

Teaching Law in Tanzania

By William Whitford

Lynn (my wife) and I first set foot in Dar es Salaam, Tanzania, on July 2, 1967. At the time we thought that we were arriving to spend one year teaching at the Faculty of Law, The University College, Dar es Salaam, then the only established institution of legal education in East Africa (a term generally used to describe the former British colonies of Uganda, Kenya and Tanzania—which itself was created in 1964 by a merger between the independent countries of Tanganyika and Zanzibar). In the end we remained two years, and just recently returned to Madison to resume my duties at Wisconsin Law School.

Our adjustment problems in arriving in Tanzania, somewhat contrary to our expectations, were mainly in adapting to British ways of life. Tanzania, like all former European colonies, contains two societies: one, consisting mostly of persons with higher education, is well paid and leads basically a western way of life, while the other is poor and leads the traditional African peasant life. Like all generalizations, this one, although basically correct, needs extensive qualification. There are a significant number of Africans, most of them with elementary or secondary school educations, working as middle or lower level civil servants or in industry, who lead something between a western and traditional African life style. And mention must be made of the Indians and Pakistanis in East Africa. These people, called Asians in East Africa, were originally brought to the area by the British to work as skilled laborers, and today they dominate most aspects of commercial life, particularly the retail business.

Tanzania has already embarked on a number of programs in an effort to reduce the class inequalities that already exist. For example, the salaries of educated Africans working for government or government owned enterprises are not being increased, and in some instances have been reduced, and all political leaders and high civil servants are prohibited from receiving more than one salary or investing in private enterprise. The period since independence has been too

short, however, for Tanzania to amalgamate the two societies it inherited from colonialism. With my position as a University teacher, we joined—almost without choice—the western society, which, although racially mixed, was largely English in its ways. Our principal adjustment difficulties, therefore, were learning the English language (we now understand the truth behind the quip that England and America are the only two countries separated by a common language), realizing that the knock on the hotel door at 7 a.m. was only somebody bringing morning tea, and so forth.



Professor Whitford

The Faculty of Law, at which I taught, was formed in 1961 at about the time of Tanzania's independence. At that time there were almost no African lawyers in East Africa and the Faculty was charged with filling this void. From its inception the Faculty has been part of the University of East Africa, a cooperative endeavor in higher education between the three countries of East Africa. Under the agreement establishing the University of East Africa, each country has its own faculties of science, social science, and humanities; but there is only one professional school of each type (law, medicine, engineering, commerce and agriculture) in the region. Since at the time the University was formed, there were already professional schools in everything except law established in Uganda and Kenya, it was decided to locate the Law Faculty in Dar es Salaam. My students, therefore, were drawn from all three East African countries. (Also, there were always a few students from elsewhere, including some refugees from the countries of southern Africa which are, sadly, still white ruled.) The first class in 1961 numbered only 12, but today the enrollment at the Faculty of Law exceeds 200.

In the beginning, the staff was necessarily entirely expatriate for the simple reason that there were almost no African lawyers, let alone law teachers. (One of the founding members of the staff, Patrick McAuslan, has been a visiting professor at Wisconsin Law School this past spring semester and summer.) There are obvious difficulties in having the staff of a new institution—that is, at a time at which many basic decisions must be made—consist entirely of non-citizens of the country in which the institution is located. Because of these difficulties, it has been the policy of the Faculty to “africanize” the teaching staff as soon as possible. This policy has been implemented largely by sending top graduates from the Faculty overseas for further study (ordinarily to America) and then offering them teaching positions when they return. For the first time, during the coming year a majority of the teaching staff will be citizens of East African countries. In the interim period before substantial africanization, there has been an attempt to recruit faculty from many different areas of the world in order to insure diversity and to take advantage of differing experiences.

Following the English pattern the students at the Faculty of Law come directly from secondary school (which in the English system lasts six years) without the B.A. degree customarily held by American law students. Although English is for most of them a third language, their secondary education is conducted in English, and they do not have a serious language problem. On the other hand, because higher education was largely unavailable to Africans during colonial times, most students are the first members of their family to receive even a secondary education. Usually they grow up in peasant villages and then go to boarding schools, often in small towns. As a result, I found that in teaching Contracts many of my students lacked the practical knowledge of everyday affairs that I had come to expect of students at Wisconsin.

As one might expect in a lawyer-starved society, graduates of the Faculty do not have difficulty in finding good jobs. In Tanzania (the situation is a little different in Kenya and Uganda, but there are substantial similarities) the government requires each graduate to work for it

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Applications Rise in Numbers and Quality

As of June 30, 1969, the number of applications for admission to the Law School was 40 per cent greater than the number received a year ago. Since there continues to be about 285 places in the new class, the Admissions Committee has had to be more highly selective than ever before.

The average student in the first year class will have an undergraduate grade point average of about 3. (on a 4. scale) and an average score on the Law School Admission Test of about 600.

"We have been swamped," commented Professor G. W. Foster, Jr., chairman of the Committee.



Professor Foster

PLACEMENT HELPS ALUMNI & GRADS

The University of Wisconsin Law School maintains a placement office which is continually expanding its facilities to meet the needs of students and employers. It is the aim of the placement office to assist graduating law students to find employment upon graduation, to help first and second year students find part-time and summer employment, and to help alumni in relocating.

The placement office actively communicates with prospective employers, and plays host to interviewers from law firms, government agencies, insurance companies, banks, accounting firms, and corporations.

Approximately two thirds of each law school class obtains permanent employment upon graduation through the placement office. During the next several months some two hundred 1970 graduates, and approximately the same number of second year students, will be looking to the legal profession and to the business world for employment opportunities. Because graduates now commit themselves relatively early in the school year, the placement office suggests that employers contact the office as soon as employment plans for 1969-70 have been formulated.

The School welcomes employers to its placement facilities and hopes that its services will be helpful.

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for five years as repayment for the scholarship he received to permit him to obtain a university education. Perhaps the largest group of Tanzanian graduates go straight to the bench upon receiving their degrees (although not to the highest court) where they replace expatriates who are leaving the country and Tanzanians who, although they have no formal legal training, have been serving as judges. Another large group go to work in the Attorney General's chambers. Most of the remaining graduates work for other government departments doing law-related work or for one of the nationalized industries or businesses.

The fact that our students get such good jobs immediately upon graduation puts special responsibility upon the Faculty. It is much more clearly true in Tanzania than in America that today's law student will be tomorrow's lawmaker. Moreover, there is great need for change in Tanzania's laws.

The University of East Africa will break up in July, 1970, and each country is in the process of establishing its own full fledged university, complete with graduate and professional schools. Already Uganda has formed its own law school and admitted its first class of students in 1968. Kenya is scheduled to begin its law school next year. As a result of these changes, in a few years the Faculty at Dar es Salaam will have an almost exclusively Tanzanian student body, and it is reasonable to expect that some of the Kenyan and Ugandan staff will leave to join the staff of their national law schools. The staff at Dar es Salaam is now determining how to respond to these developments. I hope, and believe, that the decisions that are made will enable Dar es Salaam to preserve its current reputation as the best law school in sub-saharan Africa.

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funds amount to less than 4 per cent of the total expense."

"We are seriously underfinanced," he said, emphasizing the need for greater scholarship funds. "We badly need money with which to make more and larger grants to students who have heavy burdens and high expense, and, in many cases, large debts."

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