The Journal of
Law, Social Justice
& Global Development

Restarting Law and Development as a Model Sub-Discipline: Structuring Research Questions, Approaches and Setting Standards for Theoretical and Applied Disciplines and Sub-Disciplines

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Article Information

Issue: 25: 2020: General Issue
This article was published on: **10 May 2021**
Keywords: academic disciplines; disciplinary standards; law and development; development law; legal development; law and social science; rule of law.
Journal ISSN: 1467-0437 **Article DOI**: 10.31273/LGD.2019.2505

Abstract

The field of "Law and Development" finds itself with competing disciplinary and institutional agendas, overlapping and unclear definitions, borders, and scope, with no real rules of academic integrity or legitimacy to follow or to which it is held accountable. This article builds and applies an indicator with model standards for the structuring of academic disciplines to evaluate the legitimacy and integrity of this sub-discipline as an example for others. It then offers a model agenda for the basic social science questions to research and the technological applications that would help the sub-discipline to develop in a way that more appropriately fits a scholarly sub-discipline with applications of public benefit. The model approach offered in this article can be applied to emerging fields and sub-fields to identify those that are being shaped by politics rather than scholarly criteria; distinguishing them from legitimate fields and helping to strengthen their structures.

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Introduction

According to a recent 2010 classification of academic programs conducted by the Department of Education in the United States (the Classification of Instructional Programs (CIP) of the National Center for Education Statistics), there were a total of 1,720 specific and distinct academic programs found in some 388 comparable sub-disciplinary groupings in some 47 disciplinary groupings (Research Triangle International 2010). Some 500 of the 1,720 programs were additions or reclassifications that had occurred simply within a ten-year period since the previous classification in 2000 (US Department of Education, National Center for Education Statistics, current). Within these changing program definitions that also vary across countries are what seem to be a multiple of academic areas, numbering some several thousand constantly changing and inconsistent interdisciplinary fields and sub-disciplines.

This constant shifting of sub-disciplines, boundaries, names, definitions, and scope is not only part of a natural process of the advancement of scholarship, but it is also part of a political and institutional process that reflects competition for students and funds, attempts to meet specific public needs, actions by bureaucratic administrations and scholars to establish personal fiefdoms and to compete with or engage in personal politics with colleagues, as well as implementation of other agendas, and sometimes seemingly random or misguided actions. This emergence, growth, disappearance, and re-emergence of sub-fields in ways that often appear to be random has led to challenges to fields on the basis of legitimacy and value as well as simply puzzlement and confusion.

While one would hope that the process of academic scrutiny and public oversight would lead to a weeding out and improvement of fields, demonstrating the triumph of standards over politics, a recent article by strategic management professors on their own sub-field defined the legitimisation process of sub-disciplines as a result of 'social movements or social marketing and sale rather than that of any academic legitimacy' (Hambrick and Chen 2008). While the authors of that study seemed to suggest that academics should seek to follow the models of success as if nothing were wrong with turning academia into a market competition, they seemed to be confirming the worst fear of social critics of the academy. Like other institutions, it seems that academic programs today are commodities sold in the marketplace, with no intrinsic value, simply reflecting funding and power with no concern for social benefit or human progress. If the current standard for academic programs is based simply on marketing, one could suggest that the majority of inter-disciplinary studies that have been under attack might lack scholarly merit.

One of these sub-fields that has experienced constant shifts as well as internal attacks, divisions, and changes over decades, and that is now emerging again in new forms is, ironically, the field that has at its heart the tasks of defining law and standards in the process of social, cultural, and institutional change and 'development'. It is the sub-field that goes under the name of 'Law and Development.

Like many such interdisciplinary fields competing both within and without for resources and attention, 'Law and Development' finds itself with various factions, competing disciplinary and institutional agendas, overlapping and unclear definitions, borders, and scope, with no real rules of academic integrity or legitimacy to follow or to which it is held accountable, and facing questions of influence and compromise in relations with donors and various constituencies. That makes this sub-field not only an interesting one to serve as a case study and model but also a key sub-field for setting the standards to be used for appropriate oversight and accountability of other academic fields.

While one might expect a scholarly field to develop holistically, with comprehensive multi-disciplinary interactions in a joint enterprise, followed by further subdivisions into sub-fields branching off from this larger area in order to pursue answers to specific fundamental questions and problems, and with an affiliated 'applied' field of technologies applying the theory and offering

new models, that is not what appears to be happening at all in 'Law and Development' and apparently in many other fields. In 'Law and Development', what appears is fragmentation, lack of communication and synergy as a result of political agendas of countries, of different specific interest groups and of political philosophies undermining scholarship and application, entirely.

Below, in Table 1, is an overview of the major branches (or 'tracks') of this sub-field that have emerged historically, describing some of the historical and current challenges of this interdisciplinary sub-field throughout that history. What appears on this table—indeed the very format of the table—reflects that the field is a set of competing tracks rather than an historically emerging field evolving as a hierarchy with specialised sub-branches and lateral inter-disciplinary connections following what one would expect to find in a 'discipline'. This capsule summary table (with the process of identification and information about each presented in detail in this article) offers a short description of each of the branches — where they emerged in time, geographically and in relation to main disciplines and sub-disciplines, how their agendas have been influenced by competition between disciplines and by funding agendas, how their results have been used or disregarded, and how these tracks interact or fail to interact with each other. The information in the summary table is generally drawn from direct presentations within the different tracks themselves (in literature and websites) and previous historical analyses of the fields, as well as by some independent analysis presented in this article, with the full sourcing presented in later sections of this piece.

Table 1 shows this field emerging in six different places over time on four main and two peripheral tracks.
—The longest historical track, on the left, in column 2 of the 7 columns in the table, comes out of both the social sciences and law/jurisprudence in the twentieth century, though it can be traced back to much earlier origins that are mostly unrecognised. It continues but is largely marginalised and unrecognised in any specific program or school (i.e., it is not included on the list of the US Department of Education's CIP). Meanwhile, shown in the third of the seven total columns, is a track started by government agencies and foundations in the US in the 1960s for scholarly support to US international programs (of the US Agency for International Development and by the Ford Foundation that was often affiliated with it at that time).
—This second track continues within international and US agencies that now promote what is variously called 'legal development', 'administration of justice', or 'democracy, governance and human rights' (Lempert 2011) and has recently re-emerged in the form of two competing organised groups of scholars seeking to define its directions that are shown in the fourth and fifth columns: (the Law and Development Institute (LDI) in the US, founded in 2009 [http://www.lawanddevelopment.net/] and the Law and Development Research Network (LDRN), in Europe, founded officially in late 2017 [https://lawdev.org/ldrn-charter-2].
—Another track that was once partly linked, that of 'Law and Society'/Sociology of Law, focusing mostly on 'developed'/'industrial' societies and domestic legal questions, shown in the seventh and final column, continues separately.
—One other track that seems to have formed under many names (see Table) in the 1970s as a reaction against both the US government's purchase of academic support for its programs as well as a reaction against social science is shown in the sixth column. It has largely continued as a humanities subject in fields like 'Political and Legal Anthropology', replacing previous approaches and with few or no applications.

