

AFGHAN LEGAL TRAINING PROGRAM

AID/CM/ASIA-C-73-32

SECOND GROUP OF PARTICIPANTS

REPORT ON THE SUBSTANTIVE ASPECTS OF THE PROGRAM FOR THE PERIOD

JUNE 1974 + DECEMBER 1974

This report covers for the second group of participants the introductory intensive English language training at Georgetown University in June/July 1974, the Orientation in the U.S. Legal System at the Georgetown University Law Center and the first semester of study at the George Washington University National Law Center, August 26 to December 4, 1974, as well as the examination period and the Christmas vacation seminar.

There are nine participants in the second group. Two are professors in the faculty of Islamic Law of Kabul University. one is a professor in the faculty of Law and Political Science, the remaining six are judges, prosecutors or administrators in the Ministry of Justice. A list of the participants follows:

ALWAD, Mohammad Sadiq, Director of Documents, Ministry of Justice, Kabul  
ATEEQI, Mohammad Gul, Associate Professor, Faculty of Islamic Law, Kabul University  
AZIMI, Abdul Salam, Associate Professor and Assistant Dean of Faculty, Faculty of Islamic Law, Kabul University  
DEHYAR, Mohammad Arif, Prosecutor, Court of Appeals, Kabul  
MAJID, Abdul, Prosecutor, Kabul  
MUSAGHAZI, Rahmatullah, Judge, Civil Servants Court, Kabul  
NASSIR, Abdul Hamid, Director, Foreign Relations Department, Administration Department, Ministry of Justice, Kabul  
SAIFI, Dr. Taher, Associate Professor, Faculty of Law and Political Science Kabul University  
SIAL, Mohammad Taher, Director, Secretariate for the Judiciary, Judiciary Branch, Ministry of Justice, Kabul

THE GEORGETOWN PROGRAM

As with the first group, the intensive language training for about two months is useful because it concentrates the efforts of the participants on the language before they begin the rather taxing work in the legal field. During this period some training was also given in legal terminology. The three weeks orientation course at the Georgetown Law Center is a brief introduction to the American legal system which gives the participants an overview of our system before they embark on more detailed studies at the National Law Center of The George Washington University. The participants in both groups regarded the orientation course as useful, but because it is very brief and concentrated, details are not easy to grasp for them.

THE PROGRAM OF THE FIRST SEMESTER

Experience with the first group of participants had shown that the first semester is a period of adjustment and that it is preferable to ease them into legal work rather than put a heavy load of course work on them which they would not be able to handle.

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The Socratic method with its emphasis on cases and intensive student participation is new to most foreign students and so are the large reading assignments. Consequently, the participants were advised to take only one major regular law course in the fall term. Five of the participants took Criminal Law and Procedure, three took Torts, and one took Contracts I. In addition, two of the participants wrote papers for "Legal Writing" credit under the supervision of the Project Coordinator. The courses in Criminal Law and Procedure and Torts were accompanied by special seminars for the Afghan participants. The Project Coordinator again gave a special seminar on the Modernization of the Law in the Near and Middle East which all participants attended. This seminar is being continued in the spring term.

The participants found the special seminars accompanying the regular courses very helpful. The Criminal Law and Procedure course was taught by a different professor than last year. Rapport between the participants and the professors was close in both cases. As expected, the special seminars added appreciably to the participants' understanding of the subject matter taught in the regular courses. All participants took the examinations in these courses and did rather well. The special seminar given by the Project Coordinator presents a comparative study of the law reforms introduced by the various countries of the Near and Middle East. It serves as a basis for a discussion of the methodology of reform in these countries and the problems of reception of foreign law. No examination is given in this special seminar, but the participants usually write a research paper at some point for which they receive credit under "Legal Writing".

It should be mentioned that in the spring semester most of the participants are taking three regular courses as well as special seminars. The second semester thus becomes, as planned, academically the most intensive period and experience has shown that the participants can master a heavier schedule in the second semester without too much difficulty.

No practical work was scheduled for the first semester since benefit from practical work can be derived only if the participants have some background in American law, particularly criminal and civil procedure. Some practical work is being started in the second semester but is limited by the heavy academic schedule.

#### THE PROBLEM OF ENGLISH

The language problem has been less pressing than with the first group, due, no doubt, to the more intensive training received in Kabul. In addition to the two months of intensive English training at Georgetown University, the participants took some English training during the first semester in regular English courses for foreign students at George Washington University. However, the participants felt that their requirements were not satisfied. The participants have two immediate needs. One is familiarity with legal English and the ability to express themselves and write on legal themes. This need is largely met through their contact with law school professors and their reading of legal materials. (This noticeably improved in one semester). The other is acquiring a grasp of idiomatic English in order to widen their grasp of shadings of meanings in lectures, discussions and ordinary conversation. This latter need is somewhat harder to fill within the framework of a program concentrated on law

and legal readings without taking more time than the participants feel they can afford. We are attempting, in consultation with the English Department, to design an English seminar/laboratory course which will allow the participants to spend several hours a week on a flexible time schedule to expand their English skills as they feel the need. This would be a self-paced, non-credit program with guidance.

#### THE QUESTION OF A DEGREE

At the outset of the program for the second group, the Project Coordinator stated the conditions which have to be fulfilled for the achievement of a degree of Master of Comparative Law (MCL) and made it clear that the National Law Center would not be able to relax any of its requirements. So far none of the participants appears to have made up his mind definitely whether or not to seek a degree. It is hoped that the problems which arose with the first group on the question of the degree can be avoided.

#### OUT-OF-TOWN SEMINARS DURING CHRISTMAS VACATION

AID/Washington again arranged for the participants to attend seminars in various parts of the country. Here, the participants gained another impression of the U.S. by experiencing regional variations. They acquired American friends and learned much that would not have been available to them otherwise. All the participants found that this opportunity to see other areas of the United States was rewarding, and instructive by providing them with an overview of American life.

#### CONCLUSIONS

The participants of the second group adjusted fairly quickly to American teaching methods. While they found the first semester rather difficult, they could cope with the work, pass the examinations in the regular courses, and were ready for a considerably larger workload in the spring term. The need for individualization has continued, but the experiences gained with the first group made the task considerably easier. The overlap between the two groups also helped, since the second group could get an impression of the program and its various component parts from their Afghan colleagues who were in the last stages of their training. As the training program progresses, a certain pattern in terms of regular courses, special seminars and practical work is beginning to emerge which provides a basis for planning while at the same time allowing for flexibility and satisfaction of individual needs.

  
Herbert J. Liebesny  
Project Coordinator