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Second Annual Report

(July 1, 1970 - June 30, 1971)

Program in Law and Modernization

Yale Law School

The Program in Law and Modernization conducts courses of study and empirical research on the operation of legal systems in developing countries and promotes work on basic legal and social science theory which promises to further the comparative study of law in society. The Program is supported by a substantial grant from the Agency for International Development, by Yale University and other sources. This report outlines the achievements of the Program's second year and the plans for its third year. In summary form, the major accomplishments of 1970-71 were the presentation of a coordinated course of study, completion of several substantial theoretical papers which will be published in a book by the Yale University Press, production of papers and convention of a conference on the theme of law and conflict, development of a general research strategy and support of student empirical research overseas. In addition, cooperation between law and social science faculty was markedly increased and administration has been substantially institutionalized.

Curriculum

In 1969-70 a major effort was made to develop courses which would build upon prior offerings and decrease the degree of random curricular growth. The courses and seminars undertaken in 1970-71 were the fruition of that effort. As planned, general theoretical issues were consolidated into one course which served as an introduction to more advanced work. This progression made teaching time more efficient, led to a more explicit and coherently theoretical basis of study and allowed instructors in advanced courses to probe more deeply into specific problems of the legal systems of developing countries.

The basic course, called "Introduction to Theories of Law in Society", was taught by Messrs. Abel and Trubek and surveyed theories of law in legal history, anthropology, philosophy, sociology and economics. In 1970-71 the course will be conducted by Mr. Trubek and Laura Nader, Professor of Anthropology at the University of California, Berkeley.

A seminar in the philosophy of the social sciences was led by Mr. Abel for Law and Modernization Research Fellows, Russell Sage Fellows, a few advanced students and several faculty members. Mr. Stevens orchestrated the efforts of faculty colleagues and visitors in a seminar which analyzed the interaction of lawyers and social change in the U.S., England, France, Russia, India, East Africa, Brazil and Colombia. This seminar was a major vehicle of Program integration as all Fellows and faculty associated with the Program participated actively in it. Several sessions of the seminar were devoted to reviewing Fellows' research reports. In the two area seminars Mr. Abel (on Kenya) and Mr. Felstiner (on India) used empirical and historical materials to evaluate some of the theoretical hypotheses discussed in the introductory course. Mr. Johnstone led a seminar in the spring term on Legal Problems of Developing Societies in which only foreign graduate students were permitted to enroll. A total of 93 students attended these courses and seminars. Catalogue descriptions of courses offered in 1970-71 are attached as Appendix 1.

In 1971-72 a reading course in comparative law (Messrs. Lipson and Trubek) will join Theories of Law in Society as an introduction to the study of comparative legal sociology. Mr. Trubek's seminar in law and modernization will pursue theoretical issues and case studies in greater depth than is possible in the introductory theories course. A seminar will explore the cross-cultural use of various agencies of dispute settlement and the relationships between the agents and forms of dispute settlement and social, economic and political factors (Messrs. Abel and Felstiner).

An introductory course in African legal systems (Mr. Stevens) in the fall will be followed in the spring by a seminar in the relationship between legal and political change and law and economic development in East Africa (Messrs. Ghai and Stevens). In the spring term seminars in international private investment (Messrs. Cohen and Hudec) and in strategies of community development and world social change (Mr. Reisman) will also be offered. Catalogue descriptions of courses to be offered in 1971-72 are attached as Appendix 2.

Faculty salaries attributed to teaching in the law and modernization field in 1970-71 were allocated to the AID grant.

Fellows

Marc Galanter of the University of Chicago was at Yale for the fall term of 1970-71 as a Senior Fellow of the Program. During the term Mr. Galanter completed a paper on the restoration of indigenous law in India, pushed ahead with his major study of legal efforts to counter caste disabilities in that country and initiated an analysis of the potential for redressing imbalances between occasional and repeated users of formal litigation systems. He was a regular participant in the legal profession seminar and a wise counselor in curriculum and research planning.