Indeed, despite the international legal elements of 'Development' being relatively clear and codifiable in a treatise (Lempert 2014b and c; 2018c) with measures, definitions, and disciplinary standards also relatively clear (Lempert 2018d), there is not only a lack of agreement on the objectives of 'development' between the three tracks that have used the name 'Law and Development' but also an avoidance of definition of terms, and a failure to produce an outline of fundamental questions and technologies that fits within the structure of a core theoretical and applied discipline. In fact, among the three recent

tracks using the name 'Law and Development', there appears to be an attempt to eliminate and avoid the measures that exist and to avoid any kind of standardisation or 'discipline', including setting boundaries and guidelines of existing and established 'disciplines' (Lempert 2018b).

Table 1: **Historical Emergence and Tracks of the Field of "Law and Development"**

Characteristics	***Four Main Tracks of Field and Their Linkages or Independence***				***Two Peripheral Tracks***	
	Classic Study of Comparative Law and Development	***International Legal Center approach (ILC) to "Law and Development"***	***Law and Development Institute approach to "Law and Development"***	***Law and Development Research Network approach to "Law and Development"***	***Law and Society***	***Critical Legal Studies; Political and Legal Anthropology; "Human Rights"***
	Independent	Showing Some Linkages and Continuity with each other but Rejecting Classic Approaches and Modern Applications that Would Continue from Them			Independent, Focusing on Industrial Societies	Rejection of ILC Approach and Classic Social Science
When it Emerged (and where), with the rough chronological order marked numerically	1.) Classic Political and Legal Anthropology but unrecognized as a sub-field, then as a sub-discipline in 1950s-1970s	3.) 1960s, U.S. Law Schools, Government agencies, Foundations	4.) 2009, U.S. Law Schools (partly a continuation of the ILC approach)	6.) 2017, European Law Schools	2.) 1960s, U.S.	5.) 1970s and Post-modernism, 1990s
Original Scope and Names by which it is recognized	**"Law and Culture", "Law and Society"** Interactions between law, culture and society	**"(Applied) Legal Development"; "Law and Modernization"** Effectiveness of U.S. interventions in foreign legal systems	**"Legal Development (economic)"** Effectiveness of laws and legal system interventions for productivity increases	**"Laws *of* (International) Development"; "Law and Social Policy"** International "aid" agreements; Domestic & Int'l Social Policy & Law	**"Law and [Social Inequality] in Complex (Developed) Societies"** Impact of law on groups and social strata	**"Law and Consciousness"; Semiotics of Law; Philosophy of Law**
Main Discipline	Anthropology; Jurisprudence	Law	Law and Economics	Law	Sociology	Humanities
Historical Antecedents	17th – 19th C: Political Theory: (Montesquieu, Weber, Maine, Marx); History and Archaeology Jurisprudence/ Legal Realism 20th century: (Pound, Frank, Llewellyn)	[Long history of legal and religious exchange, hegemony, and interaction]	ILC approach of 1960s and Classic Economics	ILC approach of 1960s, being copied in Europe	Classic (Political) Sociology, 19th century	Christian Theology and Ethics; Semiotics; Philosophy (including Foucault); Linguistics; Gender Studies; Race Theory; Ethnic Studies
Ideological Influence	Originally colonialism, Darwinism, Christian teleology, then challenged by adaptive-radiative evolution and legal social justice reformers	Expansion of U.S. post-WWII global influence	Neo-liberalism, Globalism, Corporatism, Growth	[See Analysis in article]	Social democracy and human rights movements of "New Deal" and "Great Society"	Neo-liberalism (representation)[See analysis in article]
Applications	Citizen oversight, non-governmental organizations, and democratic government but disregarded by major agencies today	Government Projects and Influence	Corporate trade laws and interests	Government projects and influence	Domestic laws, not international development	None
How it Emerged within Academic Structures	"Natural" emergence in expansion of existing disciplines through new questions	Driven by governmental (arguably "neo-colonial") objectives and funds	Driven by business interests of promoting short-term profit and "growth" ("economic development")	Apparently driven by European governmental (arguably "neo-colonial") objectives and apparently institutional interests of legal academics for international partnerships and their benefits [See Analysis in article]	"Natural" emergence in expansion of existing disciplines through new questions	Driven by political reaction to governmental objectives and by interest group objectives rather than fundamental questions and needs for applications

Funding and Support	University social science	Originally: Ford Foundation; USAID Now: Carnegie Foundation for Int'l Peace; World Bank	?	Foundations and Government including: Dutch Ministry of Foreign Affairs; German Federal Ministry for Economic Cooperation and Development (BMZ)	University Sociology	University Humanities
Existing Infrastructure	No specific associations, conferences, journals or recognition of this sub-field or organizing and disseminating its content and promoting applications	Previously and intermittent. The original infrastructure supported an institute, loose associations and conferences but no journal or standardization. It disappeared.	Yes, in the form of a small organization with a journal and conferences but it seems largely tied to its founder, Yong-Shik Lee.	Yes, in the form of the LDRN that receives government support for conferences but with no journal or standardization (which appear to be by design).	Yes, in the form of the Law and Society Association and journal with annual conferences and the sub-discipline of Law and Society (recently competing against the new sub-discipline of Criminology).	Yes, in the form of the Association for Political and Legal Anthropology, its journal, appearance at Anthropology conferences, though lacking a fixed and clear standardization. CLS established the annual Critical Legal Conference that continues but as a "critique" rather than a field, it is in decline.
Continuity or Disappearance in Academia and Application, and Current Manifestations	Peripheral continuity in scattered journals (theory and applications) in Social Justice, Social Evolution Sustainable Development; Peace and Conflict Studies; Human Rights Law; Applied Anthropology and some indirect application.	Continuity in internal government agencies such as World Bank research; USAID; Carnegie Endowment, but disappearance in academia. Appearance in foreign policy journals like the Journal of Democracy.	LDI is small but hosts conferences and a Journal (*Law and Development Review*), seeming to promote World Bank and USAID agenda	LDRN has begun Conferences and has one peripherally affiliated journal at a member organization, the University of Warwick Law School since 2000 (*Journal of Law, Social Justice and Global Development*)	Law and Society Association has conferences and a journal (*Law and Society Review*) and claims to be fully open but has not accepted "Law and Development" articles. In the 1970s, a Law and Development scholar was its President (Marc Galanter).	The Association for Political and Legal Anthropology has conferences and a journal (*Political and Legal Anthropology Review*) and the other sub-fields promote meetings and journals but with sharp limitations on Law and Development approaches [See Analysis in article.]

Given the evidence of this disarray in what might seem to be a relatively straightforward sub-field, which even its own adherents describe as confusion (Trubek and Galanter 1974; Trubek 2016) as one also finds in many other fields today, the goal of this article is to try to put some sense back into the process of disciplines like 'Law and Development' — to understand what is going wrong, and to offer principles and models for how to bring some logic and systematisation back to its general role in academia (in a way that is applicable transnationally).

If what is happening in the field of 'Law and Development' is indicative of what is happening throughout academic fields and sub-fields, at least in social sciences, humanities, and their related applied professions, (Lempert 2018e) — and with fields now subject to politicisation and the market — there is arguably an urgent need to return to some public standards before remaining funds for academia disappear and before contemporary societies become overwhelmed by the existential threats that scholarly fields in general, and in particular, 'Law and Development', are purporting to help humanity solve.

