
**The Short Happy Life of the Yale Program in Law and
Modernization**
*From the Cold War to Comparative Legal Sociology and Critical
Legal Studies*

A Symposium

Edited with an Introduction
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with essays by

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xi

**The Yale Program in Law and Modernization: From the Cold War to
Comparative Legal Sociology and Critical Legal Studies¹**

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¹ Jake Mazeitis, Yale Law School Class of 2023, provided invaluable assistance in the research and production of this Symposium. We gratefully acknowledge his assistance and thank the Yale Law School for supporting his participation.

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ABSTRACT: In 1969, the Yale Law School received a \$1,000,000 grant from the United States Agency for International Development for a Program in Law and Modernization. Yale promised to study legal impediments to modernization, assess legal needs of modernization projects, train lawyers for research and development work, and disseminate knowledge. The Program was conceived by David Trubek and William Felstiner, former USAID lawyer-administrators, who, along with Richard Abel, ran it. Launched in the shadow of the Cold War, it started with the implicit promise of diffusing US liberal ideas about law and transplanting US legal institutions and culture, and was seemingly aligned with US foreign policy. Flush with USAID resources, the Program mounted innovative courses, brought Visiting Professors and Fellows with Third World expertise to Yale, supported scholars from the Third World and elsewhere seeking advanced degrees, funded research by Yale faculty, students, and Fellows, held workshops and conferences, and published Working Papers and articles. Linked with the nascent Law and Society Association, it sought to create a Comparative Sociology of Law. There were vigorous debates ranging from the nature of law and social science to the role of the US in the Third World, all on a campus roiled by student protests over the War in Vietnam and racism in the US. Gradually, the Program became a locus for critique of liberal ideas about law and social science, a source of doubts about US foreign policy, and an incubator for critical studies in law and legal sociology. By 1976, the founding directors were gone and the Program was soon closed. In 1997, nine law professors convened the first Critical Legal Studies conference: six had been involved with the Program while at Yale and the others had interacted with it.

INTRODUCTION

The Yale Program in Law and Modernization started in 1969. Designed to contribute to America's Cold War strategy for the Third World, it ended up fostering a critical approach to both law and foreign policy. The Program helped spark the growth of the Law and Society Association and nurtured what became Critical Legal Studies. It flourished for several intellectually exciting years, but by 1977 it was over.

In 2020, recognizing the importance of the Program in the history of legal studies in the US and elsewhere, the Law and Society Association organized a Roundtable that brought together participants in the Program with knowledgeable observers of the history of legal studies to reflect on the experience and its impact. Two former Directors of the Program, David Trubek and Richard Abel, were joined

by Duncan Kennedy and Boaventura de Sousa Santos, two well-known scholars who had participated as Yale Law students. The participants reflected on their experiences and were joined by commentators Bryant Garth, an expert on the roles of lawyers around the world, and Afroditi Giovanopoulou, who is completing her Ph.D. dissertation in history on the role of law in US Cold War foreign policy.

1) *Origins*

During the 1960s, the US government was committed to supporting capitalist development in what was then called the Third World. Concerned about increasing Soviet influence in these regions, the US massively increased the USAID budget.⁴ To administer the rapidly expanding programs, USAID recruited lawyers from leading law firms and law schools to staff the Washington DC headquarters and overseas missions.

That is how Dave Trubek found himself as Legal Advisor to the USAID Mission to Brazil; William Felstiner took up a similar role, first in Turkey and then in India. After several years working in these countries and mastering the intricacies of USAID practice and policy, Dave and Bill ended up at the Yale Law School, Bill as Associate Dean/Lecturer and Dave as an untenured Associate Professor.

In those days, USAID had programs to “develop” almost everything, from Agriculture to Securities Markets. While occasionally such efforts involved legal changes, including the transplant of US laws, and often required USAID to work with local lawyers, no one thought about a project aimed at “modernizing” legal professions or saw the development of legal institutions as a foreign aid priority.

