

**NAME OF LEAD INSTITUTION:** Yale Law School  
**NAMES OF PRINCIPAL INVESTIGATORS:** Robert Burt and Owen Fiss  
**NAME OF PROJECT DIRECTOR:** Judith Miller  
**COOPERATIVE AGREEMENT NO.:** PCE-5063-A-00-3038-00  
**DATE OF FINAL REPORT:** July 31, 1998

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This Cooperative Agreement was awarded in September 1993, and expired in September 1997. Its goals and purposes were three: to encourage democratic values, support human rights, promote lawful governance, and strengthen democratic representation in Argentina; to develop human resources, including the full participation of women in the legal profession and the enhanced status of women generally, in Argentina; and to promote a better understanding of the relationship between law and democratic values in the United States. Legal education is one of the most important avenues to the achievement of these goals and purposes. During the five-year grant period, the linkage partners therefore pursued two more immediate objectives: to model, encourage, and enable independent scholarship and socratic classroom teaching at the Centro de Estudios Institucionales (CEI), now affiliated with the Universidad de Palermo (UP), in Argentina; and to cultivate an awareness of other legal systems and cultures at Yale Law School by acquainting students and faculty members with Argentinian law and institutions.

Because of the timing occasioned by our request for a second no-cost extension, which was ultimately denied, no project-funded activities have occurred since we submitted our annual report for 1996-97. Given the nature of this project, each of our annual reports has entailed a cumulative assessment, and the 1996-97 report (which we will refer to as "the Annual Report") describes, in considerable detail, the state of affairs pertaining at the conclusion of the grant period. Rather than repeating much of what appears in that document (a copy of which we have attached for easy reference), this final report will build upon it.

#### **Summary of Linkage Activities and Outcomes**

° **Programs and Accomplishments.** When the linkage relationship began, the CEI was an independent entity dedicated to promoting theoretical, inquiry-based legal scholarship and education in Argentina – a country whose educational traditions and recent history have militated against freewheeling intellectual inquiry, and whose democratic institutions have suffered as a result. In contrast, notions of law and constitutional democracy are so intertwined in the United States that the connection is seen as inevitable. This is due in no small part to the socratic tradition that is central to the training of American lawyers and permeates American legal culture. This tradition, which emphasizes the exploration of ideas rather than the transmission of information, is especially associated with the Yale Law School. Ironically, as a result of this history, the fusion of law and democratic constitutionalism has become almost transparent for American lawyers and legal scholars, and indeed for the general public. In such a

circumstance, familiarity with other regimes and traditions can help one more fully to understand one's own.

In Argentina, then, there was a need for fresh, exploratory legal scholarship and pedagogy, with all of the change that such scholarship and pedagogy might help to bring about; in the United States, there was a complementary need for breadth of perspective. The linkage partners agreed to pursue their objectives through three forms of activity: faculty collaboration and exchange, student collaboration and exchange, and library consultation and development. At the same time, the CEI was working to establish a postgraduate degree-granting program in which theoretical scholarship and teaching could take root and blossom. It decided to affiliate itself with an institution that would both respect its mission and offer the advantages of greater resources and a university structure. Such a relationship was established with UP during the grant period. As detailed in the Annual Report, the postgraduate program is well underway. A cordial and often collaborative relationship has also been maintained with the law school at Universidad de Buenos Aires, several of whose faculty members founded the CEI some years ago.

– *Faculty collaboration and exchange.* Each August, at least one Yale faculty member spent a period in residence at UP, and others visited for a shorter time. They worked with students enrolled in the postgraduate program and with their visiting Yale counterparts (below); consulted with Argentinian faculty colleagues; offered lectures for wider audiences; and met with community leaders, government officials, and members of the bench and bar. All told, eight professors visited in Buenos Aires under the auspices of the UDLP, and they and four others also participated in the annual Seminar (below) or visited in other contexts. Back in New Haven, almost half of the full-time faculty had direct contact with visitors involved in some facet of this project or its companion project in Chile.

