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PROGRAM IN LAW AND MODERNIZATION

THIRD ANNUAL REPORT

1971-72

Submitted to the

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Yale University Program in Law and Modernization

Grantee: Yale University  
New Haven, Connecticut

Director: David M. Trubek  
Associate Professor of Law

A. Statistical Summary:

Period of Grant: July 1, 1969 to June 30, 1974  
Amount of Grant: \$1,000,000  
Expenditures for Report Year: \$240,609.18 Accumulated: \$480,928.78  
Anticipated for next year: \$275,533.00

B. Narrative Summary:

The grant was designed to establish a research and training center for the study of law and modernization. The Program has created an institutional environment in which scholars from developed and developing countries can study the relationship between law and society, learn research skills, and plan and conduct empirical studies of legal phenomena in the Third World.

In its first three years of operation the Program has trained a substantial number of lawyers and social scientists interested in the study of law and modernization, and produced working papers and articles reflecting research on a broad range of theoretical and empirical topics. It has also assisted research centers in developing countries interested in legal studies.

The Program starts from the assumption that more scientific and empirical knowledge about legal systems in Third World nations will assist these societies in their quest for development. To the extent that lawyers, social scientists and others in these countries share this belief, the Program is prepared to assist them in developing the knowledge and skills needed to develop insights into the functioning of their legal systems.

A principal development during the 1971-72 period was the organization of a Research Training Project, as a major subcomponent of Program activities. This Project institutionalized earlier efforts at training lawyers and social scientists interested in developing socio-legal skills.

## I. General Background and Purpose of the Grant

Legal institutions reflect and affect the social, economic and political structures of the societies in which they are embedded. They are important in developing countries because they can be both a means and an obstacle to the realization of developmental goals. They are important in the scientific study of development as a global phenomena because they influence and manifest broader social, economic and political changes.

Little systematic attention has been given to the study of the relationships between legal systems and change. Institutional and intellectual barriers have hampered the emergence of studies of these relationships. The grant to Yale University was designed to help overcome some of these barriers by creating a Program that would foster systematic research on these matters, and train the personnel needed to carry out such studies.

## II. Objectives of the Program

### A. The Original Objectives

In our final proposal we set forth three basic goals for the Program. These were:

- "1. To collect, organize, and disseminate existing empirical and theoretical knowledge about the relationship between legal systems and political, economic, and social development ("modernization").
2. To develop new concepts and research methods which will permit
  - a) interdisciplinary work by lawyers and social scientists on institutional aspects of modernization; b) work by social scientists on law and legal systems; and, c) more precise evaluation of the effect of specific legal systems on the process of planned modernization.
3. To encourage and support specific research projects by U.S. and LDC scholars (where feasible this research would be cooperative, and/or interdisciplinary). Among the types of research projects would be:
  - a. studies of the legal systems and legal cultures of specific societies;
  - b. studies of legal barriers to change in specific areas;
  - c. cross-cultural comparisons of the relationship between legal systems and modernization
  - d. interdisciplinary studies of strategies for planned social change in specific societies."

These have been, and remain, the Program's basic goals. But they were somewhat general in scope, and frequently merge several elements that should be kept separate for purposes of appraisal. Accordingly, in this annual report we have restated the original objectives to permit us more precisely to identify, describe, and appraise the Program's several elements.

### B. The Objectives Restated

#### 1. Research

- a. to create and maintain an institutional structure within which studies can be conducted on various aspects of relationships between legal institutions and social, economic and political change in the Third World (such relationships are hereafter referred to as "law and modernization");
- b. to organize and make available existing knowledge on law and modernization;

- c. to conduct specific studies, primarily of a multi-disciplinary and empirical type, of law and modernization. Such studies should attempt to verify and develop empirical generalizations and should be, if possible, cross-cultural;
- d. to encourage research and theory building in other areas related to, and necessary for, the Program's priority efforts.

## 2. Training

- a. to train existing Yale University faculty members. This training included learning social research methods, and gaining familiarity with behavioral science studies of law, development studies, and area studies of selected areas of the Third World (e.g. East Africa, Brazil);
- b. to train a relatively small cadre of advanced researchers. These researchers would be exposed to the behavioral science study of law and trained to carry out developmentally relevant empirical studies. Candidates for this program would have either a law or social science background, and would be drawn primarily from universities in the U.S., other developed countries, and the Third World;
- c. to impart to a much larger group of lawyers and social scientists (especially those who contemplate teaching careers) knowledge about the use of behavioral science in the study of law, and the developmental relevance of such studies.

## 3. Publication

- a. to make available interim and final reports of Program research to the scholarly community;
- b. to provide, where appropriate, a publication vehicle for important works in the field produced at other centers of research, and translations of important works unavailable in English.

## 4. Institutional Cooperation

- a. to assist in the creation and growth of other research centers interested in the furtherance of knowledge about any aspect of law and modernization.

## 5. Library Development

- a. to develop a working collection on law and modernization literature, on development studies generally, and on the legal systems of anglophonic Africa, and Latin America, particularly Brazil and Chile.

### III. Accomplishments: Highlights of 1971-72

#### A. Research

##### 1. Institutionalization: Creation of a Supportive and Stimulating Milieu

One of the fundamental premises underlying the initial grant request was that the study of law and the modernization process required a special institutional structure. We observed that no such institutional structure existed in the United States; thus we felt the creation of a research and training center was essential for the further development of law and modernization studies. Consequently, one of our basic objectives was to construct during the term of the grant an environment which would facilitate the conduct of such research.

We believe we have gone far to realize this goal. By the end of the year under review we had created an infrastructure and atmosphere where scholars from the developed and the Third World countries can conduct research on "law and modernization". This achievement, albeit largely intangible, is one of the most significant accomplishments of the Program to date.

The intangible nature of this intellectual milieu is a reflection of the multidimensionality of the field of law and modernization. Unlike the natural and physical sciences the study of law and modernization has no single scientific paradigm which is unanimously agreed upon by all students of the discipline. A "field" requires a relatively well-developed conceptual structure, a more or less coherent body of theory, a set of questions which are generally accepted as subjects of inquiry, and an agreed upon methodology.

We can identify three components of this emergent field:

- a. comparative legal sociology. ("CLS") A social science discipline allied with legal sociology, legal anthropology, comparative sociology and cooperative politics on the one hand, and legal studies (jurisprudence, legal history) on the other, this field attempts to formulate and test universal propositions about relationships between law and society. Among these are included propositions about the relationship between legal systems and industrialization, both historically and in the contemporary Third World. CLS employs the methods of the social science fields to which it is allied.
- b. areas studies of Third World legal systems. Closely allied with CLS, area studies focus specifically on the structural, processual and normative components of the legal systems of Third World countries. They draw on insights from CLS, as well as from more traditional doctrinal, historical and policy studies. Its methods are more eclectic than those employed by CLS.

- c. policy studies of legal problems in the Third World. Policy studies are more culture-specific than CLS studies, more instrumental than area studies. They take one problem area of life in one or more Third World nation and attempt to understand the relevance of the legal system and positive law to the resolution of specific developmental problems. Policy studies are frequently multi-disciplinary, employ a variety of methods from straight doctrinal analysis to survey, statistical and other social techniques.

These separate aspects or elements of law and modernization research necessarily interact with one another: none can proceed in isolation from the other, yet each must to some degree be separate, since they have different foci, employ different methods, have different time constraints, etc. While we have stressed the development of CLS, our goal has been to encourage all three types of research, and maintain maximum communication between those who are following these different approaches. The juxtaposition of these different strands will, we believe, lead to the enrichment of all three endeavors.

The juxtaposition of perspectives and orientations with respect to the emergent field of law and modernization is only one component in constructing an intellectual infrastructure for conducting research. A second critical component relates to the human resources which function within this environment. Specifically, we believe that a productive center of law and modernization research must include both lawyers and social scientists drawn from the industrialized nations as well as from the Third World. To achieve this objective we have brought together scholars and students from diverse backgrounds, with different skills, and with a variety of research and training goals.

In our Fellowship program, which is the core of the Program's research effort, we have striven to achieve this mix of backgrounds and perspectives. Thus, in the three years (1970-71 through 1972-73) in which the Fellowship program has operated, we have had 17 Senior and Junior Fellows. Of these, 10 had primarily legal backgrounds,<sup>A</sup> four primarily or exclusively social scientific backgrounds,<sup>B</sup> and three had done advanced work in both law and social science.<sup>C</sup> The social scientists, in turn have represented several disciplines: there have been two anthropologists, two political scientists, two sociologists, and one economist. Finally, we have striven for geographic distribution: 11 Fellows came from the United States, 1 from Western Europe, and 5 from the Third World.

As the Fellowship list for 1971-72 indicates (Appendix A), this policy of a diversified research environment took definite shape in this year.

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<sup>A</sup> Ghai, Steiner, Mestieri, Pozen, Deng, Lynch, Santos, Tiruchelvam, Heller Felstiner

<sup>B</sup> Nader, Goodman, Lamounier, Burcroff

<sup>C</sup> Galanter, Snyder, Guben

To facilitate communication and feedback among this diversified group of scholars, efforts were made to create networks for the exchange of information within the group as well as between the group and other scholars in the University. A luncheon series was inaugurated to bring together the Fellows and other University personnel. Moreover, the Fellows were able to develop research and discussion relationships with the social scientists in the law school's Russell Sage Program in Law and Social Science. At the end of the year, a series of colloquia were scheduled in which Fellows, faculty, J.D. students and others associated with the Program presented working papers to a group drawn from the Program, elsewhere in the University, and from other universities. (For a list of these meetings and the participants, see Appendix B.)

## 2. Organization and Dissemination of Existing Knowledge on Law and Modernization

This effort, begun at the very initiation of the Program, was continued in 1971-72. The main vehicle for the achievement of this goal are seminars and courses, where the existing literature is presented and debated. Existing courses were expanded and new offerings added. Mr. Trubek continued to develop the Law and Modernization Seminar and, with the assistance of Miss Nader, *Theories of Law in Society*.<sup>A</sup> Offerings on African law were expanded to include Mr. Stevens' course on African Legal Systems and Mr. Ghai's on East African Law. An expanded dispute settlement seminar attempted a more systematic canvas of the literature, along with an attempt to employ techniques and concepts drawn from comparative studies of dispute settlement to the study of domestic legal institutions.

