

Lawyers in the Third World: Comparative and Developmental Perspectives

Edited by

C.J. Dias

R. Luckham

D.O. Lynch

J.C.N. Paul

Scandinavian Institute of African Studies, Uppsala
International Center for Law in Development, New York

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Professions, Professionalism, and Law Some Reflections by a Political Economist

History at all times draws
Strangest consequences from remotest cause

— T.S. Eliot

Those who cannot remember history are doomed to repeat it
— George Santayana

The first thing to do is to form the committees:
One Secretary will do for several committees.

We demand a committee, a representative committee, a
committee of investigation
RESIGN RESIGN RESIGN

— T.S. Eliot

Do not cover up the scars
... lest it prove a hollowed shell
And lest the feet of new torn lives
Sink in voids of counterfeiting,
Do not swell earth's broken skin
To glaze the fissures in the drum.

— Wole Soyinka

I

To present a few remarks on the legal profession and the law as perceived by economists would appear relatively easy. It is not. First there is the problem that economists are hardly a homogeneous category (profession?) in ideology, level of abstraction, time perspective or concern with institutions. To narrow the field somewhat one can limit it to political economists in the classic sense — those concerned with the applied reality of analysis in actual socio-political and institutional contexts.

Not even all political economists think alike. What follows, therefore, is something of a cross between points on which a fairly broad array of political economists would agree and the writer's own stance with which many of them would take issue. Hopefully the context will usually make clear which is which.

One problem of interdisciplinary or, indeed, intermodel discussions is a tendency to engage in "irregular declensions." For example:

I pick out key variables.
You tend to oversimplify.
He is a crude reductionist.

or:

I see the reality of complex interactions.
It is hard to see what you are driving at.
He can't see the wood for the trees.

Yet the inverse of this problem is a gain if all participants can remove their noses from the knotholes in their favorite trees and see the dangers of reductionism inherent in their own brutal simplifications.

Many political economists would perceive the standard Anglo-American sociological model of professions as an ideological survivor of the rationale for the medieval guilds and not as an analysis of the dominant characteristics of any profession today. This may be unfair, but the "liberal professions" are in fact those guilds (or specialized sections of monastic orders if one includes university teachers as a profession) which survived because they could adapt to new political, economic and institutional contexts.

Like almost all approaches to knowledge which believe their field includes some general organizing principles, political economists do not tend to see much merit in leaving any important area entirely to its own specialists. Planning is too important to be left solely to planning technicians (rather ill advisedly usually called planners), war to generals, the legal profession to lawyers. Unfortunately, political economists are also quite likely to make their own speciality an exception: to see economists as the only legitimate guardians (in the platonic sense) of political economy. This exception should be resisted precisely because the general contention is sound.

II

It is critical to realize that the political economist concerned with planning or manpower uses the words "profession" and "professional" very differently from the sociologist concerned with the sociology of professions. Unless this is realized a dialogue of the deaf is likely.

By and large the political economist's approach to professions is much more akin to that of manpower planners, administrators and managers than to that of sociologists.

The key characteristics of a profession (or an identifiable cluster of positions using high level manpower) for him normally are:

1. specialized competences;
2. competences including some intellectual component and transferable over a range of related activities;
3. competences whose effective application is critical and whose practitioners (certainly in terms of small groups and possibly even of individuals) are not easily done without or substituted for, either by more "homogeneous" unskilled or semi skilled labor, or by members of another profession;

4. an embodiment of not inconsiderable amounts of "knowledge capital" in the professional person;

5. a range of activities many (not necessarily all) of which are not easily controlled in a routinized manner because of the nature of their "product" and the adverse effect of attempted standardization on the quality of this "output".

"Colleague control" is noticeably absent from this list. Few political economists would deny that the power and profit positions of members of a profession differ depending on their patterns of organization and relations to employers. But even fewer would see the colleague-oligarchic-corporate control division as integral to defining a profession as opposed to analyzing its role and power in a particular mode or sub-mode of production.

Therefore, the division of professionals versus technocrats is one which is startling to political economists. From their perspective lawyers, engineers, economists, doctors, managers and army officers are all professionals. That, of course, does not imply the absence of struggles or clashes between professions as some do adapt better to changing sub modes of production and their institutional embodiments (superstructures) or are inherently advantaged or disadvantaged by the change. But this does mean that such struggle is among different branches of the professional sub class not between professionals and technocrats.