We had hoped each year to bring an Argentinian faculty member to Yale for a month-long period in residence. Unfortunately, the logistics of arranging these visits proved to be more daunting than we had imagined, in large part because most Argentinian law professors must also, for economic reasons, practice law or pursue other work in addition to their teaching. In the end, only one extended UDLP visit was possible: Professor Diego Farrell, one of the country's leading academics and a judge on the federal court of appeals, came in the spring of 1995. Several other non-grant funded visits also took place. Professor Martín Böhmer, one of the linkage's key figures, was able to spend several weeks at Yale as a Fulbright Scholar in the spring of 1997. He also visited more briefly on several other occasions, as did Professor Roberto Saba, another project leader, and Professor Carlos Rosenkrantz. Yale was also delighted to welcome UP President Ricardo Popovsky for two short visits when other business brought him to the region. (We should also note that a second full-fledged Argentinian faculty visit has occurred since the grant expired.)

– *Student collaboration and exchange.* Each year, four to six Yale students – 20 in all – spent the month of August in Buenos Aires<sup>1</sup> to work with their student counterparts, learn more about the Argentinian legal system, and consult with several NGOs and practicing attorneys whose work has become closely linked with the curriculum of UP's postgraduate program. Over the years, these collaborative relationships crystallized around three sites of activity: issue-oriented workshops; the student-edited law journal; and the faculty-supervised student clinic. (The latter two enterprises, though typical in the United States, are a radical departure from conventional legal education in Latin America. At UP, participation in either the journal or the clinic is a mandatory part of the postgraduate program.)

The workshops were an especially effective way of studying different legal regimes and modeling the give-and-take typical of American legal education. Participating students in each country identified topics of mutual interest and often prepared appropriate readings. When they met in August, each delegation was able to educate the other in the law governing the issue in their own country, an exchange that often resulted in spirited comparative debates. Over the course of the project, workshop topics – supplemented by discussions in various other settings – included how societies should deal with the human rights abuses of past regimes; corruption and the accountability of public officials; constitutional concepts such as separation of powers, equal protection, and freedom of speech and press; the relative merits of inquisitorial and adversarial justice systems; abortion; women's rights and family law; environmental law; immigration; and prison conditions.

UP's student-edited law journal, *Revista Jurídica de la Universidad de Palermo*, is another avenue for encouraging theoretical inquiry among students and disseminating the results within the larger legal culture. By the end of the grant period it was well-established, with five issues published or prepared for publication. Yale's student visitors were able to offer first-hand knowledge on a variety of issues, from soliciting manuscripts to the technicalities of printing and distribution, since student-edited journals are central to American legal education. (Yale itself publishes seven.) *Revista Jurídica* has also become a catalyst for other forms of activity, such as lectures and conferences.

The clinic, for its part, complements our other linkage-generated activities by allowing students to deploy theory in the service of practical ends; by providing legal services to citizens who would otherwise lack access to the system; by keeping important issues in the public eye through high-profile litigation; and by helping to bring about incremental change in the law itself. Cases are often pursued in collaboration with one or more closely-affiliated NGOs: the *Asociación por los Derechos Civiles*, the *Fundacion Poder Ciudadano*; the *Centro de Estudios Legales y Sociales*, and the *Centro de la Mujer*. During the grant period, clinical activities focused broadly on discrimination rooted in gender, ethnicity, and disability; on official accountability and the abuse of power; and on public services and privatization. As with the law journal, Yale students were able to offer substantial advice on creating and maintaining an effective clinical

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<sup>1</sup> Because the postgraduate students at UP also hold full-time jobs, reciprocal visits to New Haven were largely impracticable.

program in a law-school setting, having collectively gained a good deal of experience in the eleven projects comprising Yale's clinical curriculum.

– *Library consultation and development.* From the outset, the linkage partners realized that adequate access to information would be essential to their ultimate success. Within the time frame of the grant, it seemed wisest to devote resources to consultation and assessment. Kenneth Rudolf, one of Yale's senior reference librarians, traveled to Buenos Aires in 1994. Although the CEI had not yet finally affiliated with UP, the process was well enough along that he was able to visit there, review the situation, and meet with UP's library director, Roberto Cagnoli. While UP did not then have a law library as such, they discussed what would be needed to lay an appropriate foundation. In the following year, after the affiliation was made final, Mr. Cagnoli spent a follow-up week at Yale. Thereafter, cooperation between the two institutions continued informally as UP continued to explore avenues for development, particularly Internet access, electronic databases, and interlibrary loan arrangements.