The course offerings given by the Program's personnel provided an opportunity to disseminate the course materials and other literature to interested scholars in the United States, Europe and the Third World.

## 3. Development and Testing of Propositions: Specific Studies

A number of studies were undertaken or completed in the academic year 1971-72. One major research focus in the Program was on the process of dispute settlement. Mr. Richard Abel completed an extended working paper entitled "Toward a Comparative Social Theory of the Dispute Process". (Working Paper No. 13). The paper formulated a set of propositions about the dispute resolution process, which is to be tested by Mr. Abel with empirical data gathered on the author's field research in Kenya. Dispute resolution was a major research focus during the year for other Program participants. Ms. Ietswaart began a study of the Chilean court system, Mr. Tiruchelvam conducted a project on the Ceylonese Conciliation Boards, and Mr. Boaventura Santos continued his analysis of the dispute resolution process in a Brazilian favela.

A second major focus of research was an examination of the

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<sup>A</sup>For a discussion of further changes in this basic offering see pp. 20 infra.

theoretical bases of the field of law and economic development. Mr. Trubek completed a study of the thought of German sociologist Max Weber on the role of law and economic development. (Working Paper No. 12.) Simultaneously, Jerrold Guben completed a working paper on the applicability of the Weberian schema to the English developmental experience in the 16th and 17th centuries. (Working Paper No. 9.) Mr. Trubek also wrote a critique of the existing literature on law and development. This research appeared as Working Paper No. 10 and will be incorporated into a forthcoming article in the Yale Law Journal (Fall, 1972).

#### 4. Related Areas

In addition to direct law and modernization research, the Program supported efforts in a number of related areas. Mr. Goodman worked during the year to develop his research project on the response of multinational corporations to legal change in Latin America. Mr. Black continued his work on the general social theory of law and his teaching in the Sociology of Law. Black's essay, "The Mobilization of Law" will appear as Working Paper No. 15 during 1972-73.

#### 5. Other Research

In addition to the above-mentioned studies the Program conducted extensive overseas research in the year 1971-72. Mr. Neelan Tiruchelvam spent eight months in Colombo, Ceylon, conducting a study of Ceylon's Conciliation Boards. Mr. Bolivar Lamounier was in Brazil securing additional material for his paper on the institutionalization of authoritarianism in Brazil. Ms. Heleen Ietswaart spent the spring, 1972 and is spending the academic year 1972-73 in Chile doing an empirical investigation of neighborhood tribunals. Mr. Lance Compa is currently in Chile to study Collective Bargaining in the Machine Manufacturing Industry of Chile between 1958 and 1972. Mr. Stephen Wallenstein spent the summer at Fundação da Casa do Brazil (Rio de Janeiro) preparing for his forthcoming field work on the changes in Brazilian legal education. Mr. Robert Pozen spent several months in Ghana studying the development of public corporations. The first phase of this study will appear in the Wisconsin Law Review (Fall, 1972) and as Working Paper No. 8.

Lastly, Mr. Rosser Brockman completed his study of contract law in Taiwan which was published as Working Paper No. 11. This research was accepted by the History Department at Harvard University in satisfaction of the requirements for a Ph.D. degree.

#### 6. Research in 1971-72: Trends and Summary

1971-72 saw the emergence of a clearer conception of our research effort. Tentative plans for controlled cross-cultural research projects were abandoned. We concluded that such studies were premature. At this stage in the field's development, the theoretical insights to be yielded from such studies do not warrant the high costs in money and manpower that they impose. We have decided that a more fruitful research strategy for the development of the field of law and modernization was a

series of convergent individual empirical studies.

This orientation towards the individual project will emphasize studies of legal phenomena in the Third World, requiring each investigator to relate his empirical findings to an open-textured but evolving body of theory. These individual studies will each make a contribution to the evolving conceptual frameworks which will in turn provide a perspective for future field research. In this way, we hope to construct a general theory of law and modernization based on cumulative individual projects.

#### 7. Expenditures

In 1971-72, we spent approximately 24% of our total annual budget (including Overseas Research Fund) on research activities.

#### B. Training

It is not easy to separate the training and research goals of the Program. The Program is committed to training a group of law and modernization researchers, and we consider that the only way to learn how to do research is to conduct an advanced research project under supervision of faculty members. Accordingly, a significant part of the research carried out is also part of our training effort.

##### 1. Training of Yale Faculty

The Program was designed, inter alia, to allow existing Yale faculty to develop their own research skills. While there is no formal effort in this regard, a number of activities have been aimed at this goal. Over the years, several informal seminars and meetings have considered problems of research method and technique. In 1971-72 these continued. And, in addition to informal efforts, a major conference was held on "The Relevance of Legal Anthropology to Comparative Social Research in Law". This conference was, in part, designed to give Yale faculty and others participating in the Program, an opportunity to learn more about the theories and methods developed in the field of anthropology and appraise their utility in other types of research. The formal conference was the culmination of this effort - a major aspect of the Fall Term - in which we took advantage of the presence of Professors Nader and Yngvesson to explore their views and their experiences in the cross-cultural, multi-nation Berkeley Village Project. (A list of the participants in the conference, and the papers presented is included as Appendix K.)

Legal anthropology, which has a tradition perhaps a century old, and earlier roots in legal history, can probably claim to be the best developed of the interdisciplinary attempts to study law from the vantage point of social science. In addition, it possesses two other advantages from our particular point of view: it is consciously comparative, and it has always been interested in the developing nations, even before they were recognized as such. Discussion during the two day conference focussed upon efforts to construct general theory, the choice and definition of concepts

for cross-cultural comparison, and problems of research methodology - both empirical and ethical. These rather abstract issues were illuminated by a wealth of ethnographic data presented by the speakers and discussants who, among them, possessed field experience in: the United States, Kenya, India, Northern Rhodesia, Tanzania, Ethiopia, Fiji, Russia, Ghana, China, Taiwan, Italy, New Guinea, Alaska, Austria, Turkey, Senegal, Mali, Brazil, Korea, France, Germany, Sweden, the Sudan, Portugal, and Ceylon. The value of legal anthropology as a model for our own research may be seen in its use by Abel, Felstiner, Santos, Tiruchelvam, and Ietswaart.

## 2. The Research Training Project

The Program has been committed from its inception to train a small group of advanced researchers. In 1971-72 we undertook to systematize the Program's policy on training Fellows and students for field research.

During this past year the highest priority was given to the training of researchers capable of conducting empirical investigations in the Third World. As part of this evolving commitment to individual, empirical studies, we created a special Research Training Project. This Training Project contemplates a four phase sequence:

- a. substantive course work in the law school and cooperating departments,
- b. training in research strategies and techniques,
- c. the preparation of a detailed research design under faculty supervision, and
- d. the carrying out and the writing up on the empirical study.

A decision was made to make this Training sequence a part of a regular degree program, normally either the J.S.D. or Ph.D.

In 1971-72 we brought three students into this intensive training program. Mr. Pozen, who had done his course work and field research as a J.D. student, was admitted as a J.S.D. candidate and Fellow, to allow him to turn this student project into a publishable doctoral thesis. Mr. Tiruchelvam was given a special training program in research methods and awarded an ORF grant and Fellowship extension to permit him to conduct and write up the study. Ms. Ietswaart completed course work and methodological training, and was awarded a grant to permit her to conduct and write up field work on Chilean court reform.

Moreover, we began to gear our recruiting program to the intensive research training effort. During 1971-72 we began a systematic effort to locate candidates interested in such a program, and capable of carrying it out. This criteria affected the selection of Research Fellows. Some, such as Mr. Lynch, were selected because of their interest in the special program.<sup>A</sup> These efforts led to the selection of six new candidates for

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<sup>A</sup>This was not the exclusive criteria for selection of Fellows. Several (Burcroff, Lamounier) although not primarily being trained to conduct empirical research, offered skills and perspectives judged important for the research effort, and were planning projects felt to be important in their own right.

the Research Training Project<sup>A</sup>; these new recruits, added to the existing four candidates,<sup>B</sup> brought the group in this activity to a total of 10.

To supervise this recent training effort, we created the new post of research director, whose job it is to oversee the formal training of the candidates, as well as the design and conduct of their projects. The first incumbent of this post was William Felstiner.

### 3. Training in the "Use" of Law and Modernization Research

In addition to the core program of training researchers, the Program also supports a much broader but less intense training effort designed to sensitize lawyers and social scientists to the uses of empirical research on law. While many of our courses are necessary for the future researcher, they are also open to and aimed in part at the legal scholar or social scientist who does not intend to become a full-fledged social researcher on law. These students and Fellows are exposed to a new way of thinking about law, shown how social science methods can be used in its study, trained in the understanding and evaluation of such studies, and encouraged to employ such studies in their teaching and writing about specific legal problems and doctrines.

These goals are primarily pursued through the regular J.D. and L.L.M. degree programs. These programs are aimed at the training of legal practitioners and scholars. Courses supported by the Program in Law and Modernization are available to students in these two regular degree programs, special efforts are made to recruit Third World students to the L.L.M. program, and grant funds help support students enrolled in it. In 1971-72, 89 students took courses supported by the Program. Of these, 67 were J.D. students and 10 L.L.M. candidates. Eight students from 5<sup>C</sup> Third World countries took at least one Program supported course during the year. In addition to regular students, some Fellows (including both lawyers and social scientists) are pursuing this type of less intensive training program.

In addition to formal training in methodology, this aspect of the Program's efforts has aided American and European students to gain an appreciation of legal problems in the Third World. A few of these will assume careers in development work and research; for those who will not pursue such careers, these studies are, nevertheless, of immense educational value, for they increase their awareness of the problems of development in general, and of the nature and variety of legal system in societies very different from their own.

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<sup>A</sup>Fellows - Lynch

J.S.D. candidates - Clark, Okoth-Ogendo, Andrade

J.D. candidates - Popiel, Wallenstein

<sup>B</sup>Pozen, Santos, Ietswaart, Tiruchelvam

<sup>C</sup>Brazil, Chile, Ethiopia, India, Uganda

In 1971-72, we spent approximately 40% of our total annual budget (including Overseas Research Fund) on training efforts.

#### 4. Publication

Our publications in 1971-72 realized a substantial increase in number. Seven new working papers were published. This represented an increase of 50% over the average output of the first two years and reflected the fact that many long term research projects were at the publication stage. The entire set of working papers was distributed to universities, research centers throughout the world, and national and international assistance agencies.