This article therefore builds and applies an indicator with model standards for the structuring of academic disciplines to evaluate the legitimacy and integrity of the stated sub-discipline of 'Law and Development' (as an exemplar for others). It then offers a model agenda for the basic social science questions to research and the technological applications that would help this sub-discipline develop in a way that more appropriately fits the model of a scholarly sub-discipline with applications of public benefit. Analysis of the history of this sub-discipline and of two recently established associations in this field and their approaches—one apparently coming out of the school of 'law and economics' and the other a 'grab-bag' of European and international contacts without any structure—points to the dangers of sub-disciplines that are driven by opportunism, without standards or oversight. The model approach offered in this article integrates standards applied to larger established disciplines and public accountability and demonstrates how they can be applied to emerging fields and sub-fields to identify those that are being shaped by politics rather than scholarly criteria or that are simply fads reflecting contemporary trends, distinguishing them from legitimate fields and helping to strengthen their structures.

This article is divided into six sections:

I. Overview: Existing standards for new disciplines and sub-fields and the design of an appropriate

model standard for measuring disciplinary legitimacy: This first section searches the literature for existing standards used to measure disciplinary legitimacy. Since no single indicator exists, this section takes existing principles and builds a model indicator for troubleshooting and helping to build (and improve) legitimate sub-disciplines (and parent disciplines).

II. Methodology: Applying the test for measuring disciplinary legitimacy to the case of 'Law and Development', along with a test of earlier predictions: The second section describes the methods used in this article for collecting information on the workings of a sub-field like 'Law and Development', for holding it to the standard of a legitimate discipline, and also for testing hypotheses about how sub-disciplines like 'Law and Development' are distorted, in order to establish means of protection against such distortion.

III. Data: Examining the six tracks of 'Law and Development': The third section presents historical data on the six tracks of 'Law and Development' in what may be the first attempt to present a comprehensive overview of the various tracks historically, by discipline, boundaries, purposes, funding, infrastructure, and other characteristics.

IV. Analysis: What has gone wrong in this sub-discipline and why, as an example for other fields: The fourth section directly applies the indicator presented in the first section to the different tracks to indicate how the track that began with legitimacy (the first track) continues as a kind of shadow sub-discipline without infrastructure or recognition, while the other tracks (the second, third, and fourth tracks that use the name 'Law and Development' and the two peripheral tracks) have attracted resources but have failed to meet most of the basic requirements for a legitimate and sustainable sub-discipline.

V. Proposal: A model for reintegrating and professionalising 'Law and Development: Theory and Application' as an example of restructuring a sub-field: The fifth section shows how to take what exists in scholarly work and restart and rebuild a legitimate sub-field of 'Law and Development' that professionalises its work in theory and application.

VI. Conclusion: Facing realities: The final section of this article explains the current realities in academia that make it difficult for a professionalised sub-field like a restructured 'Law and Development' to protect its integrity, even when it has clear standards and guidelines.

I. Overview: Existing standards for new disciplines and sub-fields and the design of an appropriate model standard for measuring disciplinary legitimacy.

It is disappointing, but perhaps not surprising today, where power, funding, and ideologies seem to be a higher measure of value and legitimacy than scientific standards and measurable public social benefit, that there seems to be no quality measure for the legitimacy of new disciplines, programs, or sub-fields. Though there are measures of 'success' or 'sustainability' of new academic fields, and while there are certainly long-standing systems and methods for advances of knowledge and of public values and ethics, the replacement of measures of standards and public social benefit with measures of (financial) 'success' and 'sustainability' (popularity, institutional power, and funding) represents a disconnect between contemporary academic fields in the social sciences and humanities and their needed purpose.

Existing Standards: If there is or was once an existing method of weighing the validity of new disciplines and sub-fields that was something other than the current rush to solicit funds and please a donor, to cut funding by merging fields into amalgamations with modish new names, or to appeal to students or political constituencies with a fad or political goal as a new marketing tool, among other idiosyncratic purposes that drive them, such a method is difficult to find in the contemporary education literature and in discussions within social sciences and humanities. While the approaches in the literature are not useful in setting standards, they do help to raise some of the questions that can help in generating an indicator (in the sub-section below).

The literature does offer plenty of definitions of what 'disciplines' and 'sub-fields' are and their characteristics, going back to some of the most often cited work nearly fifty years ago (Biglan 1973), alongside descriptions of how 'disciplines' and 'sub-fields' arise, but there seems to be no existing clear test for their 'legitimacy'. Much of the discussion today is semantic, based on the meaning of the word 'discipline' itself. Rather than offer such standards, academic authors cite philosophers like Foucault who suggest, ironically, that the whole idea of trying to hold disciplines to standards is futile because (perhaps in a self-fulfilling prophesy that works to protect against any kind of scrutiny), the idea of discipline is now a 'political/power/religious concept' rather than a scientific one (Foucault 1988).

One of these oft-cited definitions of what constitutes a discipline, that exemplifies the problem, is one offering six 'characteristics', proposed a decade ago (Krishnan 2009) in answer to the question, 'What is an Academic Discipline?'

Although the list is not useful here in itself, it does help reveal what is missing today and how a useful measure could actually be constructed. In Table 2, Krishnan's list is illustrated (in the left-hand column of the table) and helps generate some affiliated questions that might further aid a determination of legitimacy and the construction of an indicator (in the next sub-section, below). Rather than describe a discipline in terms of its quality or legitimacy, the six characteristics offered by Krishnan describe the institutional framework for administering and constituting an academic discipline without even consideration of the content. As Bigham notes, 'A new discipline is therefore usually founded by the way of creating a professorial chair devoted to it at an established university'; i.e., it is defined by power and resources instead of purpose or content. By this measure, simply by throwing funds at universities to research and teach about the donor's life history or to describe her personal videos, one can, today, create a new discipline.

Table 2: **Comparison between the "Characteristics" Defining a Discipline (or Sub-Discipline) and Measures of its Legitimacy**

Characteristics Defining a Discipline or Sub-discipline (Krishnan, 2009)	***Whether the Characteristics Can be Used to Test the Academic Legitimacy and Viability of the Discipline or Sub-discipline***
1) There is a particular object of research (e.g. law, society, politics), though the object of research maybe shared with another discipline	Necessary but not sufficient since an "object of research" can apply to journalism or other data collection. If there are "testable questions" in "comparative contexts" that would offer a valid test.
2) There is a body of accumulated specialist knowledge referring to their object of research, which is specific to them and not generally shared with another discipline.	Necessary but not sufficient since a blog offers specialized knowledge. The idea of a boundary of work is a partly valid test but it must also meet the condition of meeting standards of a disciplinary research.
3) There are theories and concepts that can organize the accumulated specialist knowledge effectively.	Necessary but not sufficient since any data base management system can organize specialized information effectively. If the information is organized to answer specific intellectual questions AND meet specific social needs with applications, then it is a valid test.
4) There are specific terminologies or a specific technical language adjusted to their research object.	No. A religion or a cult or clique can create its own jargon as a barrier.
5) There are specific research methods according to their specific research requirements.	No. Methods are a means and not an ends.
6) There is institutional manifestation in the form of subjects taught at universities or colleges, respective academic departments and professional associations connected to it.	No. This is a test of political and economic resources and recognition that an ideology and interest group can meet without being a discipline.