The Program supported three Research Fellows in 1970-71. Mr. Thomas C. Heller, a graduate of the Yale Law School who had taught at Los Andes University in Bogotá, Colombia, completed the first draft of an ambitious theoretical analysis of the role of lawyers in conflict management in Latin America. Mr. Heller has been appointed to the law faculty of the University of Wisconsin. Mr. Francis G. Snyder, a graduate of the Harvard Law School and a Ph.D. candidate at the Faculté de Droit et des Sciences économiques de Paris, continued work on his dissertation on the land law of the Diola of Senegal and completed two articles -- one on the use of oral data in legal anthropology, and the other on the relationships between Diola ritual symbolism, social organization and law. Mr. Snyder will begin teaching in the law and anthropology departments at York University in Toronto in the fall of 1971. Dr. Boaventura De Sousa Santos, of the faculty of Coimbra University in Portugal, will continue as a fellow in 1971-72. Dr. Santos, who earned a Yale LL.M. in 1970, completed field work on unofficial dispute settlement in a favela in Rio de Janeiro and the first draft of a report on this data during the past year. A final version will be prepared during 1971-72.

Senior Fellowships, which are faculty and Corporation appointments at Yale, have been granted in 1971-72 to Professor Laura Nader of the Anthropology Department of the University of California, Berkeley (fall term) and to Professor Yash P. Ghai, of University College, Dar es Salaam. Their contributions to teaching in the Program have been noted. In addition, Professor Nader will be the axis of the considerable attention devoted to dispute settlement theory in the first term and Professor Ghai will be continuing his study of the role of law in specific development programs in Tanzania.

Research Fellowships for 1971-72 have been awarded to Dr. Francis M. Deng of the Sudan, Mr. Bolivar Lamounier of Brazil (spring term), Mr. João Mestieri of Brazil, Mr. Neelan Tiruchelvam of Ceylon (fall term) and Mr. Louis W. Goodman of the U.S. Dr. Deng has a J.S.D. from Yale and works for the Human Rights Division of the U.N. He will be conducting a study on problems of national integration in the Sudan. Mr. Lamounier is a Ph.D. candidate in political science at U.C.L.A. and on the staff of the Center for Analysis and Planning in Sao Paulo. At Yale he will investigate the relationship between the legal profession and authoritarian institutionalization in Brazil. Mr. Mestieri is on the faculty of the Catholic University of Rio de Janeiro (PUC). His studies at Yale are designed to enable him to help conduct the advanced interdisciplinary program including studies on law and modernization contemplated at PUC's social science center. Mr. Tiruchelvam has received an LL.M. from Harvard and is preparing to conduct research on the activities of Ceylon's Conciliation Boards. Mr. Goodman teaches in the sociology department at Yale and is designing an investigation of decision making by multi-national corporations in Latin America. In addition, Peter Severeid, a graduate of Georgetown Law School, will be in residence as an ILC Fellow at the Law School analyzing data on local government in Kenya acquired in 1969-71.

Fellows are selected on the basis of the insights their previous work should provide to others working in the Program, the research they propose to conduct, plan or complete at Yale during their fellowships, the ability of others at Yale to contribute to that research, and the fellows' commitment to teaching and scholarship in the field of law and modernization. Recruitment of foreign fellows is focused on scholars who have had some previous U.S. education or are affiliated with institutions overseas with which the Program is engaged in other cooperative measures and on scholars committed to careers in law reform or scholarship in legal sociology or law and economics.

The salaries and stipends of all Fellows during 1970-71 were charged to the AID grant, except while they were engaged in research outside the U.S.

During 1970-71 and in 1971-72 a portion of the stipends made available to Graduate Fellows of the Law School from India, Tanzania, Ethiopia, Brazil, Chile and Malaysia was provided by the Program.

Research

During 1970-71 research became an equal partner with teaching in Program activities. Mr. Trubek completed his theoretical study of "Law, Planning and Economic Development" and Mr. Abel completed his theoretical analysis of legal change in Kenya. Mr. Duncan Kennedy, now of the Harvard Law School faculty, has fully developed his utilitarian model of the role of private law in economic change. The original research for this model was supported by the Program in 1969-70. These three essays, together with a piece by Professor Roberto Unger of the Harvard Law School on "Law and Development: Some Problems and Hypotheses" will be published in the spring of 1972 by the Yale University Press under the (tentative) title of Essays in the Social Theory of Law. During the year Mr. Trubek also completed a study of the development of capital markets in Brazil which was published in number 72-73, Bulletin of the N.Y.U. Graduate School of Business Administration, Institute of Finance. A more extensive version of this study, with detailed empirical and theoretical essays by Mr. Trubek and two Brazilian colleagues, was published in Brazil in Portuguese. This volume is titled Trubek, Gouveia, and Sá, O Mercado de Capitais e os Incentivos Fiscais (Rio, Tn-Apec 1971).

