

THE TANZANIA LEGAL INTERNSHIP PROGRAMME:

A NEW HORIZON IN LEGAL EDUCATION

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This paper sets out to examine the programme recently introduced in Tanzania whereby law students have to undergo internships with specified legal institutions before they are finally assigned legal roles. At the time this survey was made the programme was about two years old.¹ The first batch of interns to go through the programme were the graduates of 1973/74. Despite the fact that the programme has been in existence for only a short time, we thought it desirable to study the problems which have already emerged. An attempt is made in this paper therefore, to locate these problems and determine whether they are inherent in the programme or emanate from structural and organisational deficiencies in the institutions entrusted with its implementation. The study also proceeds on the premise that the internship scheme expresses important perspectives in legal education which have been unduly ignored or not fully appreciated. To the extent that it tries to merge the theoretical knowledge a student gets in the classroom with realities in courtrooms, and legal chambers, the programme affords an element that has hitherto been missing in legal education.

I. RESEARCH METHODOLOGY

We trace the legal internship programme at the Tanzania Legal Corporation, the Judiciary, Attorney-General's Chambers and Kivukoni College, although we only studied the first three in detail. Several reasons contributed to this imbalance. First, the fact that the programme had been in progress for only a short time. Second, it was relatively more difficult to arrange interviews with lecturers and organisers at Kivukoni College, compared to lawyers and magistrates in the other institutions. And last, there was a frequent lack of cooperation even in those instances where a formal appointment had been made. These problems in turn affected our findings, for indeed the quality and content of the information largely depended on the personal interest of the interviewee in the programme and the willingness to surrender a few hours to a battery of questions.

The study was divided into several parts. The first one was an attempt to find out in a general way what people involved in the implementation of the scheme thought its aim was. Questions were put directly to the interviewee regarding the aim of the programme and the problems it was expected to remedy. This blunt

approach was useful in minimizing the tendency to give obscure and vague answers, and required the interviewee to address himself/herself to the issue in question. This inquiry is important if one is to appreciate specific behaviour patterns of the interns vis-à-vis the programme and programme organisers, and also the attitude of the personnel in the institutions running the scheme. The second part looks at the organization of the programme. Under this head it was intended through observation and question to find out how the programme was organized at various institutions. Much of the information was gathered through observation in court, but this was frequently supplemented by interviews with the interns, which in most cases produced stereotyped answers from interns anxious to feel part of the institution, when this was not supported by empirical evidence. Part three addresses itself to the problems facing the programme. An earnest attempt is made to identify the nature and sources of these problems. Lastly under effectiveness we suggest possible remedies for the problems facing the programme depending on whether the problems can be categorized as fundamental or merely incidental. At the end we propose certain organisational models in preference to the existing one, which may change both the scope and utility of the programme.

II. A CASE FOR LEGAL INTERNSHIP AS A TRAINING DEVICE

The efficacy of any legal system is primarily determined by the legal institutions that comprise it. At the same time the strength and viability of these institutions depend on the type of legal education that lawyers receive. The tendency has been to consider legal education as merely a system of imparting theories about law and legal rules. It is important to realize however, that the process not only imparts legal skills, but also socializes the future professional.² A comprehensive legal education system therefore is not only concerned with formal exposition of theoretical legal knowledge, but of necessity includes an initiation into the profession through which the aspiring lawyer is equipped with the requisite professional rules and aptitudes. Both legal academics and centers involved in running legal education programmes are increasingly coming to a consensus that theoretical knowledge alone is deficient. Consequently clinical centers or professional schools in which students take part in everyday court sessions and lawyer's chamber work have come to be accepted as important aspects of legal training. Of course this type of training has taken different organisational forms. Some countries have set up legal aid centres where students have been involved in the representation of actual clients as part of their legal education, in addition to the traditional methods of acquiring practical skills, e.g., moots, courses in trial advocacy and legal drafting. At the other extreme are countries that have opted for the professional law school, quite distinct from law faculties. These schools are usually given wide powers to control admission into the profession through bar examinations. They run courses for law graduates lasting approximately one year, during which a student is

subjected to a concentrated system of apprenticeship, moots and formal examination.³ The only difference between these two systems would seem to be organisational. Whereas in the first case clinical centers are usually run by law faculties and form part of degree assessment, the latter is usually a post-graduate study and conducted quite independently of the law faculty. In most cases law schools are either run by the legal profession, or at least the profession controls the contents of the curriculum.⁴

