Counteracting provincialism

Yntema’s founding of comparative law journal opened a new era in legal education

by Vera Bolgar

After the late Professor Hessel E. Yntema returned to the United States following several years abroad as a Rhodes Scholar, he was struck by the provincialism of American legal education. He devoted the rest of his career to broadening the outlook of American legal scholarship through his work in the field of comparative law.

The American Journal of Comparative Law, which he founded in 1952, was Yntema’s lifelong dream. At the time of its founding, the odds were heavily against the publication of a periodical of its kind; comparative law was in its infancy, and the knowledge of foreign languages and foreign legal systems was negligible. The response to the journal, however, was enthusiastic and heartwarming. Five years after the first issue appeared, there was no dearth of incoming manuscripts, and the number of participating law schools was steadily on the rise. Over the years the original 14 schools have grown to the present number of 58.

A further contributing factor to the journal’s success was the fact that comparative law finally came to be regarded as a recognized methodology in the study of law. To a large extent, this was due to the increased exchange of teachers and students who, aided by Fulbright and other grants, were able to pursue their legal studies abroad and become acquainted with laws and legal values other than their own.

Indeed, many of the early contributions to the journal came from the pens of foreign graduate students who studied in the United States, or American students who studied abroad. These contributors in the course of time became deans and professors of law in the United States, in Vienna, Paris, Saarbrucken, or Utrecht; judges on the Supreme Court of Finland or the Court of Appeals of Belgium; or recognized practitioners all over the world.

The first meeting of the editorial board was held at the University of Michigan in the fall of 1951. It was decided then that there should be established the American Association for the Comparative Study of Law. Its membership was to be made up by the participating law schools, and its purpose was to be the publication of the American Journal of Comparative Law. Hessel Yntema was named editor-in-chief, with the editorial offices in the University of Michigan Law School, and a staff of one. The members of the editorial board offered their assistance in the acquisition and selection of manuscripts, in contributing articles and book reviews of their own, and in helping Yntema in the performance of his editorial work.

Yntema himself translated into English the contributions of foreign scholars writing in French, German, Italian, and Spanish.

When Professor Yntema received an honorary doctor’s degree from the University of Stockholm in 1957, the citation mentioned, in addition to his scholarly work, his contributions through the journal in building a bridge of scholarship between the legal systems of the world. After his passing in 1966, the editor-in-chief became Professor Alfred F. Conard. In 1970, after Professor Conard’s resignation, Professor John G. Fleming of the University of California-Berkeley, was elected editor-in-chief, with the editorial offices at the latter school. The journal is now in its 34th volume of publication.

Dr. Vera Bolgar, research scholar at the Law School, was instrumental in setting up and organizing the journal. Her work, along with that of Professors Yntema, Conard, Gray, and Stein, has been recognized by membership in the International Academy of Comparative Law.