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LAW SCHOOL DEVELOPMENTS

Once a year, this department will carry figures on law school registration. In addition it will provide a medium for the description of experiments in curriculum, teaching method, and administration. Like "comments," the typical law school development note will be characterized by brevity and informality; unlike them, it will be descriptive rather than argumentative and will deal primarily with devices which have been tested in actual operation. As a general rule, the authors will gladly answer inquiries and, to the extent available, upon request supply copies of materials referred to.

A LATIN AMERICAN LECTURE-CONFERENCE TOUR

Jerome Hall *

The following statement is a report of a lecture-conference tour of Latin America, June 3—September 9, 1960, financed by a grant from the Ford Foundation.

I

The Undertaking

In 1945, when the Editorial Committee of the Association of American Law Schools decided to include a volume of Latin American Legal Philosophy in the 20th Century Legal Philosophy Series, the writer came into contact with a number of Latin American legal philosophers. Subsequent publications and affiliations led to contact with a wider circle of Latin American scholars. A number of invitations to lecture in Latin American countries were received, but the writer’s lack of knowledge of the Spanish language barred any thought of acceptance.

In 1959, a group of Peruvian law students, invited by the State Department, came to Indiana University, where it became the writer’s responsibility to lecture to them daily for a period of five weeks. The need to secure the services of a competent interpreter was imperative. Fortunately, it was not necessary to look far or long. In September 1958, Mr. Pedro R. David, a young Argentinian judge, had come to Indiana University on a Fulbright

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1 The writer is a member of the Argentine Association of Legal and Social Philosophy, the Tucuman Society of Criminal Law and Criminology, and other Latin American societies. A chapter of his GENERAL PRINCESSES OF CRIMINAL LAW (1947)—that on legality—was translated and published in La Ley, the principal lawyers’ journal in Buenos Aires, Argentina, in 1950; in 1951, his essay INTEGRATIVE JUIISPRUDENCE was published in El Actual Pensamiento Juridico Norte America- cano (1956); LIVING LAW OF DEMOCRATIC SOCIETY (1949) was published in Brazil (DEMOCRACIA E DIREITO); and in 1959, the writer’s University of Buffalo lectures, Reason and Reality in Jurisprudence, 7 BUFFALO L.REV. 351 (1958), were published in Buenos Aires (Razon y Realidad en el Derecho).

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Fellowship to do graduate work in sociology. As part of his program, he took a minor in law and was thus a student in the classes and seminars in criminal law and jurisprudence. He understood spoken English very well, and his fluency in Spanish, as well as his familiarity with the subject matter of the lecture to the Peruvian students, made his services as interpreter very effective. Again, in the first months of 1960, Mr. David assisted the writer in lectures to a second group of Peruvians. At the completion of that experience, lecturer and interpreter had learned how to cooperate in many ways, and the language problem appeared to have been completely solved. Indeed, from the termination of the first Peruvian Seminar in March 1959, the possibility of a Latin American tour seemed feasible. The earlier invitations and contacts were then followed by exploratory correspondence with Latin American scholars. The replies were generous in their encouragement, and a definite decision was reached to undertake a lecture-conference tour. The Ford Foundation responded very favorably and provided the necessary subsidy and the assistance of the Institute of International Education.

