

# ACTIVITIES OF THE ASSOCIATION

## THE PRESIDENT'S LETTER

### To the Member Schools:

It is an understatement to say that, following in the wake of our good friend Bernard C. Gavit, who has served the Association so long and so effectively as Secretary-Treasurer, President-Elect, President, and, one is tempted to add, "Lord High Everything Else," your servant takes over the responsibilities of the president's office in considerable humility. He subscribes warmly to everything that was express or implicit in the resolution introduced by former President Seavey at our final session at Cincinnati, and renews the pledge there made that he will give his best efforts to the Association in 1949.

As retiring President Gavit has reminded us, we are now rounding out our first fifty years of organized effort directed toward "the improvement of the legal profession through legal education." It would seem to be a time for critical stock-taking of our achievements to date and for the projection of plans for further endeavor. The former is perhaps in some measure, though by no means exclusively, the responsibility of those of us who have been identified with Association activities over the years. The latter would appear to be pre-eminently the responsibility of the younger law teachers. As we round out our fiftieth year, it happens that we also stand upon or near the threshold of a period of unprecedented post-war opportunity. It happens that the younger law teachers have been recruited in numbers and capacities that excite the highest hopes. Pressures peculiar to the immediate post-war years are subsiding or should soon subside. The opportunities which belong especially to your younger colleagues are at hand and should be exploited to the utmost.

With this in mind, we have largely and deliberately recruited our 1949 committees from among the younger law teachers. The school administrations have been helpful with suggestions. Responses to invitations to serve have been gratifying. The same shift will probably be noted in the 1949 program. You will perhaps agree that there was a forecast of things to come in the program at Cincinnati. Although changes of this kind must inevitably involve some retirements from the firing line of colleagues whose long experience and invaluable services have made us immeasurably their debtors, we believe not only that time and circumstance require such changes, but that they may point the way to the Association's maximum usefulness in the years that lie ahead.

In discussing our hopes and plans, I find it difficult to avoid the old familiar platitudes. Perhaps there are platitudes which will bear repeating. In any event, I cannot refrain from saying that my confidence in the recruits of these post-war years has grown apace. I hope and believe that we may provide them with the opportunities which ought to be theirs. In their stock of ideas, their enthusiasms, and their willingness to serve we shall

surely find our richest resources. I would only add that as these resources are developed your officers will count upon a continuing flow of suggestions and criticisms from all concerned, veterans and recent recruits alike, for guidance in our common enterprise.

EDWIN D. DICKINSON.

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## THE TEACHING OF INTERNATIONAL AND COMPARATIVE LAW

In the summer of 1948 the Committee on International and Foreign Law of the Association of American Law Schools sponsored an Institute in the teaching of international and comparative law. The holding of such an Institute was made possible by the generosity of the Carnegie Corporation, and through the courtesy of the Association of the Bar of the City of New York the meetings took place in the house of the Association on West 44th Street. For two weeks a group that totaled fifty-four, representing twenty-two American and seven foreign schools and universities and including a number of interested practitioners, defied the discomfort of an unusually hot August in order to discuss problems of common concern.

The meetings in New York were the result of a survey conducted throughout the preceding year, involving correspondence with the deans and faculties of member schools and conversations with practicing lawyers from all parts of the country. This survey disclosed that thirty law schools belonging to the Association were offering courses in international law, and sixteen in either foreign or comparative law. These figures showed a considerable increase over similar figures of ten years before. More interestingly still, the survey showed that twenty-seven schools, although not currently offering courses in either field, intended to do so at the earliest opportunity. It appeared that this would be contingent in many cases on the availability of properly trained and qualified teachers, that teachers often have to be found among members of existing faculties, and that these teachers may have had little or no training in the fields in question.

On the other hand, however, the survey made it apparent that even in the schools already offering courses there were great divergences in method. Little uniformity was observable in the use of teaching materials, and there were wide differences in stated objectives. With respect to comparative law, it was apparent that the meaning of the term itself was by no means clearly understood in all instances. Some courses offered as comparative law did not seem to warrant the description.

