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50 Years of Legal Education in Ethiopia: A Memoir

*Stanley Z. Fisher**

In this paper I describe my experience as one of the early members of the Haile Selassie I University (H.S.I.U.), Law Faculty, and share my reflections on developments in the ensuing years.

Shortly after graduating from law school, I accepted a Fellowship to work for the government of Tanzania for one year, starting in September 1963. My law school classmate, Steven Lowenstein,¹ invited me to apply for a teaching post at the newly founded Haile Selassie I University Law School (H.S.I.U.), which was funded by the Ford Foundation.² Lowenstein was one of the pioneer faculty. In December, 1963 I flew to Addis Ababa for an interview with Dean Paul and faculty members. When the Dean offered me a teaching job starting in September, 1964, I excitedly agreed to come for one year. That this “one year” would stretch to four, and lead to several return visits over the next half century, I had no inkling.³

Founding of the Law School

The Law School was established in 1963, with the primary mission of teaching the new Ethiopian legal codes. On September 23, 1963, Emperor Haile Selassie, as University Chancellor, formally opened the Law School

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¹See Steven Lowenstein, Materials for the Study of the Penal Law of Ethiopia (Addis Ababa, 1965).

² More precisely, the funding came from a Ford-funded project whose acronym was “SAILER,” for “Staffing African Institutions of Legal Education and Research.” For a history (and assessment) of the SAILER project see Jayanth K. Krishnan, “Academic SAILERS: The Ford Foundation and the Efforts to Shape Legal Education in Africa, 1957-1977,” 52 Am. J. Legal Hist. 262 (2012). Between 1962 and 1967 SAILER helped staff and provided other support for law schools in ten African countries. *Id.*, at 313. For a detailed account of the founding and operation of the Law School in Addis Ababa see *id.*, at 291-300.

³ I made short return visits to Addis Ababa in 1972, to conduct research, in 1992, as a Visiting Professor at the U.A.A. Law School, and in 2013. See also James C.N. Paul, “Seeking the Rule of Law in Africa,” 10 Experience 21, 24 (2000), reporting that he came to Ethiopia expecting to stay “two, possibly three, years” and stayed for nearly seven.

building.⁴ A few months later, when I first visited, the School had seven faculty members (mainly American), 23 full time LL.B. students, and 40 evening LL.B. students. Three years later, in 1966, 550 students were enrolled in all of the courses offered by the Law School. Before addressing this rapid growth, I will say a word about the first, intrepid batch of law students.

When, in the summer of 1963, students signed up to study law, there was still no School. The students were told that, by September, the Dean, the teachers, and the library were “on their way” to Addis.⁵ From their point of view they were the “guinea pigs” in an experiment: they would be taught mainly⁶ by teachers who were teaching Ethiopian law for the first time. Actually, as a graduating pioneer student wrote, they were “learning together” with their teachers.⁷ The students in the School’s early years were bright, hard-working and enthusiastic. Among those in the early batches I was privileged to teach were a number whose names are widely known because of their prominence in Ethiopian affairs.⁸ I shall later say more about our students.

Two Important People

In establishing and building the Law School, we faced an array of challenges, which I shall discuss below. Before doing so, I must say something about two exceptional people, who played especially important roles in the story.

The first is James Paul, the first dean of the School, for whom the law library is now named. Paul was teaching at the University of Pennsylvania Law School in the United States, when he became interested in promoting legal education in Africa.⁹ He accepted the Deanship in Addis Ababa in response to the Emperor’s personal invitation, conveyed in a long-distance telephone call

⁴ This account of the early years of the Law School draws heavily on Dean James C.N. Paul, “Our Faculty,” The Balance and the Sword, (vol. 1 no. 1, May 21, 1966) (unpublished mimeo, on file with the author). pp. 2-5.

⁵ Zerabruke Aberra, “The Freshmen – Seniors,” The Balance and the Sword, id., p. 7.

⁶ The one exception was Professor George Krzeczunowicz, discussed *infra*, who had taught Ethiopian law at the University College in Addis Ababa.

