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LEGAL EDUCATION: THE LATIN AMERICAN PROGRAM IN PLAN AND RETROSPECT

RUSSELL A. RASCO*

Franklin Delano Roosevelt, in his 1933 Inaugural address stated:

In the field of world policy I would dedicate this nation to the policy of the Good Neighbor—the neighbor who resolutely respects himself and because he does so, respects the rights of others—the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors.

The words, “Good Neighbor,” originally intended by Roosevelt to apply to the entire world, have developed a special significance for the countries of Latin America. The Good Neighbor Policy has progressed during the last fifteen years. The establishment of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance are recent signposts along the road of progress at the national level.1

But progress at the national level alone, although vital, by no means spells success for the Good Neighbor Policy and for the larger concepts of hemispheric solidarity and world peace. The core of any “good neighbor” relationship lies within—in the hearts and minds of the neighbors themselves. These neighbors are no more or no less than the people of the countries of North and South America. And of these people no one is more important to the success of the Good Neighbor Policy than the lawyer. For the lawyer is the regulator of the affairs of governments and men. He is the inter-nation draftsman of treaties, pacts, and protocols. He is the intra-nation leader in political, economic, and social matters. He is truly the policy maker of the Good Neighbor Policy.2

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2. “To a very high degree, it will be the task of . . . the lawyer to work out a system of national and economic collaboration between the Americas that will be beneficial to all countries and at the same time proof against foreign penetration which menaces them. . . . To wield this hemisphere into a cultural and economic unit in which every country will do its share and where the south will profit from the north, as much as the north from the south, is a task which demands the best of all of us. . . . Therefore
Herein, it is submitted, lies the true role of legal education. Governments, both North and South American, may pour hundreds of millions of dollars into a good neighbor program, but the effort will be as throwing a bucket of water into the oncoming tide of misunderstanding and mistrust unless the program is properly administered and, still more important, properly understood by the neighbors themselves. Only then can there be "strengthening [of] the foundations of democratic institutions so that they may be maintained free from abuse and reactionary degradation." 3

I

THE UNIVERSITY OF MIAMI AND THE GOOD NEIGHBOR POLICY

The first bulletin of the University of Miami contained in its opening pages these significant words:

For many years it has been evident that a strategic location for a great university would be in the southeastern region of the United States. There an educational institution would have the greatest possible opportunity to disseminate influence throughout the entire Latin American district and to serve as a liaison between Latin America and the United States.

I can state with what I feel to be pardonable pride that these words were prophetic of a university which was subsequently to develop a well organized, well integrated Latin American program of education, both undergraduate and legal.

Let me make it clear at this point that in tracing the history, growth and current operation of the Latin American program at the University of Miami it is by no means being offered as the only program to be followed. Nor is the writer attempting to turn the "is" of that program into a universal "ought." The plain fact of the matter is that all colleges and law schools should have some Latin American program. In this paper there is presented for serious consideration and criticism one which has worked.

In the very first year of operation of the University of Miami emphasis in the college curriculum was placed on Latin American subjects. In addition to the regular courses in Spanish, instruction was offered in South American history. A lecture series on South American culture was inaugurated. And in that same year Victor Andres Belaunde, celebrated Latin American lecturer and teacher, was appointed to the college faculty. Belaunde offered courses in Resources and Trade in Latin America, Spanish-American Colonial History, Latin American Relations and Latin American Culture. Such a cur-

knowledge of the legal institutions of the Latin-American Republics ... has become of increasing importance. ..." Vance, Need for a Center of Latin-American Legal Study, 26 A. B. A. J. 705, 706 (1940).

3. From Objectives, Inter-American Bar Association.
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The curriculum might not be regarded as uncommon in a present day North American University, but special mention is made of these details and the emphasis on the Latin American aspect of that curriculum because at that time there were but four hundred students in the entire University, a University which now has over ten thousand students and nearly one thousand students in its School of Law alone.

Other Latin American instructors were soon appointed to the University staff, among them Professor Belaunde's brother, Rafael Belaunde, a graduate of the University of San Marcos Law School. Latin American courses in the curriculum rapidly increased in number, while the lecture series program was expanded.

Accompanying this Latin American curricular growth in the University program was the germ of an idea for the establishment of a University Pan-American Institute; and in the year 1928 the University bulletin announced:

It is planned to establish during the months of December and January in connection with the Rotarian Forum two seminars as follows: (a) Discussion of Latin American Problems; (b) Discussion of Latin American Current Events.