Trubek and Felstiner thought that was an omission. Indeed, while serving as Legal Advisor, Trubek had convinced the USAID Mission to Brazil to support an experimental “law and development” project.⁵ So they began to imagine a foreign aid program to train “modern lawyers” and develop more “modern” legal systems. They found a few allies on the Yale faculty, mostly people like Robert Stevens, who had participated in legal education projects in Africa.

What took the idea beyond the realm of imagination and faculty luncheon chit-chat was Section 211(d) of the Foreign Assistance Act, which authorized research on “the economic and social development of less developed countries.”⁶ Fully familiar with USAID, Trubek and Felstiner realized that this new program offered

⁴ Total US foreign aid rose from just under \$28 billion in 1958 to a high of 43.4 billion in 1973. See U.S. Department of State and U.S. Agency for International Development (2021).

⁵ The Centro de Estudos e Pesquisas no Ensino do Direito (Ceped) was created in 1966 to improve legal education. Supported by USAID and the Ford Foundation, it ran a post-graduate program for lawyers from the public and private sectors. The program included a “Socratic” classroom, a course on economics, and problem-solving. See Trubek (2011). CEPED still exists. <https://www.uerj.br/ceped/>

⁶ Foreign Assistance Act of 1961, Pub. L. 87-194 § 211(d), 75 Stat. 427-428, amended by Pub. L. 89-583 § 103, 80. Stat. 797 (1966) (repealed by International Development and Food Assistance Act of 1978, Pub. L. 95-424, 92 Stat. 942).

a real opportunity that Yale could seize. They sketched a program and sold the idea to the Dean and the Faculty.

The result was a proposal for a five-year, \$1,000,000 program of research and teaching, which promised to identify ways to transform legal professions and systems to make the profession more pragmatic and the legal regimes more supportive of capitalist economic growth.

2) *Why “Modernization”?*

One of the issues Trubek and Felstiner confronted was what to call the project. They rejected “law and development” because “development” was then strictly limited to economics. Instead, they opted for “modernization”, defining it as “political, economic, and social development.”⁷

Modernization theory evolved in the late 1950s to replace narrower economic development theories: it included faith in science, capitalism, and social welfare and had become part of USAID doctrine.⁸ Many of the key people directing US foreign aid policy in the 1960s, like Walt Rostow, David Bell, J.K. Galbraith, and Lincoln Gordon, were modernization theorists. In her book on Global Development, Lorenzini summarized their thinking:

“The revolution of rising expectations had to be steered toward... American inspired models...the underlying logic of modernization was adoption of the American model.”⁹

3) *The Grant*

The proposal was submitted to USAID and approved in June, 1969. It was very short (7 double-spaced pages): there was a one-page budget and some general guidelines for what would be done. But Yale was given almost total discretion to design the program, subject to a requirement of annual reports to USAID.

It is important to understand the magnitude of the grant. In 2021 dollars, it would be close to \$8,000,000, or an average of \$1,600,000 per year if spread equally over the 5 year period. The Program had an almost unlimited amount of money and few restraints on how to spend it. Trubek and Felstiner did the initial negotiations; they were joined in January 1969 by Richard Abel, fresh from legal anthropological field work in Africa. While Yale created what looked like an elaborate governance structure with both senior and junior faculty members and procedures governing expenditures, the Program was really run by two untenured professors and an Associate Dean/Lecturer.

It started with a bang. In the first two years, L&M created several brand-new courses, recruited junior and senior scholars with Third World experience, including many from those countries, funded a number of research projects, and

⁷ Final Proposal for AID Institutional Grant Support, 1969, 4, Yale Law School Records of the Dean (“A.I.D. 1969”).

⁸ This was consistent with President Johnson’s declaration of a War on Poverty in the US in 1964.

⁹ Lorenzini (2009, 64).

organized conferences. Among the courses in the first two years were Felstiner's offering on *Development Projects*; Trubek's seminar on *Law and Modernization*; Abel's course on *Customary Law in Africa*; and Robert Stevens's class on *The Role of Law in Developing Societies in Africa*.