– *Second-generation activities.* The linkage project was a catalyst for change not only within the participating schools but beyond their walls. Our reports over the years have cumulatively documented these ripple effects: a new leadership cohort in Latin America that is not only consolidating theoretical scholarship and teaching but is also cultivating a robust nonprofit sector and running for public office; the potential expansion of linkage-generated educational models into other schools and even other countries; Yale students whose new perspective is evident in their work with NGOs<sup>2</sup>, as academics<sup>3</sup>, or as lawyers in a myriad other settings; and Yale faculty members whose contagious enthusiasm has drawn their colleagues into new realms of inquiry.

During the grant period, these developments – and corresponding gains in Chile – yielded a new collaborative structure, separate from the UDLP, known as the *Seminario en Latino-américa sobre Temas Constitucionales y Teoría Democrática*. The Seminar is described at length in the Annual Report and its predecessors. For summary purposes, suffice it to say that it is a development of immense importance for the future of the linkage relationship and the realization of our ultimate goals. Participants gather from throughout Latin America, Europe, and the United States to engage the great ideas of government and society – that is, to do just what theoretical scholarship is best at doing. During the grant period, when the roster of participants grew from fifty to ninety-six, topics included the role of the state in protecting public morality; the proper roles and responsibilities of individual citizens and public officials; and the relationship between democracy and the marketplace.

Finally, the project whetted the appetite of the linkage partners for other forms of institutional collaboration, both with each other and with other schools. Yale and UP embarked upon a project to publish a Spanish-language series of books and essays by

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<sup>2</sup> E.g. Linda Rottenberg, who became Ashoka's Deputy Director for Latin America.

<sup>3</sup> E.g. Janet Koven Levit, who joined the law faculty at the University of Tulsa and promptly started another linkage project with UP, or Jonathan Glater, who sought a Fulbright Fellowship to return to UP's clinical program.

Yale faculty members; the materials will be translated by young faculty members at UP, and the effort will be directed by a professor at Universidad Pompeu Fabra in Spain, one of the Seminar's institutional cosponsors. UP, as noted earlier, has established an exchange program with the University of Tulsa. Yale, for its part, is exploring possible linkages in a number of other regions around the world.

° **Issues Encountered.** In truth, there is little to add to our observations in Section IV ("Problems or Barriers") of the Annual Report. The linkage partners worked together well and encountered no major issues. Rather, coordination among institutions and continuity within them were always our greatest challenges, and no doubt they will remain so. Time is a complicating factor in several senses. Students will always graduate and others will take their places; while we have largely succeeded in establishing mechanisms for orderly transition, things inevitably sift through the cracks. Meanwhile, even the most dedicated student participants are busy, particularly in Argentina, where most have full-time jobs in addition to their studies. At the institutional level, all of this is complicated by the fact that the linkage partners' academic calendars are mirror images of one another – one's summer is another's winter. All of these difficulties have been muted by established structures and routines, as well as the advent of e-mail, but they will remain a fact of life for the duration of the linkage relationship.

#### **Results in Relation to Strategic Objectives**

Our objectives have been achieved. As we hope the Annual Report and its predecessors make abundantly clear, the linkage partners have successfully "modeled, encouraged, and enabled independent scholarship and socratic classroom teaching" in Argentina, and have "cultivated an awareness of other legal systems and cultures at Yale Law School."

We have also substantially attained our ultimate goals and purposes. While democratic values, human rights, lawful governance, democratic representation, and gender equality have yet to triumph fully in Argentina, great progress has been made – thanks in no small part to the leadership of our Argentinean linkage partners and those whom they are in a position to influence through their teaching, their writing, their public-interest work, and (increasingly) their roles in government. Similarly, the Yale Law School has acquired a pervasively international and comparative perspective that continues to shed new light on even the most apparently domestic issues. Through the cohort of faculty members and students who have been involved in the UDLP and its "second-generation" progeny – and through the colleagues, students, clients, and others whom those participants will influence in their teaching, writing, and practice – we have undeniably promoted a better understanding of the relationship between law and democratic values in the United States. On both continents, the project has been a catalyst for real and lasting change, and we deeply appreciate the opportunities that the UDLP has made possible.