In May of 1971 the Program held a conference on the general theme of law and conflict. In addition to Yale Law School and social science faculty, Professors Galanter, B. Yngvessen (Hampshire, anthropology of law) and J. Starr (S.U.N.Y. Stony Brook, anthropology of law) attended the conference. Papers were delivered by Mr. Santos on his work in a Rio favela, by Mr. Snyder on law and ritual in Senegal, by Mr. Felstiner on the forms and settings of dispute settlement and by Mr. Heller on the role

of lawyers in conflict management. Formal comments were delivered by Mr. Abel, Mr. R. Henderson of the Yale anthropology department, Mrs. Yngvessen and Mr. David Apter of the Yale political science department, respectively. Revisions of these papers will be completed in the fall of 1971 and they will be made publicly available as Working Papers 1-4 of the Program in Law and Modernization. This conference continues the practice begun the previous year of an academic year-end meeting to discuss major research efforts in process. This conference will be a regular annual event. Mr. Abel's "Introduction to Theories of Law and Society: The Anthropology of Law," and "The Development of a Modern African Legal System: A Case Study of Kenya" appeared as Working Papers 5 and 6 of the Program.

The Program has supported an increased amount of student research, especially overseas. Mr. Robert Pozen '72 is spending July 1971 through January 1972 in Ghana studying the relationship between law and land development by analyzing the role of a public corporation in the growth of the new port city of Tema, Ghana. Mr. Rosser Brockman, '72 and a Ph.D. candidate in Chinese history at Harvard, is spending the summer of 1971 in Taiwan conducting research on the evolution of customary Chinese contract law during the twentieth century. Mr. Jose de Lasa, '71 did research in Costa Rica during the winter of 1971 on the legal institutions of the Central American Common Market. Miss Heleen Ietswaart, LL.M. '71, has received a grant from Yale's Antilles Project to study the operation of Popular Tribunals in Cuba. Preparation for this research and analysis of data will be supported by the Program. Mr. Samson Ameh's, LL.M. '70, field work on the customary law of the Igala of Nigeria has been supported by the Program and funds made available by the International Legal Center and a Rockefeller Foundation grant. The total amount allocated by the Program to this student research is about \$10,000, of which \$3,600 comes from the AID grant.

Substantial attention was paid during the year to the development of a research strategy for the three years of support remaining from the AID grant. A series of meetings was held in the late spring of 1971 with Yale law school, political science and sociology faculty, Professor Galanter and Professor William Twining of Queens University, Belfast, then visiting at the University of Pennsylvania. From these meetings emerged a general agreement to:

(a) develop a series of investigations in legal sociology which would permit extensive comparison within relatively narrow geographical/political areas (e.g., anglophonic Africa) and substantial comparison between geographical/political areas (e.g., India-East Africa) within the limits of individual scholarly predilections and local social factors.

(b) concentrate research on those aspects of legal education and the legal profession which would produce results useful (1) for developing a general sociology of the legal profession, (2) for current policy planning in particular countries, and (3) in

furthering the development of a comparative social theory of law.

(c) devote substantial time during the spring term of 1971-72 to coordinating the design of projects focused on East Africa, Latin America and India.

(d) use a substantial portion of Program research funds and fellowship openings hereafter to support these research projects. (Nevertheless, resources currently available to the Program are insufficient for the overseas portions of such research and they will not be conducted as planned unless additional funds are secured.)

(e) plan such research in conjunction with scholars from other institutions where appropriate. Thus, Mr. Galanter and Dean Anandjee of Benaras Hindu University will be associated with the India project, Mr. Twining with the African research and Mr. Heller with the Latin American efforts.

The design of these projects is at an early stage. It appears, however, that the Indian effort will concentrate on patterns of socialization to law practice and the effect of these patterns on the roles played by lawyers, that the Latin American group will investigate reciprocal relationships between legal professions and patterns of political and economic organization in selected countries while the African research will be focused on legal education and manpower planning.