Faculty research projects included *Law and the Development of the Brazilian Capital Market* (Trubek); *Dispute Settlement in Africa* (Stevens); and *Capital Markets and Development* (Hugh Patrick--Economics). Student research projects included *A Model of Private Law in Economic Change* (Duncan Kennedy) and *Attitudes of the Poor Towards Law in Rio de Janeiro* (Boaventura de Sousa Santos). There were conferences on how to teach law and modernization in US law schools; social science theories relevant to law and development; and how to develop a theory of law and modernization.

A major role of the program was to bring people to Yale who had experience in Third World development. They would join Yale students to participate in classes and research projects. The roster of people who participated in the Program in its early years reads like a Who's Who of legal and social science education in the US and abroad, including:

- Yale Faculty—David Trubek, Richard Abel, William Felstiner, Robert Stevens, Quentin Johnstone, Robert Hudec, Benjamin Cohen (Economics), Hugh Patrick (Economics), Donald Black (Sociology), and Leon Pospisil (Anthropology)
- Senior Fellows –Marc Galanter (Chicago), Laura Nader (Berkeley), Henry Steiner (Harvard), and Yash Ghai (Dar es Salaam); Brun Otto Bryde (Giessen)
- Research Fellows: Tom Heller, Francis Snyder, Dennis Lynch, Francis Deng, Louis Goodman, Bolivar Lamounier, João Mestieri, Neelan Tiruchelvam, HWO Okoth-Ogendo, June Starr, and Michael Lowy
- Yale Law Students: Duncan Kennedy, Boaventura de Sousa Santos, Robert Pozen, Heleen Ietswaart, Lance Compa, Steve Wallerstein, David Clark, and Attila Andrade

As the program gained more experience and knowledge, changes were introduced and a more explicit set of goals articulated.

4) *Dreams of Scientific Glory—A Long-term Plan Emerges*

There are a number of ways to tell the story of the Program. One is to look at what we wrote to USAID. The proposal itself was incredibly short and very general but reflected the kind of liberal-legalist, social engineering ethos Felstiner and Trubek had absorbed as Yale Law students and perfected as USAID lawyer-managers. We said the Program would support two kinds of study: explorations of "how law relates to other forces that maintain traditional structures" and analyses

of “desired but unadopted policy [to] evaluate the changes needed in the legal system to make the policy function....”¹⁰

While the proposal itself was short and general, we provided detailed Annual Reports that covered all aspects of the Program and reflect the evolution of our thinking. In these reports, we articulated a vision of law and modernization as *a scientific field of study* that would illuminate the difference between traditional and modern legal systems and identify strategies for modernizing the traditional, thus promoting capitalist development and contributing to US foreign policy goals.

Development of this broader vision started in 1970 when Abel and Trubek launched a course entitled *Introduction to Theories of Law in Society-ITLS*. It was designed to consolidate theoretical issues in law and modernization and serve as an introduction to more advanced work.¹¹ It would “examine the literature of law and social science to explain its characteristics in, and relationship to, societies traditional or modern, static or rapidly changing.”¹² It was taught by Abel and Trubek the first year and Trubek and Laura Nader the second.¹³

By the third year, L&M was revising its objectives and modalities. ITLS was renamed *Comparative Legal Sociology*, and a research strategy was proposed: theoretical work would be aimed at creating *a comparative social theory of law*. The course was completely reorganized and retitled. This change, we noted, “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.”¹⁴ The course would illuminate the relationship between “traditional” and “modern” legal systems.” It was taught in Fall 1972 by Abel and Trubek¹⁵ and repeated in Spring 1974 by Abel.

¹⁰ Final Proposal for AID Institutional Grant Support, 1969, 4, Yale Law School Records of the Dean (“A.I.D. 1969”).

¹¹ Annual Report from the Program in Law and Modernization at Yale Law School to USAID, 1970, 1, Yale Law School Records of the Dean (“Annual Reports”).

¹² Ibid.

¹³ Second Annual Report from the Program in Law and Modernization at Yale Law School to USAID, 1971, 1, Yale Law School Records of the Dean (“Annual Reports”).

¹⁴ Third Annual Report from the Program in Law and Modernization at Yale Law School to USAID, November 1972, 20, Yale Law School Records of the Dean (“Annual Reports”).