Both schemes share the indispensability of student participation in client service, either actual or simulated, and an emphasis on practical skills as distinct from the rules of law in the abstract. However, it must be acknowledged that student involvement in legal aid work is a recent phenomenon compared to other forms of practical legal education--for instance moots, which can be traced from antiquity in the Inns of Courts in England. Modern legal education has been characterized by more classroom teaching rather than clinical work, partly due to the complexity of the environment and the law that a lawyer is now expected to know, and partly due to the suspicion, sometimes well founded, that clinical work, if not properly structured, is at best neutral as a teaching device, and may even convey poor habits and unethical practices. Nevertheless, some efforts have been made to improve the scope and quality of legal education. As a result a variety of training programmes in the form of post-graduate training courses, internship programmes, and student legal aid clinics have been set up. Post-graduate training courses, where students are trained in advocacy, drafting, procedure, ethics and law, have been the most popular, whereas internship programmes probably represent the least explored alternative. Programmes of the latter sort have taken various forms, ranging from supervised work in the offices of a government agency where the emphasis is more on advisory service and administrative work, to an apprenticeship to a private practitioner or a participation in student legal aid clinic, where the emphasis is on advocacy. Internship programmes are now very popular in countries where large numbers of law graduates are likely to enter government service.⁵

Legal education in East Africa, and especially in Tanzania, is deficient in this respect. The Faculty of Law was established in 1961 as an integral part of the University of East Africa with close ties to University of London. According to the Denning Report it was envisaged that the formal university education would be supplemented with practical training at a professional school to be set up shortly thereafter.⁶ As a matter of fact Kenya went ahead and established a professional school through which every student must go before he can be called to the Bar.⁷ Uganda, too, now has a postgraduate professional school, which conducts the only bar examination that can qualify a student to enroll for practise in Uganda.⁸ In both the Kenya and the Uganda professional schools, students are taught practical skills through a system of apprenticeships and lectures in substantive and procedural law, at the end of which they are required to sit for an examination. Their programmes have a special leaning towards court procedure,

etiquette, court appearances and chamber work. The major preoccupation in this programme is not only to sharpen the students' skills in advocacy, but also to fill in the gap in the predominantly theoretical academic knowledge that a student acquires at the University. Many factors, in our view, have influenced this development. First, the capitalist economies within which the professions operate. The economies of both Kenya and Uganda are characterized by a large and growing private sector for which the legal profession acts as a lubricant. Consequently the admission into the profession has also been competitive and restricted as can be evidenced by the strictness with which final examinations are marked. Second, there is an ongoing struggle between professional training and academic training, in which formal University education is depicted as being obsessed by theory at the expense of the practical side of the law. Professional schools were therefore established to mitigate this imbalance. Finally, the profession is anxious to have the final say on who should be admitted to practice. These are some of the reasons for both the structure and the power of the law schools in Kenya and Uganda.

On the other hand, Tanzania is dominated by a large public sector and a relatively less developed private sector. Until recently most of the lawyers were primarily engaged in government service. Consequently the Bar never became as strong or as aggressive as its counterparts in Kenya and Uganda. Moreover, the fact that it was monopolized by one ethnic group, i.e., Asians, deprived it of any social base from which it could make demands on the nationalist government, or have a say at national institutions of higher learning.⁹ Tanzania has still not set up a post-graduate law school nor introduced a comprehensive system of pupillage and apprenticeship. Although the Advocates Ordinance provides for six months pupillage before one can enroll as an advocate, this requirement has in practice remained a dead letter. For one thing law students are under contract to work for their sponsor (Government) for a period of at least five years immediately after graduation. They are assigned roles either as Magistrates or State Attorneys. After three years in such positions they can be admitted to the Roll of Advocates almost automatically.¹⁰ The overriding need of the government to fill a wide range of legal positions with qualified lawyers, coupled with a relatively "meek" profession, partly account for the absence of any elaborate post-graduate training programme. The usefulness of such a programme has always been recognised, but it was not until 1973 that the government introduced a one year legal internship programme.