Whether professionals have significant general power in a modern capitalist (or socialist) economic system and if so, what types of power subject to what limits is an issue on which there is little agreement among political economists. The extreme view of the technocracy (composed of professionals) as an emergent dominant class — adumbrated (with enthusiasm) by Galbraith in the neo liberal tradition on the one hand, and, with alarm, by the intellectual heirs of Kautsky and Luxembourg in the social democratic and Marxian tradition on the other — is not a majority one. The other extreme view that the limited degree of power that professionals have over their own rewards and working conditions is being eroded for most by routinizing ("deskilling") previously professional posts and co-opting the remnant professionals as junior members of the (capitalist or socialist) decision taking coalition is also a minority one.¹

The tendency to class professionals as *petit bourgeois* (a tendency, if not a terminology, by no means limited to Marxian or quasi-Marxian political economists) is probably best interpreted as based on a recognition that knowledge can be capital and can be embodied in a person. In that sense professionals are small capitalists and ones whose capital is critical to the operation of larger agglomerations of (private or state) capital. That they can be a dominant class on this base seems unlikely¹ (not incredible) but that they can be a secondary member of almost any capitalist, social democratic or socialist ruling coalition of sub-classes seems probable. If this is a correct view, then professions are likely to retain some ability to define their own qualifications, work conditions, areas of competence and rewards whether the formal structure of control is one of professional autonomy, oligarchic or corporate patronage, with or without state mediation.

III

By and large political economists concerned with institutions and processes would not see concepts such as justice as being confined to law or laws. They would see the law as embodying the particular concepts of justice held by the dominant decision takers; and the individual laws and legal institutions and processes as among the ways in which these concepts were more or less imperfectly articulated, popularized, mystified, reproduced and enforced.

This is quite different from saying that political economists do not operate on the basis of some (admittedly highly divergent and often implicit) concepts of justice. Ironically, many see justice as more inherently involved in political economy than in law, even if more formally and overtly presented in the latter.³ For all but a few political economists, law and laws are perceived as functional and value embodying rather than as philosophical and integrally moral.⁴ It is critical to realize this because a lawyer's view of political economy is often almost the inverse and again the danger of a dialogue of the deaf arises.

Many political economists do not make a distinction between laws and the law.⁵ Indeed, most of them it should be said, do not have any articulated views as to either law or laws (whereas a majority do have some analytical approach to professions and/or high level manpower). The positions sketched, therefore, are "minority" ones, albeit fairly typical of political economists – including those of European socialist states – who have devoted attention to the topic.

As a system, law is seen as serving several functions:

1. legitimation of decisions and avoidance of controversy (political economists are by and large biased against litigation and view a major role of laws and lawyers as being the avoidance not simply of violence but also of the formalized "violence" of litigation);

2. mobilization of resources (including class or subclass support) for the purposes chosen by decision takers and (presumptively) embodied in the legal system;

3. facilitation of administration and management by setting reference frames for decisions requiring judgment and laying down procedures for routine ones;

4. control through sanctioning (whether by requirement or prohibition, reward or penalty) particular classes of acts.

To carry out these functions the system must possess certain characteristics:

1. comprehensibility to decision takers, practitioners and those required (or forbidden) to act. (This does not mean all laws or all clauses need to be comprehensible to everyone, e.g., if price control is to be enforced by "man in shop" reporting, then the price schedules and reporting procedures, but not necessarily the detailed principles and procedures of price setting must be comprehensible to him);

2. predictability in the sense that legal process or legal process determined decisions (in courts but equally by lawyers, managers, administrators acting with reference to the legal framework) are largely coherent, compatible with each other

and consistent with legal provisions. (This does not exclude discretionary powers, but it does exclude taking decisions without reference to the legal provisions);

3. routinization of "decisions" or actions which are seen to require uniformity and (subject to review provisions) to need little judgment at the initial action level – for example, many branches of tax assessment and licensing;

4. setting clear lines of authority (including locus of discretion and review) in public sector administration, management and decision taking;

5. means to resolve conflict – preferably by methods not involving formal litigation (especially again in the public sector administration, management and decision taking fields);

6. deterrence of undesired actions (with prosecution of those who act in the undesired ways, seen primarily as a means of deterring others).

Political economists thus tend to be "legal realists" concerned with the law in action and perceiving tensions between that law and the law on the books as representing either a failure of systemic "discipline" (in Myrdal's sense of a "soft society") or a failure to adapt the law to reflect present systemic decision taker goals. They are concerned with how the law affects "real people", "real events" and "real decisions" much more than with legal theory (or as some would say in a disparaging tone, legal "theology").