A similar approach to Krishnan in defining what constitutes a 'discipline', has been used (for scientific disciplines) using what one scholar calls the '5W' questions, as follows:
Who (i.e. who does the scientific study and collects the information?);
What (i.e. what phenomena do they investigate?);
Where (i.e. where do scientists conduct their investigation and disseminate the results?);
When (i.e. when do scientists conduct their investigation?); and
Why (i.e. why do scientists conduct their investigation?) (Szostak 2004).

Of course, this list is rather puzzling when one thinks about disciplines, and it seems to actually be little more than a boundary test to differentiate a new discipline from existing ones, establishing proprietary turf for scholars. The 'five W's' is essentially a version of the heuristic used by journalists to organise the first paragraphs of stories. Like Krishnan's list, this journalistic device also does not qualify as a test of disciplinary legitimacy.

Slightly more useful because of the questions it asks about disciplines, but also not useful for determining 'legitimacy' of disciplines or fields, is the determination of whether a discipline will have staying power or whether it is just a 'fad' (Starbuck 2009; Abrahamson 2009; Belcher, Rasmussen, Kernshaw and Zornes 2016). Finding out which fields are actually 'fads' and are likely to disappear is at least one way of identifying those fields that are likely to be illegitimate, based on the assumption that illegitimate disciplines will disappear. The problem with this determination, however, is that some 'fads' could last for generations until they disappear, while other fields that seem to disappear as 'fads' may contain a legitimate basis that allows them to reappear for short periods of time at long intervals.

Those who seek to define academic 'fads' use what seems to be a four-point test based on whether a field follows some basic established scientific principles of research. If it has these four characteristics, indicating failures to do what a legitimate field would do, it is likely to be a fad:
—it favours generalisations over specific hypothesis testing;
—it excludes relevant data;
—it ignores important variables (indicating an ideological or religious bias); and
—it relies on 'over-simplification'.
While this test also begins to point in the direction of what constitutes academic legitimacy, it seems to suffer from the very problems it tries to solve. It requires the ability to know and agree on 'important variables' and 'relevant data' and to know what are 'over-simplifications' and 'generalisations', which requires other testing.

Finally, while at least one previous scholar analysing new disciplines has concluded that, in general, there are ways of determining whether they are formed for political reasons or come out of research questions in a way that follows a disciplinary logic (Lenoir 1993), that work did not offer a specific measurement test. It merely opened the door to proposing a scheme for differentiating between legitimate and illegitimate fields.

Scientific standards for measuring disciplinary validity and how they can be used in other fields by analogy: In the absence of general standards or tests for academic legitimacy, the place to look for such potential standards in order to create such an indicator is in branches of knowledge with technological applications that stand the test of time and that are universally or near-universally recognised. We do have such core disciplines in the natural sciences, and these disciplines do offer methods of testing legitimacy that they have used for generations. Although basic science and standards of any sort have come under attack today in a political context where there is an urge to directly replace standards with power and politics, we still live today in a culture based on science and technology and building on the fundamental principles of natural science. These principles are clear and serve as the bedrock for natural science. They can be analogised and applied to all other branches of knowledge.

The progress of natural sciences and applied technologies has followed a set of principles for answering questions, coming to a consensus about the answers, testing those answers,

applying them, and building knowledge. These principles have been affirmed by major scientists of the past several centuries who continually describe and record their adherence to the 'scientific method' (Galileo 1638; Newton 1726; Einstein and Infeld 1938). There are similar affirmations of this method in the major social sciences (King, Keohane and Verba 1994; Malinowski 1944) and this approach has been affirmed for defining and building disciplines (Popper 2003).

What is followed in the scientific and social scientific literature has in fact also been applied and standardised in management administration in ways that also apply to educational administration of disciplines. There is a long literature with a consensus on organisational analysis, strategic management, managerial accounting, institutional mission setting, and organisational strategy for effective management control (Garrison, Noreen and Brewer 2005; Emmanuel, Merchant and Otley 1999), strategic management and planning in non-governmental organisations (Barry 1984; Bryson 1988; Unterman and Davis 1984), and overall incentives and psychology of organisational behavior (Nelson and Quick 2005; Robbins 2002). All of these approaches to measurement and systematisation of knowledge apply to standardisation and control of disciplines and fields. Indeed, they can be used as the basis for constructing an indicator that can be used as a near-universal test for legitimacy of disciplines and sub-disciplines.

A proposed indicator for disciplinary validity: designing an appropriate model standard for measuring disciplinary legitimacy: In applying the characteristics of the scientific method and combining them with the legal standards for valid disciplinary review and advance that have been published earlier (Lempert 2018b), I offer here a preliminary new indicator to test legitimacy of disciplines and sub-fields. This article proposes a list of 18 characteristics for testing disciplinary legitimacy that can be applied across the natural and social sciences as well as the humanities. The basic premise is that expansion of knowledge relies on the emergence of new questions and knowledge as a growing branch out of an existing field or as connections between fields and out of social demands, rather than from politics.

Below, Table 3 offers a schematic framework that presents these 18 characteristics and shows how they can be used as a test for disciplinary legitimacy, for differentiating 'natural' sub-disciplines (linking theory and applications), that emerge in the pursuit of answers to specific questions, from opportunistic sub-disciplines that appear for political and idiosyncratic reasons. The chart presents the 18 different characteristics in the first column. In the second and third columns I describe and compare the characteristics of a legitimate discipline (column two) with one that is illegitimate (column three) (e.g., in the case of 'Law and Development', what is simply 'Law and Elephants').

The first column, offering a capsule title for each of the 18 criteria, works together with the second column explaining each of the 18 criteria in the context of a legitimate discipline, to constitute an 18-question indicator that can be used to test the legitimacy of any discipline or sub-field.

Table 3: **A Model for Differentiating Natural Sub-Disciplines (Linking Theory and Applications) versus Opportunistic Sub-Disciplines: The Standards for Academic Legitimacy and Rationality**

Characteristics	*Natural Sub-Discipline*	*Opportunistic Sub-Discipline (e.g., "Law and Elephants")*
I. Academic Scholarly Characteristics (Content of Work)		
A. Existence of a Foundation for Specific Research Questions (Categories 1 to 3)		
1. Clear Boundaries	Questions arise within the blocks of a classic discipline in seeking to answer specific questions, possibly merging towards that of a neighboring discipline and the amount of work requires opening a sub-area	A political category with funding or a chance for a faculty member to create a new label arises but without any links to problem solving and work. The goal becomes that of searching for recognition and resources.
2. Clear Definitions of Terms Used in the Field [For Law, which is already Applied, a clear codification]	Scientific, clearly defined areas of variables	Time is continually spent on arguing competing definitions or redefining the field as politics and finance fuel battles and redefinitions
3. Clear Research Questions	There is no confusion in definitions of terms or of research questions since they are what drives the area. The mission is to answer specific questions and to develop technical applications/technologies based on the scientific findings to provide public benefit in measurable ways.	Questions are kept vague in order to attract everyone and to protect relationships. The idea of "promoting pluralism" is used to build members and resources.

