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A. TITLE PAGE

211(d) Annual Report

Date due: October 31, 1976

Date: September 24, 1976

Grant Title: A Grant to Strengthen Stanford University's Capabilities in Law and Development (AID/csd-3151)

Grantee: Leland Stanford Junior University

Grant Program Director: Professor John Henry Merryman

AID Sponsoring Technical Office: Office of Multilateral Coordination and Regional Social Development Programs, Bureau for Latin America.

Statistical Summary:

Period of Grant: May 28, 1971 to July 31, 1976 (including a two-month no-cost extension approved on May 28, 1976). Amount of Grant: $700,000. Expenditures for Report Year: $53,168.07. Accumulated: $700,000.00.

NOTE: This is the fifth and final report under this grant, covering the period from September 1, 1975 through July 31, 1976.

B. NARRATIVE SUMMARY

The final phase of the research program in law and development, conducted in six nations in Latin America and Mediterranean Europe, ended during the reporting period. This phase consisted largely of inviting each of the national scholars to Stanford for two to six months so that they could improve their data base of legal and social indicators, transfer it to a computer format, and prepare preliminary manuscripts based on these data. This phase of the Studies in Law and Development (SLADE) project, directed toward completing national studies of law and social change for each of the member countries, was completed for Chile, Costa Rica and Peru during the 1974-1975 year and for Colombia and Italy during the present 1975-1976 year. The national scholar from Spain was unable to come to Stanford for a variety of reasons, including a shortage of funds.

In addition to the preparation of six national volumes on law and social change, the data comprising the legal and social indicators will be collected as a separate book. Information for all six nations, including Spain, was prepared for this purpose during the reporting period. Substantial progress was also made on the comparative legal systems volume and the comparative legal cultures volume to the SLADE series on law and social change. These will include the research design and theory of the project.

The principal aim is to develop a new body of theory and method -- a social science of law and development -- which will provide the conceptual framework for ongoing research, training and decisionmaking in this field.

One graduate student of the Law School continued his participation with the SLADE discussion group centered at Stanford during the reporting period. New teaching materials, for which a publisher was found, were again revised for the course Legal Systems of Western Europe and Latin America, focusing in part on issues relevant to studies in law and development. Another course offered, Anthropology of Law, also considers some law and development problems in a Latin American context.

C. DETAILED REPORT

1. General Background and Description of Problem

Though it is widely recognized that strong legal institutions are essential to sound national growth, little is known about the actual functions of law and legal institutions in the development process. There is clear need for a new body of theory and method -- a social science of law and development -- to provide the intellectual framework for effective study, research and decisionmaking in this area.

2. Purpose of the Grant

Since the mid-1960's the Stanford Law School has developed a basic competence in this field through teaching, research and participation in special projects. Its interest has centered on Latin America and Mediterranean Europe, which share a common legal tradition and together form a coherent, relatively homogeneous cultural area. The School has been encouraged and assisted by other departments of the University which have extensive resources in the development field, particularly with respect to Latin America. The University sought this grant to strengthen the capabilities of the Law School as a center for research and training in law and development through an intensive, five-year program.

3. Objectives of the Grant

A. Objectives Restated

The principal objectives of the program as set out in the grant proposal are:

a. to undertake a major research effort in law and development involving Stanford Law School faculty members, scholars from other social sciences, foreign legal scholars and United States law students in a series of theoretical and empirical studies focusing both on entire legal systems and on specific legal institutions and processes in the less developed countries;

b. to provide training opportunities in law and development for United States law students and young legal scholars from Latin America through formal teaching offerings at Stanford Law School, study and research fellowships tenable at Stanford, and work-study assignments in selected countries of Latin America;

c. to assemble a comprehensive library of materials on law and development, with special attention to Latin American laws and legal institutions;

d. to sponsor workshops on law and development as a means of enabling scholars of various disciplines, United States and foreign, to share their knowledge of the field and to discuss problems of common interest;

e. to establish a limited number of collaborative relationships with law faculties in Latin America, both to advance the research interests of the

Stanford program and to insure the relevance of the enhanced Stanford University capabilities to the needs and characteristics of the institutions of the less developed countries.