III. PURPOSES OF THE INTERNSHIP PROGRAMME

People hold divergent views about the purpose of the internship programme. Among the interns three views emerged. Most felt that the programme was primarily intended to supplement their University education, which lacked a practical orientation. The programme was therefore one way of acquainting interns with

what actually goes on in practise, i.e., lawyers' offices, court procedures, and legal etiquette. It is remarkable however, that none of them considered the present legal education theoretically deficient, and this partly accounts for the view of some that the programme was purely for professional socialisation.¹¹ On the other hand, the official version was usually more informed, though at times it was characterized by paternalism and bureaucratic optimism. For instance, one senior official ascribed two goals to the programme: introducing a young lawyer into the mechanism of law practise, and giving the intern a knowledge of the social background in which law operates. He attributed some of the problems of the courts in Tanzania to the fact that they were manned by lawyers not conversant with the social background of the society in which they operate. He therefore took the view that legal education in Tanzania was deficient in so far as it did not relate law to the material conditions, and that lawyers produced were "technocrat oriented" rather than "service oriented." We are not sure what weight one can attach to these reasons as there were a lot of assumptions which were not substantiated. It is true that legal education in Tanzania was long characterized by a theoretical approach, in the form of lecture and seminars, with relatively little emphasis on what actually goes on in court. The only way of familiarizing the students with the courts was through occasional moot courts, in which very few students participate. The University generally, and the faculty of law in particular, have now embarked on a serious appraisal of such methodologies. It now is University policy that theory must be integrated with practice. Undoubtedly the young intern is exposed to experiences not obtainable in a University lecturer's room, but it would be setting too high a target for the programme to expect that students would thereby be given a thorough knowledge of the background against which the law operates. Even if this were the purpose, it is arguable whether the institutions currently involved in the programme are appropriate. Furthermore, an awareness of the social context of law can only be effective if it is accompanied by structural changes in the economy.

The programme also helps the intern to diversify his outlook. Before it started graduate lawyers would immediately join a branch of the legal profession, e.g., the judiciary, and would work there for the rest of their lives. As a result, they would have no idea what takes place elsewhere, for example, in the Attorney-General's Chambers, of the Tanzania Legal Corporation.¹² Such a lawyer would probably come into contact with the other branches of the profession only in litigation, for instance, when an agreement drafted by the Commercial and Advisory Department of the Tanzania Legal Corporation contained ambiguities and was interpreted by the courts. The programme may also provide a useful means for testing the relevance of the curriculum and for gauging the effectiveness of teaching methodology itself. This issue should be of particular interest to institutions responsible for legal education. The present lack of coordination between the institutions running the programme and the Faculty of Law is a serious handicap to the realisation of this potentiality.¹³

IV. INSTITUTIONAL ORGANISATION

A. Attorney-General's Chambers

The programme lasts for roughly twelve months. The 1974/75 interns spent three months at each of the institutions, the Judiciary, the Attorney-General's Chambers, the Tanzania Legal Corporation, and Kivukoni College. However, in 1975/76 it was reorganized so that four months were spent at the Attorney-General's Chambers, two each at the Judiciary (Magistrate's Court) and the Tanzania Legal Corporation, and the last four months at Kivukoni College. The programme is controlled from the Attorney-General's Chambers, which has now appointed a full time training officer.¹⁴ He is responsible both for allocating interns, and for deciding the time to be spent at each institution. His office also takes care of the interns' personal emoluments. Lastly, in its supervisory capacity the Attorney-General is supposed to be the overall coordinator of interns' activities at these institutions with a view to identifying the problems and highlighting the success.

Half of the students went to the Attorney-General's Chambers, where they stayed four months. Although there were four distinct departments, Criminal Prosecution, Civil, Drafting, and International Agreements, almost all were in the Criminal Department. There they worked as State Attorneys and were assigned files as they come from the regions, containing request for legal opinion, mainly from the Director of Public Prosecutions. There was also a special training officer who occasionally organized weekend lectures for the whole group, which some thought helpful although attendance was sometimes low. Though the Attorney-General's Chambers is the organiser, and is therefore supposed to know what the interns should do, yet it was found that in 1975/76 interns spent the first week doing absolutely nothing. The situation was even worse the previous year. According to one intern a whole month was spent without either the organiser or the intern knowing what they should do. Later they were assigned to State Attorneys, whose attitudes were sometimes discouraging. In certain cases they would give the interns files on the day on which the case was due in court, allowing hardly any time to prepare. Some Attorneys simply ignored any suggestions the interns made on the cases assigned, even where the interns had assisted in the preparation of the case. Interns would usually follow the State Attorney to court just to sit and listen.¹⁵ Most interns felt they were not busy enough: some would not be given a single file in an entire week. Interns were alienated because they were made to play very marginal roles. Some felt the work was not adequately challenging, and that they were not given responsibility.

B. Judiciary

In the 1974/75 programme interns spent one month at the High Court and two months at the Resident Magistrate's Courts. Most felt that the month spent at the High Court was not fully utilized.