B. Use of Empirical Reasoning and Testing (Scientific Method) (Categories 4 through 11)		
4. Theories and Hypotheses are Clearly Prepared for Testing	For specific research questions, different theories arise about causality, variables, and interactions and there is a search for cases or ways of experimenting to test them.	Journalistic, area reporting is presented through formal status hierarchies or goals of "inclusion" and "diversity".
5. Measurable Variables, Objectives/Outputs of Empirical Phenomena within frameworks of clear models and causality, with all assumptions noted and tested	In order to test the theories, there is a search for measures and for tools of measurement as well as for ways to define and isolate different variables as well as to link them.	Buzz words, clichés, political slogans and ideologies lead to multi-collinear explanations with little explanatory value.
6. Multiple cases are used for testing in a full range of levels and scales, including non-industrial, non-agrarian groups throughout historical periods and also primate cultures/ societies	The mechanisms for testing theories look to find specific cases where the variables are clear and there is not a lot of noise and confusion and then to try to take the simple cases and expand the search to more complex cases to see if the proof still holds and, if not, how additional variables and conditions force reworking of the model.	Case studies that are essentially journalistic reports filled with jargon and reinforcing ideological beliefs about specific types of cultures and societies without universal application.
7. Methodologies Clearly Defined (but not necessarily specific to the sub-discipline) and Linked to Proving Hypotheses and Answering Questions	The selected tools need to be those that can identify, isolate and find the variables and model the phenomena. The research questions and theories drive the methodologies since the methodologies are just measurement tools.	Methodologies as ritual and marks of "diversity" or "inclusion" in the discipline without links to testing and answering hypotheses.
8. Rooting of Theory in an Empirical Social Science or Natural Science	Predictive theory needs to be replicable and objective, meaning that there needs to be a set of rules for independence of the observer. These rules are the basis of science.	Objectivity and science are seen as subjective and therefore all measures become subjective, idiosyncratic, non-testable, non-replicable humanistic art forms that do not build anything systematic.
9. Clear Applications of the Theory in the form of Measurable Results of Technologies without conflicts of interest	Once scientific phenomena are understand and behaviors are seen as predictable within specific conditions and variables, the next step is to seek to use tools to change specific variables so as to create predictable results.	Dogmas and interventions to promote the interests of the intervening groups.
10. Goal is the Testing of Theories and Applications rather than just replication of known findings or definitions with new cases	Scientific papers are designed as proof of theories that either confirm or debunk the theories in a way that promotes advance.	Disciplines become political advocacy and promotion of definitions and buzz words to show solidarity and to make careers without having to offer any ideas
11. Standards for Peer Review and success in publication and advancement	Clear standards already exist such as the scientific method for hypothesis testing with objective validation (See Lempert 2018b)	Decisions become political based on social, political and funding networks of the faculty members. The standard of success is institutional affiliation, resources and power.

C. Ethical Test of the Research (Categories 12 through 13)		
12. Ethics/Legality (adherence to international law) and Public Review	Scientists and social scientists seek to imagine the long-term consequences of use of technologies and their potentials for abuse. Implications that harm the prospects for human survival are the basics of ethics and rules are created as part of a common agreement to promote human survival following rules of symmetry and equity. Enforcement standards create processes of public knowledge and oversight.	Ethics are defined by group interests and religious beliefs in closed environments without independent enforcement or public review. The goal becomes that of protecting the group and short term advocacy rather than long term human benefits and principles of symmetry.
13. Principle of diversity and minority ideas	A healthy discipline requires a full exchange of ideas and their testing, allowing for minority ideas to be continually presented subject both to fit within the questions of the discipline and its purposes and the rules of testing ideas. Citations are used only to establish the fit within those goals and the advance of previous work, but by nature any new ideas may not be able to footnote anything else.	Diversity is selected on the basis of specific human characteristics without reference to questions or methodology or evidence. Citations only need to be to leaders of the disciplinary hierarchy and to its dogmas, particularly to promote "current debates" in replacing anything determined to be politically expandable.

II. Administrative Infrastructure of Field		
14. Relationship to Funders protects objectivity	Strong protocols create firewalls between spending and research agendas. Spending can be solicited for specific public solutions and theoretical problems if there is a logical presentation that recognizes and protects the whole discipline.	Malleable politicized academics essentially working on a corporatist model
15. Invitees to Conferences reflect openness rather than institutional ties or financial-political resources	Sliding scale fees for all participants with openness to the public and transparent standards. Conferences are organized by scientific topical questions and advances with peer review standards that require demonstration of actual advances.	Funding barriers and subsidies turn conferences into junkets and exclusionary networks reinforcing political and financial hierarchies and inviting "sponsorship" from corporate and large institutional actors. Papers are shallow, journalistic snippets used for professional advancement in existing hierarchies. Keynotes are used to mark institutional status rather than on basis of actual new disciplinary advances and quality.
16. Selection of Faculty Members reflects standards rather than politics	Representation on quality and progress answering the key questions of the sub-discipline and on inventing technologies with measurable results	Church hierarchical model; Patron-client and age networks; "Representation" of Geographic and Ethnic Areas
17. Research Contacts with Other Universities promotes disciplinary objectives	Expansion of modeling and comparative testing. Mutual collaboration on answering specific disciplinary questions and promoting applications	"New Cases" and simple data collection as an excuse for expanding influence, for faculty junkets, and expanding resource support to serve "markets" (students and business and government interests). Junkets to enjoyable locations; Publication and resume building for academics to justify academic positions; Contacts with foreign universities for more junkets; Collaboration-collusion in networks for publication cartels and for unfair advantages in research grant funding, and for other political power
18. Ethics Codes	Members of the Profession follow a code of ethics to advance the profession for the benefit of society rather than for institutional or individual benefits. The codes are enforceable and there are legal procedures for enforcement.	There are just paper statements that are little more than public relations.

18 Characteristics in two categories:
I: Academic scholarly characteristics (content) of the discipline (13 characteristics) and
II: Administrative and institutional features of the discipline (5 characteristics).
These two categories cluster the 18 characteristics into four clusters (three on academic content, and one for administrative and institutional features of a discipline).

I: Academic scholarly characteristics (content) of the discipline: The 13 characteristics of academic content in a legitimate discipline can be tested with questions in three clusters (a total of 13 characteristics in clusters of 3, 8, and 2):

A. *Existence of a foundation for specific research questions*: The first three characteristics test whether there is a foundation for specific research questions within the overall context of scholarly goals and purposes (that the study has clear boundaries, offers clear definitions of terms, and clear research questions) constituting a purposeful core agenda generating fundamental answers to key questions.

B. *Use of empirical reasoning and testing (a version of the scientific method):* Characteristics 4 to 11 examine whether there is use of the 'scientific method' or of a comparable disciplinary method for examining hypotheses and drawing inferences that expand knowledge of observed phenomena, whether there is an existing or potential link with applications, whether the work promotes the search for answers or just replicates cases on what is already known, and whether there are peer-review standards for applying the methods to work in the field. This is really the core test of a functional legitimate discipline.