B. Review of Objectives

The program objectives remain unchanged. As detailed in the 1972-73 report, however, foreign development scholars have assumed a more central role in the research component of the program than was contemplated in the grant application. It was originally thought that such scholars would be engaged from time to time to assist Law School faculty members and collaborating North American social scientists in the conduct of specific studies relating to their own countries. But in reviewing our plans after the grant was approved, we concluded that scholars from the countries of concern to the program should be involved directly in the design of a theoretical framework and general methodology for program research. This was accomplished by inviting scholars from each of the program countries to spend up to six months at Stanford during the spring and summer of 1972 to work directly with Law School faculty members in the planning of the research effort.

As this preliminary phase neared its close, it was decided that the field investigations necessary to the research effort could most effectively be carried out by the same foreign scholars who had collaborated in the planning process. To this end, they were invited to participate as principals in the two-year field research program described below. With AID's approval, the planned scope of some other program activities (research and travel by Law School faculty members, foreign work-study fellowships for new United States law graduates) was reduced to provide adequate budgetary support for this phase of the program.

As anticipated in the 1974-75 annual report (Section VII. OTHER), a request for a supplemental grant of $148,000 to finance completion of our major activity, the comparative study of law and development in six nations of Latin America and Mediterranean Europe between 1945 and 1970, was submitted on October 31, 1974. The principal reason for this request stemmed from the unforeseen quantity and richness of data developed in the field research phase of the project. Our original expectation that little computer time or keypunching would be involved in preparation of

the series of studies, and that the six national studies in particular could be prepared by the national scholars in the course of normal academic work in their own nations, proved unrealistic.

We have from the outset (under objective A.(a).) contemplated publication of nine volumes of studies: a complete data volume of the legal and social indicators; a study of comparative legal cultures; a study of comparative legal systems; and a "national study" for each nation in SLADE, prepared by the respective national scholar (s). (It has also been our intention to have the national studies translated into English and published in the United States.) The final two years (1974-76) of the program have been devoted to the preparation and publication of these volumes, which will constitute the principal visible product of the Stanford program under the AID grant and should be of extraordinary interest to persons in government, the private sector, and academic life in all nations, particularly in Latin America and Mediterranean Europe, but not limited to that culture area.

The supplemental request was based on the unanticipated costs associated with completing the major research activity in an appropriate manner as well as fulfilling the other objectives. The $148,000 would have been largely used to bring the national scholars to Stanford and pay their salaries for the time required to complete their manuscripts (estimated at 6 months each) as well to cover the translation and publication costs of the nine volumes. Once it became clear in the early part of 1975 that our supplemental request would not be granted, we cut back on the period each of the national scholars would spend at Stanford and we eliminated translation and publication costs from the budget. It was also necessary to reduce slightly our forecast expenditures under objectives A.(b)., A.(c). and A.(d) [work-study assignments, library acquisitions, and workshops].

I. ACCOMPLISHMENTS

A. Research

The primary research task during the reporting period included improving the data base of legal and social indicators, transferring it to a computer format, and preparing preliminary manuscripts based on these

data for the last three of the six program nations: Colombia, Italy, and Spain. This phase of the project, directed toward completing national studies of law and social change for each of the member countries, closed in July 1976. The Latin American and European scholars who participated in this activity include Professor Edmundo Fuenzalida Faivovich, formerly of the Institute of Political Science at the Catholic University of Chile, and now with the Institute of Development Studies at the University of Sussex; Professor Fernando Rojas Hurtado of the Faculty of Law at the University of the Andes (Colombia); Professor Carlos Jose Gutierrez, formerly of the Law Faculty of the University of Costa Rica and now ambassador to West Germany; Professor Stefano Rodota of the Faculty of Law at the University of Rome and Professor Sabino Cassese of the Faculty of Economic Sciences at the University of Naples; Professor Lorenzo Zolezzi, of the Department of Law at the Pontifical Catholic University of Peru; and Professor Jose Juan Toharia, of the Department of Sociology at the University of Madrid.