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## **I. DESCRIPTION OF PROJECT ACTIVITIES UNDER LINKAGE OBJECTIVES.**

This project was established to pursue two complementary objectives: (1) modelling and helping to establish theoretical, socratic scholarship and pedagogy at the Centro de Estudios Institucionales, now affiliated with the Universidad de Palermo in Argentina; and (2) helping Yale students and faculty members to better understand other legal systems and the connections between law and democracy.

As has been the case for the duration of the project, we pursued our objectives by means of three clusters of activities: faculty collaboration and exchange; student collaboration and exchange; and (on an as-needed basis) library development.

### **A. Preliminary matters.**

#### **1. Seminario en Latino-américa sobre Temas Constitucionales y Teoría Democrática.**

Our past reports have detailed the exuberant growth of the annual Seminario en Latino-américa sobre Temas Constitucionales y Teoría Democrática (the Seminar) — the “second-generation” activity fostered by this linkage and its companion project in Chile.<sup>1</sup> The Seminar, cosponsored by Yale Law School, Universidad de Chile and Universidad Diego Portales in Chile, Universidad de Palermo and Universidad Buenos Aires in Argentina, and Universidad Pompeu Fabra in Spain, occurs alternately in Argentina and Chile. It has proven to be a stunningly successful strategy for strengthening and expanding the collaborative relationships begun through the UDLP.

This year’s Seminar convened from August 15–17 in Viña del Mar, Chile. Ninety-six teachers, scholars, practitioners, and students (22 from Argentina, 34 from Chile, 4 from Spain, 2

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<sup>1</sup> The Cooperative Agreement pertaining to the Chilean linkages expired last year. We are delighted to report, however, that the project continues to flourish as the Chilean linkage partners reach out to other institutions and build collaborative relationships with their counterparts in Argentina.

from Brazil, 3 from Paraguay, 5 from Peru, and 22 from the United States)<sup>2</sup> — gathered to discuss “Democracy and the Market.”<sup>3</sup> The Seminar’s organizers continued to fine-tune the format in order to allow the richest possible an exchange of ideas, and the animated discussion begun during the proceedings spilled over into individual conversations among the participants. Next year’s event, in Argentina, will be devoted to the subject of privacy.

## **2. Spanish–Language Publications.**

We are delighted to report that a third generation of linkage activity is now underway. Yale Law School and Universidad de Palermo are working with Editorial Gedisa, a Spanish academic publishing house, to establish a “Biblioteca Yale de Estudios Jurídicos,” a Spanish–language series of books and essay collections by Yale faculty members to be published under the direction of Jorge Malem, a professor at Universidad Pompeu Fabra. The materials will be translated by Professor Malem and several of the young faculty members at Universidad de Palermo. Professors Burt and Fiss will serve as Yale’s faculty liaison to the project.

## **3. Growth of Regional Collaborative Activity.**

Although the details are now beyond the scope of this report, we wish to emphasize the vibrant growth of the seeds planted by the UDLP in Chile. A critical mass of teachers, students, and practitioners has become familiar with new ways of thinking about law, policy, and democratic institutions. At Universidad Diego Portales in Santiago, a recent \$250,000 grant from The Ford Foundation will support efforts to reform the administration of justice in the Southern Cone and Andean region. In addition, Ford is poised to fund a project designed to replicate, in law schools in Chile and Peru, the success of Universidad de Palermo’s advocacy–based clinical program (described below) — a project that will not only expand the influence of the original

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<sup>2</sup> As before, the roster of participants included not only current UDLP visitors but a number of other people who have directly or indirectly contributed to the linkages over time: from Argentina, María Beloff, Martín Böhmer, Christian Courtis, Martín Farrell, Hernan Gulco, Eduardo Rabossi, Marcela Rodriguez, Carlos Rosenkrantz, Roberto Saba, and Agustín Zbar; from Chile, Juan Pablo Bórquez, Jorge Correa, Rodrigo Correa, Mauricio Duce, Gastón Gómez, Lorena Piñeiro, Pablo Ruiz-Tagle, Lucas Sierra, and Gabriela Zuñiga; from the United States, Robert Burt, Owen Fiss, Carol Rose, Linda Rottenberg, and Peter Schuck. We would also note that a significant subset of these participants are graduates of Yale’s LL.M. program: Martín Böhmer, Rodrigo Correa, Carlos Rosenkrantz, Pablo Ruiz Tagle, Roberto Saba, and Lucas Sierra. Three other 1997 Seminar participants -- Beatriz Boza (Peru), Daniel Lago (Argentina), and Victor Ferreres Comella (Spain) -- are also graduates of the program.

