

University of Michigan Law School
University of Michigan Law School Scholarship Repository

Miscellaneous Law School Publications

Law School History and Publications

1957

The University of Michigan Law School as Seen by a Visitor

C.J. Hamson
Cambridge Law Journal

Follow this and additional works at: <http://repository.law.umich.edu/miscellaneous>

 Part of the [Legal Education Commons](#)

Citation

Hamson, C.J., "The University of Michigan Law School as Seen by a Visitor" (1957). *Miscellaneous Law School Publications*.
<http://repository.law.umich.edu/miscellaneous/81>

This Article is brought to you for free and open access by the Law School History and Publications at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Miscellaneous Law School Publications by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mLaw.repository@umich.edu.

MC
806
H23u

42
4544
36
457x

[Note: The following statement was prepared at my suggestion by C. J. Hamson after his return to Cambridge. I have thought that members of the Faculty would be interested in it. E.B.S.]

THE UNIVERSITY OF MICHIGAN LAW SCHOOL
AS SEEN BY A VISITOR.

I

An outstanding feature of the Law School at Ann Arbor is the remarkable opportunity which it offers for an important and possibly momentous development in the field of comparative legal studies. Many American law schools are showing great interest in comparative law and some - e.g. Harvard, Columbia, New York and Tulane - have many advantages; but at none perhaps is the conjunction of circumstances as favourable as it is at Ann Arbor.

The impression made upon a visitor is that this law school is in this field on the brink of a critical discovery. A catalyst is no doubt necessary to bring the elements into precipitation; but they seem to be all present and to be in suspension at a point of saturation. In such a situation it is humanly very probable both that the culminating event will occur relatively shortly and that it will occur in a manner which, after the event, will appear to have been quite obvious and simple. Such a situation presents an evidently most provoking intellectual challenge.

The elements which, being present together, give this impression that a critical stage has been reached at Ann Arbor

ALG-IX-9
LS-XI-57
Davis office 10-X-57

include the following:

- (a) A considerable tradition of advanced research in comparative legal problems, and an important series of publications in this area. The reputation so established is likely to attract other scholars and thus to perpetuate a school. The existence and continuation of the school which is associated with the name of Professor Hessel E. Yntema is evidently of exceptional importance.
- (b) The concentration at Ann Arbor of the American Journal of Comparative Law, which is the prime instrument in the United States for the development of the subject. It is not so much the value at present of the Journal in itself which is important; it is rather its production at Ann Arbor, for that entails a continuous nucleus of activity and, what is almost equally important, the reputation that there is here this continuous activity in this field.
- (c) The existence at Ann Arbor of a remarkable collection of foreign law books and of an excellent library providing unequalled opportunities for work and research. Whilst there may be one or two collections in the U.S.A. which are more complete, there is probably none which is as intelligent and which can be as conveniently consulted. An invaluable additional asset is the expert assistance which is available in the library: this expert assistance immensely facilitates and stimulates research.

- (d) The fact that the Law School has, in addition to an incomparable plant, free funds which it is able and willing to devote to the prosecution of projects in the field of comparative legal studies. It is unlikely that any reasonable project undertaken at Ann Arbor will fail for lack of money, or of that assistance which money is sometimes able to procure.
- (e) The presence at Ann Arbor of a continuing stream of foreign teachers and students. The proper utilisation of this asset, the cost of which must be considerable, presents probably the most intractable of all the problems. There would seem to be at least four diverse objects which are served by the invitation of foreigners to the law school:
- (i) A benevolent purpose: where the foreigner invited (whether young or old) is permitted or encouraged to pursue his own studies but is introduced to the atmosphere and spirit of an American law school. [The writer of this report visited the Harvard Law School as a young man under such a scheme and would not wish to depreciate its utility, but it does not render any great immediate return to the inviting school though the longer term results may be most beneficial. No doubt the visitor does contribute something to the students if young, or to the faculty if older.]