A volume of the Program's work to be published by Yale University Press was cancelled because of a decision to publish the essays separately. Mr. Trubek's original essay will appear as two articles in the Fall, 1972 numbers of the Yale Law Journal and the Wisconsin Law Review. Mr. Abel's essay, much expanded, has been published as Working Paper No. 13. Other essays from this project will be published during the year.

#### 5. Institutional Cooperation

Our efforts at institutional cooperation continued to concentrate on the Catholic Law School in Rio de Janeiro (PUC). Mr. Mestieri, the former Dean, completed a year Fellowship and L.L.M. degree program, in which he studied criminal law with Dean Goldstein and worked closely with Professors Trubek and D. Black on the use of social research methods in the criminal law field in Brazil. Mr. Trubek taught a two-week course on "Law, Planning and Development" at PUC. Dean Falcão visited Yale and consulted with various faculty members. The Law School Library assisted PUC in the purchase of several hundred volumes on law and society and related topics. Finally, Dean Goldstein accepted an invitation to visit PUC and lecture on legal education and the use of social science in U.S. law schools. (This trip was postponed due to illness, but it is anticipated that the visit will take place in 1972-73.)

#### 6. Library

The most important event in 1971-72 was the recruitment of a full time foreign and comparative law librarian. This post had been empty for some time; after a sustained recruiting effort we located Carl Lamers, a lawyer with extensive knowledge of both legal and social science bibliographic sources. Under Mr. Lamers' direction, library development accelerated.

In the budget year 1971-72, an amount of \$12,072.71 was spent on library acquisitions for African and South American materials.

During this period the Yale Law Library was filling in large current and retrospective gaps in the African law collection. This involved bulk buying of series of statutes and law reports, collected statutes and monographs, mostly selected or suggested by the faculty interested in

Africana. Second, extensive serial backfile for Latin America was acquired.

In regard to Africa: for eight countries (Ethiopia, Kenya, Tanzania, Uganda, Ghana, Nigeria, Zambia, and the Sudan), we decided to acquire not only all available legal materials, but also any works on economics, anthropology, sociology or politics related to law. This advice was interpreted as widely as possible. These are countries upon which the Yale Law School concentrates in its teaching program.

Deposit accounts with Government Printers were established in Botswana, Ethiopia, Ghana, Kenya, Lesotho, Malawi, Nigeria, Rhodesia, Tanzania (and Zanzibar), Uganda and Zambia. We now receive the Official Gazettes for all these countries, with the legislative supplements.

The standing orders of Official Gazettes and other legislation will be maintained, but it is expected that less money will be needed for Africa for 1972-73, since many gaps have now been filled, and we will be buying mostly current material as it appears on the market. Legal materials for non-Anglophonic Africa are being bought when they are available, mostly through Continental dealers. Here, again, we have spent in one or two years more money than usual in catching up with the backlog of books, and spending should now even off to a fairly steady amount.

A Latin American acquisition policy was also developed. We will continue to concentrate on Brazil and Chile, developing a working law collection and a core collection of historical and social science works related to law.

In 1971-72, we spent approximately 5% of our total annual budget on library acquisitions. A more detailed breakdown of expenditures for 1971-72 follows.

Table 1

A.I.D. Expenditures 1971-72

	<u>BOOKS</u>		<u>CONTINUATIONS</u>	
English language	\$7,355.09	(925 volumes; 2 microfilms; 15 microfiches) Africa 837 vols. Brazil 8 vols. Other 80 vols.	\$2,056.18	(21 foreign periodicals; 26 supplements; 2 loose-leaf; of the \$2,056.18, 23 are Gazette subscriptions on \$1,185.00 for African deposits)
Foreign languages	\$2,571.86	(187 volumes; 131 microfilms; Brazilian reels for 1956-61)	\$ 89.58	(5 volumes; 3 subscriptions; 3 supplements)
<b>Total</b>	<u>\$9,926.95</u>		<u>\$2,145.76</u>	
				\$ 9,926.95
				<u>2,145.76</u>
			<b>Grand Total</b>	<u>\$12,072.71</u>

#### IV. Impact of Grant Supported Activities in Developing Institutional Capabilities

The original purpose of the grant was not only to design a course of comparative and developmental studies, but also to foster the general institutional infrastructure needed to support scholars and students. To sustain itself within the context of a professional school, a program in law and modernization requires special funding and support. The courses offered and the training provided by the Program's personnel, while useful to the general Law School student population, were not sufficiently proven so that the Program could expect full financial support from the Law School given the fiscal condition of the University. Without the grant's support it is doubtful that Program faculty members could have devoted the time and resources to law and modernization studies necessary to create the courses and seminars offered in the last three years. The grant has permitted the Program to create an evolving body of theory, as well as a supportive environment for comparative legal studies at Yale. In the future we in the Program are optimistic that this process of integration of law and modernization studies in the structure of the University and Law School continue at an accelerating pace.

The grant also has been crucial in maintaining a group of Fellows, students and other scholars. The Program has been following a bifurcated strategy. On the one hand, we increased our efforts to integrate the Program into the regular degree curriculum aimed at the domestic law students. On the other hand, the Program has also cultivated a special clientele which needs special sources of funding. For example, our efforts to expand the number of Third World students at Yale requires the availability of substantial fellowship and scholarship funds to support these visitors during their work in the United States.

As part of the training program for Americans we have found that the most promising recruits are law school graduates with some exposure to Third World nations. These candidates, bring to the training project an extensive experience in the country, language skills and a desire to acquire a systematic theoretical perspective to apply to their special area interests. Such candidates are rare and expensive. They must be attracted away from very substantial employment positions, with high salaries, in order to return to the University. The grant has provided the Program with funds necessary to recruit, attract and retain these candidates for the two year period needed to develop their skills to a degree sufficient to permit them to conduct original research in the Third World.

## V. Utilization of Institutional Resources in Development

The foregoing has indicated the numbers of Third World students at Yale, and our specific efforts at cooperation with PUC. In addition, a number of faculty members continued to carry out various developmentally related activities. For example, Mr. Trubek was appointed Chairman of the ILC's Research Advisory Committee on Law and Development, and served as Visiting Lecturer at PUC - he also advised on the development of a research project at PUC; Mr. Stevens served as co-director of an AID Title IX feasibility program on legal assistance, and as advisor to the East African Community; Mr. Apter delivered a paper on "The Development of A.I.D." at an AID sponsored conference; Mr. Tiruchelvam worked on a project designed to train personnel to conduct social research in law in Ceylon. (For a complete list, see Appendix C.) A large number of visitors, many from the Third World and from assistance agencies came to New Haven to observe the Program and discuss specific problems with Program personnel. (See Appendix D.) Working Papers and teaching materials were widely distributed and used by scholars in the developing countries. Finally, many Program trained legal scholars have returned to various developing countries where they are engaged in scholarship and research. Two noteworthy examples from the 1971-72 group are Mr. Deng, who has been appointed to the Foreign Service of the Sudan, and will shortly take up his post as Ambassador to Scandinavia in the near future, and Mr. Mestieri, who has returned to PUC where he has embarked on a program of social science research on criminal justice, and has been appointed director of the new PUC graduate-level teacher training project.

## VI. Level of Activity and University Contribution

The grant application projected cumulative expenditures under the grant of \$521,778.00 by June 30, 1972: actual expenditures were \$480,928.78. This level of expenditure reflects a continuing emphasis on organization and administration while significantly increasing the level of teaching and research. Expenditures during 1971-72 surpassed the projected \$237,000 for three primary reasons. First, teaching and research were expanded to meet the needs of increased interest and capability. Secondly, library acquisition became a critical arena requiring qualified personnel. Finally, the publication and distribution of research efforts (working papers, reprints, etc.) increased expenditures for research assistance, xeroxing, and postage. (See Appendix Q-1:)

The University has continued to provide major contributions to the Program. These have included substantial office space and access to equipment. All overhead costs have been borne by the University, totalling \$105,389.02 through 1971-72. And the University provided \$88,025.01 for the Overseas Research Fund: a total of \$23,210.24 was expended for Overseas Research during the first three years of the grant.

## VII. Program Administration

The Program's administrative structure during 1971-72 remained largely similar to that of the previous year, although there were several significant changes. The post of Executive Director was eliminated: these tasks were divided between the Chairman and an Administrative Assistant. The position of Research Director was created to supervise the Research Training Project. The revised administrative structure is as follows:

- 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 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 - Convenes the Steering, Executive and Research Committees; approves research grants under \$250.00 and travel grants under \$350.00; provides overall Program direction.
- F. Research Director - Assures that all researchers receive adequate methodological training; assists in the preparation of research designs involving requests for support from the Overseas Research Fund, organizes colloquiums and other sessions at which works in progress are presented.
- G. Administrative Assistant - Maintains records of the Program and is responsible for routine administration.

In 1971-72 the incumbents in these positions were:

Dean - A.S. Goldstein

Steering Committee - D. Trubek (Chairman), R. Abel, D. Apter (Political Science), W. Felstiner, J. Goldsen (Concilium of International and Foreign Studies), Q. Johnstone, L. Lipson, B. Marshall, H. Patrick (Economics), M. Reisman, R. Stevens.

Executive Committee - D. Trubek, Abel, Felstiner, Johnstone, Reisman, Stevens,

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

Research Director - Felstiner

Administrative Assistant - F. Burton

All administrative costs of the Program were charged to the AID grant: all direct overhead was assumed by the University.

During 1971-72, we spent approximately 4% of our total annual budget (including Overseas Research Fund) on salaries for persons engaged in Program administration.

## VIII. 1972-73: Plans and Budgets

### A. General

1972-73 will see a continuation of the efforts of the previous years. There will be new personnel, Fellows, and students, but the basic effort will continue. Mr. Steiner will join us as Senior Fellow and Mr. Guben was appointed Research Director to replace Mr. Felstiner, who left to accept a teaching post at the UCLA Law School. More emphasis will be placed on the Research Training Project, and it is anticipated that a much larger volume of working papers will be produced. (For a list of all Fellows and students in 1972-73, see Appendix E; a complete list of working papers, including those produced early in 1972-73, is set forth in Appendix G.)

### B. Major Developments

#### 1. New and Expanded Courses.

Three new courses will be offered in 1972-73. These are Introduction to the Analysis of Social Systems; Law and Socialist Development in the Third World; and Law and Socio-Economic Organization. In addition, Introduction to Theories of Law in Society has been completely reorganized and entitled Comparative Legal Sociology.