The collection effort described in the 1974-75 annual report focused on data indicating the scope and nature of changes in the societies and legal systems of the countries under study. The "social" indicators include such measurements as population size; urbanization; absorption into modern sectors via education and access to mass media; quality of life measured by health indices, housing, and patterns of income and land distribution; economic potential shown by the quantity of energy consumed or the gross domestic product, economic structure reflected in the growth of the non-agricultural economically active population, and the concentration and stability of modern economic sectors; legislative competitiveness, political participation, public satisfaction with government policies, and government stability.

In general, the social indicators employ accepted measurements and make use of data already systematically collected and published by others. Several indicators, nevertheless, are presented for the first time on a regional basis developed by SLADE. The "legal" indicators, by contrast, in many cases involve original research into records and archives. They include measurements of such things as the number, organization, distribution and budgets of legal institutions (courts, legislatures, law enforcement agencies, public administration, faculties of law, etc.); the volume, type and duration of legal processes (litigation, legislation, private dispute resolution,

resource allocation by the public administration, etc.); the number, origins and compensation of legal actors (lawyers, notaries, judges, judicial staff, legislators and their staff, police, public administrators and their staffs). Important changes made in the Constitution, codes and other significant legislation in the period 1945-1970 have been noted.

Changes in the legal culture -- attitudes people hold about law and legal institutions -- are approached through content analysis of newspapers and law journals. The data gathering and conversion into a computer readable format for this project, which was principally centered at Stanford, was completed by the end of the reporting period.

The social and legal indicators provide comparative information that will permit both diachronic and synchronic analysis. The longitudinal dimension of the study covers the years 1945 to 1970. The synchronic analysis consists of two parts. First, national data on the six social and legal systems will be compared. Second, within each of the program countries, different regions have been chosen representing various levels of socio-economic development. The study of these regional legal systems will reveal the differential impact of social change over time. Regions of one nation can also be compared to similar or distinct regions in another nation. Raw data compiled in the first stage will show the absolute importance of any social or legal indicator; these data will also be compiled against a standard population base (100,000 inhabitants) to facilitate preliminary cross-national comparison. In subsequent stages of analysis, of course, a range of statistical techniques can be applied to the raw data.

The national scholars from Chile, Costa Rica, and Peru, besides the computer based social and legal indicators, utilized information which they had previously collected on labor management problems and agrarian conflicts in the preparation of their manuscripts. This entailed an examination of the social and economic origins of labor and agrarian conflicts, informal arrangements for their settlement, and the precise ways in which the legal system processes those disputes that cannot be resolved informally.

In addition to the preparation of six national volumes on law and social change, the data comprising the legal and social indicators (on a regional basis) will be compiled to form a separate data volume. The

information from the final three countries (Colombia, Italy and Spain) was prepared for this purpose during the reporting period.

Substantial progress was also made on the two comparative volumes (legal systems and legal cultures) of the SLADE series on law and social change. These will include the research designs and theory of the project.

Finally, several articles about law and social change published in the past year by members of the SLADE project were indirectly influenced by their activity with this enterprise.

The aim of the final two-year phase of the research program has been to produce a series of major studies, elucidating a theory of law and development which will be sustained both by comparative data on general relationships between legal and social change, and by studies examining specific areas of interplay between the two types of change. The Law School will be the central repository of the materials collected and produced. Professors John Henry Merryman and Lawrence M. Friedman will share the editorial responsibility for the studies. Professor David S. Clark, presently of Louisiana State University, is the assistant director of the research program; he will help evaluate and analyze the large quantities of data as well as assist in writing the studies.

Costs of the research effort amounted to about 98.5% of total grant expenditures during the reporting period.

B. Training

One graduate student of the Law School continued his participation with the SLADE discussion group centered at Stanford, commenting on draft manuscripts. James P. Rowles, a recipient of the J.S.M. (Master of the Science of Law) degree, wrote a thesis concerning the Costa Rican agrarian reform institute. He has received fellowship support from non-AID law school funds.

Jane F. Collier, Assistant Professor of Anthropology at Stanford, conducted a Law School course on The Anthropology of Law for the fourth time during the spring semester of 1975. Professor Collier has done extensive research on the legal systems of "primitive" peoples in Latin America. Her course examined problems of developing a definition of "law" with cross-cultural validity; the relationship between legal systems and other aspects of society; ways of approaching the development, or the evolution of legal systems;

and anthropological studies of modern legal problems, both in developing nations and in the United States.