Visitors

In addition to the May conference, the Program sponsored visits from Mr. David Buxbaum and Professors Vernon Dibble, Robert Kidder, Michael Saltman, Henry Steiner and Lorenzo Zollezzi. Mr. Buxbaum spoke about his research on Ch'ing China litigation. Mr. Dibble, who teaches sociology at Wesleyan, read a paper on legal reasoning while Mr. Kidder, a sociologist now at Temple, described his research on "careers in litigation" in Bangalore, India. Mr. Saltman, of Hamilton College, spoke about customary law in Kenya. Mr. Steiner, an old friend of the Program from Harvard, spoke about legal education in Latin America. Mr. Zollezzi, a legal sociologist from the Catholic University of Lima, Peru spent two days in New Haven and discussed with various groups current trends and future projects 'in' legal sociology in Latin America, the problems of cooperation between U.S. and Latin American scholars and universities and the role of the lawyer in development in Peru. Richard Schwartz, now Dean of the law school at S.U.N.Y., Buffalo, was a visiting professor at Yale in 1970-71 and, on a formal basis, spoke to Program participants on research strategy in legal sociology. Visits have been scheduled in 1971-72 with Professor

Max Gluckman of Manchester University, Mr. Kalman Silvert of N.Y.U. and the Ford Foundation, Mr. Samuel Stern, a Washington lawyer specializing in private investment in developing countries, Mr. David Bonderman, a research fellow at Harvard Law School, who has completed two years of field work on the relationship between law and social change in Islamic countries, principally Tunisia, Professor Stewart Macauley of the University of Wisconsin Law School who is currently in Chile, and Mr. Raul Saez, Research Director of the Chilean Ministry of Justice.

Interdepartmental Activities

A major achievement of the second year of the Program has been the growth of interdepartmental relationships of varying nature. One important dimension of this cross-fertilization has been the fortuitous mesh between Program and Russell Sage personnel in both theoretical and methodological concerns. In the teaching field, Mr. Benjamin Cohen of the economics department is offering a seminar in International Private Investment with Mr. Hudec of the law faculty. Mr. Apter in the spring of 1971 led a workshop in modernization which examined the theoretical relevance for law, political science, economics and sociology of the empirical work recently conducted by Yale graduate students overseas. Donald Black, of the sociology department and administrator of the Russell Sage Program during 1970-71, participated regularly in Mr. Steven's legal profession seminar and Mr. Abel's philosophy of the social sciences seminar. He was frequently joined by several sociologist-Russell Sage Fellows.

In the area of research, Mr. Apter is sharing responsibility for the Latin American legal profession study with Messrs. Heller and Trubek, Mr. Henderson of the anthropology department helped guide Mr. Snyder's studies and Mr. Clark of the sociology department has aided planning in the early stages of the Indian socialization project.

Outside of these traditional categories, there have been exchanges between Program and Economic Growth Center personnel including a formal discussion with Mr. Ranis, Director of the Growth Center, about institutional aspects of development theory, and a presentation by Mr. Trubek on current developments in "law and modernization" research to personnel of the Growth Center.

Library

Continuing efforts to improve the developing countries collections have been most productive in African holdings. About 1100 volumes of African materials were purchased during 1970-71, several times the pre-Program number for such a period. Miss Gilliam Bull, currently Assistant Librarian at King's College, London University, has been hired to carry on

with the direction of the African purchasing program designed in 1970-71 by Dr. Andrew Onejeme. Efforts with the Indian collection have been limited to rationalization of the extensive materials provided to the Law School via P.L. 480. Design of a purchasing program for Latin American materials continues to be hampered by the difficulties experienced by the School in finding an adequately trained Foreign Law Librarian. Nevertheless acquisition of a working collection on Brazilian law is underway.

A total of 1500 volumes specifically for the developing countries collections was acquired in 1970-71 at a cost of \$17,400 which is approximately five times the amount spent in 1968-69, the year before the Program began. \$6,400 of such acquisitions were supported by funds from Yale's Concilium on International and Foreign Studies.

Publications

In addition to "Essays in the Social Theory of Law," and the Working Paper series, Mr. Trubek's "Law, Planning, and The Development of the Brazilian Capital Market" appeared as Number 3 in the Program's reprint series entitled Studies in Law and Modernization.