This approach implies that any individual law, legal institution or legal process can and should be modified if it becomes even moderately dysfunctional from the point of view of decision takers, so long, that is, as decision taking coalition membership does not change so rapidly and cyclically as to make this a recipe for chaos. However, at the macro level, more stability is usually seen as desirable because rapid and repeated changes in the entire legal system (the law as opposed to individual laws) have high costs in terms of its ability to legitimate, mobilize and control and also tend to pyramid the difficulties of comprehensibility, predictability and action deterrence related to even micro changes.

Evidently, several criticisms can be made of this approach to analyzing law and laws:

1. the division between administrative rules/procedures and law is unclear and varies from political economist to political economist with few clear criteria advanced;

2. the interaction of institutional structures and practices with modes of production and dominant decision taking coalitions is ruthlessly simplified – often to the point of crude reductionism;

3. while law is clearly not seen as value free in operation, the highly instrumental approach to it tends to conceal the fact that legal forms as well as their use have embodied values and that, therefore, significant changes in the class nature of decision taking coalitions usually require changes in legal processes and forms as well as in specific laws, crimes, requirements, and sanctions;

4. the approach is to some extent trans-disciplinary but it is rarely truly interdisciplinary and tends to be economicistic.

IV

Political economists are not particularly given to simple "reading off" of the "proper" form of institutions and professions from some single dominant characteristic. They do – not surprisingly – tend to view economic relations (sub modes of production) as central and probably ultimately decisive but are not – as a group – particularly prone to crude reductionism.

In examining any set of institutions and relations in any one economy, most political economists would consider the sub-mode of production (patterns of production and ownership), international economic relations (dominance, sub central status, peripheral dependence), technology (both in the economy and in the global system), institutional patterns (especially of the state and of the major directly productive sectors) and the history of the economy to be critical. The interaction of these forces is seen as determining possible and implausible, efficient and inefficient (in terms of dominant decision taker or identified class or formation goals⁹), stable or unstable institutional and relationship patterns. Most political economists would content themselves with specifying ranges, not arguing that there is complete determinism and no autonomy as to institutional and superstructural patterns and evolutions.

Ideology is not an area in which applied political economists are usually very articulate or expert. Presumably, this is because they operate on largely implicit ideological premises. Certainly this characteristic cuts across ideological divides and is very evident in many Socialist European political economists. The evident danger is that the implicit, unexamined ideology may be quite inconsistent with the actual sub mode of production, place in the international economic order, level of technology, history or overall superstructure to which it is applied.

In a "class" state one would normally expect to find "competing" ideologies. Because these are articulated by specialized groups more complex than simple economic classes, their interaction is not subject to an easy "reading off". Lawyers (and for that matter political economists) tend to set a high value in order and predictability, no matter what their broader (supra professional) ideological perspectives. This can create conflict, even in situations far short of armed revolution. In Chile under Allende lawyers of the left tended to advise the narrowest possible action and the least violation of form in order to achieve the goals of the Unidad Popular; without perceiving that their advocacy of cautious constitutionalism was, in many respects, arguably inconsistent with these goals.¹⁰

The sub mode of production has major effects on the legal system and on legally trained personnel as to:

1. what transactions they are involved in and in what way (as negotiators, advisors, adjudicators, or combatants);
2. how law and legally trained personnel are organized in terms of institutions, selection and training, relationship to other institutions;
3. which individuals, units, sub-classes or formations are served (or controlled) by legal processes and legally trained personnel;

4. and – probably most critical – what goals the legal institutions and personnel serve and how they participate in shaping, articulating and implementing these goals.

The importance – as perceived by others – of the legal profession is likely to turn largely on how they relate to the last point. Unless legally trained personnel see “real problems” as perceived by “real people”, they are likely to be relegated to increasingly narrow areas of activity and, especially, to implementation rather than decision advising or articulation.

For example, in Tanzania the creation of Ujamaa (semi socialist) villages was perceived by several members of the judiciary and the law faculty at the University of Dar es Salaam as raising problems. They identified the latter as:

1. means to acquire land for villages lawfully;
2. forms of secure legal tenure for villages over the land they used;
3. legal status for villages especially in respect to getting credit and to installing a legal frame giving the central administration control over village rule setting.