- (ii) A foreign propaganda purpose: where the object of the invitation is to provide the foreigner, here normally a young man, with an introduction to American law. It is undoubtedly a proper object of comparative legal studies - and one which particularly appeals to this writer - that a native lawyer should be encouraged to learn the art of making his own law intelligible to the foreign lawyer; and the exercise of attempting to do so is also very instructive for the members of the faculty who undertake it.
- (iii) A domestic teaching purpose: where the invited foreigner is expected to make some contribution to the instruction of American law students or, if more senior, is asked to give a course of lectures either on the foreign law itself or on a subject treated comparatively. It is a major problem to integrate such a course into the curriculum without unduly cramping the visitor and yet to make it attractive to the regular American student. It may perhaps be possible to ask the visitor, should he come from a common law country, if not to give, at least to take part in giving, one of the regular courses. This would be easier in the case of legal history, jurisprudence and international law but probably more fruitful in the case of contract or tort or other basic common law subject.

(iv) A research purpose. Here the foreign visitor may be selected either on the basis of his ability to contribute to a project which is on hand and under the direction of a member of the permanent staff or because his own independent research is of a kind which it is desired to encourage at Ann Arbor. This latter purpose would evidently be closely related to (a) above: the continuation of advanced research in comparative law at Ann Arbor.

The purposes (i)-(iv) are no doubt capable of being combined but it would be conducive to the clearest thinking to conceive of them as distinct.

(f) The existence at Ann Arbor of a flourishing school in public international law and in international legal relations. While the purposes and techniques of comparative law are distinct from those of other disciplines, any study which leads the lawyer's mind beyond the confines of his own municipal law and brings him into contact with foreign legal concepts is evidently useful to, and provocative of, comparative study.

(g) The marked interest of members generally of the Faculty at Ann Arbor in comparative law. Though they did not claim to be, nor desired to become, specialists in the subject, they seemed to the visitor to be in general very well disposed towards it and willing to promote it as far as they reasonably

could. This general interest is no doubt necessarily indeterminate and will not of itself supply the lead required for a solution. Indeed it may well in some measure be a complicating factor, but its existence is both a challenge to the comparative lawyer and an assurance that an adequate response on his part would be recognised as meeting a real want.

- (h) The calibre, range and ability of the student body at Ann Arbor. The writer of this report was greatly impressed by the manner in which the members of his audience coped with a subject and a technique which were unfamiliar to them. He was much heartened by the interest they displayed in comparative law and by the impression which they conveyed to him that the subject was one which they regarded as educative and helpful to themselves.
- (i) The high standing with the profession of the Ann Arbor law school, and the fact that it is a Middle Western school. A solution which is acceptable to and judged useful by the Ann Arbor school would not be regarded as suspect by the profession nor as a fanciful and exotic aberration. Indeed the finding of a solution which is effective at Ann Arbor would of itself be evidence both that the problem is genuinely an American problem (as well as a problem in other countries also) and that the solution is a genuine solution of that problem.

II

The visitor is perhaps in a privileged position for the making of the observations set out in the first part of this report; and it is hoped that their enumeration may be of some use to the persons who are responsible for decisions and action at Ann Arbor. The visitor has however certainly no privilege for the making of proposals for action: he would not be aware of all the difficulties of organisation in the concrete case nor of the particular stresses which a particular choice would evoke. Moreover his suggestions would necessarily be coloured by his own predilections, which are entirely irrelevant.

Without therefore making any proposals, may I be allowed to add that I would not have taken the trouble to compose this statement had I not been extremely impressed by what I saw at Ann Arbor and by my sense of the very great potentialities of development especially in the field of comparative legal studies. I not only enjoyed my visit to Ann Arbor and, as I hope, profited by it: I was much heartened to find that so important a school was taking as fruitful an interest in comparative law, with as much success as it has already achieved and with the promise of great and even spectacular further advance in a subject, or method of teaching, which, as I think, is likely to be the best contemporary instrument for the liberalisation and expansion of modern legal studies.