

AMERICAN PHILANTHROPIES AND SOCIO-LEGAL CHANGE

American legal historians often encounter a charitable foundation at some point in their research. The Carnegie Corporation funded the Restatements of the American Law Institute; another Carnegie fund financed Alfred Z. Reed's landmark study of American legal education, published in 1921. A local foundation financed the influential Cleveland Crime Survey of 1921-22. Rockefeller family foundations helped Wall Streeters develop a proposal for an administrative alternative to lawsuits for traffic accidents, Yale's Charles Clark document the modern trial court, Willard Hurst pioneer a new approach to legal history. Russell Sage funded law and social science programs and the Law and Society Association in the 1960s. The Ford Foundation funded a host of public interest law firms in the 1960s and 1970s; Olin, Scaife and Phillip McKenna financed law-and-economics programs and conservative public interest law firms in the 1980s and 1990s.

This panel provides an usually good opportunity to see what led American foundations to fund projects of socio-legal reform in the United States and abroad, as well as some of the consequences for law and public policy. The papers take up three different foundations (Russell Sage, Carnegie, and Ford) and span the twentieth century. Two of the panelists (Anderson and Morey) will present dissertation-related research; the third paper-giver (Garth) is the former director of the American Bar Foundation and an eminent scholar of law and social reform. Foundations figure prominently in the commentator's (Schlegel's) *American Legal Realism and Empirical Social Science* (1995). The chair (Katz) is (among other things) a past president of the American Society for Legal History, the former president of the American Council of Learned Societies, and a historian of philanthropies. Three members of the panel hold advance degrees in law; two hold or are seeking advance degrees in history; one is an advanced doctoral student in sociology. Two panelists are women; three are men.

Expert Jurisdiction and Social Problems: The Russell Sage Foundation and Poor People's Credit in Early 20th-Century America

Elisabeth Anderson, Department of Sociology, Northwestern University

Established in 1907 with a \$10 million endowment, the Russell Sage Foundation's (RSF's) organizational mission was the "improvement of social and living conditions in the United States." Between 1909 and 1941, the RSF was actively involved in a nationwide policy campaign against predatory lending. Its major policy proposal was the Uniform Small Loan Law (USLL), a model law that sought to attract "legitimate" lenders to the small loan industry, primarily by raising the legal annual interest rate on loans of \$300 or less to 42%. This paper—coauthored with Bruce Carruthers, Northwestern University, and Tim Guinnane, Yale University—builds on Abbott's (1988) influential analysis of the division of expert labor within the system of professions by examining how *non-professionalized* experts established and defended their authority by carving up a jurisdictional space. We focus particularly on the RSF's struggle to achieve jurisdictional dominance over other contenders within the small loan policy reform field. These included two organizations representing small loan lenders, a philanthropic

organization created to promote the development of credit unions, and John Commons, a prominent academic economist. We trace how the Russell Sage Foundation managed its relationships with these other players, how it sought to establish dominance over these competitors, and how these power struggles were eventually resolved. On the basis of our four case studies, we identify three ways in which expert jurisdictional claims asserted outside the system of professions differ from those within it, including how jurisdiction is initially established, how it is defended, and how it is eventually ended.

Why the Carnegie Corporation of New York Funded a “Study of the Negro” in the 1930s-1940s

Maribel Morey, Department of History, Princeton University

This paper is part of my forthcoming dissertation on Gunnar Myrdal’s *An American Dilemma: The Negro Problem and Modern Democracy* (1944) and its role in postwar discussions of race among lawyers, politicians, and scholars in the United States. The paper explains why the Carnegie Corporation of New York Board of Trustees decided to fund a ‘Study of the Negro’ in the 1930s; why they sought Gunnar Myrdal as the study’s director; what the Corporation’s Board hoped Myrdal would analyze; and, what they hoped the completed study would accomplish. Moreover, I explore how the Corporation collaborated with the Rockefeller Foundation and the Social Science Research Council to form the study.

Elite Civilizers of Empire: Philanthropic Foundations in the Cold War and After

Bryant Garth, Southwestern University School of Law

Scholars have justifiably shown the key role of foundations, especially the Ford Foundation, in building the international human rights movement. Focusing especially on India, Indonesia, and the Philippines, all crucial outposts in the Cold War, the paper will set the human rights movement and other philanthropic inspired social change activity, such as “legal empowerment,” within a more general historical context. Drawing on research that Yves Dezalay and I have been pursuing, the paper will relate the domestic position of U.S foundations to the evolution of U.S foreign policy, and it will also examine more precisely what role foundation policies play in the countries in which they invest.

Commentator: John Henry Schlegel, State University of New York at Buffalo School of Law

Chair: Stanley N. Katz, Woodrow Wilson School, Princeton University (invited)