Administration

An administrative system was established for the Program at the beginning of the 1970 fall term. Responsibility for the Program is shared by the Dean of the Law School, a Steering Committee, an Executive Committee, a Research Committee, the Chairman of the Steering Committee and the Executive Director of the Program. The basic allocations of responsibility are:

(a) Dean - Names members of Steering and Executive Committees; processes nominations for faculty appointments received from the Steering Committee; approves appointments of Research Fellows; approves research grants in excess of \$250.00; approves travel grants in excess of \$350.00.

(b) Steering Committee - Recommends faculty and Research Fellow appointments to the Dean; exercises general policy direction of the Program.

(c) Executive Committee - Reviews all applications for Research Fellowships and forwards those approved to the Steering Committee; oversees affairs of the Program between Steering Committee meetings.

(d) Research Committee - advises the Dean on research grants in excess of \$250.00.

(e) Chairman of the Steering Committee - With Executive Director

sets agenda for the Steering, Executive and Research Committees;
approves research grants under \$250.00 and travel grants under \$350.00.

(f) Executive Director - Maintains records of the Program and is responsible for routine administration. In 1970-71 the incumbents in these positions were:

Dean - A.S. Goldstein

Steering Committee - D. Trubek (Chairman), D. Apter (political science), R. Abel, W. Felstiner, J. Goldsen (Concilium on International and Foreign Studies), Q. Johnstone, L. Lipson, H. Patrick (economics) and R. Stevens.

Executive Committee - Abel, Felstiner, Johnstone, Stevens (first term), Trubek.

Research Committee - Apter, Lipson, B. Marshall, Trubek

Executive Director - Felstiner

All administrative costs of the Program were charged to the AID grant: all direct overhead was assumed by the University. A summary of Program expenditures and projections for 1969-70, 1970-71, 1971-72, 1969-71 and 1969-72 from the AID grant and the Overseas Research Fund (ORF) is attached as Appendix 3.

Level of Activity and University Contribution

The grant application projected cumulative expenditures under the grant of \$250,000. by June 30, 1971: actual expenditures were \$240,319.61. This level of expenditure of course reflects a major emphasis on organizational and administrative activities necessary at the beginning of any program. High expense rate teaching and research follow in later years.

The University has made major contributions to the Program during the first two years. It has provided substantial office space, access to equipment and all overhead costs have been borne by the University. In addition, direct payments were made as follows:

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| Purchase of books | - \$16,400.00 |
| Allocations to ORF | - \$89,307.00 |
| Other support of faculty travel/research overseas | - \$ 4,000.00 |

The ORF is a University account to which yearly allocations will be made during the period of the section 211(d) grant. It supports faculty, fellow and student research outside the United States. Total allocations are expected to be \$170,000. by the end of 1973-74.

Related Activities

Program participants were involved in the following related activities during the year.

Mr. Abel visited Ghana, Nigeria, Kenya and Tanzania to encourage African lawyers to seek further training at Yale, to improve Yale's library resources, to assist Mr. Ameh's research, and to conduct limited research on Kenya. He also presented a paper at the Advanced Seminar on African Law at the School of Oriental and African Studies, London. Mr. Felstiner visited Korea and Japan for AID to evaluate the feasibility of giving technical assistance to Korean legal institutions. Mr. Heller conducted a short program on research in law and development for ILC fellows. Mr. Johnstone was in Africa during the summer of 1970 exploring the opportunities and obstacles in research on the legal profession.

Mr. Stevens continued to serve as legal and constitutional advisor to the Negotiating Team of the East African Community. He also served as Co-Director of the Title IX evaluation project on the feasibility of American assistance to legal institutions in developing countries. In this capacity he led teams to Korea, Zambia and Botswana.

Mr. Trubek participated in meetings held by the Ford Foundation aimed at evaluating the Foundation's efforts in the law and development field. He attended the Interamerican Conference on Legal Education and Development in Valparaiso, Chile, in April and spent several days at the Catholic University in Rio de Janeiro discussing legal education reform and law and development research. Mr. Trubek and Professor Steiner of Harvard delivered a joint paper on law and contemporary Brazilian economic and political development to an interdisciplinary workshop on "Brazil Since 1964" held at Yale in April.

Relations with Academic Institutions in Developing Countries

The Program has established informal working relations with two academic institutions in developing countries. The most advanced liaison is with the Catholic University of Rio de Janeiro (PUC). An informal faculty exchange has been initiated. Mr. Mestieri will be at Yale in 1971-72 and Mr. Santos has lectured and Mr. Trubek will lecture this fall at PUC. More extensive forms of cooperation are under discussion.