⁷ *Ibid.*

⁸ They included, to name only a few, Professor Selamu Bekele, Yacob Haile-Mariam, Bulcha Demeksa, Fasil Nahum, Aberra Jembere, Ababiya Abajobir, Daniel Haile and Abiyu Geleta.

⁹ The evolution of Dean Paul’s involvement in African legal education is discussed in Krishnan, *supra* n. 3, at 276-78. See also Paul, “Seeking” *supra* n. 4.

made by H.S.I.U. President Kassa Wolde Mariam.¹⁰ Dean Paul secured a Ford Foundation grant to establish the law school in Addis Ababa, and he hired the staff. For the School's first few years he provided leadership as Dean, while teaching Constitutional Law. In 1967 Paul left the Deanship to serve as Vice President for Academic Affairs at H.S.I.U. Upon his return to the United States, he served for several years as Dean of Rutgers School of Law - Newark. Active in the African Law Section of the American Association of Law Schools, he published writings on international human rights law, and developing constitutional orders in sub-Saharan Africa.¹¹ After the fall of the Derg, Dean Paul served as a consultant to the Ethiopian Constitutional Commission. He was also chosen by Ethiopia to sit on the Eritrea-Ethiopia Claims Commission.

Dean Paul passed away in 2011, but remains loved and respected by many former students and colleagues. As an expression of his devotion to the cause of legal education in Ethiopia and Eritrea, before his death Dean Paul generously established a scholarship fund for support of graduates from law

¹⁰ Dean Paul described Lij Kassa's message as: "I am standing in the presence of His Imperial Majesty who commands – I mean requests – I mean invites – you to come to Ethiopia to start a law school in His new university as its first dean. Will you come?" Paul, *supra* n. 4, at 23-24. Writing in the year 2000, Dean Paul also related the following anecdote:

The Emperor took a keen interest in the law school--dropping in for "informal visits" at odd hours. One evening his motorcade drew up just as a late faculty meeting was breaking up, just as [Dean Paul's wife] Peggy also arrived, gorgeously attired for a party we were to attend. As usual, I escorted the emperor about, and fortunately, the library was full of busy students -- making a good impression. The emperor spoke little English, but he was quite fluent in French. My two years of high school training in that language were hardly up to the task. I introduced him to the faculty. "Et qui est elle?" ("Who is she?") he asked, pointing to my lovely wife, and I replied "Oh majestie, c'est mon mari," (literally, "Your majesty, it is my husband"). The emperor looked at Peggy, then at me, registering both disgust and amusement, and muttered "Impossible." He then shook my hand and said slowly in English, "If you wish to please me, you must improve either your Amharic or your French." *Id.*, at 24- 25.

¹¹See, e.g., James C.N. Paul, "Some Observations on Constitutionalism, Judicial Review and Rule of Law in Africa", 35 Ohio St. L.J., 851 (1974); James C.N. Paul, "Human Rights and Legal Development: Observations on Some African Experiences", Int'l Human Rts L & Prac., 23-27 (Chicago: American Bar Association 1978); James C.N. Paul, "Developing Human Rights for Development By and For People", Third World Legal Stud., 54 (1984); James C.N. Paul, "Putting Internal Security Forces Under the Rule of Human Rights Law: The Need for a Code of Universal Principles Regulating Their Governance", Third World L. Stud., 233 (1990); James C.N. Paul, "Law and Development into the 1990s: The Need to Use International Law to Impose Accountability to People on International Development Actors", 11 Third World L. Studies 1 (1992).

schools in Ethiopia and Eritrea who are seeking advanced law degrees. Former expatriate law faculty made additional donations to the fund, which is now administered by the Yale Law School. Hopefully, one or more graduates of the U.A.A. Law School will, in future, be able to benefit from Dean Paul's generosity.

The second founding member of the Law School faculty I will mention is Professor George Krzeczunowicz, a Polish scholar who, before establishment of the HSIU Law School in 1963, taught law at the University College from 1952-1962. Professor Krzeczunowicz joined the Law School faculty in 1963, and taught there for many years. An avid scholar, he published more than 20 articles on Ethiopian law. In the early years of the Law School, Professor Krzeczunowicz provided a strong voice for the "civilian" point of view in a faculty led and predominantly staffed by teachers trained in the common law tradition. Thus, when his American colleagues proposed to establish the Journal of Ethiopian Law, which was to include selected High Court and Supreme Imperial Court decisions, Professor Krzeczunowicz dissented. In his view, the act of publishing court decisions might imply that they were to be accorded precedential authority – a status acceptable in a common law system, but not appropriate in Ethiopia's Code-dominated system, where authority resided only in the legislation itself.¹² For better or for worse, Professor Krzeczunowicz's view on this issue did not prevail.