The biggest problem here was organization. As one official of the High Court Registry pointed out: "when interns were few they would make them sit and listen, but when they were too many, they would sit in the front bench in the audience section." He also revealed a possible reason for the institutional attitude. He argued that the High Court did not know whether the particular interns would ultimately work there. This indicates that the programme has not been properly understood by institutions charged with its implementation.

This discrepancy seems to have been corrected in the 1975/76 programme. All interns were sent immediately to the District Court to work with Magistrates. Some stated that they were attached to a magistrate, sat in court with him, listened, and occasionally were consulted before the judgement was delivered. Some were asked to prepare and submit written judgements which they could then compare with those of the Magistrate. For most interns this was a much more useful learning experience. In this way the District Courts seem to have ameliorated the problem of alienation which earlier interns had experienced.

C. Tanzania Legal Corporation

The Tanzania Legal Corporation was established in 1971 mainly as an institution to give legal advice to parastatals and occasionally to ministries.¹⁶ Recently the establishing order was amended to enable the TLC to take cases from private persons, primarily criminal defense.¹⁷ There are three departments: Advisory and Commercial, Litigation and Conveyancing. In 1974/75, when interns stayed three months, they were rotated spent a month at each department. They are not attached to individual advocates, although the latter are instructed to "give them work." The absence of a close advocate-intern relationship is one of the main defects. The intern is unable to obtain careful and continuous coaching in legal etiquette. As we shall point out at a later stage in this paper, the absence of a close relationship has sometimes been responsible for the alienation and frustration of the interns. The chief Corporation Counsel stated that there were not enough advocates. Students in the 1975/76 programme were divided thus: five at the Advisory and Commercial Department, two at Conveyancing, and two at Litigation. Our view is that accommodation was the criterion for this division. One intern in the 1974/75 programme noted that when he arrived at the Tanzania Legal Corporation the Chief Corporation Counsel told them in his initial address that there was no work on which they could be trained. It is possible that this contributed to the attitude of the corporation's advocates, who treated them like clerks, sometimes giving them files without any instructions. Some of the advocates felt that the young interns were more of a "cog - in the wheel," an attitude that would seem to explain their reluctance to hand over serious legal problems to them.

Such reluctance is understandable in view of the fact that the advocate is usually interested in improving his career by

showing how well he can handle the problems given to him. Also, the intern has not been well integrated into the institutional structure mainly because of the transitory nature of his stay.¹⁸ It is no wonder, therefore, that even the Chief Corporation Counsel rarely addressed files directly to interns. The problem was reinforced by the absence of a central supervisory authority, not to mention a training officer. However, with new leadership in the Tanzania Legal Corporation we are hopeful that the issue will be given the attention which has been lacking so far.

D. Kivukoni College

A question that constantly intrigued the interns was why they had to undergo training at the Party College. This marks a new dimension in legal education. The purpose is to give a lawyer a new outlook, to wean him from professional legalism and political apathy. The programme at Kivukoni was coordinated by a tutor, who was himself a lawyer. It included physical exercises in the morning, lectures by tutors, and discussion seminars during which subjects like the "Role of law in Society," "Tanu Guidelines" (a party manifesto), and "The Arusha Declaration" (a blueprint of the party's conception of Socialism and how it might be concretised in the Tanzanian context) were discussed. The last three weeks are spent in an "ujamaa village" working with peasants, after which every intern is expected to tender a report pointing out the problems he observed in the village. One student thought this was the best organized internship and some felt that they were treated as students but with something to contribute. It afforded a good opportunity to assess the relevance of their legal knowledge to the actual problems facing the ordinary man. The official view of what Kivukoni is expected to contribute was succinctly summarized by a comment of a senior official in the Attorney General's Chambers. His impression was that Kivukoni did not constitute a part of legal training as such but was more of a political orientation. This kind of attitude stems from the belief that lawyers are usually conservative, reactionary and less willing to participate in the discussion of public issues. It is too early to assess whether Kivukoni will successfully meet this challenge. The College must develop a programme for lawyers trained to work within a professional setting. This task required more than a "crash-programme" if the exercise is to make a positive contribution to the training of the legal mind.

V. PROBLEMS ARISING OUT OF THE STRUCTURAL ORGANISATION

A. Specific Problems

The Attorney-General's Chambers pointed out that instructions had been sent to the institutions concerned with the supervision of the programme to appoint training officers who would be responsible for carrying out and implementing the programme. At none of the institutions we visited was there any training of-

ficer. With the exception of the Attorney-General's Chambers, interns were left to their own initiative and that of any advocate. It would consequently appear that either the Attorney-General's instructions were ignored, or that they were never communicated to the persons concerned. In the case of the Tanzania Legal Corporation, they would have to be communicated to all the advocates since all were training officers.