The change in the latter offering reflected a decision by the instructors to move from a survey of existing literature to the presentation of the elements of a theory for the comparative sociological study of law. The development of the course entitled an Introduction to the Analysis of Social Systems has filled a curriculum need in the Training Project. We have found that many of the students entering the Program had an inadequate background in the social sciences. This lack of previous work in the social sciences impeded progress in the advanced courses and in the formulation of research designs for empirical research. The "Social Systems" course was designed to provide the students of the Program and the Law School with the basic conceptualization and methodological strategies of the social sciences. (A complete list of courses offered in 1972-73 is set forth in Appendix J.)

#### 2. Special Programs

We have developed and reorganized our special non-curricular programs. These are essential to maintenance of communication and exchange within the Program and with persons outside it. We now have two regular non-curricular efforts.

- a. Luncheon and Dinner Program. The luncheon and dinner sessions are a series of bi-weekly functions permitting the Fellows and students of the Program to meet on an informal basis with leading social scientists and legal scholars outside the Program. During the fall semester, speakers will include Professor Juan Linz of the Sociology and Political Science

Departments speaking on law and lawyers in authoritarian regimes; Professor Stephen Warner of the Sociology Department, discussing aspects of Max Weber's sociology relevant to the study of legal professions; Professor David Apter of the Political Science and Sociology Departments, discussing the future of modernization studies in political science; Professor Keith Rosenn of Ohio State University Law School, on the process of judicial review in Brazil; and Professor Roberto Unger of Harvard Law School, discussing his recent theoretical work on law in contemporary society.

Prior to each meeting, a selection of the speaker's written work is circulated to the participants to provide a common framework of discussion. The purpose of the luncheon and dinner meetings is to provide an informal, intimate discussion between fellows and students with the distinguished speakers.

- b. Colloquium. The Russell Sage - Law and Modernization Colloquium is a series of bi-weekly afternoon lecture-discussion meetings. The colloquium is designed to provide individuals from the Yale Law School and social science communities and selected visiting scholars with a forum to present their current works in progress to members of the two programs and the Law School. The first guest speaker was Professor Allen Silver, of the Department of Sociology, Columbia University. In the following weeks the Colloquium will hear Jerrold K. Guben, of the Law and Modernization Program, speaking on Law, Development and the Origins of the American Legal Culture; Bolivar Lamounier, of the Law and Modernization Program, speaking on Authoritarianism and Ideology in Brazilian Development; Professor Juan Linz, of the Sociology and Political Science Departments at Yale, speaking on authoritarian regimes and Robert Cover of the Law School, speaking on the nineteenth century American legal system. The afternoon session of the colloquium provides an informal meeting of students and scholars discussing research which has yet to be published, providing insight into the process of research and intellectual exchange for the Fellows in the Program.

### 3. Recruitment

In order to improve our recruiting effort, we have initiated our first formal overseas recruiting trip. (Informal recruiting efforts have been included in previous research trips by faculty members.) Mr. Guben, our new Research Director, will visit four Latin American countries in the fall of 1972, and will meet with legal educators and social scientists. Our hope is to attract more students and Fellows to the Program and the Research Training Project. At the same time, Mr. Guben will explore the feasibility of informal institutional ties with research centers in Latin America, visit our two field workers in Chile, and consult with the Dean and Faculty of PUC on aspects of our relationship with that institution.

### C. Financial Plans

Our projected budget for 1972-73 is attached as Appendix Q-2. A few highlights of this budget as contrasted with 1971-72 should be noted.

1. Faculty salaries are down from 1971-72. This represents, in part, the beginning of a trend in which the Law School will begin gradually to absorb some of the salary costs of the Program.
2. Library costs are up substantially. This reflects the arrival of our new foreign law librarian. Library development lagged until 1971-72 due to a shortage of trained personnel; now we are trying to make up for these delays through a vigorous development effort.
3. Student Fellowships are up. This reflects the rapid growth of the L.L.M. Program, and the increasing number of Third World lawyers desiring to study at Yale.
4. Research Fellowships are up. This reflects the growing emphasis on combined research and training through the Research Training Project, and the large number of qualified applicants who applied for admission.

### D. Specific Research Goals for 1972-73

#### 1. Doctorates and Other Major Studies to be Completed

The following will complete their J.S.D. theses in 1972-73: Santos, Tiruchelvam, and Pozen. In addition, Mr. Lamounier expects to complete his Ph.D. thesis in political science. Mr. Abel will be on leave in the spring term, and will continue his study of local courts in Kenya, which will also be his Ph.D. thesis in African Law. Mr. Compa will complete his intensive semester study of Chilean labor law.

#### 2. Field Research Projects to be Begun

We expect that at least five empirical projects will be begun in 1972-73. Most will be J.S.D. theses; one or two may take the form of intensive semester projects by J.D. students. In all cases, research designs for these projects will be completed during the spring term, with field research to begin in the summer or fall of 1973. It should be noted that these projects will take at least one and normally two years to complete from the date that field work is begun.

#### 3. Other Research

Ms. Ietswaart will complete the field work portion of her J.S.D. thesis research and will return to New Haven in 1973 to begin the write-up phase. Mr. Guben will continue to work on his Ph.D. thesis on the development of legal institutions in colonial America. Mr. Trubek will begin a biblio-

graphical project, aimed at collecting the extant literature on the role of law in the industrialization process. Mr. Ghai will continue his research on East African Law and on the role of law in Socialist development; a working paper on aspects of this work entitled "The State Corporations in Tanzania: Challenge of Development to Law" will appear as Working Paper No. 17. Mr. Steiner will devote his research time to two projects. In the spring, Mr. Steiner will offer a course entitled Law and Socio-Economic Organization which will examine the United States legal system in relation to its social organization and the process of change. Additionally he will edit and contribute to a volume dealing with the Chilean Copper Industry and the problem of expropriations from the perspective of international law.

#### E. Institutionalization

While 1971-72 saw the emergence of the intellectual milieu the Program aimed at, and 1972-73 will see the continued efforts to maintain and expand this research atmosphere, much remains to be done. The major problem now facing us is the institutionalization of this structure. This will be a long term process, and will require a number of interrelated efforts. In 1972-73, we will begin a series of concrete efforts designed to lead to the permanent institutionalization at Yale of the efforts begun by the Program.

##### 1. The Cluster in Comparative Legal Studies

One of the most significant developments contemplated in 1972-73 is the creation by the Law School of a cluster, or undergraduate specialization program. This program will allow J.D. students to specialize in some area of legal studies in their last two years of law school. One of the contemplated clusters has been designated Comparative Legal Studies. Present plans are to include most of the courses offered by the Program in this cluster, which will include CLS, area studies, and policy related research on law in other societies. The development of the cluster will give the Program an institutional base within the regular undergraduate law program. This will add another important dimension to our efforts, for it will relate the Program to J.D. students in a more organized way. At the same time, it will create an opportunity to apply knowledge and methods developed by the Program to a broader range of issues, problems and countries.

##### 2. A Joint Degree Program in Law and Social Science

Another institutional development that will be explored in 1972-73 is a joint degree program in law and social science aimed at least in part at persons interested in doing work in comparative legal sociology. The Program will work closely with other groups in the University to explore the feasibility of such an undertaking.

#### F. The Funding Problem

##### 1. Fiscal Projects: The Forward Funding Dilemma

Our preliminary estimates indicate that we will spend \$275,000 in

1972-73 (See Appendix Q-2). This will leave approximately \$235,000 for the last year of the grant. Obviously, unless new funding sources are found, this will mean that the Program will have to cut back substantially next year. But the problem is more serious. Given the way the Program operates, we must be able to make two and even three year commitments to some students and Fellows. Persons enrolled in the Research Training Project normally spend 2-3 years taking courses, designing, conducting, and writing up projects. It is extremely difficult to recruit people for this effort if we are unable to make some form of forward commitment. It is also hard to recruit Senior Fellows unless they can be given a firm commitment one to two years in advance of their actual visit to New Haven. Thus we are really presented with a two-fold problem:

- a. We do not now have enough funds to continue at present levels next year;
- b. The funds we have cannot be used beyond 1974 and thus we will be limited to one year commitments to students and fellows recruited in 1972-73.

Unless we can get more funds, and unless these are available for a longer period of time, many of the most important aspects of the Program will have to be terminated or substantially cut back during 1972-73.

## 2. Measures to Deal with this Problem

As of the date of this report, we have taken a number of measures to deal with this problem. First, we have cut back our budget for 1972-73 to the extent possible. The \$275,000 figure represents the budget established after several cuts were taken in earlier estimates. Most of the funds in this budget are already committed, and while we hope to continue locating savings, we think that little more can be done now to reduce this year's expenditure level without jeopardizing the research and training effort.

The second step has been to look for additional sources of funds for aspects of the Program's activities. We have indicated to all students and Fellows contemplating field research that they are expected to try to seek outside fellowships, funding from their own countries in the case of Third World candidates, etc. In this way we hope to stretch our own research funds.

Thirdly, we have approached the University and requested that certain Program-related costs be borne by Yale. This has permitted us to maintain our planned level of activity in 1972-73 without further depleting the grant. Some faculty salaries previously funded by the Program have been absorbed by the Law School (e.g. D. Black, Stevens). A large number of Third World L.L.M. candidates are being funded from Law School sources. (See Appendix F.) Some secretarial costs have been absorbed by the Law School.

Fourthly, we have requested that A.I.D. stretch out the existing grant to allow it to be used over two additional years, and award us a small

supplemental grant which would permit us to maintain Program operations at about the current level through 1976-77. The details of this request are contained in a separate proposal to be submitted.

1971-72 Senior and Research FellowsSenior Fellows

Yash P. Ghai of Kenya, B.A. (Oxford), LL.M. (Harvard) was Professor of Law at University College, Dar es Salaam and was Dean of the Faculty of Law there from 1967-69. He is the author of Public Law and Political Change in Kenya (with J.P.W.B. McAusland) (Oxford Univ. Press, 1970), and Portrait of a Minority: Asians in East Africa (Oxford Univ. Press, 1970) (with D.P. Ghai) and numerous articles on constitutional law and law reform. He will teach a seminar on East African Law with Mr. Stevens. Mr. Ghai will continue his research on law and development in Tanzania, with particular emphasis on adapting the inherited legal system to a socialist political and economic order.