The Main Challenges

Among the many challenges facing Dean Paul and his original group of teachers, five stand out. These were:

1. The need for continued adequate funding;
2. The lack of teaching materials, or background materials on the sources of the codes;
3. The lack of an adequate law library;

¹² Although modern civil law practice has since evolved, civil law systems traditionally did not accord the same precedential value to judicial decisions as did common law systems. See, e.g., Mary Garvey Algero, "The Sources of Law and the Value of Precedent: a Comparative and Empirical Study of a Civil Law State in a Common Law Nation," 65 *La. L. Rev.* 775 (2004-2005). As I recall, Professor Krzeczunowicz's opposition to publishing court decisions was rooted also in his concern lest decisions which were flawed would, by virtue of publication, come to be regarded as correct.

4. The unfamiliarity of most of the first group of (mainly American) teachers with the civil law system;
5. The unfamiliarity of most faculty members with Ethiopian law, language, culture and legal practices.

An additional challenge arose in the mid-sixties, when student politics became more radical: what was the proper role of faculty members, as foreign guests in Ethiopia, when our students clashed with the government? I will touch on the faculty's responses to all of these challenges, below.

My own situation will illustrate the fourth- and fifth- listed challenges above. Although I had some background in African law, culture and language,¹³ I arrived in Addis Ababa knowing little about Ethiopia. As the product of an American legal education, neither was I familiar with the structure or methods of civil law systems. Because the Criminal Procedure Code, which I was assigned to teach, was reputedly based upon common law sources, I was in theory not disadvantaged. However, this comfort proved false,¹⁴ and I was soon at work trying to master continental concepts of penal law and procedure.¹⁵

One might ask why, seeing as most¹⁶ faculty in the early years arrived ignorant of Ethiopian law, language and conditions, did we not recruit trained Ethiopian lawyers to join the full-time¹⁷ teaching staff? The answer is simple, but might surprise some readers. In 1963 Ethiopia only had a handful of university-trained lawyers, who were needed to fill key positions in the courts and the

¹³ In non-degree study at London's School of Oriental and African Studies, I had been exposed to African customary law, East African culture and the Swahili language.

¹⁴ In fact, some important provisions of the Criminal Procedure Code were drawn from continental sources. See, e.g., Fisher, "Some Aspects of Ethiopian Arrest Law: the Eclectic Approach to Codification," *J. Eth. L.*, vol. 3, no. 2 (1966) 463.

¹⁵ In my second year on the Faculty I was given responsibility to teach the Ethiopian Penal Code of 1957, which was based on continental sources.

¹⁶ Besides Professor Krzeczunowicz, one must point to faculty members such as Norman Singer, Everett Goldberg, Lawrence Church, and Owen Cylke, who were Peace Corps volunteers, as exceptions. Before taking up duties in Ethiopia, Peace Corps volunteers attended orientation programs that included instruction in Amharic. Most faculty, however, including myself, were not Peace Corps volunteers. Thus, we had less preparation for life in Ethiopia than our Peace Corps colleagues and, unfairly, were compensated more generously!

¹⁷ Some Ethiopian lawyers assisted the School by teaching part-time.

ministries.¹⁸ Therefore, foreign lawyers were required to establish and, for a time, to operate the country's first law school. However, the goal of Dean Paul and his American successors was to "Ethiopianize" the faculty as soon as it was feasible to do so. In the first decade of the School's existence, substantial progress was made toward achieving this goal.¹⁹

Basic Decisions

Dean Paul and the founding staff members made several basic decisions in 1963 that were to shape the Law School's future growth.²⁰ These were:

First, "to develop and expand part-time programs to provide basic legal education ... to persons [then] engaged in legal administration...."²¹ Thus, in the first few years, the School established:

- certificate and diploma classes in law, some of which were offered in our extension law school in Asmara;²²
- at the request of a group in Parliament, a course in public law given both in English and Amharic;²³ and
- translation of teaching materials from English into Amharic.²⁴

Many law school classes, including a section of the LL.B. program, were taught in the evenings.