These words constituted the first formal announcement of a Pan-American Institute, and the "Rotarian Forum" was the forerunner of the Hispanic-American Institute now in operation at the University. For the next few years the Rotarian Forum, under the supervision of Professor Belaunde, was continued in an expanded form. In 1932 the present Hispanic-American Institute, which I will presently discuss in more detail, was officially launched.

II
THE LATIN AMERICAN PROGRAM IN OPERATION

The University Curriculum—A New Approach

As the enrollment of Latin American students increased at the University of Miami, it became evident that language difficulties formed a major obstacle in the path of the Latin American student who wished to pursue his studies there and at other North American universities on the same academic level as a North American student. Comparatively few students from Latin American countries had that pre-college training in the English tongue necessary to study on an equal basis with North American students. That factor no doubt accounts for the relatively small number of Latin American students in

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4. Another early member of the University staff was Dr. Cyrus F. Wicker, a graduate of the San Carlos Law School, Guatemala. Dr. Wicker had formerly been in the Pan-American service of the United States Government.

5. E.g., Latin American Comparative Constitutional Government and Institutions; Latin American Literature; History of Caribbean Countries; Banking and Trade with Latin America.
North American colleges today. As a prerequisite to admission in North American graduate as well as undergraduate schools the catalogue nearly always calls for "a command of the working language of the school in which their graduate work is to be done." For this reason enrollment of Latin American students in North American law schools has been even more markedly limited. If the Latin American student is not properly equipped (and understandably so because of language difficulties) how can he hope successfully to study law in a North American law school? Yet it would seem that increased enrollment of Latin American students in North American colleges and especially in law schools should be one of the most desirable objectives of the Good Neighbor Policy. Realizing this fact, the University of Miami adopted a definite and forward-looking program—one whose aim was primarily directed at overcoming the ever-present language barrier confronting Latin American students. Under this program, put into operation in the thirties, the Latin American student entering the University of Miami was afforded the unusual opportunity of studying sciences, arts, and the like in his own language. Where previously he had been handicapped severely because of his inability to comprehend what the instructor said in the classroom, he now felt completely at home. But this measure constituted only half of the new program. At the same time that he pursued the study of regular first year college subjects in his own language, the Latin American student was given an intensive course in the English language. It is interesting to note here that English was taught as a foreign language and credit accorded to the Latin American student on that basis. The theory behind this two-ply program was that the Latin American student would become much more rapidly and effectively acclimated to the University curriculum in his first year if the language barrier were removed—a barrier which served only to get him behind at the outset and to keep him behind for the remainder of his undergraduate career, if indeed he were able to survive the first year. The intensive course in English provided him with a mastery of the English language sufficient to permit pursuit of his studies in his last two or three years in English on the same academic level as that of his fellow North American students.

This theory, stemming from a common sense premise, has worked out in actual practice. First year curriculum instruction in the Latin American student's own language coupled with an intensive course in English have succeeded in placing him in a status to which he is entitled, one in which he can derive full intellectual benefit from the University curriculum as a whole.

In order to insure proper administration of this program the University augmented its list of Latin American instructors, specialists in their own

fields. In addition, the University bulletin was printed in Spanish and distributed throughout Central and South American countries, resulting in a further increase in Latin American enrollment. Subsequently the office of Advisor of Foreign Students was created; the adviser specializes in the programs and problems of these students.

It will be noted that emphasis on the Latin American program at the University has been placed on the undergraduate level. There is a definite reason, and, in the writer’s opinion, a compelling reason for this. The great majority of Latin American students who do have the opportunity to attend North American universities (and that number is comparatively small) are afforded that opportunity solely on a graduate basis. Thus their field of study is sharply curtailed at the very outset. But that is only half of the story. The other half of the story, and the significant half, is that the Latin American student who enters graduate school in North America, like any student of graduate school age, has already formed his views and ideas regarding North America and North Americans. Sometimes those views and ideas are impartial and open-minded; often they are partial and slanted, through no fault of the student, but through the fault of biased hearsay evidence, which when repeated magnifies the untrue and minimizes the true.

The Latin American student who is enabled to study in a North American university at the undergraduate level, however, is in an entirely different position. He is still in his formative years. As his mastery of the English language increases he is able freely to discuss with his fellow North American students ideas, politics, philosophy and all the other innumerable matters discussed outside of the classroom. If and when he returns to his own country, at least he returns with his own ideas on North America and its people.

How does this affect legal education? — In a very definite way. The Latin American student who has been trained here on the undergraduate level is far better prepared to study law in a North American law school, not only because of the mastery of the English tongue which he gains in undergraduate school, but because he enters the law school with an open mind. He understands North American culture. More than that, he has achieved closer personal relationships with North Americans. Later practice of law, either in North or South America, will reflect these gains, will promote mutual confidence among the members of the bar in the countries of these two great continents, and, in turn, among their people.