Under these circumstances, the aim of the Institute was to assist in the preparation of qualified teachers, to facilitate in this way the introduction of courses in member schools, and to achieve a greater degree of uniformity in the results. With this in view, the international law meetings, which occupied the sessions of the first week, were concerned largely with the problems of an introductory course. Professors Edwin D. Dickinson and Philip C. Jessup, with the assistance of Professor William W. Bishop, Jr., were the principal figures at a series of meetings throughout the week which developed the objectives and scope of such a course, the character of the materials to be used, and the teaching methods most advantageous for the purpose. Animated discussions followed each of these meetings, as particular points were brought forward and emphasized. In addition to this series, talks on other topics of current interest were given by Professor James Brierly, Professor Clyde Eagleton, Judge Green H. Hackworth,

Professor Manley O. Hudson, Justice Robert H. Jackson, Professor Josef L. Kunz, and Mr. Fred K. Nielsen.

In the second week of the proceedings the emphasis shifted to comparative law. Professor Philip W. Thayer conducted several sessions on background problems in teaching methods and materials, and Professor Max Rheinstein presented a stimulating group of talks illustrative of the techniques used in giving a course in selected problems in the law of torts. Dr. Ernst Rabel discussed a number of problems in applied comparative law, with particular reference to conflict of laws. Other speakers, who presented papers on a number of substantive topics in the field, included Professor John N. Hazard, Arnold W. Knauth and Frederic R. Sanborn of the New York Bar, and John Wolff of the Department of Justice.

Many of the papers read at the sessions of the Institute are being published in various law reviews. The others, together with the text of the group discussions, have been edited and will be available in mimeographed form early in 1949. Interested faculty members may obtain sets of this material so long as the supply lasts by communicating with the author of this article.

In the course of the final meeting the members of the Institute group adopted a number of resolutions which deserve to be printed in full. They are as follows:

WHEREAS the study of international and comparative law is essential to the development of the rule of law in the world community; and

WHEREAS the increasing volume of international transactions in trade and commerce requires a more extensive knowledge of international and foreign law on the part of the legal practitioner; and

WHEREAS the study of international and comparative law is vital to the understanding of the interrelation between law and society as well as to the formulation and evaluation of legal norms; and

WHEREAS it is the responsibility of American law schools to inculcate in the student a sense of participation in and responsibility to the international as well as the national community; and

WHEREAS it is the opinion of the participants that the 1948 Institute in the Teaching of International and Comparative Law has furnished a vigorous initial impetus to the exchange of ideas, methods and materials experimentally developed so far, and has proved the value of discussion between law teachers in the fields of international and comparative law; it is hereby

RESOLVED: That this Institute regards as essential to a realistic modern legal education the teaching of international, foreign and comparative law by all law schools, recognizing that the number of courses in international, foreign and comparative law, or the introduction of comparative materials in existing courses, will depend on the resources of the particular law school and the availability of qualified personnel.

RESOLVED FURTHER: That in view of the difficulty of obtaining foreign legal materials, the scarcity of qualified personnel with language training, and the magnitude of the research task, allocation be made of the responsibility for research in the laws of the various foreign countries on the basis of guiding principles to be established, the results of such research to be available to all interested schools; and that every effort be made by teachers of international and comparative law in the United States to collaborate in the exchange of legal materials and teaching methods with their colleagues in the United States and abroad.

RESOLVED FURTHER: That teachers of international and comparative law stress the objective of preparing the practitioner and the government official to furnish courts, legislatures and other law-making organs with foreign legal materials relevant to the progressive development of the law.

RESOLVED FURTHER: That the Association of American Law Schools take appropriate steps with a view to (a) The compiling of a bibliography of legal materials in the fields of international, foreign and comparative law; (b) The pooling of existing teaching materials for more general use; (c) The preparation of a systematic curriculum for graduates of foreign law schools wishing to understand American concepts.

RESOLVED FURTHER: That, on the basis of the foregoing, at least two additional Institutes be organized, in 1949 in the Middle West and in 1950 on the West Coast, to further the concrete formulation of an extensive program of teaching international and comparative law.