<sup>3</sup> Individual sessions focused on the following topics: The Institutionalization of the Market and the Changing Nature of the State; The Theory of Privatization; The Concept of Fair Competition; Peru: The Current Crisis and Its Source; The Protection of Disadvantaged Participants in the Market; Is There a Third Sector: What Is Its Role?; and Economic Power and Electoral Politics.

linkage partners but provide a framework for ongoing cooperation among them. Indeed, the process is well underway. As part of this nascent clinical initiative, a special “international seminar” was convened at Palermo early in December. Participants from Argentina, Chile, Peru, and the United States gathered to discuss clinical education and its future in the Southern Cone.

This growing sense of community within the emerging leadership cohort in Latin America is one of the linkages’ most significant and far-reaching accomplishments, and it will in turn lead to a series of similar relationships spanning the globe. For example, Professor Martín Böhmer, on whose many other activities we have reported in the past, has become a member of the steering committee for the Global Alliance for Justice Education, an international group of clinical professors seeking to establish a world-wide network in support of clinical education. Professor Roberto Saba, another key linkage coordinator, recently attended an international symposium on Public Interest Law in Eastern Europe and Russia, organized by the University of Durban in South Africa. In addition to learning a great deal about how legal clinics function in other parts of the world, he became acquainted with one of the symposium organizers, Edwin Rekosh, who is now involved with Columbia Law School’s public interest law program. Professor Rekosh is very interested in the ongoing linkages between Yale and the Southern Cone schools, and he has consulted with Jonathan Glater, one of Yale’s 1996 student visitors, to learn more. Mr. Glater, for his part, was so impressed by his experiences in the Southern Cone that he is now applying for a Fulbright Fellowship to return to Buenos Aires and work in Universidad de Palermo’s clinical program.

This exponential growth, which is already yielding real and lasting results, is an outgrowth of the fertile partnerships of the founding linkage schools. Those partnerships themselves are now in full flower, and are nourishing new forms of collaboration and outreach that will continue to proliferate well into the future.

## **B. Project Activities.**

As we have noted before, our challenge in Argentina has been to establish within legal education the tradition of theoretical scholarship that originally flourished (thanks to the late Carlos Nino, one of Argentina’s great intellectuals) in the Centro de Estudios Institucionales. This has been accomplished through the affiliation of the Center with Universidad de Palermo, and the creation of a Master of Laws program.

The two-year Master’s program is well-established. Professor Saba — whom we have often mentioned in his capacity as professor, linkage facilitator, Yale graduate, and Executive Director of Fundación Poder Ciudadano, a pathbreaking Argentine NGO — is now serving as the Coordinator of the Office for Postgraduate Studies, which oversees the Master’s program. Enrollment in the preceding year had dipped substantially, but it has rebounded to 80 in the

current year. Much of the difference is doubtless due to curricular refinements undertaken under Mr. Saba's leadership. Because some Argentine lawyers prefer to pursue a specific topical focus (and one must remember that all of these students hold full-time law-related positions), the program now offers courses on both "theoretical subjects" and "specialized subjects."<sup>4</sup> Roughly half of the current students are enrolled in an eight-course program known as "Postgraduate Studies in [area of specialization]," while the other half are pursuing the full sixteen-course Master's program.

The student-run law journal, *Revista Jurídica de la Universidad de Palermo*, is doing very well. This year's staff again comprised both first- and second-year students, as well as some who had finished their coursework but wanted to remain involved with the journal. A double issue (numbers 2 and 3) was published early in the year. The fourth issue was completed in October, and is now at the publisher. Most of the editorial work has been completed for the fifth, which is due to appear next April. At the same time, the journal has been active in organizing special events. The first was a conference on "The Right to Demonstrate vs. the Right to Privacy," featuring Raphael Cohen Almagor, a professor at the University of Haifa Law School and director of the bioethics program at the Van Leer Jerusalem Institute. Among the 100-plus people who attended were Chief Justice Gustavo Bossert and Professor Jorge Bacqué, a former Justice, current president of the Buenos Aires Bar Association, and member of the Academic Committee overseeing the postgraduate program. In addition, the journal hosted a public discussion of a book on freedom of speech recently published by Hernán Gullco, who teaches in the Master's program. Commentators included Professors Alejandro Carrió and Martín Farrell (who has visited at Yale), as well as Justice Enrique Petracchi. These events helped to promote public discussion of important issues, while also showcasing the program and raising the profile of the journal and its editorial board.