¹⁵ Here is the course description:

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 Maine 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 reorganization of ITLS was part of a broader reconceptualization of the “field” and the Program. In the Third Annual Report, we restated objectives, noting that the primary goal was 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.” These relationships, we stated, were what we meant by “law and modernization.”¹⁶

Having thus defined the objectives of the Program, we went on to explain that the “field” of law and modernization had three key elements: Comparative Legal Sociology; area studies of Third World legal systems; and policy studies of legal problems in the Third World.¹⁷ Comparative Legal Sociology was seen as the master discipline, described as:

“A social science discipline allied with legal sociology, legal anthropology, comparative sociology and comparative politics on the one hand, and legal studies (jurisprudence, legal history) on the other....”¹⁸

We said that Comparative Legal Sociology “employs the methods of the social science fields to which it is allied,” and we noted that we had made the development of this discipline a major objective of the program.¹⁹

By the Third Year we had adopted a comprehensive program and announced our intent to create a global “field.” In our report to USAID, we set out ambitious goals and a long-term strategy of research, teaching and institution building. We were looking far into the future when we advanced the following goals that, we promised, would lead to the creation of a new “field” of law and modernization:

- Create an institutional structure to study law and modernization
- Organize existing knowledge
- Conduct multidisciplinary, empirical studies to verify empirical generalizations
- Encourage theory building in related areas
- Train Yale faculty in social science, behavioral science studies of law, development, and the Third world.
- Train a small cadre of advanced researchers
- Disseminate knowledge
- Support growth of other L&M research centers

the variations between legal systems in terms of other social variables, such as differentiation, bureaucratization, etc. *Ibid.*, J1.

¹⁶ *Ibid.*, 3.

¹⁷ *Ibid.*, 5-6.

¹⁸ *Ibid.*, 5.

¹⁹ Comparative Legal Sociology “uses social science methods to formulate universal propositions about the relationship between law and society” and generates testable hypotheses that would lead to verified empirical generalizations and “general theory.” *Ibid.*, 5-6.

By this time, the Program was fully operational. The annual budget for 1972-3 was \$240,000 and by 1973-74 would reach \$275,532. The latter is the equivalent of \$1.75 million today. In 1972-73, we supported three Yale professors, two visiting professors, and eight research fellows plus meetings, travel, library acquisition, support staff, and other costs.

5) *Russell Sage and the Early Days of the Law and Society Association*

While we were busy constructing the course on Comparative Legal Sociology, we worked with another group at Yale: the Russell Sage Program in Law and Social Science. In the 1960s, the Russell Sage Foundation supported programs in law and social science at several universities, including Yale.²⁰ These programs stimulated interest in law among social scientists while helping law professors develop the ability to work with social science. The Russell Sage Program brought to Yale many social scientists with whom we interacted. These contacts may have influenced our decision to make Comparative Legal Sociology the master discipline for Law and Modernization and help us figure out what content to pour into that vessel. It also put us in contact with the fledgling Law and Society Association, which in its early days drew heavily on participants in the several Russell Sage Programs. One result of this alliance was to introduce scholars working on the Third World to LSA, helping to ensure that the Association had an international dimension from the beginning.²¹

6) *Product*

In its short life, the L&M Program produced a wide range of scholarship, some of which has become iconic in the field. We supported numerous Master's theses and SJD dissertations, issued 23 Working Papers (excluding translations) and reprinted 6 articles.²² Among the best known products were working papers by Galanter and Trubek that ultimately *became* *Scholars in Self-Estrangement*²³; "Why the Haves Come Out Ahead" by Marc Galanter, and "Law Against Law" by Boaventura de Sousa Santos which led to *The Law of the Oppressed: The Construction and Reproduction of Legality in Pasargarda*.²⁴

7) *Beyond technocracy and normal science: a critical tradition emerges*

While in our reports to USAID we presented the Program as a technocratic and scientific adjunct to US foreign aid policy, something else was happening on the

²⁰ See Ross (1968).

²¹ Showing the relation between L&M and LSA, when the Law and Society Association (under Abel's presidency) held its first overseas meeting in Amsterdam in 1991. Bill Felstiner was co-chair, and Trubek and Abel were part of the Program Committee.