Second, in view of an almost total absence of teaching texts and code source materials, to expand the faculty so that each teacher would be expected to teach only one subject, and to develop teaching materials for that subject.²⁵

Third, to attempt to expand further staff recruitment to include teachers, able to teach in English, who were "trained in continental law and civilian methods."²⁶

¹⁸ I refer to such people as Attorney General Teshome Haile Mariam, Vice-Minister of Justice Belatchew Asrat, and private practitioner Tefari Berhane.

¹⁹ By 1969 three Ethiopian teachers were on the staff, and by 1973, Ethiopians comprised 12 of the 21 teachers on staff. See Krishnan, *supra* n. 3, nn. 183 and 186.

²⁰ This account is based on Paul, "Our Faculty," *supra* n. 5, at pp. 2-5.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ My own initial assignment was criminal procedure, for the teaching of which I had only the Criminal Procedure Code itself. In fact, some articles on the Code existed in foreign law journals, but I did not learn of them until three or four years later.

To accomplish this goal, Dean Paul traveled twice in the first two years to France, Germany, England, Canada and the United States.²⁷ By the end of the School's third year of existence, the teaching staff had grown to 16 full time and 10 part-time members,²⁸ many of whom came from "mixed" or civil law systems, including France, Canada, Germany, Scotland, Belgium and Finland.

Fourth, to seek new sources of outside funding to supplement the School's initial grant from the Ford Foundation.²⁹ Over the next two years Dean Paul's fund-raising efforts bore fruit. For example, he obtained a second generous grant from the Ford Foundation; a British grant to fund a teacher from Edinburgh University, in Scotland; a Belgian government grant to fund a teacher from Belgium, and a gift of books; and funds from other sources in the United States to support library development, and to pay student research assistants. All of these grants helped supplement funding received from the University.

Fifth, Dean Paul established a research and publication program, to serve two goals: 1) "to provide the core of materials needed for instructional purposes, and 2) begin to provide a body of available expository material on modern Ethiopian law."³⁰ To advance the latter goal, the School in cooperation with the Ministry of Justice published, in 1964, the first issue of the Journal of Ethiopian Law, containing scholarly articles and court opinions. The Law Library collection "grew [between 1963 and 1966] from zero to about 8000 books."³¹ This growth was assisted by financial grants and by consultation from an American law librarian. Subsequently, the School was able to staff the Library with a professional librarian.³² Regarding teaching materials, by the end of our third year five books on Ethiopian law had been published, and more works were in progress.³³

²⁶ Paul, "Our Faculty," *supra* n. 5, at p. 3.

²⁷ *Ibid.*

²⁸ *Id.*, at 5.

²⁹ This paragraph is based on Paul, "Our Faculty," *supra* n. 5, at p.3.

³⁰ *Id.*, at 4.

³¹ *Ibid.*

³² *Ibid.*

³³ *Id.*, at 5. Among the books on Ethiopian law published in the first three years were Philippe Graven, An Introduction to Ethiopian Penal Law (1965); Steven Lowenstein, Materials for the Study of the Penal Law of Ethiopia (Addis Ababa, 1965); Kenneth Redden, The Law Making Process in Ethiopia (1966) and Ethiopian Legal Formbook (1966); Robert Sedler, The

Looking back, primary credit for the School's substantial growth and scholarly productivity in the early years must go to the extraordinary vision and dedication of Dean Paul. His success in obtaining financial support to fund a low teacher-student ratio made possible the production of research materials by faculty.³⁴ Of vital importance, also, was the hard work and commitment of staff, students and members of the Ethiopian legal community.

Our 1966 Graduating Class: "The Balance and the Sword."