In evaluating the work of such a project as the Institute, two points would seem to be of chief importance. In the first place, the objectives should be critically scrutinized to determine their relation to the requirements of the social, economic, and political life of the period. In the second place, the results accomplished should be reviewed in the light of their probable effect on the attainment of these objectives. On the first point, there can be little doubt that the aim of the Institute has been timely. Not only in the lecture room but equally in the law office and in the courthouse corridor there is a growing awareness of the value of global thinking. It was not by chance that students representing forty-two American law schools, meeting in New York in July, 1947, concluded that international and comparative law should have an important place in the curriculum;<sup>1</sup> nor is it a mere gesture that the *American Bar Association Journal* is devoting regular space to the progress of international law. These manifestations, and many others, are reflections of the times. The horizons of the law expand, and with the dawning of the post-war world law school courses in international and comparative law can no longer be regarded as a luxury. If lawyers are to be leaders in the world of the future, they must have the education and the knowledge on which to base their leadership.

On the second point, it is to be noted that, in the opinion of the members of the group, the sessions of the Institute provided "a vigorous initial impetus" in the right direction. Probably, for a first meeting of the kind, that is about as high praise as could be given. If, indeed, the proceedings of the Institute accomplished nothing more, they demonstrated clearly the value of discussion and of an exchange of ideas among teachers of international and comparative law. The results cannot fail to have a profound effect on the objectives and substantive content of courses in these fields, and on teaching methods. Successive institutes, it may be expected, will give further impetus in the same direction. Perhaps they may lead also to something in the nature of a more permanent clearinghouse, where not only ideas but materials as well may be pooled and made available to the teachers of

<sup>1</sup> See Pemberton, *Report of the National Law Student Conference on Legal Education*, 1 J.LEGAL ED. 73, 94-97 (1948).

the world. A beginning has been made, but much work remains to be done in order to insure constructive development along intelligently coordinated lines.

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## THE ANNUAL MEETING, 1949

This year, in conformity with action taken at the meeting in 1947,<sup>1</sup> there has been constituted a Committee on Program which has been charged with preparing and submitting to the Executive Committee a proposed program for 1949. The Committee on Program met at Cincinnati, all members present, to consider suggestions received and to formulate preliminary proposals. It had before it the earlier Report of the Committee on Improvement of Programs for Annual Meetings<sup>2</sup> and a considerable grist of suggestions contributed in response to the President-Elect's letter of November 22, 1948, to member schools. Although its function is limited to the submitting of a proposed program to the Executive Committee, which is in turn charged with responsibility for final determination, the trends of its thinking will perhaps be of interest to colleagues in the member schools at this time.

The Committee on Program assumes that an opening general session and a concluding general session will be necessary, as hitherto, to dispose of matters certain to be on the agenda. It will submit recommendations calculated to assure a little more time for the opening general session and, in view of the enthusiasm with which Senator Morse's address was received at Cincinnati, it will explore the possibility of securing for 1949 a speaker of comparable interest. For the evening "Smoker" some novel plans are afoot. No more can be said at the moment. It is hoped that the entertainment may be satisfactorily diverting.

For the remainder of the program, the Committee will recommend more and better-coordinated round table meetings. It will propose that these meetings provide an adequate forum for the exchange of ideas and experiences in areas sufficiently representative of private law, public law, and administration; that well planned and directed round table discussions supplant the growing tendency toward a multiplicity of formal addresses or papers; that the topics be both vital and calculated to raise important questions of curricular treatment and teaching method; that there be stress throughout on the availability and use of related business and social materials; that the participation of experts from industry, government, related disciplines, and the foundations be arranged where feasible; that the work of our principal committees be coordinated with the round table discussions, with emphasis upon problems of curriculum and method; that an added emphasis be given matters of common concern to the schools and the bar; and that an attempt be made to present, through the round table meetings, a program of integrated emphasis and direction. With the cooperation of the committees and the round table councils, it is believed that further and useful progress can be achieved along these lines.

More detail would be premature, for obvious reasons, at this time. The plans are only now taking shape and the Executive Committee has still to approve. Comments and suggestions are invited. The Committee on Program for 1949 consists, in addition to the President and the Secretary-

<sup>1</sup> See HANDBOOK 97-99 (1947).

<sup>2</sup> See *id.* at 202-205.

Treasurer, ex officio, of George D. Braden, Yale University, Willard H. Pedrick, Northwestern University, and Howard R. Williams, University of Texas. Members of the Committee will be pleased to receive criticisms and suggestions for the program from their colleagues in member schools as the spirit moves. It is hoped that this report on the Committee's thinking may serve not only to inform but also to stimulate movements of the spirit.

EDWIN D. DICKINSON,  
President.

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