The second problem relates to the right of audience before the High Court and Magistrate's Courts. The right of audience during trials seems to have been ignored at the beginning. However, the former Director of Public Prosecution set up a system whereby interns are appointed as prosecutors. They are thus able to appear before Resident Magistrate's Courts in criminal cases. Interns have also been appearing in appeal cases in the High Court, although it is doubtful whether they have legal authority to do so. In civil cases interns have no right of audience except as junior counsel. For the programme to achieve its objectives under the latter conditions there must be some interns to be attached to State Attorneys who will systematically follow up their progress. At the Tanzania Legal Corporation the problem is even more serious. To allow the interns to appear would be tantamount to tampering with the Advocates Ordinance. But if the programme is going to be permanent, the possibility of amending the Advocates Act will have to be explored.

Another problem we alluded earlier to is supervision. It was clear that at the Attorney-General's Chambers and the Tanzania Legal Corporation the interns were not attached to individual advocates or state attorneys. This has helped to reinforce the organisational flaws at these institutions. A system of attaching interns to individual advocates, something analogous to pupillage in Britain, would pinpoint a person who would make sure that the intern always had something to do. Similarly, the intern would know whom to go to whenever he gets into difficulties. But under the present set up it is difficult for the sole training officer to make sure that all the interns are adequately busy. No wonder that the interns complain of having no work. Another problem in this situation is that the work may be repetitive, perhaps the drafting of complaints at the Litigation Department. Furthermore, advocates may be away upcountry; if this happens, to whom does the intern go? Had he been attached to an individual advocate at the Litigation Department, that advocate could arrange to take him along on his travels.

Rotation is another problem. The then Attorney-General justified the four months that students spent at his Chambers on the ground that there was more to learn there. He must have had in mind the four departments. But the interns were in fact restricted to the criminal prosecution department. At the Tanzania Legal Corporation rotation was abandoned because of the brief time the interns had to spend at the institution. But in view of high lateral or horizontal mobility of professionals in Tanzania--a magistrate may find himself a legal advisor or Chief Corporation Counsel--the idea of exposing interns to a variety

of legal experiences must be given serious weight in the planning of the programme in future.

The consequence of all this is that institutions generally felt that the internship was too brief, and thus that the interns were mere transients, an imposition rather than a help. The interns also felt peripheral, left out of the whole business, particularly when no work was assigned to them. Where they were not busy enough, they could not help but feel that they were being merely accommodated or just tolerated. Whereas the Attorney-General's Chambers, as originators of the programme, may be very committed to the programme, the other institutions may not be. It is not known for example whether reports on the interns have been forwarded, and if they have, whether the training officer at the Attorney-General's Chambers can assess them or whether a more representative body should make the final assessment, and instruct prospective interns how to avoid the same mistakes in future.

B. General Problems

Throughout our interviews it became clear that one of the major difficulties in the programme was organisation. Neither interns nor institutions were sure what was expected of them. Institutions sometimes complained that interns were irresponsible, and argued that this accounted for non-cooperation on their part. Some even went further to say that the interns didn't seem to like the whole programme; that they were unwilling to learn and sometimes assumed an attitude of "I-know-it all" or nonchalance. Others thought interns wanted too much spoon feeding, they seemed unable to do anything on a problem until they had been told exactly what to do. It could well be that some of these allegations are true, and some were corroborated by intern responses to our interviews.

The interns also expressed a wide range of views, ranging from bitterness to condescension. At one extreme were those who felt that no learning had taken place under the programme, mainly because of the way it was organised. The argument was that the duration of stay at each of the institutions was too brief to allow any concrete achievement. At the other extreme, however, was a small group who admitted that they often found themselves ill-equipped with analytical legal tools to meet the task presented to them, unable to relate their theoretical knowledge to practical settings.

Two major problems emerge from these extreme views. Firstly, the institutions have failed to integrate the interns to bring them within the mainstream. As a result interns have remained peripheral, a residual resource to be utilized and when there is too much work in the institution.¹⁹ This in turn has given rise to a strong feeling of alienation and helplessness. Under these conditions, to criticise the interns for failure to adapt seems to sidestep the central issue. Possibly the interns

contribute to this negative feeling. We were referred to various instances where interns refused to be directed or to be told they had made a mistake. The solution to this problem probably lies in mutual adjustments.