Dean Anandjee of Benares Hindu University (BHU) Law School will have been at Yale throughout 1971. He participated regularly in Mr. Felstiner's Indian law seminar and has joined in the planning of the Indian socialization study. BHU will provide logistical support for that project and other BHU faculty are expected to be associated with it.

Cooperation has also been discussed with the Instituto de Docencia e Investgacion Juridica of Chile, and the Catholic Law School of Lima, Peru. Professor Zollezzi of the Catholic Law School visited Yale in June and Professor Hernan Fuenzalida of the Chilean Instituto will be in residence at Yale in 1971-72.

Cooperation with other U.S. Academic Institutions

The Program endeavors to maintain close ties with other centers of research in the comparative study of law in society. From the very beginning of the Program, a steady exchange has been conducted with Professor Henry Steiner and others pursuing those interests at Harvard Law School. A second joint meeting of Harvard and Yale faculty members in this field is scheduled for the fall term 1971. We have also maintained close contact with the University of Wisconsin Law School, especially with Professor Robert Seidman. With the development of interests in these matters at the Buffalo and Stanford Law Schools we expect our contacts to grow. Mr. Trubek will visit Stanford Law School in September to discuss their new AID sponsored program, and we expect to exchange visits with Professor Galanter and others at Buffalo.

Contributions of the Section 211 (d) Grant

The AID grant has enabled the University to transform a wide range of individual scholarly interests in law and modernization into a coordinated program of teaching coupled to major research and library acquisition efforts. AID support of teaching and AID and Ford support of book acquisitions have made possible significant University support of substantial and varied research projects overseas. Without such research and library funds, teaching about law and modernization might falter as a creative enterprise at Yale and it is less likely that significant contributions to a better understanding of the role of law in society would be made at Yale.

Appendix 1

INTRODUCTION TO THEORIES OF LAW IN SOCIETY. 4 units. This course will examine the literature of legal and social science with the aim of discovering theories of law which will explain its characteristics in, and relationship to, societies whether they be traditional or modern, static or rapidly changing. It will begin with the study of a legal system whose dissimilarity from the American will, we hope, stimulate general questions about the functioning of law. We will then try to identify the elements of a legal system, create legal typologies, and relate them to social, economic, political, or cultural variables. Our primary approach to these objectives will be through the writings of sociologists (e.g., Weber, Durkheim), anthropologists (e.g., Malinowski, Gluckman), and legal philosophers (e.g., Bentham, H.L.A. Hart). We will conclude by applying these theoretical insights to a society in the process of rapid change, in order to attack such problems as legal pluralism, formalism, and legalism. Mr. Abel and Mr. Trubek.

LEGAL PROBLEMS IN DEVELOPING SOCIETIES. 2 units. Restricted to foreign students. The purpose of this course is to develop graduate student facility at identifying and critically analyzing problems dealing with their own or similar societies and to encourage participation in oral discussion concerning these problems. Students will study and report on selected problems from their own societies. Following such reports, short papers will be required. Mr. Johnstone.

THE ROLE OF THE LEGAL PROFESSION IN SOCIAL CHANGE. 2 units. A study of the work and role of lawyers in developing societies contrasted with their work in developed societies. In particular the seminar will discuss the legal profession in the United States, England, East Africa, India, and Brazil. Offered as part of the program in Law and Modernization and taught in conjunction with other members of the faculty. Admission with consent of instructor only. Mr. Stevens.

THE DEVELOPMENT OF A MODERN AFRICAN LEGAL SYSTEM: A CASE STUDY OF KENYA. 3 units. The new nations of Africa each inherited a multiplicity of systems of customary law from their pre-colonial past. These laws continue today to regulate relations among the vast majority of Africans. Central governments, both colonial and independent, have had to deal with three basic problems. First, that of recognition - what kinds of judicial institutions should be developed to administer these rules. Second, that of unification - should the diversity of tribal laws be preserved or altered; how are customary and received European law to be reconciled; how are problems in conflict of laws to be solved. Third, that of modernization - should customary law be preserved unchanged, can it be altered to meet modern conditions, or must it be eliminated altogether or replaced by some new system.