II

THE TOUR

Once the decision to undertake the tour had been reached and the necessary funds assured, efforts were concentrated on specific matters—the places and universities to be visited, the subjects of the lectures and round-table conferences, the time to be spent in each place, and the like. A four-page announcement in Spanish was sent to deans of law schools, to scholars with whom contacts had previously been established, and to other scholars in the indicated fields. After some hesitation regarding the scope of the tour, the decision was reached to go to Mexico and all the countries of South America. Later, for reasons beyond control, it became impossible to lecture in Bolivia, Paraguay, and Venezuela—e.g., in Venezuela, the law school term did not start until the middle of September. The first page of the announcement described the general plan and purpose of the tour, and listed the two principal subjects suggested for discussion—namely, Theory of Penal Law and Integrative Jurisprudence. It also listed six additional or alternative subjects from which selections might be made: Psychiatry and Criminal Responsibility, Criminology and Penal Theory, Legality in Penal Law and the Case Law System of the United States, Sociology of Law, Legal Sanctions, and Legal Science and Comparative Law. Pages two and three of the announcement gave the vitae of the lecturer and his interpreter, and page four set out the itinerary, with date of arrival and departure for each place. In the letter that accompanied the announcement, it was indicated that a formal invitation from the dean of the law school or another authorized person would, of course, be required. In addition, scholars in penal law or legal philosophy known to the writer were asked to confer with the dean and help make the necessary decisions as to the subjects desired to be discussed, whether by lecture or round-table conference, the specific place, time, and so on.

Very cordial replies and invitations were received from all the deans or other authorized persons before June 3, 1960, the date fixed for departure from the United States. The tour, as finally carried out, included in
chronological order: Mexico City, Bogota, Quito, Guayaquil, Lima, Arequipa, Cuzco, Tucuman, Cordoba, Buenos Aires, La Plata, Santiago de Chile, Montevideo, Sao Paulo, and Rio de Janeiro. In those cities, lectures and round-table conferences were held, principally at the national and provincial universities and also at several Catholic universities—e.g., in Bogota, Lima, and Rio de Janeiro—as well as at several private, nondenominational schools—e.g., the Escuela Libre in Mexico, the University of Gran Colombia in Bogota, and MacKenzie University in Sao Paulo. There were also lectures to several bar associations (collegio abogado), to doctors and others interested in forensic psychiatry, to social scientists (institutes) interested in the sociology of law, and to several societies whose membership included representatives of different professions and businesses.

III

An Estimate of the Results

1. Latin American legal scholarship has long had close ties with European scholarship, especially German, French, Italian, and Spanish, and many European scholars lecture in the Latin American countries. Thus, a lecture-conference tour by a North American legal scholar was an unusual event. The tour brought the writer into contact with almost all the major law schools of Latin America and with many of the leading legal scholars and social scientists. The significance of the tour was greatly augmented by the fact that the theory of criminal law and the legal philosophy presented raised important questions directly in the fields of interest of these Latin American scholars. As is implied in the foregoing, there was not only lecturing by the writer, but also a valuable exchange of ideas.

2. Personal ties were established and consolidated with many Latin American scholars especially in legal philosophy, criminal law, sociology of law, comparative law, and social science.

3. The door has been further opened to a wide, more effective exchange of students and scholars. Many students, present at the lectures and conferences, later expressed a keen desire to study in the United States. The contacts established with scholars and deans make it possible to select fully qualified students for this purpose, and the award of scholarships could proceed on an assured basis. For similar reasons, the exchange of scholars can be placed upon a sounder basis.

4. The tour provided ample opportunities to become familiar with legal education, legal scholarship, and research in Latin America.

5. The tour established the fact that the language barrier can be overcome, indeed, to the point of complete solution. In the past, some of our governmental agencies have taken the position that only Spanish-speaking scholars would be sent to Latin America, and since only very few scholars speak Spanish, this has almost barred any possibility of exchange. So, too, it has been widely assumed by the scholars, themselves, that language is an insurmountable barrier. The writer's tour, as well as his previous one in 1954, has established beyond question that this opinion must be sharply re-
vised. The door is open to any qualified scholar, provided he is accompanied by an interpreter who has not only a high level of general linguistic competence, but also detailed knowledge of the lecturer's theories.

It should, perhaps, be emphasized that such a tour is not a one-way contribution. There are many extremely able and some brilliant legal scholars in Latin America who give as much as, or more than, they receive. It is hoped that, as a result of this exchange of views, the potential area of communication has been expanded in important fields of knowledge and especially that progress towards the ideal of universal legal scholarship has been accelerated.