²² See Appendices A & B.

²³ Trubek, David M. and Marc Galanter. 1974. "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States." *Wisconsin Law Review* 1974 (1062). Available at <https://repository.law.wisc.edu/s/uwlaw/item/15835>.

²⁴ *Law & Society Review* Vol. 12, No. 1 (Autumn, 1977), pp. 5-126.

Yale campus. On one hand, we had created a new intellectual space open to a wide variety of ideas, not just those of normal social science and pragmatic liberal legalism. On the other, Yale was becoming a hotbed of protest and radical ideas.

By year three we had succeeded in creating a separate space within the law school where we were free to experiment with new ideas and theories and attract students looking for something broader and perhaps more politically relevant than the usual doctrinal law courses. Into this space came scholars from the Third World (many from autocratic regimes), Americans and Europeans who had worked in the Third World, and Yale JD students attracted by the attention to social theory and discussions of social change. These participants had no stake in the USAID story, and many criticized the assumptions and approaches set out in the Reports. The Yale JD students challenged all aspects of the US legal system as well as efforts to “transplant” them. And Third World scholars were eager to find a place where they could critique the repressive regimes they experienced at home as well as the US for supporting those regimes.²⁵

In the University, there were demands for affirmative action and womens’ rights, for reform of faculty governance, and for curricular change. Student radicals mounted a major attack on the law school: in 1971 Duncan Kennedy, then a student at Yale, published “How the Law School Fails: A Polemic,”²⁶ a comprehensive critique of both the students and the faculty. In it he describes the student radicals of the time: “The radicals denounce ‘competition’...and criticize the content and organization of study...as irrelevant, meaning both that school fails to play a responsible role as a catalyst of change...and reinforces ...[student] opportunism.”²⁷ While student protests of one type or another roiled the Law School and the University, outside there were broader protests over the War in Vietnam, especially the bombing of Cambodia, and other issues. When the Black Panthers were put on trial in New Haven, massive protests were organized outside the Courthouse, a few blocks from the Law School. Some students protesting the trial disrupted Law School classes, leading to a major disciplinary action and law school crisis.²⁸

²⁵ Boaventura Santos in his essay recalls how a group of students were reading Marx and other radical texts, thus moving even further from the Cold War liberal legalist synthesis with which the Program had started.

²⁶ See Kennedy (1971).

²⁷ *Ibid.*, 80.

²⁸ Mark Tushnet recalls this period: “New Haven at that period was a city in substantial turmoil. Leaders of the Black Panther Party were being prosecuted for murder in a case that attracted national attention. The Yale campus experienced the usual disruptions resulting from protests against the war in Vietnam, made somewhat more prominent perhaps by the presence of William Sloane Coffin at the University. The cultural radicalism of the period led students to engage in flamboyant dress and behavior. The Yale Law School student body was not immune from these influences, even cultural radicalism, which in turn affected the faculty at the Law School. The faculty had invested a great deal in developing a sense of itself as ‘the best and the brightest’ of a generation of policy-oriented legal intellectuals. What seemed to them a flamboyant cultural

In this period, our scholarship became more critical, and the seminars shifted from discussions of technocratic reforms to wide-ranging debates on national and world politics. One of the best known products of the scholarly turn was Trubek and Galanter's *Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States*.²⁹ *Scholars*, begun while Dave and Marc were both at Yale and published in 1974, argued that the law and development movement had been committed to exporting liberal legalism, using a model based on a rosy view of the US system. As the US model came under criticism from activists and scholars and efforts at transplant failed, the movement lost its anchors. This led to a sense of estrangement and confusion: as both authors had participated in early efforts to transplant liberal legal institutions, they described this condition as "self-estrangement." The article presaged a wave of criticism of early law and development ideas, including both those that underlay USAID's forays into law and the original formulation of the L&M Program. Writing in 2014, Ruth Buchanan described it as "arguably the most cited contribution to scholarship on law and development of the last 40 years."³⁰

At the same time, the classroom reflected the critical turn, and the Law and Modernization Program played a major role in this development. Mark Tushnet notes that there was a debate over the legacy of Legal Realism in which Yale had adopted relatively conservative approaches including Karl Llewellyn's "situation sense" and Myres MacDougal's policy science. In contrast,