The clinical portion of the Master's program is flourishing as well. It serves three purposes: allowing students to learn, under supervision, how theory and "real life" come together in the practice of law; offering legal services to people who would otherwise not have access to them; and influencing public opinion and public policy through important, high-profile cases that generate media coverage as well as legal precedent. This year's caseload involved such issues as gender-based discrimination, the rights of indigenous peoples, police brutality, discrimination against handicapped people, and the regulation of privatized public services.

Much of this activity is intertwined with the work of the Asociación por los Derechos Civiles, a civil-rights NGO started by the Master's program faculty, and the Fundación Poder Ciudadano, which is concerned with matters such as elections and official accountability. Last year we described a collaborative program, funded by The Ford Foundation, involving both of

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<sup>4</sup> The areas of specialization are intellectual property, torts, international business transactions, public law, corporate law, and criminal law.

these organizations, and it appears that the funding will be renewed. As part of that program, the Asociación conducted a successful workshop for another law school in the Province of Buenos Aires, focusing on the practice of public interest law and discussing how such cases are selected, developed, and brought to public attention. Poder Ciudadano will offer the same workshop for other law schools next year.

All in all, the young people active in the linkage program are at the forefront of an emerging new generation of leaders.<sup>5</sup> They remain centrally involved in linkage activities and are the mainstay of the Master's program. They are building a culture of lawyering in the public interest, a striking departure from tradition in the Southern Cone. They are politically active: just recently, for example, Marta Oyhanarte, the former president of Poder Ciudadano, and Agustín Zbar, a professor in the Master's program, were elected to the City of Buenos Aires legislature. At the same time, these young people are breaking new intellectual ground. A number of the young professors who got their start at the Centro de Estudios Institucionales are launching a "think tank," to be named in honor of Professor Nino, that will sponsor research on law and public policy. The new organization will likely be affiliated with the Master's program, enabling professors to pursue research and affording students the invaluable experience of working as research assistants. In each of these spheres, and many others besides, our hopes for the linkage project are coming to fruition.

## **1. Faculty collaboration/exchange.**

a. Yale faculty visits. Last August, two Yale faculty members visited at Universidad de Palermo. George L. Priest, John M. Olin Professor of Law and Economics, was in residence from August 10–15. He presented a series of well-attended lectures, followed by lively discussions, on privatization, economic development, and the mechanics of increasing national wealth. He also met with many individual students, groups of students, and faculty members, and worked closely throughout with Professors Böhmer and Saba.

We were doubly fortunate in that our Yale faculty visitor to Chile — Drew S. Days, III, Alfred M. Rankin Professor of Law and recent Solicitor General of the United States — was also able to spend several days in Buenos Aires. Professor Days offered two lectures at Palermo. The first, focusing on the just-ended term of the United States Supreme Court, explored several especially significant rulings and their likely impact on constitutional law; the second, on the infrastructure of United States constitutional adjudication, concentrated on the role of "repeat-player" litigants. In addition, Professor Days did a television interview, in Spanish,

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<sup>5</sup> Indeed, those of us in the United States were delighted, but not surprised, to spot Professor Saba's face in a front-page New York Times photograph taken during President and Mrs. Clinton's "town hall" meeting with "young leaders" in Argentina.

discussing the United States' perspective on the independence of its Supreme Court and the rigorous financial disclosure requirements imposed upon its federal government officials — both hotly debated issues in Argentina. Finally, he met with a number of people individually and in informal groups. These included not only the students and faculty members at Universidad de Palermo but the Honorable Rudolfo Alejandro Diaz, Argentina's Procurador del Tesoro de la Nacion (in essence, the head of the government's civil legal staff).

b. Argentina faculty visit. To the linkage partners' shared frustration, it has been more difficult than we had imagined to arrange for Argentina faculty visits at Yale. The hurdle is largely one of scheduling, because most Argentine law professors teach part-time while simultaneously pursuing other professional work. As a result, no Argentina faculty visit was possible this year, although such a visit is even now being planned for next spring. Meanwhile, we were pleased to welcome Ricardo Popovsky, the President (Rector) of Universidad de Palermo, who visited briefly to discuss linkage matters with Professors Burt and Fiss. Professor Saba also came to New Haven for a short time, in conjunction with other business in the United States, and Professor Böhmer spent several weeks in residence as a Fulbright Fellow.