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7. Additions to the University staff included three prominent Latin American lawyers: Juan Clemente Zamora (Cuba), Jose A. Balseiro (Puerto Rico), Rafael Belaunde (Peru).
8. Attendance included students from the following Latin American countries: Brazil, British West Indies, Colombia, Cuba, El Salvador, Haiti, Nicaragua, Netherlands, West Indies, Peru, Puerto Rico, Panama, Venezuela, Virgin Islands.
9. See Ireland, Roman and Comparative Law in the Americas After the War, 19 Tulane L. Rev. 553 (1945).
Training of North American Students as a Vital Part of the Latin American Program

Thus far in the presentation of this paper I have emphasized the training and instruction accorded to Latin American students at the University of Miami. It is apparent that there exists an equally urgent need for adequate instruction of North American students, both in undergraduate and graduate schools, in Latin American culture and mores.

In discussing the historic aspects of the Latin American program at the University, I made mention of Latin American courses in the curriculum and their expansion. The current program offers to the North American undergraduate student a wide variety of Latin American subjects. Proximity to Latin American countries alone has made such instruction and variety advisable. Each year large numbers of graduating students go to Latin America to live and work. Needless to say, then, such courses as those now offered are invaluable, not only to this class of students, but to others who, though they remain to live and work in North America, later have business relations with Latin American firms. The desirability of comparable training and instruction in the School of Law has been clearly recognized. Shortly after the war a course in Latin American Comparative Law was added to the Law School curriculum. The School of Law was most fortunate in being able to obtain Dr. Ernest G. Lorenzen, formerly of the Yale Law School, and one of the foremost authorities in the world on comparative law, to teach that course. The course has been continued, and other courses dealing with Latin American law are being added.

10. See note 8 supra.
11. Courses included in the current curriculum: Economic Problems of Modern Hispanic America; Geography of South America; Geography of Middle America; Governments of Hispanic America; Hispanic-American Diplomatic Relations; Hispanic-American History; Survey of Spanish Literature; Spanish-American Literature; Social and Intellectual History of Hispanic-America; History of the Caribbean Area; History of Mexico and Central America; History of the Andean Countries; History of the Plata Area; History of Brazil; Civilization of the Antilles; Mexican Civilization; Central American Civilization; Education in Hispanic America; Caribbean Field Course; Geographic Influences in Contemporary-Hispanic America; History of Spain and Portugal; Great Modern Poets of Hispanic America.
12. "A number of the law schools have given elective courses in Roman law while but few courses have been offered in Latin-American law and legal bibliography. This seems, more and more, a short sighted view, having in mind the fact that lawyers, judges, and public administrators, equipped to deal with Pan-American problems, have been needed in the past, and will be needed much more definitely in the future. An intellectual curiosity on the part of the law-teaching profession would demand an interest in the laws of our Latin neighbors, if it were not already indicated by our international and economic needs." Vance, Need for a Center of Latin-American Legal Study, 26 A. B. A. J. 705, 706 (1940).
EXTRA-CURRICULAR ASPECTS OF THE LATIN AMERICAN PROGRAM

The Hispanic-American Institute

Earlier in this paper mention was made of the Hispanic-American Institute and its forerunner, the Rotarian Forum. As stated, in its initial stages this forum was in the nature of a seminar. In the thirties, however, the Institute took its present form, that of a formalized program with participation on an international basis. Members of the U. S. State Department and of the State Departments of Latin American governments have willingly contributed their services to the Institute. In addition, prominent lecturers, teachers, scholars and other outstanding authorities from the Americas have participated. The Institute is conducted during the winter season. Students of the University may obtain credit upon enrollment and completion of the requirements. The lectures, however, are also open to the public and are delivered both in Spanish and English. The 1949 session of the lecture series was the eleventh of its kind. The School of Law is soon to take part in this Institute, a matter presently to be discussed. Additional functions of the Institute include the administration of special curricula for foreign students; the selection and advising of foreign students; and the advising of North American students planning to study in Hispanic America.

In 1938-39 the scope of the Institute was further expanded to include publication of the *University of Miami Hispanic-American Studies*. Several volumes of this publication have since appeared, and have been widely distributed both here and in Latin America. Another function of the Institute inaugurated in 1939 was the maintenance of an extensive exchange of books and periodicals with libraries throughout the Americas. Approximately one hundred periodicals of all types, in Spanish and Portuguese, are received through the exchange, and about three thousand books have been added to the Latin American section of the University library by the same means.