Trubek and Abel in particular turned to classical social theory In conjunction with a program in law and development generously funded by the Agency for International Development, they instituted a reading group on the philosophy of social science undergirding a social theory of law, in which Duncan Kennedy, Nancy Gertner, Helene Ietswaart, and several others, including myself, participated. This association with student radicals, even a fairly intellectual association with fairly intellectual student radicals, did them no good in the eyes of the senior faculty. And, in some sense, rightly so. For, in the course of these discussions, shaped by the confrontation of legal realism with classical social theory in a climate of political confrontation, the outlines of what became critical legal studies were sketched.³¹

As Trubek describes in the following essay, the Law and Modernization Seminar became a center of radical critiques of law, and it is no accident that two thirds of those who convened the first Conference on Critical Legal Studies in

radicalism constituted a direct rejection of principles to which the faculty were devoted at the core of their being." Tushnet (1991, 1531).

²⁹ See Trubek and Galanter (1974).

³⁰ Buchanan (2014, 25).

³¹ Tushnet (1991, 1553).

Madison, Wisconsin in 1977 had participated in the Program, including several who attended that Seminar.³²

8) *And then it all fell crashing down*

Little did we know when we submitted the Third Annual Report that two years later we both would be gone from Yale, and shortly after that the Program would be terminated, leaving no trace. By 1975, Trubek and Abel were gone; Professors Johnstone and Reisman took over. The program was reoriented to more traditional LLM training, with less social science and no critical content. A visiting professor, James Paul, taught a one-shot class on African Law and Development. By 1977 the Program was over.

What had happened? To understand the fate of the Program, we must examine the broader context at Yale. The Yale faculty was reeling from the onslaught of student radicals like Kennedy. Wedded to a professional demeanor and a solidly middle-class life style, they were appalled by the counterculture and all the acting out. Mark Tushnet noted that “What seemed to them a flamboyant cultural radicalism constituted a direct rejection of principles to which the faculty were devoted at the core of their being.”³³ Some senior professors came to look on junior faculty like Trubek and Abel as allies of the student radicals and a threat to the Law School.

At the same time many on the faculty had a stake in the liberal legalist idea: the Legal Realists among them had been radicals of a sort back in the day, but they had settled into a pragmatic form of liberal legalist thought which was challenged by the proto-CLS ideas being developed by students like Kennedy, Santos, and Tushnet. Someone observed after we left that it was a relief to have “those Marxists” gone from Yale.

Finally, there probably were some who wanted to get control of the vast machine we had built. There were two groups within the faculty who were interested in the space we occupied. The first were those like Quentin Johnstone who played a role in the unproblematic transplant of US legal education to the Third World (as dean of the law faculty at Addis Ababa). The second were those like Michael Reisman a protégé of Myres MacDougal. As Gioavanopoulou notes in her essay, MacDougal represented a very different approach to theorizing about the role of law in development, one more aligned with US foreign policy than what was emerging in our scholarship and seminars. No surprise that Johnstone, a conservative post-Realist if there ever was one, and Reisman, MacDougal’s protégé, took over the Program once we were both gone.

³² The conveners included Program participants Trubek, Abel, Kennedy, Rosenblatt, Tushnet, & Heller. Other conveners were Horwitz, Unger and Macaulay who had interacted with the Program at one time or another.

³³ See Tushnet (1991).

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University Archives. New Haven, Connecticut, United States.

Appendix A – Law and Modernization Program Working Papers

These entries appear as they do in the table of contents of the bound volumes of the working papers, located in the Yale Law School archive. See Yale Law School Library Archive.