Appendix 1 (cont'd)

Kenya has experimented with various answers to each of these problems. Having begun by recognizing indigenous judicial bodies, it has progressively sought to assimilate them to the model of English courts. Although tribal laws still prevail, the government currently has under consideration two bills which would go far to unify the laws of marriage and divorce, and of succession and inheritance. Customary criminal law has been abolished and customary land law is increasingly being replaced by a modified English system of tenure. This seminar will study this process of transformation, using as its materials anthropological monographs, government reports, legislation, and court cases. Mr. Abel.

THEORIES OF LAW IN SOCIETY. 3 units. An advanced seminar dealing with problems raised in the course of the same name. The seminar will be concerned exclusively with one or two theorists such as Weber, Durkheim, and Bentham. Its goal will be some progress toward a holistic theory. Open to Law and Modernization fellows, and to students with the permission of the instructor. Mr. Trubek expects to attend most sessions. Mr. Abel.

THEORIES OF LAW IN SOCIETY (EMPIRICAL). 2 units. A seminar which seeks to evaluate through intensive use of Indian data some of the hypotheses raised in the course of the same name. Mr. Felstiner.

Appendix 2

AFRICAN LEGAL SYSTEMS. INTRODUCTION. 2 units. Traditional law and society; British law in tropical Africa; government in Colonial Africa; criminal law; resource allocation; the growth of administrative law; law and development; the demands of independence. This course is intended to introduce students to the problems of law and modernization in anglophonic Africa. May be taken for more than two units by students wishing to develop a special area of research. Mr. Stevens.

COMPARATIVE ASPECTS OF CIVIL-LAW AND COMMON-LAW SYSTEMS. 2 units. A reading course, ungraded but tested, in comparison of features common to the legal systems of Western Europe and Latin America with counterparts in Anglo-American law. Discussion sessions will be called from time to time. Materials to be assigned. Enrollment limited to 12. Mr. Lipson and Mr. Trubek.

DISPUTE SETTLEMENT. 3 units in each term. The seminar will meet over the entire year. Participation in the fall term of this course or in Theories of Law in Society will be a prerequisite to enrolling in the spring term unless a student can demonstrate a familiarity with the literature of dispute settlement. Students may, however, join the seminar in the fall term only. The seminar will examine theoretical propositions about and empirical studies of dispute settlement. It will review the use of various agencies of dispute settlement, will analyze the forms which dispute settlement takes and the relationship between the agents and forms of dispute settlement and social, economic, and political factors. In the fall term, the seminar will concentrate on the literature of dispute settlement outside the United States. Attention will be paid to the special methodological problems of cross-cultural comparison. In the spring, the seminar will focus on dispute settlement in the New Haven area. Students will be invited to conduct, and report on, limited empirical studies of the dispute settlement functions of courts, the police, administrative agencies, welfare agencies, marriage counselors, neighborhood associations, and the like within reach of New Haven. The seminar is offered as part of the Program in Law and Modernization and Fellows of that Program can be expected to participate in it. The number of students will be limited to 20: preference will be given to those who intend to enroll for both terms. Occasional sessions will be held by the instructor with students only. Mr. Felstiner (fall) and Mr. Abel (spring).

THEORIES OF LAW IN SOCIETY. INTRODUCTION. 4 units. This course will examine the literature of legal and social science with the aim of discovering theories of law which will explain its characteristics in, and relationship to, societies whether they be traditional or modern, static or rapidly changing. Special emphasis will be placed on the study of law in anthropology, sociology, economics, and economic sociology. Papers are required. Mr. Trubek and Miss Nader.

Appendix 2 (cont'd)

EAST AFRICAN LAW: POLITICAL CHANGE AND ECONOMIC DEVELOPMENT. 3 units
This seminar explores the role of law and legal institutions in East Africa since independence. It emphasizes in particular the relationship between legal and political change and law and economic development. Probable subjects for exploration include law and politics in Kenya, the role of law in development in Tanzania, and the East African Community. Mr. Ghai with Mr. Stevens.

INTERNATIONAL AND NATIONAL PROCESSES OF DEVELOPMENT AND SOCIAL CHANGE.
2 units. From the transnational perspective, programs for the increased production and wider distribution of values are readily seen to be global in impact and, of late, in planning and implementation. This seminar will develop a model of global social change and, in particular, identify the functional grid of international and national agencies and groups which may or do play important development roles. With this background, the seminar will consider in depth, in several sectors, the goals, trends, conditions, projections, and preferred alternative strategies of community development and world social change. Mimeographed materials and selected readings. Mr. Reisman.