When I left Ethiopia for home in 1968, among the mementos I took was the first issue of "The Balance and the Sword," a publication of the H.S.I.U. Law Student Association.³⁵ To give the flavor of our early years, I will quote from three items in that issue. The first, reporting a law suit filed by our students against the University, illustrates the readiness of our students to put their book-learning into practice, by challenging authority. The second, regarding "Law House," reveals our students' commitment to improve the conditions of law study for future generations. The third, written by the only woman student in our first batch, offers a glimpse into a past that differs radically from the current state of affairs in Ethiopia.

1. A lawsuit against the University. The announcement stated:

THE E.U.S. PROGRAM CHALLENGED IN COURT. The senior, Pioneer Law Students, have instituted a case against the Haile Sellasie [sic] I University. The issue of the dispute is whether the University under the Imperial Charter creating it, has the power of making a program of University service a degree requirement. The case is in the High Court waiting to be disposed of very soon.³⁶

Conflict of Laws in Ethiopia (1965). Scholarly works in progress by 1966 included Peter Strauss and Paulos Tzadua, transl., The Fetha Nagast (1968), S.Z. Fisher, Ethiopian Criminal Procedure (1969), and William Ewing, Consolidated Laws of Ethiopia (1972).

³⁴ A Ford Foundation grant for research and publication supported, *inter alia*, a six month research leave in London for me to investigate the sources of the Criminal Procedure Code.

³⁵ The Balance and the Sword, (vol. 1, no. 1, May 21, 1966) n.p.

³⁶ Reportedly, in Ababiya Abajobir et al vs. Haile Sellassie University, the High Court ruled against the students' challenge. Email communication to author from Alexandra (Hamawi) Kontos, July 11, 2014.

2. Ground-breaking for a “Law House.”³⁷ The announcement was headed:

IT IS WITH GREAT PLEASURE THAT THE HOUSING COMMITTEE ANNOUNCES THAT THE GROUND BREAKING FOR THE “LAW HOUSE” IS TO TAKE PLACE TODAY, MAY 21, 1966.

Law House was designed to provide “modest but adequate housing for the present and future law students...which is now notoriously lacking.... It would contain twenty double rooms for sleeping and studying, a modest ... lounge and central bathroom facilities.” The concern was mainly for students who came from the provinces, most of whom “live in deplorable conditions and must have better housing if they are to profit from law study. There are no university dormitories for every student.” Many students “live far from the University in conditions that gravely affect their academic work [and that] affect the intellectual development of those who must staff [the] Ethiopian legal profession of tomorrow.” This announcement ended with an appeal for financial assistance from the “business, legal, governmental and university leadership of Ethiopia.”

In succeeding years the Law School community tried, but apparently failed, to find the funds needed to realize this ambitious goal.³⁸

3. Women’s Legal Education. Alexandra Hamawi, a member of the first graduating class of LL.B. students, contributed an article titled “The One and Only,” from which the following excerpts are drawn:

Being the only girl in a Faculty of the University is a fascinating but at the same time a rather frustrating experience.... I will never forget my first days in the Law School; the terror that overtook me the first time I went into a class with nothing but men around me.... What made the experience even worse was that law was – and still is – regarded as a field reserved exclusively for men, so that I was looked upon as an intruder. I came to be known everywhere as “the” girl

³⁷ This section is drawn from The Balance and the Sword, *supra* n. 35.

³⁸ In an internal memorandum the following year, Dean Paul announced, regarding Law House: “I have signed a contract with the Building College – on behalf of the Law School. If we don’t raise the remaining \$10,000 either I may be jailed for my debt or Law House may lack a roof. I know we can do it. Will we?” Memorandum from Dean Paul to “Colleagues at the Faculty of Law – Staff and Students”, (unpublished mimeo, June 8, 1967) at 3 (on file with the author).

who was studying law. On one occasion, I was introduced to a Government official who in reply to statement that I was studying in the Faculty of Law, said: "So you are the one!"

When I completed my first year, I was hoping that my example would urge other girls to join the Law School. But here I am, almost at the end of my third year, and I am still alone....

My only wish is that, in the years to come, ladies will feel less reluctant to join the Law School. I have fought the first phase of this war. Their task is bound to be much easier.

I am certain that Ms. Hamawi would be proud of the fact that her example has been followed by so many women, and that law in Ethiopia is no longer regarded as a field "reserved exclusively for men."