John Henry Merryman, Nelson B. Sweitzer and Marie B. Sweitzer Professor of Law at Stanford, will teach his course on the Legal Systems of Western Europe and Latin America during the Spring term of 1976-77. The traditions, attitudes, institutions and processes that are shared by the legal systems of major Western European and Latin American nations were examined. In addition, Professor Merryman will teach a wholly new seminar on comparative legal systems with Professor Seymour Martin Lipset during the Autumn term. This course will use the SLADE data volume manuscript and explore and test a variety of hypotheses about law and social change.

Professor Merryman, together with Professor David S. Clark (who will also teach a course on the legal systems of Western Europe and Latin America at the Louisiana State University Law School), revised their teaching materials on Western European and Latin American law and legal institutions, focusing in part on issues relevant to studies in law and development. This volume will be published during the spring of 1978.

Less than 1% of grant expenditures were devoted to this objective.

C. Library

Expenditures for Library acquisitions amounted to $763.00, or approximately 1% of the total grant expenditures.

D. Workshops

No workshops were held during the reporting period.

E. Institutional Links

The Law School's relations with the group of eight Latin American and European scholars, who have signed contracts with the Law School, and have completed and are now writing their national studies either at Stanford or in their respective nations, have been close and cordial during the reporting period. Formal institutional arrangements were continued with the Department of Law at the Pontifical Catholic University of Peru and with the Institute of Legal Teaching and Research in Santiago, Chile.

Close ties were maintained with the International Legal Center of New York City which, under the Advisory Committee on Research Policy, sponsored the

formulation of policy guidelines in 1974-1975 for the support of research in the field of law and development. Four participants in the Stanford program in law and development under this grant were on the committee: Professors John Henry Merryman and Lawrence Friedman, Professor Lorenzo Zolezzi of Peru and Stanford Professor Clark Reynolds, a member of the original advisory panel for the Stanford program.

II. IMPACT OF GRANT SUPPORTED ACTIVITIES IN ACHIEVING GRANT PURPOSE.

The grant has enabled the Law School to strengthen its institutional capabilities in law and development as follows:

A. Faculty interest and involvement in grant-supported activities have significantly increased through the development of a concrete, multi-phased program of research for the coming years. Though Professor John Merryman and Professor Lawrence Friedman have made the principal contributions to this effort, six other members of the Law School faculty and staff (Associate Professor John H. Barton, Professor Mauro Capelletti, Assistant Professor Jane F. Collier, Associate Dean Joseph E. Leininger, Professor Victor H. Li, and Research Associate David S. Clark) have participated on a regular or occasional basis. In adition, a sizeable group of United States and foreign students have been involved in program-related research -- as research assistants to faculty members or as candidates for advanced degrees.

B. By engaging a group of foreign development scholars in both the planning and implementation of a major field research effort, the School has been able to develop a strong, international nucleus of scholarly talent in the law and development field. The continuing participation of these scholars represents an invaluable program asset; it also provides a ready means of establishing new institutional links in the future.

C. The manuscripts produced and data compiled from 1972 to 1976, together with library materials acquired during the grant period, have contributed importantly to the development of a central information base on law and development in Latin America. Over the five-year period of the program and for some time in the future this data base will become a prime institutional asset.

III. OTHER RESOURCES FOR GRANT-RELATED ACTIVITIES

The costs of all administrative services to the program, except those of direct secretarial support, were borne by the operating budgets of the Law School and University. General overhead costs (including central accounting and administrative services) are estimated at $27,647. The Law School's unreimbursed outlays for staff salaries and support services related to the program amounted to about $5,000. In addition, the Law School paid the salary of Professor Lawrence Friedman; the program-related portion of his salary and staff benefits may conservatively be valued at $4,000. Thus, total costs of $36,647. -- or more than 69 percent of the amounts expended out of the grant during the period -- were borne by the general funds of the Law School and University.

The Law School also drew upon other grant and endowment sources to meet program-related research costs in the total amount of $13,200.05.