C. *Ethical test of the research (public accountability):* The last two characteristics offer an ethics test to ensure public and legal accountability of the work and also to screen for one of the current prevalent methods of politicising work in the name of 'ethics' and 'diversity' in a way that can eliminate legitimacy. This cluster can certainly be expanded to identify and test whether there are effective mechanisms for combating the many ways of introducing conflicts of interest and politicisation into disciplines in ways that undercut their legitimacy. (In my work examining the legitimacy of the discipline of Economics, I demonstrate an appropriate way to hold a discipline to the global consensus principles of international law (Lempert 2018a).)

II: Administrative and institutional features of the discipline: The five characteristics for administrative infrastructure for a field are not exhaustive but are indicative of how to determine legitimacy of a field in some of the key procedural mechanisms that are required to protect it beyond those of academic peer review of content. These areas include its relationship to funders, in conference participation, in hiring, in research contacts, and in general ethics and enforceability.

Brief implications of this indicator for testing the legitimacy (and integrity) of academic disciplines and sub-fields: Any scholar (or student) looking at this list of standards in Table 3 might immediately be astonished as well as delighted when considering existing disciplines and fields and how this indicator might apply to it. The astonishment is likely to be at how few contemporary disciplines would seem to meet these standards and/or how their self-presentations of their goals (disciplinary questions), achievements (building theory in answer to questions) and applications lack clear structure. The delight is likely to be that there is a way of going back to basics to organise fields in logical presentations that replace contemporary confusion and loss of direction with clarity. While the focus of this article is on one small sub-field, 'Law and Development', the approach to thinking about disciplines as structured and purposeful human endeavours with specific measurable steps of course also has implications for the larger 'disciplines' of 'Law' and of the individual social sciences and humanities disciplines that contribute to 'Law and Development'.

'Law', itself, is an applied discipline and relies on several social science concepts where understandings are essential for drafting, analysing, and applying law. Among these are scientific understandings of the following: human cognition and biology, human motivation and

incentives, human social ordering and ideas of 'responsibility' for action and agency, human intergroup relations, administrative science, procedural equality, economic efficiency, and cultural and environmental sustainability. Yet, one would hardly recognise that these social scientific concepts and understandings (how human decision-making and ordering works, what is possible, and how systems can be designed) are the key questions that drive the technologies of law in specific countries and cultures in its essential areas of: identifying and punishing crime, establishing and enforcing rights and settling differences in civil law, and creating and enforcing social contract in constitutional law. The discipline of 'Law', today, is largely conducted backwards. It starts with presentations of the technologies and decisions of law and the history of law and legal systems and then moral questions resulting from clashes of cultural and individual perspectives, and only then seeks the social science principles when specific questions about outcomes are raised. Were this applied discipline operating logically, it would start with study of human behaviours and how they work at various levels. These need to be studied first in order to understand how law actually works and how it can be changed and approved, but the development of 'Law' largely assumed answers (often incorrect) about human beings, cultures, and societies and only later began to add in understandings when the confusions and contradictions of the discipline became apparent. This is what characteristics 4 to 11 of the indicator (the cluster on being based on empirical research and testing) along with 1 to 3 (the foundation for specific research questions) quickly reveal.

Similarly, the very social sciences that offer basic understandings that fit into the study of 'Law' and of 'Law and Development', including the holistic discipline of Anthropology, and disciplines studying various social structure and functional areas like Economics and Political Science, are immediately exposed by the questions in the indicator on academic content. Rather than being based on empirical research and testing with specific research questions, these disciplines are often driven by assumptions and methods. They have become politicised and confused, losing their paths. They often bury their earlier records of research questions and empirical findings that were part of their original foundations (Lempert 2018a, e; Duncan 2018a; Sly 2018).

II. Methodology: applying the test for measuring disciplinary legitimacy to the case of 'Law and Development', along with a test of earlier predictions: While it might sound like a simple task to apply the model indicator, above, for testing the legitimacy of a discipline or sub-field, to a 'sub-field' like 'Law and Development', this assumes that there is an easy way first to find and identify a sub-field that is called 'Law and Development' and that there is some kind of consensus agreement on what it is. Indeed, Table 1 indicates that there are currently two different groups claiming to represent this field of 'Law and Development' and there are at least two other tracks that might also claim to represent the field, with one of them not even using this name. The fact is that it is extremely difficult today to identify rapidly changing 'sub-disciplines' and 'fields' given how fluid they are, and to set boundaries on what should be measured and to determine how. While there are definitions of what constitutes a 'discipline' and how they are identified and classified (as in the CIP), sub-disciplines are constantly changing names, changing boundaries, and often lack (or avoid) fixed definitions and consensus on what they are. Given this reality, one must be equipped with a set of methodological approaches first to identify the different potential tracks of a field or sub-field if one wants to test all of its parts; second, to then establish a working definition of everything that is found in this overall 'field' and to have an idea where it fits'; then, third, to collect data that fits within the tracks of the 'field' and then to apply the indicator above for disciplinary legitimacy; as well as to be ready, as in this case, fourth, to look for and test those past predictions that exist on how the field would develop, as a basis for examining what did happen, why, and what would be an appropriate way to constitute a legitimate field in the future. In short, there are these four different methodological steps, outlined here, with the first two partly carried out in this section, as part of the analysis of the legitimacy of a discipline or sub-field. Given the complexity of this

area of 'Law and Development', this 'sub-field' is a good model to use for testing a methodology that can then be used for examining what is happening in, and then perhaps for restarting and restructuring, other disciplines.

1.) Identifying the sub-field of 'Law and Development' for analysis: The first step in analysing a sub-field is to scout out the places where it would be expected to exist, either openly and self-recognised, or as a body of work and activities that might go under different names. The paradox of a sub-field like 'Law and Development' (as evidenced in Table 1, above), is that the reality of funding and politics today and their influence on universities and scholarship results in the creation of 'fields' with infrastructure but no real content (a number of the tracks in Table 1) competing against disciplinary content with no infrastructure (the first track, in column two of the seven columns, in Table 1). Within 'Law and Development', the classic parts of the sub-discipline that have been around the longest (the first track, in column two of the seven columns) lack formal structure and associations that give it recognition as a 'field', while those parts of the field that have formal associations and funding may be those that are the newest and that lack any academic definition or boundaries.

In the 18-question indicator presented above in Table 3, the very first question, on setting the boundaries (relations with other fields) of a field in order to give it legitimacy, tells us where to look for 'Law and Development'. If the sub-discipline of 'Law and Development' is fulfilling a legitimate role in the structure of the university/scholarship and application, it should exist within the appropriate areas of parent disciplines, asking questions that build and branch out from specific questions and applications in those disciplines. If it is found outside these areas or without drawing from the appropriate parent disciplines, that raises an initial suspicion that it is suspect.