The second major problem is how to instill a sense of responsibility in the interns. The programme as presently organized lacks any means of evaluating their performance. We were told that every institution had to submit a report to the training officer in the Attorney-General's Chambers. However, so long as performance in the programme is not considered in assigning the intern a specific legal role these reports will be of little value. The internship must be integrated in the whole system of legal education. A student should be required to do well in the internship before he can be considered to have qualified as a lawyer. Not only would this help inculcate a sense of professional responsibility, but would also enhance the seriousness with which the programme is taken. If the internship is to form part of the qualifications for the law degree it is only reasonable that the programme should be run by the Law Faculty, or at least the Law Faculty should be adequately represented on the Committee running the programme.²⁰ The Faculty is likely to resist an outside assessment. The implications of this are not difficult to imagine. It may mean having an additional year beyond the current three years for the Bachelor of Laws degree, and this is bound to raise not only serious issues--for instance, whether we want a professional school,²¹ and the type of lawyers the country needs--but would also entail serious financial and manpower rearrangements which can only be done within the overall national priorities. The same considerations would seem to arise in respect of duration of the programme. Obviously, the intern is likely to gain more experience if he stays at one institution for one year than when the year is divided among several institutions. However, in considering lengthening the internship one has to take into account the loss of manpower and strike a balance. The present circumstances would seem to militate against such a lengthening.

VI. EFFECTIVENESS

A programme of this kind has both specific and general goals. It is with these in mind that we propose to deal with the question of its effectiveness. During the interview several questions were raised. We would ask, for instance, whether the interviewee thought the programme had made any positive contribution to his professional role; whether he thought that the problems, if any, lay in the structure or organization of the programme. And if so, what he suggested be modified, replaced, or retained. We tried to cover a wide range of perspectives, and at the same time to cross-check the answers we had previously received.

Effectiveness of this programme can be looked at from two viewpoints: achieving present goals, and smooth functioning.

Both views were represented by the responses to our questions. Those who saw effectiveness in terms of clear pre-set goals accepted the fact that the programme failed to achieve all those goals. It will be remembered that there was a general consensus that the goal of the programme was to transmit to the interns the practical aspects of the legal profession. People who held this view saw the problem as lying in the organisation of the programme, for instance, the lack of concrete briefing of both interns and institutions: inadequate pre-programme appraisal, and lack of reciprocity. However, if the aim of the programme is broadening the intern's view of the role of a lawyer, this has been achieved. Secondly if the methodology of law practice is to be learned by students, the duration of the programme becomes important. For instance, an intern who starts working on a file at the court should see it through to the end. But under the present organisation interns leave much of the work half done when they move to another institution.

Our view is that there is need to articulate the goals of the programme more precisely. Since there seem to be no specific goals, it is no wonder that there was no machinery for testing or following up the successes and failures. Lastly, both the institutions and the interns should be briefed specifically about what is expected of them.

Though the study concentrated on specific problems, several issues emerge which must be discussed within the broader context of the legal system in Tanzania. The need to integrate theory and practise is one aspect of the systematic effort to relate legal structures and doctrines to national development objectives.²² It is anachronistic that legal education encourages apathy toward wider societal values and goals and that the only concern of the University generally, and of the Faculty of Law in particular, is method, science disinfected by all preferences. In fact, the Faculty of Law of the University of Dar es Salaam is presently involved in an interesting experiment. It is now a faculty policy that law should be taught from a socio-economic perspective. Not only must students be taught legal rules, but these must be related to the underlying socio-economic phenomena. The very process of imparting legal rules must be accompanied by an appraisal of our legal institutions. Such an appraisal must take cognisance of important revisions in the scope and orientation of the legal system itself. Conventional teaching methodologies, which impart only theoretical knowledge, leave the graduate unaware of the limitations of the law, unaware of the gap between law in the books and what is done in fact.²³ The legal internship must also be looked at in the context of the wider problem of the unavailability of legal services to the great mass of the population. Hence the need to rethink the ways in which we teach students about judicial roles, the litigation process, and the socialisation of legal services. Not only must legal education impart skills necessary for the performance of legal functions, it must also promote changes in the legal system.²⁴ Our present curriculum was devised on the assumption that the job of the law school was to train students in a reasonably academic manner, and give them a

grounding on the fundamental principles of the law. It definitely did not accommodate training of a practical nature. The government legal internship programme is therefore an attempt to fill this vacuum, and to that extent it signifies a major breakthrough in our system of legal education.