Laura Nader of Berkeley, B.A. (Radcliffe), Ph.D. (Radcliffe) is Professor of Anthropology at the University of California, Berkeley. She is the editor of Law in Culture and Society (Aldine 1969) and The Ethnography of Law (Amer. Anthrop. Ass'n, 1965) and many articles on dispute settlement and social organization. Professor Nader directed the Berkeley Village Law Study Project. She will be at Yale for the fall term only and will teach "Theories of Law in Society" with Mr. Trubek.

Research Fellows

Francis M. Deng of Kordofan Province, Sudan, LL.B. (Khartoum), LL.M (Yale), J.S.D. (Yale), spent 1962-64 at King's College, London, was Adjunct Assistant Professor of Law and Anthropology at N.Y.U. in 1969-70 and in 1972 will teach a seminar in legal anthropology at Columbia Law School. Mr. Deng is on leave as a Human Rights Officer at the U.N. Secretariat. He is the author of Tradition and Modernization: A Challenge for Law Among the Dinka of the Sudan (Yale 1971), The Dinka Through Their Folklore (Oxford 1971), From Birth to Eternity: The Life of the Dinka (Holt, Rinehart and Winston, 1971). At Yale he will conduct research on problems of national integration with special reference to the role of law and to the South Sudan.

Louis W. Goodman of New Haven, Conn., A.B. (Dartmouth), M.A. (Northwestern), Ph.D. (Northwestern), was a Russell Sage Fellow at the Law School in 1970-71 and is Assistant Professor of Sociology at Yale. His doctoral dissertation analyzed the impact of work situation variables on workers' acquisition of modern personal characteristics in Santiago, Chile. With R.F. Winch, he edited Selected Studies in Marriage and the Family (Holt, Rinehart and Winston, 1968). His fellowship is to facilitate the design of an investigation of multi-national corporation decision making in Latin America.

Bolivar Lamounier of Sao Paulo, Brazil, B.A. (Ciencias Económicas da UFMG),

M.A. (UCLA), is a Ph.D. candidate in political science at UCLA. He was Executive Director of the Instituto Universitario de Pesquisas de Rio de Janeiro. For the last year he has been analyzing the failure of a liberal pattern of political thought to become strongly rooted in Brazilian political institutions at the Center for Analysis and Planning in Sao Paulo. At Yale he will work on the relationship between the legal profession and authoritarian institutionalization in Brazil.

João Mestieri of Rio de Janeiro, Brazil, LL.B. (Pontifical Catholic University of Rio) (PUC), Doctor of Law (PUC), is an Associate Professor of Law and former Administrative Director of the Law School at PUC. He is the author of A Study of the Crime of Rape (1968) and other works on criminal law. At Yale he will pursue studies to enable him to help conduct the advanced interdisciplinary program contemplated at PUC's social science center.

Boaventura de Sousa Santos of Coimbra, Portugal, licenciatura (Coimbra), LL.M. (Yale), is Assistant Professor of Law in the Faculty of Law at Coimbra University and a J.S.D. candidate at Yale. He will devote 1971-72 to completing his research on dispute settlement in a favela in Rio de Janeiro for which the field work and preliminary analysis was conducted in 1970-71.

Neelakandan Tiruchelvam of Colombo, Ceylon, LL.B. (Univ. of Ceylon), LL.M. (Harvard), has been a Lecturer in Law at the University of Ceylon and is a J.S.D. candidate at Harvard. He will spend one term at Yale

designing an empirical study of Ceylon's state-supported system of mediation committees.

Law and Modernization Annual Conferences

May, 1972

I. Law in Africa Conference

Public Corporations in Ghana

Mr. Robert Pozen

Mr.

Comments

Quintán Johnstone

Public Corporations in Tanzania

Mr. Yash Ghai

Power and Identification in the Sudan

Mr. Frances Deng

Comments

Mr. Michael Reisman

II. Dispute Settlement Conference

Dispute Settlement Theory

Mr. Richard Abel

Influence of Social Setting on the Forms of Dispute Processing

Mr. William L. F. Felstiner

Law Against Law

Mr. Boaventura Santos

Dispute Settlement and Social Cohesion: A Case Study from Turkey

Ms. June Starr

III. Law and Development Conference

Max Weber on Law and Development in England

Messrs. Richard Bell and John Balkoski

Comments

Thomas Heller

Ms. Barbara Malament

1971-72

Developmental and Other Related Activities

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

Mr. Stevens continued to act as constitutional and legal 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 technical assistance to legal institutions in developing countries. (A.I.D.) He presented a paper (with Edward Baker) on "The Korean Legal System" at the spring meeting of the Asian Studies Association in New York. In addition, he reviewed James' "Land Tenure and Land Policy in Tanzania" for African Law Studies.

Mr. Felstiner delivered papers on Dispute Processing Theory at the annual meetings of the Association for Indian Studies and the Asian Studies Association. He also participated in a faculty seminar on Dispute Settlement at Harvard Law School.

As Chairman of the Graduate Committee at Yale Law School, Mr. Johnstone working closely with graduate students who participated in Program activities. He also published "American Assistance to African Legal Education," 46 Tulane L. Rev. 657-694 (1972).

Mr. Lipson published a review of Cohen, ed., Contemporary Chinese Law: Research Problems and Perspectives, 80 Yale L.J. 1292 (1971) and a review of Brumberg, ed., In Quest of Justice, 30 Slavic Review 897 (1971). He delivered a main address entitled "Soviet Union" at the conference "Life, Law and Competing Systems in the Pacific," Lewis & Clark College, Northwestern School of Law and participated in a panel with Roy Jenkins on Yale Reports entitled "Britain, the EEC and the U.S."

Mr. Reisman delivered two lectures entitled "Recognition and Social Change in International Law" to the Navel War College and addressed a regional meeting of the American Society of International Law on "Making International Law Effective: The Case for Civic Initiatives" which will be published in his forthcoming book. He has been elected to the Executive Council of the American Society of International Law and the Board of Editors of the American Journal of

International Law. He also participated in a conference, "The Future of the International Legal Order," at Princeton University.

Mr. Trubek was appointed Chairman of the International Legal Center's Law and Development Research Advisory Committee. He published *O Mercado de Capitais e Os Incentivos Fiscais* (Rio AN-APEC, 1971) with Sa and Gouvea Viera as well as two working papers: "A Critique of the Law and Development Literature" and "Max Weber on Law and the Rise of Capitalism." His article, "Toward a Social Theory of Law" is forthcoming in the *Yale Law Journal*. He was also a visiting lecturer at the Catholic University School of Law in Rio de Janeiro where he taught a two week seminar in law, planning and development.

Mr. Apter was chairman of a conference on Chilean Socialism which was supported by the Concilium for International Studies in conjunction with the Program. He also delivered a paper, "The Development of A.I.D." at A.I.D. conferences in Boston and Berkeley. He presented several lectures on development at universities here and abroad. His book, Political Change, is forthcoming, (London: Frank Cass).

Mr. Abel participated in a panel on the unification of African law at the annual meeting of the African Studies Association in Denver in November.

1971-72

Program Visitors

The Program brought a number of visitors to the Law School to speak with Faculty and students. They included:

- Mr. Mario Moreira Alvez, Former Brazilian Congressman  
"Social Costs of Contemporary Brazilian Development Policy"
- Mr. David Bonderman, Research Fellow, Harvard Law School  
"Some Thoughts on Law and Social Change in Tunisia"
- Professor Gyula Eorsi, Institute for Legal & Administrative Sciences  
of the Hungarian Academy of Sciences in Budapest: "Law and  
Planning in Hungary"
- Dr. Joaquim Falcao, Dean  
Pontificia Universidad Catolica do Rio de Janeiro
- Professor Bernard Gesche, University of Santiago, Chile
- Professor Max Gluckman, Center for Advanced Study of Behavioral Sciences
- John Howard, President, International Legal Center
- Hubert Le Blanc, Program Officer in Charge of Legal Development  
Canadian Government Development Research Institute
- Professor Stewart Macaulay, University of Wisconsin Law School  
"Law and the Allende Regime"
- Mr. Paulo Sa, Special Assistant to the President of the Central Bank  
of Brazil  
"Current Development in the Brazilian Capital Market"
- Mr. Hernan Saez, Chilean Ministry of Justice
- Professor Kalman Silvert, NYU and the Ford Foundation  
"The Relationship between Political and Economic Institutions  
in Latin America"
- Mr. Samuel A. Stern, Wilmer, Cutler & Pickering  
Nationalization of U.S. Copper Interests in Chile
- Roberto M. Unger, Harvard Law School  
"The Place of Law in Modern Society: Sketch for an Interpretation"

1972-73 Program Fellows and StudentsResearch Director and Lecturer in Law

Jerrold K. Guben of New Haven, Conn., B.A. (University of Southern California), A.M. (University of Michigan), J.D. (Harvard), is a Ph.D. candidate at the University of California. During 1970-72, he has been a Russell Sage Fellow at the Law School. His work, "The 'England Problem' and the Theory of Economic Development" is Working Paper Number 9 of the Program in Law and Modernization. As a Research Fellow, he will continue his research on the relationship between legal and social change in colonial America. He will also be Research Director of the Program in Law and Modernization and as Lecturer in Law will teach a seminar, Introduction to the Analysis of Social Systems.

Senior Fellows

Yash P. Ghai of Kenya, B.A. (Oxford), LL.M. (Harvard) was Professor of Law at University College, Dar es Salaam and was Dean of the Faculty of Law there from 1967-69. He is the author of Public Law and Political Change in Kenya (with J.P.W.B. McAusland) (Oxford University Press, 1970), and Portrait of a Minority: Asians in East Africa (Oxford University Press, 1970) (with D.P. Ghai) and numerous articles on constitutional law and law reform. During 1971-72 he taught a seminar on East African Law with Mr. Stevens. Mr. Ghai will continue his research on law and development in Tanzania, with particular emphasis on adapting the inherited legal system to a socialist political and economic order. He will also teach a seminar, East African Law: Politics and Economic Development.

Henry J. Steiner, B.A. (Harvard), M.A. (Harvard - International Affairs), LL.B. (Harvard). As Professor at Harvard Law School since 1965, he has taught primarily in the international and comparative fields with recent emphasis upon the role of law in socio-economic change. He is author of several articles in legal and other periodicals as well as co-author of a coursebook, Transnational Legal Problems (1968). While at Yale as Visiting Professor and Senior Fellow, Mr. Steiner will teach Torts and Law and Socio-Economic Organization.