Most sub-fields might be easy to find as a 'branch' of an existing field that asks deeper questions about an area that was minor but that can be expanded in its own specialty. If 'Law and Development' were just another area of 'International Public Law', it might be easy just to identify it there and to see it as a new branch sub-field. But it isn't that easy. Similarly, if 'Law and Development' were just moving between disciplines and adding an approach from a different discipline, like 'Law and Psychology', that might also be easy to define. It might not be the best way to be structured (since areas of Law might perhaps be better emerging out of Psychology, itself, with understandings about human motivation and freedom of decision-making), but that is a different question about how to appropriately build 'applied' disciplines like 'Law'. The question here is simply where to look for this field as a way of identifying it and then testing it for legitimacy and improvement as a field. What makes the study of 'Law and Development' so complex is that there are not only a lot of places to look for it, but all of these different places might be essential interactive components of an integrated area of study. So, this kind of search also helps to start spotting what may be missing.

In a search for 'Law and Development' within the structure of academia, and in the effort to idealise an inter-disciplinary and multi-disciplinary field of 'Law and Development' in the future, one way to start the search is with a survey of existing academic fields in 'Law' and in 'Social Science'. In the case of 'Law and Development', there are several places to search. Since 'Law' is a 'professional' discipline, training professionals in skills, it should ideally be connected with a parent social science (one or more) for which it provides technical applications. Since legal systems are 'political' institutions, 'Law' is largely a technology of 'Political Science', which itself is a discipline that studies the 'political' structures and functions of 'cultures' and of complex 'societies' at the level of human groups. That means that the study of 'Law and Development' also should fall within the rubric of 'holistic' social sciences that study human behaviour in groups (Anthropology and Sociology, at the holistic level) rather than the 'line' social sciences that study structures and functions of society (Political Science, Economics, and Sociology at the level of socialisation/ education and social institutions like the family).

Meanwhile, since law deals with human motivation, incentives, decision-making capacity, and relations, much of it also depends on and could fall within the social science discipline of Psychology (at the individual level).

Searching for the placing of this sub-discipline also requires some assumptions about existing definitions of terms like 'Law' and 'Development' that would establish other aspects of boundaries (the goal of the second question in the 18-question indicator in Table 3, on 'clear definitions' of area and variables). In using the definitions of 'development', we come up with three different (and not separable) components of 'Law and Development':

(a): the Law of Development (with 'development' defined by consensus under international law, but also with other idiosyncratic definitions);
(b): the so-called Legal Development interventions (interventions internationally or inter-culturally in law and legal systems); and
(c): predicting legal systems and understanding processes of change, using the idea of 'development' to mean processes of change in cultures.
(These are described more fully in a sub-section below, including how they are inseparable.)

Table 4, (page below), presents this idealised schema of the Social Sciences and Applied Disciplines (including Law (International and Comparative Law) and Public Administration) showing the ideal (expected) fit of 'Law and Development' in its three key components (Law of Development; Legal Development Interventions; and Predicting Legal Systems and Understanding Processes of Change) and the ideal (expected) fit of Predicting Legal Systems and Understanding Processes of Change within the (idealised) parts of social sciences that do predictive/scientific social science, as well as a schema for Public Policy (and "International Development" Studies). The table is in two parts, starting with an overview of Social Science disciplines and then focusing on Political Science in an expanded table. In each of the two tables, the core disciplines are presented (the first column), with their applied disciplines (the second column, to recognise "Law" and "Public Administration" as applied) and topics (the third column) and showing the places that the components of 'Law and Development' might be expected to appear.

In the table, the three key components of 'Law and Development' are highlighted in light blue (and are marked, (a), (b), and (c)). These are all idealised placements and do not imply that current disciplines welcome such study or that they exist in anything more than some peripheral publications. All of the areas in white are the 'neighbouring' sub-fields in which 'Law and Development' might be found but would be inappropriate, and conversely that might be incorrectly placed within 'Law and Development'. While the tables show 'Law and Development' within different disciplines, the sub-field itself as a legitimate sub-field should include all of the interdisciplinary and multi-disciplinary aspects together rather than disparate. Any fragmentation that does not include the interplay between social science and professional application is also suspect as illegitimate.

2.) Clarifying the boundaries and 'levels' of 'Law and Development': The second part of the method of identifying and testing the legitimacy of the field of 'Law and Development' is being able to identify it not only by disciplinary boundaries but by the specific subjects that it studies, the levels of study at which it operates, and the interactions between its parts (and the different fields from which each of its parts may draw). Indeed, 'Law and Development', given the many places it appears in Table 4, seems to be a very complicated field to fully identify and then to structure. The answer to how to 'find' and 'define' a field that may not itself be clearly defined or recognised even by name may sound paradoxical, but there is a method in what seems like madness. There are, for example, three historical tracks of study that directly use the name 'Law and Development'. They may not clearly define what they do by clear boundaries or research questions, but they do provide information on their 'subject' and actions. Some of the words they use have established meanings within core established

Table 4: **Boundaries of Law and Development with Other Areas of International Law and Social Science: Testing the "Fit" of Law and Development with Idealized Core Disciplines and Sub-Disciplines**

Parent Discipline	***Applied (Professional) or Theoretical Sub-Discipline Neighboring or Including "Law and Development"***	***Topics***
Anthropology (four field) [Idealized]	*Anthropology (Holistic):* (Predicting Systems and Change)	
	Law and Anthropology	(a), (b), and (c): Theoretical Basis (Prediction of Legal and Political Systems)
	Applied Anthropology of Cultural Protection and Restoration	Applied
Political Science	**Theory and Applied Fields of Law, Public Administration** *[See Table Below]*	
Economics [Idealized]	*Economics* (Predicting Economic Systems)	
	Law and Economics	
	Efficiency and Productivity Impacts of Law	Theoretical Basis
Sociology	*Sociology* (Predicting Social Systems; Modeling Change)	
	Law and Sociology/ Law and Society	(a), (b), and (c): Theoretical Basis (Prediction of Legal and Political Systems)
Psychology	*Psychology* (Social Psychology and Behavior Change)	
	Law and Psychology	Theoretical Basis

Parent Discipline	***Applied (Professional) or Theoretical Sub-Discipline Neighboring or Including "Law and Development"***	***Topics***
Political Science	*Theory* (Idealized) (Predicting Political Systems and Change)	
		(c) Prediction of Legal and Political Systems
Political Science	**Law**	
Political science/ international relations and applied areas of Public Policy/Public Administration	*International Public Law*	
	Human Rights and Interventions	
		Sovereignty and Interventions
		Human Rights Monitoring
	Law and Development (Applied area of Rights and Sustainable Development)	
		(a) International Laws *of Development/Sustainable Development*
		(b) *Legal Development* Interventions
	Laws of Relief	International Development Agency Laws
	Laws of War	
	Environmental Law	
	Comparative Law	***Topics***
		(c) Prediction of Legal and Political Systems
[with Interdisciplinary contributions]	*International Private Law*	
Economics and applications in Business Administration		International Finance and Investment
Political Science	**Public Management and Public Policy**	
Political science/ international relations and applied areas of Public Policy/Public Administration	International Development	

disciplines. In other cases, like in international treaties, there is a specific consensus on what certain words mean, like 'development' (Lempert 2014a, c). While a lot of this work is one of interpretation, the basis of the interpretation of what 'fits' in a field is to see if it already exists somewhere else as well as to apply logic to determining whether it does something new and how it would achieve what is new. In this case, for 'Law and Development', we can find some clues as to its parts in the different places where it appears, can recognise the different levels where it operates, and can see by logic that these parts can also not really be separated without destroying the integrity of the field.