Unfortunately, these were not the problems as perceived by the President or the Chief Parliamentary Draftsman, the Prime Minister or the commercial and investment banks, the Economic Advisor to the Treasury or the villagers. As a result the “legal” input both slowed movement toward the subsequent legislation on village land tenure and village self government and reduced respect for the legal profession as a source of advice.⁴

Land for villages could have been acquired quite lawfully under either the “eminent domain” or “traditional tenure” legislation already in force and advice on how to do so in a less cumbersome and quicker way might have been useful. Since villages *de facto* held land under traditional “use” tenure, they were (and saw themselves as) secure, barring a radical reversal of party policy. As the major credit sources were public sector financial institutions and did not see the presumptive “unregistered partnership” status of most villages as a barrier to lending to them, that issue was a mare’s nest. In the absence of clear views on how villages could and should evolve by village decisions, experience was wanted before setting guidelines. Central control over, or detailed patterns for, village rule making was emphatically not wanted either by villagers or by party leaders although many middle level administrators shared the lawyer’s different perceptions on this issue. The advice therefore was, and was perceived as, a distraction from facing the problems of creating and legislating an institutional framework for multipurpose, self-governing communities and for their progression by stages from being fairly standard local governmental bodies through to becoming cooperative social and production units.

V

For those political economists seriously interested in legally trained personnel and legal institutions (a distinct minority), a key question is “what do legally trained personnel do?” At least nine areas may exist:

1. court clash roles in respect to the criminal law;
2. clash avoiding roles in respect to the criminal law (advisory, plea bargaining, educational, etc.);
3. court clash roles in respect to the civil law;
4. clash avoiding roles in respect to the civil law;
5. managerial, organizational and administrative roles (beyond purely legal system administration) whether traditionally "legal" or not;
6. negotiating roles in respect to transactions, contracts, etc.;
7. institution creation roles: for example, the contribution of the Chief Parliamentary Draftsman to the articulation of the decision taking framework, procedures and enforcement provisions of the Tanzania Prices Act;
8. institution validation roles: for example, the preamble and the public presentation of prices, public reporting and special evidential provisions of the same Act;
9. institutional system validation roles: for example, the Tanzanian legislation to enforce the Leadership Code (which barred public office holders from engaging in private business); to establish in law the already existing policy making supremacy of party institutions; and to create a clear framework for a series of decentralized self government bodies from the village to the national level.

The traditional emphasis of the legal progression (shared by many social scientists studying law and lawyers) on the first four roles is almost the inverse of the concerned political economist's. At the micro level he is likely to be most concerned with the fifth and sixth and at the sectoral and macro levels with the last three.

These areas – except perhaps negotiation – are harder to study than the first four. By their nature they do not throw up public records and by the nature of state bureaucracies they tend to be shrouded in secrecy. However, both qualitatively and even in some cases quantitatively,⁹ such roles are often more critical than the traditionally studied ones in the sense of being more closely related to key decisions and to significant changes in the institutional structures, social relationships, and the sub modes of economic production. A drafting section which is more than just a "legal translation service" can have an impact different in kind from any number of prosecutors, defense lawyers and magistrates dealing with routine criminal offenses.

Questions of diversification and specialization are of interest to the political economist both as analyst and as advisor. The requirements in terms of formal legal education for different legal roles – e.g., magistrates, negotiators with transnational corporations, parliamentary draftsmen and managers, part of whose functions make use of legal training – would appear to be rather different. Certainly in some states like Tanzania, distinct specialization seems to be developing in work and in post-employment training, albeit to date to a much lesser extent at the law school level.

Diversification is related to specialization. The greater the diversity in legal roles the less the likelihood that a "general practitioner" can fill all of them. At least four aspects of diversification can be identified:

1. provision of traditional legal services to non traditional users (legal aid or other forms of broadening "access");

2. provision of some elements of legal education (not merely those relating to the standard criminal/civil roles of the bar – though not necessarily excluding these) for non legal professionals (such as managers, negotiators, engineers, economists) at university and/or post-employment course levels;

3. creation of new technically complex legal services to meet new needs, for example, in respect of negotiations with transnational corporations;

4. creation of new, broad based legal (or paralegal) services, for example, in support of participation or community self government.

Analysis of the need for diversification requires attention to both the qualitative and the quantitative nature of the unmet or potential demand but it requires more than that. It is also necessary to assess to whom the "gap" is critical, why it is not met by legally trained personnel, what substitutes for legally trained personnel are being used (if any), what the consequences (in socio-political and political economic more than in formal legal terms) of the gap are. Further, it is critical to consider whether the diversification can or should be carried out through "standard" legal institutions and using "standard" legal professionals or whether modifications and transformations are appropriate.