Research Fellows

Richard T. Burcroff of the University of Hawaii, B.S. (R.P.I.), Ph.D. (University of Washington), was Acting Assistant Professor of Economics at the University of Hawaii. His dissertation addressed Contractual Choice in Philippine Agriculture: Implications for Land Reform in Asia. His major fields are micro-economic theory, law and economics and economic development. While at Yale he plans to analyze the nature and form of tenancy contracts in the Gangetic States of India and in Provinces of South China before the Revolution to determine if some principles developed in his dissertation are applicable.

Bolivar Lamounier of Sao Paulo, Brazil, B.A. (Ciencias Economicas da UFMG), M.A. (UCLA), is a Ph.D. candidate in political science at UCLA. For the last year he has been analyzing the failure of a liberal pattern of political thought to become strongly rooted in Brazilian political institutions. This work was begun at the Center for Analysis and Planning in Sao Paulo. At Yale he has been working on the relationship between the legal profession and authoritarian institutionalization in Brazil. He has just returned from conducting research in Brazil on authoritarian ideology as articulated by a Brazilian intellectual elite since the 1920's and its institutionalization after the Revolution of 1930. His fellowship will be devoted to analyzing his data and writing up the project.

Dennis O. Lynch of the Ford Foundation in Colombia, A.B. (University of Oregon), J.D. (Harvard). The research he will undertake at Yale concerns: 1) the changes in legal concepts and procedures governing the expropriation of private

property and 2) the changes in the legal and administrative procedures and standards controlling the use of urban land in Latin America.

Robert C. Pozen of New Haven, Conn., B.A. (Harvard), J.D. (Yale), spent an Intensive Semester at the Law School in Ghana studying public corporations. His research, Public Corporations in Ghana: A Case Study in Legal Importation, is Working Paper Number 8 of the Program in Law and Modernization. As a Research Fellow, he will complete his study of public corporations in Ghana, and teach a seminar on housing with Professor John Simon in the spring term.

Boaventura de Sousa Santos of Coimbra, Portugal, licenciatura (Coimbra), LL.M. (Yale), is Assistant Professor of Law in the Faculty of Law at Coimbra University and a J.S.D. candidate at Yale. He devoted 1971-72 to completing his research on dispute settlement in a favela in Rio de Janeiro for which the field work and preliminary analysis was conducted in 1970-71. During 1972-73, he will complete his J.S.D. thesis and prepare it for publication.

Neelakandan Tiruchelvam of Colombo, Ceylon, LL.B. (University of Ceylon), LL.M. (Harvard), has been a Lecturer in Law at the University of Ceylon and is a J.S.D. candidate at Harvard. He has spent one term at Yale designing an empirical study of Ceylon's state-supported system of mediation committees and the past spring and summer in the field conducting research. Upon his return to Yale in October, he will write up his data and complete the project.

Mr. Nurkut Inan, of the Ankara Law School, will be a Special Student during 1972-73. While at Yale, he will be working in the areas of development economics, law and economic reasoning, sociology of law and economic theory under the Department of Economics' Program in International and Foreign Economic Administration.

Summary Student Research

Lance Compa, '73 L, is presently spending an Intensive Semester in Chile studying collective bargaining in the machine manufacturing industry of Chile from 1958-1972.

Heleen Ietswaart, LL.M. Yale '71, a doctoral candidate, is currently conducting research on neighborhood tribunals in Chile. Upon her return to New Haven in February 1973, she will write up the data she has collected.

Stephen Wallenstein, '74 L, has spent this summer in an intensive language training program in Rio de Janeiro in preparation for his forthcoming Intensive Semester research on change in Brazilian legal education.

In addition, the Program is supporting the following Graduate Students:

Attila Andrade, of Brazil, LL.B. (University Federal de Rio de Janeiro), LL.M. (Yale).

David Clark, A.B. (Stanford), J.D. (Stanford), J.S.M. (Stanford).

Sadanand Jha, B.L. (Benaras Hindu University), LL.M. (Yale).

Hastings Okoth-Ogendo, LL.B. (Dar es Salaam), B.C.L. (Oxford).

Third World LL.M. Candidates: 1972-73

Akolawala	India
Arsanjani	Iran
Bambato	Brazil
Charleonlarp	Thailand
de Magalhaes	Brazil
Manyema	Zambia
Raposo	Brazil
Toniatti	Brazil

## YALE LAW SCHOOL

## PROGRAM IN LAW AND MODERNIZATION

Working Paper Series

- No. 1 - Heller, Thomas C., Conflict, Lawyers and Economic Change (Chapter 3), 59p.
- No. 2 - Snyder, Francis G., A Problem of Ritual Symbolism and Social Organization Among the Diola-Bandial, 40p.
- No. 3 - Felstiner, William L.F., Forms and Social Settings of Dispute Processing, 35p.
- No. 5 - Abel, Richard L., Introduction to Theories of Law and Society: The Anthropology of Law (Syllabus and Bibliography of a Course), 20p.
- No. 6 - Abel, Richard L., The Development of a Modern African Legal System: A Case Study of Kenya (Syllabus for a Seminar), 29p.
- No. 7 - Galanter, Marc, Why the "Haves Come Out Ahead: Speculations on the Setting and Limits of Legal Change, 59p.
- No. 9 - Guben, Jerrold K., "The England Problem" and The Theory of Economic Development, 15p.
- No. 10 - Trubek, David M., A Critique of the "Law and Development" Literature, 22p.
- No. 11 - Brockman, Rosser H., Customary Contract Law in Late Traditional Taiwan, 197p.
- No. 13 - Abel, Richard L., Toward a Comparative Social Theory of the Dispute Process, 120p.
- No. 14 - The Relevance of Legal Anthropology to Comparative Social Research in Law, Proceedings of a Conference, November 21-22, 1971, Yale Law School, 250p.
- No. 15 - Black, Donald J., The Mobilization of Law, 56p.
- No. 16 - Levy-Bruhl, Henri, Juridical Ethnology, Translated by Carolyn J. Snyder, With an Introduction by Francis G. Snyder, 81p.
- No. 17 - Ghai, Yash P., The State Corporations in Tanzania: The Challenge of Development to Law, 30p.

Copies of the above may be secured by writing: Administrative Assistant  
Program in Law and Modernization  
Yale Law School  
127 Wall Street  
New Haven, Connecticut 06520

REPRINT SERIES

- No. 1 - Abel, Richard L., A Bibliography of the Customary Law of Kenya  
(with Special Reference to the Laws of Wrongs)
- No. 2 - Abel, Richard L., Customary Law of Wrongs in Kenya: An Essay in  
Research Method
- No. 3 - Trubek, David M., Law, Planning, and the Development of the Brazilian  
Capital Market: A Study of Law in Economic Change
- No. 4 - Trubek, David M., Max Weber on Law and the Rise of Capitalism
- No. 5 - Pozen, Robert C., Public Corporations in Ghana: A Case Study in Legal  
Importation
- No. 6 - Trubek, David M., Toward a Social Theory of Law: An Essay on the  
Study of Law and Development

1971-72 Course Descriptions

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. 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. Mr. Lipson and Mr. Trubek.

DISPUTE SETTLEMENT. 3 units in each term. 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 relationships 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. Mr. Felstiner (fall) and Mr. Abel (spring).

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 relationships 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. Chai with Mr. Stevens.

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 investments. 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.

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.

1972-73 Course Descriptions

## 1972 FALL TERM

*Advanced Courses***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. L. S. Lipson and D. M. Trubek.

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**COMPARATIVE LEGAL SOCIOLOGY. 3 units.** Comparative legal sociology is the construction of theory which explains the differences between legal systems within a society and across disparate societies. In this course we will use such theorists as Hart, Weber, Durkheim and Main to illuminate empirical studies drawn from Africa, Asia and Oceania as well as from Europe and the United States. We develop a concept of the legal system as a structure and process for the normative ordering of social action. It performs the functions of defining, applying, and changing norms in such fields as kinship, economic activity, and political behavior. We seek to explain the variations between legal systems in terms of other social variables, such as differentiation, bureaucratization, etc. In doing so we hope to throw light on the relationship between "traditional" and "modern" legal systems. There will be a takehome final examination, for which a paper may be substituted at the discretion of the instructors. R. Abel and D.M. Trubek.

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**EAST AFRICAN LAW: POLITICAL CHANGE AND ECONOMIC DEVELOPMENT. 3 units.** After a brief review of the key legal problems facing the emerging nation-states of Africa, the course will explore 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. Special attention will be paid to the role of the law in establishing legitimacy of state institutions; the impact of ideology on the law; law and planning. The difference between the strategies for development in Kenya and Tanzania will be examined to explore the comparative role of law in contrasting economic systems. Y. P. Ghai.

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**SOCIAL SYSTEMS: INTRODUCTION. 2 or 3 units.** An introduction to sociology and social analysis, with a special unit on the sociology and politics of modernization. The course is divided into two sections. The first section (2 units) will deal with general problems of social science and basic concepts of sociology. Topics will include the nature and logic of the social sciences, the nature of sociology, the development of sociological theory, the bases of social organization, social change, associational life, and bureaucratic organization. The second section (1 unit) will deal with modernization and will include such topics as industrialization and urbanization, the impact of modernization on family structure, elites in the modernization process, nation-building, political parties in the developing nations, the role of the military in the development process, and the role of class and ethnic relations in modernizing states. Students may elect to take section one or the entire course. This course is designed for students without formal university-level training in sociology, who are taking or plan to take any of the following: Selected Problems in the Sociology of Law; Introduction to the Theories of Law and Society; Introduction to the Study of Law and Society; Law and Modernization; or Law and Socio-Economic Organization. J. Guben.

### Seminars

**SOCIOLOGY OF LAW. 2 units.** This seminar will explore selected problems in the sociological theory of legal systems and legal processes. It will proceed from a conception of law as an aspect of social organization. Among the issues to be addressed are the following: the relation of law to other forms of social control, legal change and evolution, law and social stratification, the symbolic aspects of law, the detection and sanctioning of illegality, law and moral sub-cultures, and the social impact of law. Limited to 15 students. Take-home final examination; no papers. D. J. Black.

