See P. Brietzke, "Law, Development and the Ethiopian Revolution" (Ph.D. thesis, School of Oriental and African Studies, London Univ. 1979). Chapter 6.
20. Cf. Clapham, *op. cit.*
21. Cf. E. Ullendorff, The Ethiopians: An Introduction to the Country and the People (1973), p. 43.
22. See, e.g. Paul, *supra.*, note 13. N. Singer, "Modernization of Law in Ethiopia: a Study in Process and Personal Values", 11 Harvard International Law Journal 73 (1973); Sedler, *op. cit.*, note 14.
23. Cf. Brietzke, *op. cit.*, note 19.

24. On student problems, from the perspective of a President of the university, see Aklilu Habte, Haile Selassie University: A Forward Look (1970).
25. See the Emperor's remarks in the 1 Journal of Ethiopian Law v. (1964) ("The national character of Ethiopian law demands that Ethiopian commentary upon the law be developed....The publication of court decisions will serve to make the law more certain....")
26. Begun in 1967, completed in 1973. See Dean Thompson's Annual Report for that year.
27. See, e.g. S. Fisher, Ethiopian Criminal Procedure (1969); P. Grover, An Introduction to Ethiopian Penal Law (1964); G. Krzeczunowicz, The Law of Extra Contractual obligations (1969); Paul and Clapham, *op. cit.*, (2 vols); K. Redden, Ethiopian Legal Formbook (1965); R. Sedler, Ethiopian Civil Procedure (1967); J. Vanderlinden, Introduction to the Law of Persons (1968); S. Lowenstein, Materials for the Study of Ethiopian Penal Law (1965). See also bound mimeographed volumes, e.g., P. Brietzke, A Sourcebook of Ethiopian Law and Development (1974); J. Harrison, Cases and Notes on Ethiopian Civil Procedure (1974); H. Dunning, Property Law of Ethiopia (1967); P. Winship, Law and Economic Regulation (1973). These are only indicative of the range.
28. See, e.g., S. Mann, Land Tenure in Chore, Shoa (1967); R. Pankhurst, State and Land in Ethiopian History (1968); G.W.B. Huntingford, Land Charters of Northern Ethiopia (1967).
29. Mann, *op. cit.*
30. See Third Annual Report of the Dean, 3 Journal of Ethiopian Law 519 (1967).
31. See The Fetha Neghast, translated by Aba Paulos Tzadua, edited by Peter L. Strauss (1968).
32. See Vanderlinden, "Introducing the Ethiopian Archives", 4 Journal of Ethiopian Law 411 (1967).
33. As witnessed by extensive use of it by, e.g., Brietzke,
34. See Fasil Abebe and Fisher, *op. cit.*
35. See "Second Annual Report of the Dean" (1966), *op. cit.*
36. The four annual reports of Dean Paul (appearing in the Journal of Ethiopian Law) are full of such assertions. Cf. Sedler, *op. cit.*
37. The discussion which follows is taken from C. Dias and J. Paul, "Law and Lawyers in Modernization and Development" (a chapter in a forthcoming volume on legal professions in the Third World) to be published by the Scandinavian Institute of African Studies, Uppsala and the International Center for Law in Development, New York.
38. *Ibid.*
39. See Note 2, *supra*.
40. Cf. Twining, *op. cit.*, note 2.
41. See H. Scholler and P. Brietzke, Ethiopia: Revolution, Law and Politics (1976).
42. See, e.g., N. Singer, "The Use of Courts as a key to Legal Development: an Analysis of Legal Attitudes of the Canbata of Ethiopia", in Marcus, *op. cit.*, note 13; D. Bauer, "For Want of an Ox....: Land, Capital and Social Stratification in Tigre", in Marcus, *op. cit.*, Billidign Mandefro, "Agricultural Communities and the Civil Code", 6 Journal of Ethiopian Law 156 (1969); T. Geraghty, "People, Attitudes and Problems in the Lower Courts of Ethiopia," 6 Journal of Ethiopian Law 427 (1969); J. Cohen, "Ethiopian Provincial Elites and the Process of Social Change," 11 Journal of Ethiopian Studies 93 (1973). Cf. Brietzke, *op. cit.*, Chapter 6.
43. Cf. Brietzke, *op. cit.*
44. See, e.g., International Labour Organization, Employment, Growth and Basic Needs: A One World Problem (1976); ILO, Meeting Basic Needs (1978); IDS Bulletin (of the Institute of Development Studies, University of Sussex, Vol. 9, No.(4 June 1978); Dag Hammarskjold Foundation, What Now? Another Development (1975); J. and M. McHale, Meeting Basic Needs 442 Annals 13 (1979).

45. See Brietzke, *op. cit.*
46. See, e.g., J. Cohen and P. Koehn, "Land Reform in Ethiopia" 14 African Law Studies 3 (1977).
47. J.C.N. Paul, "Law, Modernization and the Satisfaction of Human Needs" forthcoming issue of Law and Development.
48. See Dias and Paul, *op. cit.*, C. Dias and J. Paul, "Law and Lawyers and Underdevelopment and the Satisfaction of Human Needs", *op. cit.*, note 37.
49. *Ibid.*
50. See, e.g., Brietzke, *op. cit.*
51. See Dias and Paul, *op. cit.*