Paraprofessional is a term subject to abuse. It should not mean inferior or sub professional (the abusive connotation given to it by threatened professionals). Equally it should rarely (and law seems unlikely to be an exception) be viewed either as a total substitute for professionals in all roles or as the creation of a homogeneous cadre. For example, a political economist, with no formal legal training, but a good deal of self teaching and experience acquired by working with legal professionals, who acts as a consultant to a draftsman, is probably a legal paraprofessional. But he is neither a sub professional, a substitute for the draftsman nor a typical example of a legal paraprofessional.

Paraprofessionals are likely to have to fill quite particular roles. Because these typically may range over several different areas – for example, negotiating with transnational corporations and advising draftsmen on substantively complex legislation, and for another example, resolving community level disputes and representation before primary courts (where this is barred to lawyers by law, economic reality and/or the number of lawyers) – so too should the paraprofessional's education, recruitment, institutional position and means of remuneration differ accordingly. Probably the major needs for paraprofessionals fall into two broad categories: on the one hand, highly specialized professionals, part of whose training is legal; and on the other, individuals serving in a framework of institutions designed to further participation, community self government and the simple and equitable resolution of conflicts.

Clearly the demand – if any – for legal paraprofessionals will depend on the nature of the mode of production, dominant decision taking coalition, and of the state framework. Almost equally clearly their effective introduction and use will require significant institutional and procedural changes not limited to the legal field.

For example, in Tanzania there are distinct village and ward level medical paraprofessionals; several types of district and regional medical personnel who are either new professionals or (by traditional medical standards) paraprofessionals; and a number of types of major hospital, research and educational institution based medical professionals. These operate through a variety of both specialized and mass, formal and informal educational programs, hospitals, outpatient centers, dispensaries, consulting places, public health campaigns, research programs; with a corresponding variety of institutional structures. These are intended to meet basic human needs, both for preventative and curative medicine, and other things like pure water, nutrition and environmental sanitation; and to do so within a context of broad, popular participation in the taking and carrying out of decisions.

In the Tanzanian context an appropriate pattern for legal and paralegal institutions, training and personnel might be similar to this in broad outline with communal conciliation and equitable adjudication procedures manned by part-time paraprofessionals" at the mass level; and a variety of specialized institutions and personnel at the national end of the spectrum. Complex issues of articulation will arise: of the role of assessors or jurors (who have recently been given more power relative to magistrates in primary courts); of representation for parties in disputes (now barred except for the state at primary court level and limited to lawyers, again except for the state, at other levels); of the appropriate role of specialized quasi-judicial tribunals (which have multiplied at the expense of lower court jurisdiction, though appellate jurisdiction has usually remained with the High Court); and of the proper scope for appeals against the discretionary decisions of officials, ministers and individual party office holders to judicial, conciliation or ombudsman type bodies (the last does exist in Tanzania but in practice does not reach most workers and peasants). But in the Tanzanian context, one particular ideological framework within which to grapple with such individually diverse questions can be identified.

By contrast, in a country such as Kenya, with a centralizing state, dominated by a coalition of domestic capitalist and professional sub classes, and with a growth strategy keyed to integration into transnational capitalism as a regional sub center, a quite different set of constraints and questions would be appropriate: if, that is, one is talking of change within the present system and not of the requirements of a different decision taking coalition with a different development strategy introduced after a revolutionary change in the system. Nevertheless, there are some types of paralegal institutions and personnel which would be consistent with the present Kenyan system: including perhaps some type of conciliation service at the community level; and certainly including personnel with the right combination of legal and economic skills for negotiating with transnational corporations. The Kenya pattern answers are likely to be of relevance more in Third World states than those relevant to Tanzania would be.

VI

The presentation of some of the ways in which political economists may look at law, legally trained personnel and the legal profession does not imply that other ways of looking at these areas are inaccurate; nor even that all elements in any (let alone all) political economic approaches are sound. Political economists are too prone to taking the standard court and bar centered roles of law and lawyers as being useful – like say those of dustmen – but also of perceiving them as neither central nor a useful area for analysis. Equally, their tendency to say that both the standard Anglo American sociological and the standard lawyers' models of professions are reductionist and exclude almost everything that is genuinely significant about professions (as political economists define them), is in itself a form of reductionism. Finally, the use of the economic structure and production relations (sub mode of production) as the starting point for the analysis of law and legal systems does incline toward an unduly mechanistic view of law as something to be "read off" or to an unduly cynical view of law as pure mystification designed to conceal the nakedness of economic power as exercised or mediated through the state.