But perhaps one of the most significant aspects of the entire Institute program has been the arrangement for exchange of professors and students with Latin American universities on a fellowship basis. Such an arrangement has been mutually beneficial. It has given North American students the opportunity for study in Latin American universities; it has served to promote closer personal relationships between the Americas.

13. Although it is not an official function of the Institute, the School of Law has made a practice of transmitting to the Institute for distribution throughout Latin America on an exchange basis, the *Miami Law Quarterly*, legal periodical published by the students of the law school. In accordance with this arrangement, increased emphasis is being placed on leading articles dealing with Latin American law. See, for example, Millas, *Cuban Divorce Law*, 3 *Miami L. Q.* 269 (1949).

14. Three additional Inter-American exchange plans, in which the University of Miami as well as numerous other North American universities have participated, deserve special mention here.
The Future of the Latin American Program in North American Law Schools: Some Concrete Recommendations

Legal education is one of the principal media through which increased mutual confidence and closer personal relationships, cornerstones of the Good Neighbor Policy, can be achieved. In conclusion, the writer would like to submit for consideration some concrete recommendations concerning the shape of things to come in the Latin American program of legal education.

1. North American universities should take definite steps to encourage enrollment of Latin American students, especially at the undergraduate level. This can be accomplished, as suggested earlier in this paper, by:
   (a) offering courses of instruction in the various arts and sciences, preferably in the first year of college, in Spanish;
   (b) offering at the same time a basic but intensive course in English for the Latin American student while in his first year of college attendance;
   (c) publishing and distributing university catalogues and bulletins in Spanish as well as English.

2. Increased emphasis should be placed on Latin American subjects in the North American university curriculum, both at the undergraduate and law school levels, for the benefit of the many students who wish to live and work in Latin America. A high calibre course in Latin American Comparative Law is particularly recommended as an addition to the law school curriculum.

3. Exchange of faculty members and students with Latin American universities, both on an undergraduate and graduate level, should be carried out on an extensive scale. It is interesting to note here that numerous Latin American law schools were highly recommended for legal study in a recent and valuable survey conducted under the auspices of the Inter-American Bar Association, aided by a grant from the U. S. State Department.

The first of these plans, organized at Louisiana State University, involves a special summer English language and orientation course there for approximately one hundred Latin American students preparatory to study each fall at various colleges throughout the United States. Many of these students are selected by the Institute of International Education and are sponsored by the U. S. State Department.

The second exchange plan is sponsored by the Institute of International Education and Pan American World Airways. Ten outstanding students from as many Latin American countries, recipients of the "Pan American Award," are flown annually to colleges and universities of their choice in the United States. Ten other students, from the United States, are flown to Latin America for study there at universities they have selected. This plan, the only one of its kind, was originated in 1937 as a practical program to promote closer cultural relations among the Americas. Transportation, maintenance, tuition, and books are all provided for at no cost to the exchange student.

The third plan is conducted under the auspices of the Florida Southern College. Under this plan from thirty-five to fifty students travel annually by air to Antigua, Guatemala, to attend the Guatemalan summer school. Through the co-operation of the Guatemalan government the students reside in private homes and attend regular classes conducted by Guatemalan instructors.

15. E.g., see note 11 supra.
4. An Inter-American Institute should be created, and, wherever feasible, a separate Inter-American Legal Institute, as integral parts of the extra-curricular program of the undergraduate and law schools. Mention has previously been made of the history, growth, and current operation of such an institute at the University of Miami. I am happy to state now that the School of Law is presently planning to participate in the Institute program. Prominent attorneys, legal scholars and law teachers from the Americas will deliver lectures on topics of current Inter-American interest at future sessions of the Institute, commencing in 1949. In addition, present plans call for divorcement of the parent Institute from the legal portion of the program and creation of a separate Inter-American Legal Institute to be conducted under the sponsorship of the School of Law.

The Good Neighbor Policy is at the crossroads. Mistrust, lack of confidence, jealousy—all these things must be eliminated. Neither should the countries to the north be regarded as “half unwanted, not unwelcome guests” by the countries to the south nor vice-versa. The common need calls for mutual friendship today as never before. It is the writer’s earnest belief that one of the best means of attaining such mutual friendship is through the medium of forward-looking legal and undergraduate education. This is only another way of stating what has already been so clearly stated in the Objectives of the Inter-American Bar Association: “. . . to provide a forum of exchanges of views . . . to uphold the honor of the profession of the law . . . to encourage cordial intercourse among the lawyers of the Western Hemisphere . . . [as] . . . the basis for cooperation in improving the administration of justice. . . .”