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### 1973 SPRING TERM

#### Advanced Courses

**LAW AND SOCIO-ECONOMIC ORGANIZATION. 2 units.** This course views the traditional materials of the law, cases and legislation, from the perspective of traditions of social thought and a society's socio-economic structures. It examines ways in which a legal system expresses and influences a society's social, economic, and political premises or ideals. Although the course stresses relationships within the United States among the legal system, social thought, and socio-economic organization, there will be brief and illustrative comparative materials. Readings will be drawn from the basic common law subjects and regulatory legislation; from economic and political theory; and from legal history, sociology, and anthropology. Those readings will include market or liberal state theorists, Weber, Marxist-oriented thinkers, and empirical studies. Mimeographed materials. Take-home examination. H. J. Steiner.

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### Seminars

**INTERNATIONAL PRIVATE INVESTMENT. 3 units.** The seminar will examine the economic and legal framework of the foreign investment process, with particular emphasis upon investment in developing countries. We shall be concerned 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 investments. Each student will do a research project and present his findings in class. There will be no final examination.

The seminar will be open to law students and to students of Yale College. Enrollment will be limited to 20 students. B. Cohen.

†LAW AND MODERNIZATION. 3 units. The seminar will examine reciprocal relationships between legal and other social processes during industrialization. Its principal emphasis is comparative and theoretical. In the first half of the seminar we will examine ideas about law and social change in the work of the classical social theorists, with special attention to Weber, Durkheim, and Marx. We will then turn to contemporary "law and development" studies and social theory of law. To illustrate issues raised in the theoretical discussion, we will examine several historical and comparative "cases," including a detailed study of some of the effects of rapid industrialization on the contemporary Brazilian legal system. Enrollment limited. Paper or examination; papers may be submitted in partial satisfaction of the supervised analytic writing requirement. No previous background on Brazil is necessary; a prior course on law and society is useful. D. M. Trubek.

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LAW AND SOCIALIST DEVELOPMENT IN THE THIRD WORLD. 3 units.

The seminar will analyze the role of law in the transition to socialism by examining attempts by selected countries—to be chosen from Chile, Cuba, Tanzania, and Guinea. An analysis of the socialist ideologies of these countries, and a brief examination of the "Soviet" and "Chinese" strategies of development, will provide the background for three sets of issues. The first deals with policies and constitutional structures, and the relationship between state and party institutions. Second, the attempts of these countries to "disengage" themselves from the Western international economic system which they identify as a cause of the underdevelopment. The focus will be on the nationalization of foreign and domestic assets (including land, the organization of external trade, and new legal forms of importation of technology). A third set of issues returns to the domestic organization of the economy planning, state enterprises, devices for administrative regularity. Y. P. Ghai.

\*Marks those offerings which have often been recommended for second-term students.

†Marks those offerings in which course or seminar papers may be submitted in partial satisfaction of the supervised analytic writing requirement.

## Yale Law School - Program in Law and Modernization

## CONFERENCE

The Relevance of Legal Anthropology to Comparative  
Social Research in Law

Yale Law School

November 21-22, 1971

The purpose of this conference will be to explore the major themes, concepts, and methods of legal anthropology. The goal will be to determine the relevance of current work in legal anthropology to the growing field of comparative social research in law. It is our belief that legal anthropology forms both an essential part of, and may be a potential model for, this larger field. To examine the grounds for this belief, we have invited a group of lawyers, legal sociologists, and anthropologists of law to discuss current theoretical concerns and empirical research in legal anthropology, with special attention to the use of the comparative method.

Each session will begin with a prepared paper, followed by comments by designated discussants. The papers and summaries of the comments and the ensuing discussion will be bound and made available to participants. If it appears appropriate, we will seek to publish the proceedings.

Chair Persons: Laura Nader  
David M. Trubek

Participants: Richard Abel (Law, Yale)  
Harold Berman (Law, Harvard)  
Donald Black (Sociology, Yale)  
William Felstiner (Law, Yale)  
Lawrence Friedman (Law, Stanford)  
Lon Fuller (Law, Harvard)  
Marc Galanter (Law and Sociology, Buffalo)  
Max Gluckman (Anthropology and Sociology, Manchester)  
Fred Dubow (Sociology, Northwestern)  
Quintin Johnstone (Law, Yale)  
Klaus Koch (Anthropology, Harvard)  
Leon Lipson (Law, Yale)  
Michael Lowy (Anthropology, Pittsburgh)

Stanley Lubman (Law, Berkeley)  
John Merryman (Law, Stanford)  
Sally Falk Moore (Anthropology, USC)  
Leopold Pospisil (Anthropology, Yale)  
Francis Snyder (Law and Anthropology, York, Osgoode Hall)  
June Starr (Anthropology, Stony Brook)  
Henry Steiner (Law, Harvard)  
Robert Stevens (Law, Yale)  
J. Van Velsen (Anthropology, Zambia)  
Arthur Von Mehren (Law, Harvard)  
Stanton Wheeler (Law and Sociology, Yale)  
Barbara Yngvesson (Anthropology, Hampshire)

Reporters: Francis Deng  
Neelakandan Tiruchelvam  
Boaventura Santos

Administration: Faith Burton

ScheduleSunday, Nov. 21

- 10:30 AM            Introduction      Laura Nader
- 11:00 AM            Theory and Comparison in Legal Anthropology:  
Its Relation to Comparative Social Research in Law
- Speaker:            Max Gluckman  
                      Discussants:      Leopold Pospisil, Richard Abel  
                      Reporter:          Francis Deng
- 1:15 PM            Luncheon (Yale Faculty Club)
- Comparative Research in Legal Anthropology
- 3:00 PM            a - The Fiji Island Project
- Speaker:            Klaus Koch  
                      Discussant:        William Felstiner  
                      Reporter:          Boaventura Santos
- 4:15 PM            Coffee Break
- 4:30 PM            b - The Berkeley Comparative Village Law Project
- Speaker:            Barbara Yngvessen  
                      Discussant:        Henry Steiner  
                      Reporter:          Boaventura Santos
- 6:00 PM            End of Session
- 8:00 PM            Dinner (421 St. Ronan Street)

Monday, Nov. 22

9:30 AM

Relevance of Legal Anthropology to Comparative  
Research on Popular Tribunals

Speaker: Stanley Lubman  
Discussant: Fred DuBow  
Reporter: Neelakandan Tiruchelvam

11:15 AM

Coffee Break

11:30 AM

Conclusions

Laura Nader  
David M. Trubek

12:00

End of Conference

1971-72 Overseas Research Awards

The Program supported extensive research from the Overseas Research Fund during 1971-72. The six major grants were as follows:

Mr. Robert Pozen spent seven months in Ghana studying public corporations. His working paper (No. 8), "Public Corporations in Ghana: A Study in Legal Importation" is the first product of this research effort. Having returned to New Haven, Mr. Pozen is a Research Fellow and J.S.D. candidate supported by the Program. He has also published an article, "Public Corporations in Ghana" in the Wisconsin Law Review (fall, 1972) and is currently working on a book entitled Legal Importation for Development, which has grown from his overseas research effort.

Mr. Neelan Tiruchelvam spent eight months in Colombo, Ceylon conducting research on Ceylon's Conciliation Boards. He has now returned to New Haven to complete his project as a Research Fellow supported by the Program.

Mr. Bolivar Lamounier spent the summer (1972) in Brazil securing additional materials for his project on the institutionalization of authoritarianism in Brazil. He has now returned to New Haven to complete the project as a Research Fellow supported by the Program.

Ms. Heleen Ietswaart is currently conducting research on neighborhood tribunals in Chile and will return to New Haven in February 1973 to complete her project for her J.S.D. dissertation.

Mr. Lance Compa, (L '73), is currently on an Intensive Semester to study Collective Bargaining in the Machine Manufacturing Industry of Chile, 1958-1972. He will return to New Haven in January 1973 to complete the project with Program support.

Mr. Stephen Wallenstein, (L '74), spent the summer studying Portuguese at the Fundacao da Casa do Brazil (Rio de Janeiro) in preparation for his forthcoming Intensive Semester on changes in Brazilian legal education.

1971-72 Overseas Research Fund Accounting

	<u>Expenditures</u>
Compa, Lance Intensive Semester - Chile	\$3,400.00
Wallenstein, Stephen Summer language training - Rio	\$1,250.00
Lamounier, Bolivar Sao Paulo - Research	\$1,124.50
Tiruchelvam, Neelan Research - Colombo, Ceylon	\$8,614.00
Ietswaart, Heleen Research - Santiago	\$4,211.00
Trubek, David M. Rio - Lecture PUC	\$559.00
Pozen, Robert C., Intensive Semester - Ghana	\$3,688.00
Lobban, Carol Interview - in Africa	\$229.00
Lahav, Pnina Research - Haiti	\$100.00
YEAR TO DATE EXPENDITURES	<hr/> \$23,030.50

Appendix N

Detailed Expenditure Analysis: 1971-72

Salaries

1. Permanent Faculty (7)	\$85,118.92	
a. Law (6)		
b. Other Departments (1)		
2. Visiting Professors (2) (Sr. Fellows & Lecturers)		
3. Research Fellows (6)	\$43,591.96	
Library Administrative (2)	\$5,900.00	
Library Clerical (3)	\$4,564.11	
Secretarial (7)	\$14,296.41	
Research Assistance	\$1,621.76	
Fringe Benefits	\$19,694.61	
Student Fellowships		
a. Stipend	\$17,750.00	
b. Tuition	\$2,616.00	
Consultants (1)	\$3,000.00	
Professional Fees - Guest Lecturers	\$1,025.00	
Travel	\$10,571.57	
Equipment: Purchase & Repair	\$303.65	
Rentals - Moving Costs	\$1,100.00	
Library Acquisitions	\$12,640.43	
Xeroxing, Copy Service	\$3,633.42	
Publication	\$337.33	
Advances	\$4,500.37	
Other (Telephone, Postage, Supplies, etc.)	<u>\$8,343.64</u>	
	\$240,609.18	EXPENDITURES THIS YEAR