The Contributions of Our Students

Among the many contributions to the Law School's progress made by our students, the greatest I believe was their conduct of research. Although most faculty members could not penetrate the mysteries of Ethiopian language, culture and legal practices, they were able to use our capable and energetic students as their "eyes and ears." A few examples will illustrate the extent to which my own students made important contributions to Ethiopian legal scholarship.

1. In response to my interest in traditional criminal procedure, two students, Seifu Felleke and Nebiyeleul Kifle,³⁹ started an Amharic language radio program in which they invited listeners to submit accounts of traditional procedures, such as *lebashai* and *affersata*. They also wrote a weekly column on this subject in an Amharic language newspaper, requesting reader comments. In addition, my research assistant, Daniel Haile,⁴⁰ translated Italian language traveler commentaries for me. I later incorporated the work of these students in my own writings on traditional Ethiopian criminal procedure.⁴¹

³⁹ Both were enrolled in the evening LL.B. program.

⁴⁰ Later Dean of the A.A.U. Law School.

⁴¹ See Stanley Z. Fisher, "Traditional Criminal Procedure in Ethiopia," 19 Am. J. Comp. L. 709 (1971).

2. My book, *Ethiopian Criminal Procedure*,⁴² was greatly improved by incorporating student research on actual practices by police and judges. For example:
- a. A research paper by Bulcha Demeksa on bail practices.⁴³ His interviews of police officers and judges revealed regular denial of arrestees' right to bail, driven by official presumptions of arrestee guilt, rather than innocence;
 - b. A research paper by Abiyu Geleta,⁴⁴ revealing regular police disregard of the duty to obtain judicial warrants before carrying out searches and seizures;
 - c. A research paper by Worku Tafera⁴⁵ on the appointment of counsel by High Court judges in Addis Ababa, showing the absence of uniform criteria governing the provision of appointed defense counsel.

In addition, our students played a vital role in selecting and translating court opinions from Amharic into English, for possible publication in the *Journal of Ethiopian Law*. Through such efforts did our students help their teachers understand how the law in the courts and police stations compared to the law in the Proclamations and Codes.

Faculty Reactions to Conflict between Our Students and the Government

As a teacher of penal law and procedure, I had to consider how freely I and my students could critically discuss official actions that curtailed individual rights. I was given to understand from the start that one could criticize government practices, so long as one did not directly criticize his Imperial Majesty! However, later events forced faculty – as well as students – to make difficult choices. I shall give examples.

⁴² Stanley Z. Fisher, *Ethiopian Criminal Procedure*, (Oxford University Press, 1969).

⁴³ Bulcha Demeksa, "The Law and Practice of Bail in Ethiopia" (unpublished, 1965) quoted *id.*, at 157.

⁴⁴ Abiyu Geleta, "The Search and Seizure Exclusionary Rule in the Ethiopian Law," (unpublished, 1965) quoted *id.*, at 137.

⁴⁵ Worku Tafara, "Indigent Defendant's Right to Counsel in High Court Trials in Addis Ababa," (unpublished, 1965) quoted *id.*, at 269.

1. **An Incident at the Laboratory School.**⁴⁶

A fight in May, 1967 between Eritrean and Shoan students at the University Laboratory School resulted in serious injuries. After an internal investigation, the University President announced that sixteen 12th grade Lab School students had been confined to Kolfe Police training station for up to six months for “rehabilitation.” Twelve members of the Law School faculty responded by sending a letter to the Dean of the University’s Faculty of Education, protesting “in the strongest possible way,” incarceration of the students without any “legal process either by the University administration or by any other body to legitimate this imprisonment.”⁴⁷ The University’s proper course, proposed the letter, would be to support the students’ rights to counsel and release on bail, in accordance with the rule of law.

2. **Student Protests**

My last three years on the Faculty, 1965 to 1968, featured rising student unrest and protest against the Imperial regime.⁴⁸ As expressed by a contributor to the student publication, *Struggle*, “the educated few have the responsibility first to teach the people to be aware of their needs and suffering and ... lead them to fight and win over their oppressors.”⁴⁹ Thus, we witnessed students demonstrating, on and occasionally off campus, waving copies of Mao’s Little Red Book, and demanding “Land to the Tiller.” Protest crossed a line, and affected us deeply when, in the Spring, 1967, one of our recent graduates was arrested for throwing an explosive device in an occupied movie theater in Addis Ababa. He was prosecuted, convicted and later put to death.