1. Heller, Thomas C., CONFLICT, LAWYERS, AND ECONOMIC CHANGE (Chapt. 3). 59 p. May, 1971.
2. Snyder, Francis G. A PROBLEM OF RITUAL SYMBOLISM AND SOCIAL ORGANIZATION AMONG THE DIOLA-BANDIAL. 40 p. N.D., 1971(?).
3. Felstiner, William L. F. FORMS AND SOCIAL SETTINGS OF DISPUTE PROCESSING. 35 p. N.D.
4. Santos, Boaventura de S. LAW AGAINST LAW. 139 p. N.D.
5. Abel, Richard L. INTRODUCTION TO THEORIES OF LAW AND SOCIETY (Syllabus). 20 p. 1970.
6. Abel, Richard L. THE DEVELOPMENT OF A MODERN AFRICAN LEGAL SYSTEM, KENYA. (Syllabus). 29 p. 1971.
7. Galanter, Marc. WHY THE “HAVES” COME OUT AHEAD: SPECULATIONS ON THE SETTINGS AND LIMITS OF LEGAL CHANGE. 59 p.
8. Pozen, Robert C. PUBLIC CORPORATIONS IN GHANA: A CASE STUDY IN LEGAL IMPORTATION. 77 p. N.D. (1972?).
9. Guben, Jerrold K. “THE ENGLAND PROBLEM” AND THE THEORY OF ECONOMIC DEVELOPMENT. 15 p. N.D.
10. Trubek, David M. A CRITIQUE OF THE “LAW AND DEVELOPMENT” LITERATURE. 22 p. 1972.
11. Brockman, Rosser H. CUSTOMARY CONTRACT LAW IN LATE TRADITIONAL TAIWAN. 197 p.
12. Trubek, David M. MAX WEBER ON LAW AND THE RISE OF CAPITALISM. 45 p. June 1972.
13. Abel, Richard L. TOWARD A COMPARATIVE SOCIAL THEORY OF THE DISPUTE PROCESS. 120 p.
14. THE RELEVANCE OF LEGAL ANTHROPOLOGY TO COMPARATIVE SOCIAL RESEARCH IN LAW. Proceedings of a Conference, 1971, Yale Law School. 250 p.
15. Black, Donald J. THE MOBILIZATION OF LAW. 56 p. N.D. 1972 (?).
16. Levy-Bruhl, Henri. JURIDICAL ETHNOLOGY. Carolyn J. Snyder, Tr., Introduction by Francis J. Snyder. 81 p. N.D.

17. Ghai, Yash P. THE STATE CORPORATIONS IN TANZANIA: THE CHALLENGE OF DEVELOPMENT TO LAW. 32 p. N.D.
18. Brown, Roland. EXPROPRIATION OF ASSETS: AN AFRICAN VIEWPOINT. 23 p. March, 1973.
19. Arthurs, H.W. LAW AND DEVELOPMENT: THE CASE OF CANADA. 17 p. N.D.
20. Galanter, Marc. NOTES TOWARD A TAXONOMY OF THEORIZING ABOUT "LAW AND DEVELOPMENT". 22 p. April, 1972.
21. Tiruchelvam, Neelan. THE IDEOLOGY OF POPULAR JUSTICE. 30 p. March, 1973.
22. Lamounier, Bolivar. JOHN J. LINZ ON IDEOLOGY IN AUTHORITARIAN REGIMES: A CRITIQUE AND AN ALTERNATIVE VIEW. 34 p. May, 1973.
23. Compa, Lance. LABOR LAW AND THE LEGAL WAY: COLLECTIVE BARGAINING IN THE CHILEAN TEXTILE INDUSTRY UNDER THE "UNIDAD POPULAR". 117 p. May, 1973.
24. Toharia, Jose J. SOCIAL LIFE AND LEGAL ACTIVITY IN SPAIN 1900-1970. Catherine G. Lynch, Tr. 26 p. May, 1973.
25. Nothing published.
26. Trubek, David M. WHAT IS AN OMELET; WHAT IS AN EGG? SOME THOUGHTS ON ECONOMIC DEVELOPMENT AND HUMAN RIGHTS IN LATIN AMERICA. 12 p. April, 1973.

Appendix B – Law and Modernization Program Reprint Series

These entries appear as they do in the 1972-1973 Annual Report to USAID. See Third Annual Report from the Program in Law and Modernization at Yale Law School to USAID, November 1972, Appendix H, Yale Law School Records of the Dean (“Annual Reports”).

- 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 MarketL 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