These are not trivial criticisms (nor does the author claim to be immune from them simply because he sees the dangers) and they do point to the need for approaches from multiple starting points. Rather more constructively it can be noted that each of these weaknesses in political economic approach flows from a strength in tackling areas not central to, or not very satisfactorily analyzed in, legal writing on law or in much of the other social sciences' study of law. These include the critical functions of legally trained personnel in roles other than court combat; the characteristics of professions and clusters of high level manpower in technologically advanced capitalist and socialist modes of production; the necessity of relating study of the law and legal system to the underlying economic relationships.

Notes

1. The "deskilling" debate itself is confused. On the one hand deskilling is seen as reducing the average level of labor skill and therefore as a means of increasing capitalist control (e.g., by Palloix). In this version there seems to be some confusion as to what skill means – in at least the technical sense to argue that even present unskilled workers have lower levels of skill than medieval peasants or the bulk of early industrial revolution mine and mill workers appears to be empirically unsound. Equally, to argue that the factory worker today is less free and more at risk than the peasant farmer is somewhat misleading – more controlled by human institutional frames and more subject to man imposed constraints would appear a better stating of the situation. The reverse assertion that "deskilling" (deprofessionalization) is crucial to liberate (e.g., by Illich and in a much subtler and more modulated form by Chairman Mao) starts from the premise that there is an existing or potential dominant professional class against whose monopolization of knowledge "deskilling" is a means of struggle.

2. Army officers may be an exception because they do have access to the power of the gun as well as of the pen. However, the reality of power distribution under military regimes is not simple. Many are

arguably dominated by classes (sub-classes) other than the army officers themselves or represent an attempt by the officers to transform themselves into a capitalist class.

3. The advocates of "value free" economic "science" are not normally political economists and even when they are – for example, Milton Friedman – tend to reject the title. Nor are their formulations in fact value free but that is a different issue.

4. This is an example of "irregular declensions" It is remarkably easy for any discipline, profession or vantage point for analyzing and ordering reality to perceive itself as central, value determining and able to develop and propound truth and to view all others as secondary, functional and apt only for serving and enforcing.

5. This is not usually the same as the Jeffersonian distinction between law and men or natural and man made law. In any event, Jefferson was not so naively complacent as some critics assume – he believed an armed revolution every decade necessary to attain a renewed institutional synthesis, a view more a forerunner of Chairman Mao than of Milton Friedman.

6. True, neo liberal and neo-Keynesian political economists are prone to speak of the national interest. This is either a defense of the *status quo* (more accurately the existing trajectory of change in the *status quo*) or an assertion that there are issues on which some consensus among relevant (i.e., powerful) formations or classes is possible. The more specific the analysis, the less likely are such generalizations and the more frequent examinations of specific sub-class or formation (however titled) interests and aims.

7. True, a case can be made that the UP had no option but to seek to set in motion an irreversible process of change by using clearly lawful means. With support by about half the electorate, no control over the legislative or judicial branches and with foreign enemies waiting to insert wedges in any cracks which opened, it may not have been in any position to be more radical in its attitude to laws, legal processes and the legal system. The point is that most radical lawyers apparently did not even consider more radical options because they were ruled out by their "professional" ideology.

8. The judiciary's tendency to defer all cases *sine die* had similar effects. That tactic neither underscored a need to revise laws nor did anything to enhance anybody's respect for the law or legally trained personnel.

9. In Tanzania the private bar is probably about one sixth of legally trained personnel. The State Legal Corporation, Attorney General's Chambers, law school, legal advisors or technocrats in other institutions (e.g., in revenue and the external finance division of Treasury) and legally trained managers and administrators in roles not overtly "legal" in any traditional sense encompass at least twice as many.

10. Granted that if one is thinking of a liberation movement (e.g., SWAPO in respect of Namibia), of a counter legal system (e.g., the transitory "peoples courts" in Portugal) or of a rural parallel system which is neither lawful nor unlawful, neither positively or negatively sanctioned by the state, then the reference group of decision takers changes. But it is still critical to relate to *some* set of decision takers' goals (e.g., SWAPO's Congress or Executive, Portugese sharecroppers; an isolated peasant community).

11. Now partly but not completely satisfactorily provided by party units.