FOOTNOTES

*I am indebted to Mr. L.M. Tibasana, a third year Law student in 1976/77, who carried out part of the interviews during the vacations. He is neither responsible for the errors nor does he necessarily agree with the views of the author.

¹The survey was started at the end of 1974 and continued during the long vacation in 1975 and part of the long vacation in 1976. We managed to talk to some in the first batch of interns but most had already been appointed to judicial roles up country. However, we managed to talk to almost all the graduates of 1974/75 academic year.

²The Inns of Courts in England are probably the classic example of professional socialisation. For the history of English legal profession see M. Birks, Gentlemen of the Law (London: Stevens, 1960), A.M. Carr-Saunders and P.A. Wilson, The Professions (Oxford: Clarendon Press, 1933) pp. 29-55; W.S. Holdsworth, 6, A History of English Law (London: Methuen, 3rd edition, 1922-26) p. 431 ff.; R. Robson, The Attorney in Eighteenth Century England (Cambridge: Cambridge University Press, 1959); Richmond, "Early English Law Schools: The Inns of Court" 48 American Bar Association Journal 254 (1962); Boulton "The Legal Profession in England, Its Organisation, History, and Problems," 43 American Bar Association Journal 507 (1957); see also Royal Commission on the Inns, Report of the Commissioners Appointed to Inquire into the Arrangements in the Inns of Court and Inns of Chancery for Promoting the Study of the Law and Jurisprudence (1855).

³In East Africa the Law Development Center of Uganda and the Kenya Law School are examples. The Council of Legal Education is an example of the other extreme, where the Inns of Courts actually runs a professional law school. For a historical survey of the American Bar, see generally Chroust, The Rise of the Legal Profession in America (Norman: University of Oklahoma Press, 1965). On standards of admission see J.E. Brenner, Bar Examinations and Requirements for Admission to the Bar (published for the Survey of the Legal Profession by Shepard's Citation, 1952); Brown, Lawyers, Law Schools and the Public Service (New York: Prentice Hall, 1952); Brockman, "The History of the American Bar Association: A Bibliographic Essay" 6 American Journal of Legal History 269 (1962); G.R. Winters, Bar Association and Activities

(Ann Arbor: American Judicature Society, 1954). For English practice see Gorver, "English Legal Training" 13 Modern Law Review 137 (1950); M. Birks, Gentlemen of the Law (London: Stevens, 1960); Law Society Handbook (London: Law Society, 1938); J.F. Wilson, "A Survey of Legal Education in the United Kingdom" 9 Journal of the Society of Public Teachers of Law (1967); M. Zander, Lawyers and the Public Interest (London: Weidenfeld & Nicolson, 1968).

⁴A good example of this is the American Bar Association. The Association does not run a professional school as such, nevertheless it controls law schools curricula through a certification. The individual state bars determine the content of their bar examinations which qualify the student to be admitted into the profession.

⁵There are already such programmes in operation in Zambia and Ethiopia. See Barry Metzger, "Legal Aid and the Law Student in the Developing Nations" (paper written for the International Legal Center Committee on Legal Education in the Developing Countries).

⁶See Report of the Committee on Legal Education for Students from Africa (1961) CMND 1255, pp. 21-22. This Committee's recommendations formed the basis for the establishment of Faculty of Law at Dar es Salaam in 1961.

⁷Indeed the early days of the Faculty of Law at Dar es Salaam were characterized by an ongoing struggle with the Kenya Law School for mastery of legal education in East Africa. This view is clear from reading correspondence files in the Faculty of Law. See also W. Twining, "Legal Education in East Africa," East African Law Today. London: British Institute of International and Comparative Law, 1966 (Commonwealth Law Series No. 5).

⁸The school was set up by the Law Development Center Act of 1970. It was preceded by a Committee on Legal Education which recommended the establishment of the Center. For a historical background see I(3) Uganda Law Focus 119, and D.W. Carroll, "Comments on Legal Education in Uganda" I(4) Uganda Law Focus.

⁹In Tanzania these characteristics were accentuated after the 1967 Arusha Declaration, when most of the private sector was taken over by the government. This deprived the profession of a substantial part of its business.

¹⁰Advocates (Professional Requirements) Regulations, 1963 (Government Notice 395 of 1963). See also Section 8 of The Advocates Ordinance, cap. 341. Uganda has recently introduced a bond system with respect to University graduates whereby they are required to remain in the public service for five years, see The University Scholars (Undertaking for Public Service) Decree, 1973, Decree No. 1 of 1973.