INTERNATIONAL PRIVATE INVESTMENT. 3 units. The seminar will examine the legal and economic framework of the foreign investment process, with particular emphasis upon investment in developing countries. We shall be concerned initially with the various forms of governmental regulation designed to influence and to control foreign investment, attempting to draw out the policy goals and the assumptions about the behavior of foreign investors which stand behind this legal structure. We shall attempt to test these goals and assumptions in the light of various theoretical and empirical studies about the investment behavior of international corporations and the social and economic consequences of their investment.

The seminar will be open to law students and to students of Yale College. Individual research, in one form or another, will be required. Enrollment will be limited to 20 students. Yale College students must secure Mr. Cohen's permission before enrollment. Mr. Hudec and Mr. Cohen (department of Economics).

LAW AND MODERNIZATION. 3 units. This seminar will attempt to determine what role law and legal systems have played in the process of social change and to explore the relevance of legal systems to a general theory of social change. Enrollment limited to 15 students. Prerequisite: Introduction to Theories of Law in Society or an equivalent course. Papers are required. Mr. Trubek.

Appendix 3

Program Expenditures and Projections 1969-70, 1970-71, 1971-72
from AID Grant and Overseas Research Fund (ORF)

| | Actual AID 1969-70 | Actual ORF 1969-70 | Actual AID 1970-71 | Actual ORF 1970-71 | Proj. AID 1970-71 <u>4/</u> | Proj. ORF 1970-71 <u>4/</u> |
|--------------------------|------------------------|-----------------------|-----------------------|-----------------------|-----------------------------------|-----------------------------------|
| Salaries | \$64,907.64 | \$2,283.00 | \$128,965.94 | \$ -- | \$135,000.00 | \$ -- |
| Travel | 1,361.56 | <u>2/</u> 1,362.00 | 3,191.90 | 5,406.38 | 5,000.00 | 1,000.00 |
| Acquisition of books | <u>1/</u> 11,772.49 | -- | 25,529.42 | -- | 23,000.00 | -- |
| Other Telephone | 222.24 | -- | 1,336.28 | -- | 1,000.00 | -- |
| Office Supplies | 202.50 | -- | <u>3/</u> 496.12 | -- | 4,400.00 | -- |
| Publica- tions | 1,121.82 | -- | 846.68 | -- | -- | -- |
| Conferences/ Meetings | -- | -- | 365.01 | -- | 500.00 | -- |
| TOTALS | \$79,588.25 | \$3,645.00 | \$160,731.35 | \$5,406.38 | \$164,900.00 | \$1,000.00 |

Appendix 3 (continued)

| | Proj. AID 1971-72 | Proj. ORF 1971-72 | Cumulative AID 1969-71 | Cumulative ORF 1969-71 | Cumulative AID 1969-72 | Cumulative ORF 1969-72 |
|--------------------------|----------------------|----------------------|-------------------------------------|------------------------------|-------------------------------------|------------------------------|
| Salaries | \$184,000.00 | \$1,500.00 | \$193,873.58 | \$2,283.00 | \$377,873.58 | \$3,783.00 |
| Travel | 8,000.00 | 5,500.00 | 4,553.46 | 6,768.38 | 12,553.46 | 12,268.38 |
| Acquisition of books | 30,000.00 | -- | 37,301. ^{1/} ₉₁ | -- | 67,301. ^{1/} ₉₁ | -- |
| Other Telephone | 1,500.00 | -- | 1,558.52 | -- | 3,058.52 | -- |
| Office Supplies | 750.00 | -- | 698.62 | -- | 1,448.62 | -- |
| Publica- tions | 1,500.00 | -- | 1,968.50 | -- | 3,468.50 | -- |
| Conferences/ Meetings | 750.00 | -- | 365.01 | -- | 1,115.01 | -- |
| TOTALS | \$226,500.00 | \$7,000.00 | \$240,319.60 | \$9,051.38 | \$466,819.60 | \$16,051.38 |

1/ includes library salaries in 1969-70

2/ adjusted

3/ includes \$119.13 for tape recorder for field work

4/ from 1st Annual Report

5/ Balance was \$80,335.62 as of July 1, 1971