## **2. Student collaboration/exchange.**

### a. Yale student visits.

We were again able to send six Yale students to Buenos Aires in August<sup>6</sup>. The structure of these visits has been refined over the years in order to allow the students to contribute as much as possible, while learning as much as possible, during their month in residence. This year's visitors, like their predecessors, sat in on classes and lectures; met with various people representing segments of the legal community; and conducted special comparative-law seminars with Argentine students. They also traveled to Chile to attend the Seminar and get acquainted with some of their counterparts from the linkage schools in Santiago.

The student-led workshops, convened each Wednesday at Universidad de Palermo, focused on both broad questions (such as the separation of powers and equal protection) and specific issues (such as immigration and prison conditions). In each case a Yale student would offer an overview of the legal analysis that pertains in the United States, and an Argentine student would discuss the same topic under Argentine law. The Yale students also spent a good deal of time in consultation with their counterparts in the law journal and clinical programs. As always, these various experiences — workshops, class participation, organizational consultations — generated spirited discussion that spilled over into after-hours conversation, often over

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<sup>6</sup> They were Jonathan Hafetz, Zoë Hilden, Anil Kalhan, Kristin Martin, Sara Van Dyke, and Eric Yoon. Their qualifications and statements of interest were attached to a prior quarterly report.

dinner.

In addition, the Yale students benefitted from a number of other events and contacts. They met with several NGO lawyers, professors, officials, and activists<sup>7</sup>; participated in a conference on “Transparency and Governance” sponsored by the World Bank in conjunction with Poder Ciudadano and Conciencia, another NGO; and visited a prison for young adults, where they talked with both administrators and inmates. They were also taken by one of the Master’s program students to a squatter settlement; the student, Ezequiel Nino, is starting a pro bono legal clinic there. The Yale students were also able to observe a trial — their first exposure to the inquisitorial system of justice — and toured the Congress and Supreme Court.

Individual students also devoted time to projects involving their own special interests. Mr. Hafetz, for example, worked with a staff attorney for the Centro de Estudios Legales y Sociales, an NGO whose work we have described in prior reports, on a project evaluating Argentina’s prison system. He has continued to consult with the attorney, Ricardo Vera, since his return to the United States. Kristen Martin, who is especially concerned with labor issues, met with labor historian Pablo Pozzi and members of Movimiento de Ocupantes y Inquilinos, a labor-affiliated housing rights organization.

2. Argentina student visits. We are pleased to report that — for the first time since the linkage began — Argentine students are coming to visit at Yale. Three will travel to New Haven for two weeks next February. As has been true for similar trips by Chilean law students, these visits are separate from and in addition to UDLP-supported activities, but they are especially gratifying as evidence of the linkage relationship’s strength and as a mechanism for its continued growth.

### 3. Library development.

Our original proposal contemplated one Yale librarian’s visit to Argentina; the budget was subsequently able to fund one Argentine librarian’s visit to Yale as well. Both activities occurred in prior years, and the reporting year was marked primarily by ongoing, informal consultation as needed. No trips were planned, and none occurred.

C. Request for No-Cost Extension. Although we have accomplished a great deal, we have

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<sup>7</sup> These included Marta Oyhanarte, Director of the Center for Citizen Participation and Control in the City of Buenos Aires (and, as noted earlier, a newly-elected legislator); Garcia Lema, a former Attorney General who was actively involved in recent constitutional reforms; the Madres de Plaza de Mayo, a human rights group organized during the dictatorship; Eduardo Rabossi, a member of the National Commission on the Disappeared; Luis Moreno Ocampo, who founded Poder Ciudadano and now directs a television program seeking to heighten public awareness of official corruption; and Roberto Gargarella, a law professor from Torcuato di Tella University.

been able to do so in a way that has leveraged our resources to maximum effect. As a result, a significant balance remained in this grant at the end of FY 1996–97. We have therefore filed with the agency a request for a no–cost extension through FY 1997–98.