⁴⁶See “Sixteen Lab School students to have ‘Educational Experience’ at Kolfe,” *The University Reporter*, vol. 1, no. 22, June 13, 1967 (unpublished mimeo, on file with the author).

⁴⁷This account relies upon an unsigned carbon copy of a typed letter to Dean Mulugeta Wodajo dated June 9, 1967, cc. to President Kassa Wolde Mariam, over the names of 12 Faculty members. The assertion that the letter was signed and sent is based on the author’s best, but admittedly fallible, memory.

⁴⁸For something like a decade from 1965 on, the students came out into the streets in almost ritual annual demonstrations, daring to defy a political order that had managed to secure the cowed submission of a large part of the population. As impassioned advocates of change, more than any other sector of the society, they proved to be the grave-diggers of the old regime.... Bahru Zewde, *A History of Modern Ethiopia*, 220 (1991).

⁴⁹T. Menelik, “The Role of Students in the Development of a Society,” *Struggle*, vol. 1, no. 1 (mimeo, March 23, 1967) 8-9. *Struggle* was published by the University Students’ Union of Addis Ababa.

In reaction to student protests, the government sometimes closed the University, in effect locking our students out. Regretting the interruption in classes, some faculty discussed whether we should offer law students instruction in our homes, and – if we did –how the government might respond. We did not make the attempt. However, in another instance of a lengthy government “lockout” of striking students, I became more involved. Together with a colleague from the Political Science faculty, I met with a few student leaders off campus in hopes of mediating the conflict. Shortly afterwards, University President Kassa summoned my colleague and me to his office. Sternly, he warned us that if we continued our efforts, we would be ejected from the country. This warning persuaded us to abandon our attempt at peacemaking.

What Did We Accomplish? Reflections on the Aftermath of Revolution

Although in 1968 I resigned my teaching position in Addis Ababa to join the Boston University Law School faculty, I was deeply affected by the events between 1974, when the Derg took power, and Mengistu’s fall in 1991. These events brought immediate death to some of my former students and imprisonment or exile to others and their families. Most were faced, at least, with hardship and suffering of one sort or another.

In the ensuing years, I was sometimes asked whether I felt that my service in Ethiopia had accomplished something positive. This question, over time, led me to confront other, more disturbing questions about the impact of our contributions in the 1960’s: Had our well-meaning efforts to encourage respect for individual rights and the rule of law been both naïve and arrogant?⁵⁰ Had we merely been part of a problematic effort to transplant foreign law and values in hostile soil? Had the values we espoused -- in light of the social, political and economic realities of Ethiopian life – resulted mainly in personal loss and tragedy? After I visited Addis Ababa in 1992, and heard the tales of numerous former students who had suffered under the Derg, I found it hard to feel positive about what I and my colleagues had “accomplished” in the 1960’s.

⁵⁰ Looking back at his enthusiasm, in the early 1960’s, for the contribution that young American lawyers might make to legal education in Africa, Dean Paul admitted to being “somewhat ashamed of the arrogance that infected my enthusiasm.” See Paul, “Seeking” *supra* n. 4, p. 23. For an appraisal of recent charges that the SAILER program in Africa was “imperialistic” and “chauvinistic,” see Krishnan, *supra* n. 3, at 318 ff.

Over time, however, I have come to a more positive (and, I hope, more realistic) view of our accomplishments in the period 1963-1973. Whatever our faults and errors, we helped to lay a foundation for continued growth and development of Ethiopia's ancient legal system, and for the rule of law. The existence of this foundation is apparent in the increased number of law schools operating throughout the country. The research and publication begun in the early years continues to serve as a foundation upon which successive generations of students, teachers and scholars have built. In my own field of criminal procedure, for example, I note the scholarly contributions of present faculty at the Addis Ababa University Law School, who have been carrying forward the work of their predecessors.⁵¹ More familiar than most of the early teachers were with Ethiopian history, culture and institutions, the current generation of Ethiopian law teachers is better equipped to understand and guide future development of the legal system.