11 It was quite clear from the interviews with senior officials that the programme aims at providing the intern a "bird's eye" view of the legal profession. It would be very difficult to say that the intern gets a detailed knowledge of the ways the various institutions operate, mainly due to the fact that the programme lacks any detailed organisation.

12 The Tanzanian practice is thus very different from that of England, for though advocates may be appointed judges, practice is not a sine qua non for appointment. And indeed, apart from Chief Justice Said of the High Court and Judge Mustafa of the Eastern African Court of Appeal, none of the indigenous bench had Bar experience. Bar experience is just an alternative way for qualifying for judgeship. See Article 57, Interim Constitution of Tanzania, 1965.

13 The attempts of the Faculty of Law to revive and/or strengthen such relationship are definitely to be commended. There has also been a remarkable interest by some of these institutions in Faculty activities, as evidenced by their frequent attendance at Faculty Boards. The system of external examiners, under which local people competent in the subject are given priority, is yet another example of ways to mitigate the situation.

14 The officer in charge of the programme in the Attorney-General's office is A.B. Weston, a former Dean and founder of the Faculty of Law at the University of Dar es Salaam. He has a wide experience in legal education in Third World countries, and most recently was Dean and Professor of Law at the University of Papua and New Guinea.

15 One senior official in the Attorney-General's Chambers said that this could be one of the reasons why the attachment to individual attorneys was abandoned. The argument is that it tended to restrict the intern to specific cases. The basic problem, however, is the absence of a system of training.

16 Tanzania Legal Corporation is a public corporation created by the Tanzania Legal Corporation (Establishment) Order, 1970, Government Notice No. 32 of 1971. The Order was made under the Public Corporations Act, 1969. By Government Notice No. 154 of 1971, Section 3 of the Advocates Ordinance (Cap. 341) was made to apply to the lawyers of the corporation, which means that they can practice as advocates although their names are not entered as advocates on the Roll.

17 Government Notice No. 162 of 1972. It is now possible for a member of the public to get a lawyer from the corporation to assist him in conduct of the case.

18 There were two advocates at the Corporation who showed a remarkable interest in the students. One is a former Lecturer at the Faculty, which may partly explain his interest in the interns.

¹⁹For frustrations which can arise out of the peripheral role played by the individual in a bureaucratic setting see: P. Blau, The Dynamics of Bureaucracy, Chicago, University of Chicago Press: 1966.

²⁰Justice Biron specifically argued this point: "Certain adjustments could be made within the programme such as involvement of the University to make a follow up of the programme so that student would in tutorials discuss their experiences in various institutions."

²¹See W. Twining, op. cit., p. 136-38.

²²H.D. Lasswell and M.S. McDougal, "Legal Education and Public Policy: Professional Training in the Public Interest," 52 Yale Law Journal 205; McDougal and Associates, Studies in World Public Order (New Haven, Yale University Press: 1960) p. 43, n. 7. The University of Dar es Salaam Act, No. 12 of 1970, Section 4, provides that the University must further the principles of Socialism.

²³It has been realized already in Tanzania that the corporate entity as a form of management does not work very well. See R.W. James and S. Ligunya, "Organisational Relationships and the Control of Parastatals in Tanzania" 5 (1 and 2) Eastern Africa Law Review 39 (1972); J. Loxley and J.S. Saul, "Political Economy of Parastatals, Ibid., p. 9.

²⁴M. Bomani, "Machinery of Justice in a Developing Country", East Africa Journal (1966).

RESUME

Cet article examine un programme récemment introduit en Tanzanie au cours duquel les étudiants doivent passer un internat avec certaines institutions juridiques avant de terminer leur formation. Il s'efforce de tracer les buts du programme et de voir dans quel mesure ceux-ci ont été ou pourront être atteints. Le fait que le programme n'a pas entièrement réussi s'explique principalement par son organisation, car un plan de base détaillé n'existe pas et l'initiative pour la direction du travail reste avec les étudiants. N'ayant souvent qu'un rôle marginal auprès des institutions auxquelles ils sont attachés, les étudiants éprouvent les sentiments de l'impuissance et de l'alienation. Le programme est utilisé dans la mesure où il donne à l'étudiant une formation pratique qui n'est pas autrement fournie par la faculté, mais il ne peut réussir pleinement que si ses buts sont clairement formulés et que s'il permet aux étudiants un cadre de travail spécifiquement professionnel. Ce sont les principaux problèmes auxquels s'affronte le programme.