IV. UTILIZATION OF INSTITUTIONAL RESPONSE CAPABILITIES IN DEVELOPMENT PROGRAMS.

All of the University's law and development activities in the period under review are reported elsewhere in this report.

V. PLAN OF WORK TO COMPLETE PUBLICATION OF THE SLADE SERIES.

Professors Merryman, Friedman and Clark plan to continue working on the data volume and two comparative volumes that will be published in English. All manuscripts should be final by August 1977. At the present time, Professor Merryman is inquiring into the possibility of finding supplemental funds to cover a portion of the substantial amount needed for eventual publication.

In addition, Professors Merryman and Clark will complete their casebook on comparative law. This will include some SLADE materials. Publication is set for the spring of 1978.

Finally, the national scholars from all six nations are finalizing their manuscripts and will, on an individual basis, attempt to find a publisher in their respective countries. Translation into English at the present appears problematic without substantial supplemental funding.

VI. INVOLVEMENT OF MINORITY PERSONNEL AND WOMEN

Due to the nature of the research activity under this grant, most of personnel receiving compensation are, of

course, non-United States citizens. Even the majority of the graduate research assistants who work on different aspects of the research carried on at Stanford are foreigners.

The full time secretary hired at Stanford under the grant was a Spanish American woman. During the reporting period, she assisted in a variety of keypunching and computer activities in addition to secretarial work.

Table I

Distribution of 211(d) Grant Funds and Contributions From Other Sources of Funding*

Reporting Period September 1, 1975 to July 31, 1976

Grant Objectives/Outputs	211(d) Expenditures				Non 211(d) Funding** Amount
	Period Under Review	Cumulative Total	Projected Next Year	Projected to end of Grant	
Research	52,404.87	603,719.77			13,200.05
Training		20,086.36			
Library	763.20	60,136.33			
Workshops		16,057.54			
Administrative Support and Overhead					36,647.00
TOTAL	53,168.07	700,000.00			49,847.05

Table II - A

211(d) Expenditure Report

Actual and Projected Summary

Under Institutional Grant #AID/csd-3151

Reporting Period 9/1/75 to 7/31/76

	Expenditures to Date		Projected Expenditures				Total
	Reporting Period	Cumulative Total	YEAR 2	3	4	5	
Salaries and Staff Benefits	45,961.82	503,673.33					503,673.33
Fellowships		69,625.00					69,625.00
Travel and Allowances		44,618.43					44,618.43
Library Acquisitions	763.20	42,118.11					42,118.11
Equipment, Materials and Supplies	6,443.05	39,965.13					39,965.13
	53,168.07	700,000.00					700,000.00

Table IIB

211(d) Expenditure Report
Reporting Year Detail Under Institutional Grant AID/csd-3151
Reporting Period September 1, 1975 to July 31, 1976

I	A.	Salaries		
		Academic	-0-	
		Other Professional		
		David Clark	14,250.06	
		Sabino Cassese	2,500.00	
		Stefano Rodota	2,500.00	
		Fernando Rojas	7,500.00	
				26,750.06
	B.	Other Salaries		
		Library	-0-	
		Clerical	6,998.72	
		Non-Professional (Part-time Research Assts.)	5,873.50	
				12,872.22
	C.	Fringe Benefits at 16%		6,339.54
II		Student Support - None		
III		Consultants - None		
IV		Travel - None		
V		Equipment - None		
VI		Library Acquisitions		763.20
VII		Publications - None		
VIII		Other		
		Expendable Materials and Supplies	6,443.05	
		Foreign entities	-0-	
				6,443.05
				53,168.07

Table III - A

Requests For Assistance Received During Reporting Period 9/1/75 to 7/31/76

A. Requests Attended

Description of Request for Assistance	Whom did you Assist?	Who Requested Assistance	Who Funded Assistance	Size of Effort		Results of Assista
				Dollars	Man Days	
No requests.						

Table III - B

Requests For Assistance Received During Reporting Period 9/1/75 to 7/31/76

B. Requests Not Fulfilled

Description of Request for Assistance	Whom did you Assist?	Who Requested Assistance	Who Funded Assistance	Size of Effort		Why not met?
				Dollars	Man Days	
No requests.						