DETAILED EXPENDITURE ANALYSIS: 1969-1972

<u>Salaries</u>	<u>1969-1970</u>	<u>1970-1971</u>	<u>1971-1972</u>	<u>CUMULATIVE 1969-1972</u>
1. Permanent Faculty	\$38,621.98	\$73,416.80	\$85,118.92	\$197,157.70
a. Law				
b. Other Departments				
2. Visiting Professors (Sr. Fellows & Lecturers)				
3. Research Fellows		\$19,000.00	\$43,591.96	\$62,591.96
Library - Administrative	\$5,834.00		\$5,900.00	\$11,734.00
Library - Clerical	\$5,000.00		\$4,564.11	\$9,564.11
Secretarial	\$7,817.16	\$8,466.46	\$14,296.41	\$30,580.03
Research Assistance	\$765.00	\$1,708.32	\$1,621.76	\$4,095.08
Fringe Benefits	\$6,771.20	\$11,435.59	\$19,694.61	\$37,901.40
Student Fellowships				
a. Stipend	\$2,600.00	\$2,200.00	\$17,750.00	\$22,550.00
b. Tuition			\$2,616.00	\$2,616.00
Guest Lecturers	\$3,624.00	\$3,025.00	\$1,025.00	\$7,674.00
Consultants			\$3,000.00	\$3,000.00
Travel Expenses	\$1,361.56	\$3,101.90	\$10,571.57	\$15,035.03
Equipment: Purchase, Rental & Repair		\$195.00	\$303.65	\$498.65
Rentals - Moving Costs			\$1,100.00	\$1,100.00
Library Acquisitions	\$5,063.39	\$31,048.13	\$12,640.43	\$48,751.95
Xeroxing, Copy Service	\$891.97	\$1,217.42	\$3,633.42	\$5,742.81
Publication	\$229.85	\$719.47	\$337.33	\$1,286.65
Advances		\$1,340.00	\$4,500.37	\$5,840.37
Other	\$424.74	\$4,440.66	\$8,343.64	\$13,209.04
	\$79,004.85	\$161,314.75	\$240,609.18	\$480,928.78

Appendix P

1972-73 Estimated Expenditures

Balance June 30, 1972	\$519,071.22
Permanent Faculty (3)	\$72,000.00
Visiting Professors (2)	
Research Fellows (8)	\$57,895.00
Library - Administrative (2)	\$16,500.00
Library - Clerical (1)	\$5,170.00
Secretarial	\$17,067.00
Fringe Benefits	\$18,000.00
Student Fellowships	\$37,600.00
Consultants	\$1,000.00
Guest Lecturers	\$1,000.00
Travel	\$7,500.00
Equipment	\$300.00
Library Acquisitions	\$30,000.00
Xeroxing	\$3,000.00
Publication	\$1,000.00
<u>Other (Telephone, Postage, etc.)</u>	<u>\$7,500.00</u>
TOTAL	\$275,532.00
Balance June 30, 1972	\$519,071.22
<u>Estimated Expenditures 1972-73</u>	<u>\$275,532.00</u>
Estimated Remainder of Grant	\$243,539.22

Salaries

<u>Law Faculty</u>		\$38,621.98
Abel	\$7,218.75	
Felstiner	\$11,000.00	
Johnstone	\$4,048.33	
Stevens	\$8,917.40	
Trubek	\$7,917.40	
<u>Library Administration</u>		\$5,834.00
Determan	\$5,834.00	
<u>Library Clerical</u>		\$5,000.00
Jakovenka	\$2,500.00	
Klymuck	\$2,500.00	
<u>Secretarial</u>		\$7,817.16
Aurich	\$1,620.00	
Lenzi	\$780.00	
McGirr	\$5,417.16	
<u>Research Assistance</u>		\$765.00
Kennedy	\$600.00	
Other	\$165.00	
<u>Student Fellowships - Stipend</u>		\$2,600.00
Singer	\$2,600.00	
<u>Guest Lecturers</u>		\$3,625.00
A. Onejeme	\$3,000.00	
B. Santos	\$425.00	
C. Mendes	\$200.00	
<u>Other</u>		\$424.74
Office supply	\$182.50	
Rentals	\$20.00	
Telephone	\$222.24	

Detailed Expenditure Analysis: 1970-71Salaries

1. Permanent Faculty (7)	\$73,416.80
a. Law (6)	
b. Other Depts. (1)	
2. Visiting Professors (2)	
3. Research Fellows (2)	\$19,000.00
Library - Administrative (-)	
Library - Clerical (-)	
Secretarial - Salaried (5)	\$8,466.46
Research Assistance	\$1,708.32
Fringe Benefits	\$11,435.59
Student Fellowships	
a. Stipend	\$2,200.00
b. Tuition	
Guest Lecturers	\$3,025.00
Travel & Moving	\$3,101.90
Equipment, Rental & Repair	\$195.00
Library Acquisitions	\$31,048.13
Xerox, Copy Service	\$1,217.42
Publication	\$719.47
Advances	\$1,340.00
Other (Telephone, Postage, Supplies, etc.)	\$4,440.66

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\$161,314.75 TOTAL EXPENDITURES THIS YEAR

SalariesPermanent Faculty

\$73,416.80

Law

Abel \$8,375.04

Black \$2,874.96

Felstiner \$22,000.00

Johnstone \$4,666.92

Stevens \$11,749.92

Trubek \$9,999.96

Other Departments

Patrick \$1,250.00

Visiting Professors

Anandjee \$2,000.00

Galanter \$10,500.00

Secretarial

\$8,466.46

Aurich \$202.50

Bowkett \$143.61

Dellarucco \$1,230.00

Lenzi \$840.00

McGirr \$6,050.35

Research Assistance

\$1,708.32

Branfman \$280.00

Buckingham \$282.50

Burbank \$135.00

Kennedy \$200.00

Remiszewski \$123.00

Snyder (C.) \$203.44

Mayer \$95.00

Other-Clerical \$389.38

Research Fellows

\$19,000.00

Heller \$11,000.00

Snyder (F.) \$8,000.00

Student Fellowships

a. <u>Stipend</u>		\$2,200.00
Patel	\$600.00	
Mestieri	\$1,600.00	

Guest Lecturers

		\$3,025.00
Zollezzi	\$250.00	
Twining	\$100.00	
Santos	\$425.00	
Snyder	\$250.00	
Onejeme	\$750.00	
Onejeme	\$1,250.00	

Other

		\$4,440.66
Secretarial- overtime	\$262.29	
Audio-visual	\$127.63	
Indpt, trasfr	\$100.18	
Meeting Exp.	\$262.80	
Off. Sup/Exp.	\$137.30	
Outside Svces.	\$577.99	
Telephone	\$1,336.28	
Sundry	\$1,636.19	

Detailed Expenditure Analysis: 1971-72SalariesPermanent Faculty

\$85,118.92

Law

D. Black	\$3,024.96
Capron	\$750.00
Felstiner	\$13,500.00
Hudec	\$6,999.96
Stevens	\$15,000.00
Trubek	\$15,000.00

Other Departments

Cohen	\$1,844.00
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Visiting Professors

Ghai	\$20,000.00
Nader	\$9,000.00

Research Fellows

\$43,591.96

Deng	\$12,000.00
Goodman	\$5,796.96
Heller	\$1,100.00
Lamounier	\$3,125.00
Mestieri	\$8,000.00
Santos	\$10,920.00
Tiruchelvam	\$2,650.00

Library - Administrative

\$5,900.00

Bull	\$4,500.00
Lamers	\$1,400.00

Library - Clerical

\$4,564.11

Cunha	\$533.28
Kulbersh	\$3,600.00
Tedford	\$430.83

<u>Secretarial</u>		\$14,296.41
Bowkett	\$1,723.32	
Burton	\$5,156.70	
Golia	\$378.39	
Hutching	\$588.00	
Lenzi	\$2,642.52	
McGirr	\$1,255.69	
Thompson	\$4,863.12	
CREDIT	-\$2,311.33	

<u>Research Assistance</u>		\$1,621.76
Buckingham	\$30.00	
Day	\$55.00	
Doherty	\$15.75	
Honabeck	\$375.00	
Little	\$425.00	
McDermott	\$16.88	
Parent	\$127.13	
Suzuki	\$35.00	
Tokatlian	\$500.00	
Wallenstein	\$250.00	
CREDIT	-\$208.00	

<u>Student Fellowship - Stipend</u>		\$17,750.00
Andrade	\$5,300.00	
Bilillion	\$1,800.00	
Fuenzalida	\$3,200.00	
Ietswaart	\$4,750.00	
Jha	\$1,000.00	
Pozen	\$900.00	
Vargas-Silva	\$800.00	

<u>Student Fellowship - Tuition</u>		\$2,616.00
Harvard	\$745.00	
Deng	\$800.00	
Lamounier	\$400.00	
Santos	\$400.00	
Tiruchelvam	\$400.00	
CREDIT	-\$129.00	

Professional Fees - Guest Lecturers

\$1,025.00

Honoraria

Sawyerr \$100.00

Van Velsen \$75.00

Gluckman \$400.00

Sa \$100.00

Eorsi \$100.00

Fuenzalida \$50.00

Other

Ghai \$200.00

Other

\$8,343.64

Secretarial \$249.60  
overtime

Audio-visual \$65.75

Alter-reloctn \$90.00

Intdpt. Trsfer \$273.45

Meeting Exp. \$582.26

Off. supply \$2,144.83

Otsde. Svcs. \$2,021.54

Supplies \$2.19

Telephone \$1,889.95

Sundry Exp. \$1,024.07

Detailed Expenditure Analysis: 1972-73

## Permanent Faculty (4)

Abel	\$10,000	
Cohen	\$3,875	
Guben	\$5,500	
Trubek	\$18,250	

## Visiting Professors (2)

Ghai	\$10,000	
Steiner	\$24,375	\$72,000

## Research Fellows (8)

Burcroff	\$11,500	
Deng	\$2,700	
Guben	\$5,500	
Lamounier	\$3,125	
Lynch	\$11,500	
Pozen	\$12,000	
Santos	\$7,070	
Tiruchelvam	\$4,500	\$57,895

## Student Fellowships (8)

Andrade	\$4,000	
Clark	\$9,100	
Ietswaart	\$2,000	
Inan	\$8,000	
Jha	\$7,000	
Okoth-Ogendo	\$6,200	
Compa	\$1,050	
Wallenstein	\$250	\$37,600

## Library - Administrative

Lamers	\$7,500	
Bull	\$9,000	\$16,500

## Library - Clerical

Royal	\$5,170	\$5,170
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**Secretarial (3)**

Burton	\$6,825	
Clark	\$4,992	
Thompson	\$5,250	\$17,067