### **II/III. PROGRESS TOWARD THE COMPLETION OF LINKAGE OBJECTIVES; QUANTITATIVE OUTPUTS.**

Our objectives embody our mutual aspirations: Yale seeks to share an orientation to law and legal education that will help to consolidate democratic institutions in the Southern Cone, while our linkage partners at Universidad de Palermo seek to help Yale students and faculty members understand law, democracy, and constitutionalism from an entirely new perspective. At the same time, we want to bring together the various players whose cooperation is essential to the long–term health of democratic constitutionalism in Latin America — academics, practitioners, NGOs, judges, policymakers, and public officials — and to build regional, even global, networks.

We are making significant progress toward these objectives, although we must again note that our “outputs” are not easily quantified. As we put it in our last annual report: “Our hoped–for long–term payoffs will be years in the making — strengthening Latin American democratic society, and inculcating greater constitutional sophistication in the circles where Yale graduates tend to be found, are undertakings of immense scope. At the same time, they are undertakings that depend upon individuals for their accomplishment. By that measure, our progress has been gratifying indeed. Student by student, professor by professor, journal issue by journal issue, study group by study group, client by client, richer forms of legal scholarship and analysis are steadily advancing in the Southern Cone, and the insights of comparative constitutionalism and legal culture are steadily spreading in the United States.... In the end, it is the number of minds exposed to new possibilities that will determine our ultimate success, and that number continues to grow exponentially.”

This remains an accurate description of our standard for success, and our assessment of our progress. As the preceding sections have demonstrated, the influence of the linkage continues to spread, rippling constantly outward to reach new people and new forms of activity.

### **IV. PROBLEMS OR BARRIERS.**

The challenges, too, remain the same from one year to the next, rooted as they are in the facts of distance, different academic cycles, and the transient nature of student life. They can be reduced to “the two C’s”: continuity and communication. Electronic communication is easing the processes of planning and coordination, and repeated experience has helped us to craft

administrative structures that can accommodate the ebb and flow of individual students. Scheduling will always be complex: August is the best month for North American visitors to go south, while it is also, at least in part, a break between academic terms in Argentina; and the Masters' students (although not the J.D.-level students) at Universidad de Palermo are employed full-time throughout their course of study.

These are not problems or barriers. They are simply the realities of linkages that span the equator and transcend the academic "life cycle" of individual student participants. Over the years the linkage partners have become adept at meeting these challenges, and we will doubtless make further improvements as the linkages continue to mature.

**V. VI/VII. PROGRESS TOWARD SUSTAINABILITY; IMPACT ON YALE'S INTERNATIONALIZATION; IMPACT ON LATIN AMERICAN SCHOOLS' CAPACITY TO PROMOTE SOCIETAL DEVELOPMENT.**

These are no longer goals — they are accomplishments. The linkage partners have committed themselves to continuing our foundational activities and exploring new forms of collaboration and outreach as they become appropriate. The Seminar was the first such outgrowth, the Biblioteca Yale de Estudios Jurídicos will be the second, and there will doubtless be others in the years to come. Part I.B. of this report, meanwhile, details the growing impact of linkage-initiated activities on Argentina's societal development. At Yale, internationalization has become a given, a perspective that pervades every aspect of curriculum and scholarship, and linkage relationships in other parts of the world are actively being explored. A significant number of faculty members have been linkage visitors, Seminar participants, or both, and they have helped to create an intellectual culture of global dimension. Students, too, have been transformed, both as a group and individually — as is evidenced, for example, by Jonathan Glater's earlier-described intention to return to Argentina; Linda Rottenberg's longstanding involvement in the Southern Cone; and the successful creation by a third former student, Janet Koven Levit, of a summer linkage program between Palermo and the University of Tulsa law school, where she now teaches.

In short, a process of transformation is underway in both Latin America and the United States. Law, legal education, and legal institutions on both continents are being enriched in ways that will strengthen and illuminate democracy. The linkage partners are appreciative of the UDLP's support, proud of the accomplishments it has made possible, and eager to build an even better future together.