My faith in the value of what the early faculty accomplished is bolstered by recognition of the outstanding contributions to the legal profession of many of our graduates. Consider, for example, two of our early LL.B. graduates, Aberra Jembere and Teame Beyene.

In the Haile Selassie era, Dr. Aberra held important governmental and non-governmental posts.⁵² He was also active as a legal scholar. In 1974, the Derg imprisoned him for eight years. While in prison, Dr. Aberra pursued his scholarly interest in Ethiopian legal history by interviewing knowledgeable fellow-prisoners. Following his release, he joined the U.A.A. Law Faculty. He went on to serve in the national Parliament, and resumed his activities with charitable organizations such as the Ethiopian Red Cross Society. At the same time, he continued his scholarly research, for which he received a Ph.D. from Erasmus University Rotterdam in the Netherlands. Although Dr. Aberra passed away in 2004, his excellent book, *An Introduction to the Legal History of Ethiopia, 1434-1974*, was published in 2012.

⁵¹See, e.g., Simeneh Kiros Assefa, *Criminal Procedure Law: Principles, Rules and Practices* (Xlibris Book Publishers, 2010); Tsehai Wada, "Timely Disposition of Criminal Cases in Ethiopia," 24 *J. Eth. L.* 50 (2010); Tsehai Wada Wourji, "Coexistence between the Formal and Informal Justice Systems in Ethiopia: Challenges and Prospects," 5 *Afr. J. Legal Stud.*, 269 (2012).

⁵² He served, for example, as Administrator of the Haile Selassie I Foundation, and as Head of Legal and Parliamentary Affairs in the Prime Minister's Office.

In my view, Dr. Aberra Jembere's accomplishments as a public servant and legal scholar, in the face of such suffering and loss, realize the hopes and vindicate the efforts of those who served on the Faculty in the early years.

The second early graduate whom I will mention is Chief Justice of Eritrea Teame Beyene. After completing law school he enrolled in an advanced degree program at the University of Wisconsin Law School. He interrupted that study to return to Eritrea, where he joined the Eritrean People's Liberation Front and served in the field for over 20 years. After the war, he was made President of the High Court in Eritrea. At a meeting of the Eritrean Studies Association in Asmara in July, 2001, he presented a paper critical of the transitional government for interfering with the independence of the judicial branch.⁵³ The Chief Justice charged the executive branch with undermining the judiciary in violation of guarantees of judicial independence in the Eritrean Civil and Criminal Procedure Codes and the Constitution. The undermining actions included allocating the judiciary inadequate resources, entertaining appeals by losing litigants to executive officials, attacking the courts in officially controlled media, and establishing a special military court, with the power to review and set aside judgments of regular courts, with no duty to apply the Penal or Criminal Procedure Codes, and no right of appeal.

A few weeks after presenting his paper, the Chief Justice was removed from office and "frozen," meaning that he would continue receive his salary, but could not serve. Like Dr. Aberra Jembere, the former Chief Justice has spent his time researching a book on the legal history of his country. Also like Dr. Aberra, Teame Beyene is a heroic and inspiring alumnus of the H.S.I.U. Law Faculty.

Conclusion

As the accomplishments of Aberra Jembere, Teame Beyene, and many other Law School graduates show, the "rule of law" is not something which either "exists" or "does not exist." Rather, it is a principle which must be fought for in bad times and defended vigilantly in good times. Society looks to us, members of the legal profession, for leadership in this continuing struggle.

⁵³ His paper, "The Eritrean Judiciary: Struggling for Independence" can be found at <http://africa.widmi.com/index.php/ethiopia/ethiopian-review/opinion/152371-the-eritrean-judiciary-struggling-for-independence-by-eritrean-chief-justice-teame-beyene> .

What is more, this struggle is equally as necessary in the United States or Europe as is in Ethiopia, Eritrea, or elsewhere in Africa. It is from this vantage point that I view the sacrifices made by Aberra Jembere, Teame Beyene, and their peers and successors at the Law Faculty. And from the same vantage point I honor their achievements, and take pride in having played a small part in their legal education.