In placing 'Law and Development' next to other disciplines in law and social science (and this is visible in Table 4), what becomes clear is that, as a discipline, 'Law and Development' has three specific components as noted above ('international development law' that distinguishes what is 'development' from what is not; 'legal development interventions'; and the interactions between 'law and culture/society') that cannot easily be separated from each other. While these draw on existing areas of study, there are clear parts that are different from existing areas of study because they not only branch off a set of detailed questions but because they are at a different 'level' and not of the same type as the other activities. Within either 'Public International Law' or 'International Development', for example, while there are categories of 'development' that are studied elsewhere (for example, 'education' is a part of 'development' but is already a specific area of study) and of 'law of education' (also at the basic level of policy and law applied to a single sector), the study of 'development' itself is at a holistic (or 'meta') level that includes several sectors at once, at the level of the whole. It operates at the 'meta level' of disciplines that separates them from specific sub-areas of study that are parts of 'development' but that are

separate and distinct fields of their own (like human rights law, environmental law/sustainability, and other sub-fields).

Besides being at a different 'level' from sectoral areas of law or policy, what makes 'Law and Development' a 'different kind of animal' from what currently exists in fields like 'Law' or 'International Development' is that the different parts of this field that might fit as new categories of existing sub-fields, like 'International Public Law', logically interact with each other in new ways. Within the areas of 'International Development Law' are various components like 'promoting international peace', 'protecting sustainability of independent cultural groups/peoples', and 'promoting individual rights', which, themselves, require certain types of 'legal development interventions' (potentially in one's own society and not necessarily internationally) to be achieved, and which depend on theoretical understandings of 'legal systems and how they develop' in order to be implemented. In other words, the laws themselves depend on legal processes that depend on legal development theory. Each of the areas is 'self-referential' in the sense that it rests on other advances within its own study. This doesn't make the field impossible, because each area of study can be conducted independently. It simply suggests that the areas share a common objective and a common set of skills that have a fit with each other. So, even if each of the three areas of this field can be placed within parent social science disciplines and applied disciplines as 'sub-disciplines', they can also come together as an integrated 'field'.

These three areas, as identified by their definitions of 'development' and from different core disciplines (as shown in Table 4), have the general boundaries as subject areas as follows.

a): 'International Development Law/Law of Development' (found within 'International Public Law' and with a theoretical basis of explanation in Anthropology and Sociology) is a body of international law that specifically refers to 'development' and what it means. Since there is no single 'International Law of Development', and the word 'development' and its related concepts appears in several international documents (laws, human rights declarations, and conventions), it requires legal analysis to be studied, identified, and codified. Some codification has been done (Lempert 2018c).

Under international development law that has been ratified by most countries in an overall body of laws that indicate an overriding consensus, there are 13 categories of 'development'. 'Development' is defined in these laws at four different levels:
At the level of the individual (personality) [5 total categories], international treaties refer to five development objectives: physical, mental, spiritual, moral, and social development, plus individual cultural development (that links these to the level of culture/community).
At the level of society [4 total categories], international treaties are clear on how societies themselves must develop in order to meet the needs for full individual/personal development. These are understandings and rights that promote individual development, and fit into three categories of 'equity': social equity/equal opportunity [not income equality but opportunity which is a political right], political equity, and peace/tolerance.
At the level of cultures/communities [1 category], there is one fundamental development requirement: sustainability.
At the global level, international treaties identify three areas of political, economic, and social development [3 total categories] for achieving equity between cultures: social equity of cultures, political equity of cultures, and the requirement of peace/tolerance.

It is important to note here what is missing from and what is not considered development under international law. The term 'economic development' does not exist anywhere in international development law, and can be seen as a false concept. This term was specifically not intended by the international community to be considered with the specifically mentioned categories of 'development'. Economic productivity increase, economic equality, poverty alleviation or relief, or any other attempt to define development in terms of economic measures or

specific types of societies such as 'industrial', 'urban', 'modern', or any other 'First World' model of economic consumption, production, and social organisation do not fit anywhere into development law. The false concept of 'economic development' has a colonialist connotation that post-World War II international law recognised as the cause of genocide and global war and inconsistent with international law.

b): 'Legal Development (Interventions)' (found in 'International Public Law' and with a theoretical basis of explanation in Anthropology and Sociology) is the category of international (and potentially, in a pluralistic society, also domestic) interventions that aim at changes in a culture or society's legal culture, legal institutions, and laws, in ways that are acceptable under international law in general and international development law (i.e., the laws of sovereignty, sustainability, and cultural and individual human rights (the two levels of rights)).

c): 'Prediction of Legal Systems and Change/Law and Society/Culture' (the social science, humanities basis for both 'International Development Law' and 'Legal Development Interventions' AND the specific technologies for applying these fundamental principles discovered through social science and humanities/ethics, found in Anthropology, Sociology, and in Comparative Law). This area of scholarly work provides the underlying basis for the two types of work in 'Law and Development' ((a) and (b), above) with specific applications in each of them.

It is this part of the field of 'Law and Development' that seeks to discover the social science of law and society (predictions of what can change and how, and how law affects society/culture and how culture/society affects law), to establish its ethical guidelines, and that then designs appropriate technologies to apply this social science and ethics to International Development Law and to legal development intervention. It is here that social science, humanities, and law actually fit together in the practical work of this field.

It is important to stress the linkages and interdependencies of these three areas as part of a single 'field', even though the work of this single field could potentially be divided among different disciplines as 'sub-disciplines'. As Table 4 notes, 'Law' itself is a technical discipline and a profession that is a part of social science (currently mostly closely an offshoot of Political Science but also drawing on Psychology and other social sciences, and with some elements of humanities). Within the study of law, there can be interdisciplinary work with law and social science and with law and humanities ('History of law', 'Comparative law', and 'Jurisprudence') but these areas of study in law apply methodologies from outside just the simple study of written law or legal concepts and practices. Within 'Law' as it exists today, with most of the key underlying social science of the field stripped away, the remaining methodologies of what is currently the applied discipline of 'Law' itself' are limited. The methodologies of this applied discipline of 'Law' today can be used to reveal the principles of law and to discover and codify areas of law (like 'International Development Law' and various aspects of 'Legal intervention'). But in itself, the methodologies of the profession of law today are technical and limited to things like improving the coverage of specific laws, resolving conflicts between laws and between underlying legal principles, improving the enforcement of laws, generally all through legal analysis and then legal drafting. Legal training, itself, stripped of the basic social science behind the applied discipline of 'Law', is not adequate training for social science analysis of the phenomena driving 'Law' and development processes of law. Understanding of legal culture and the role of law in culture and society, institutional behavior, cultural and social change, questions of human survival and cultural continuity and collapse, individual behaviour, education and learning, social analysis, strategic planning and managerial accounting, and measures of progress, all require an understanding of social science. For lawyers to enter into these areas without this training and to claim expertise is generally inappropriate. It is equally inappropriate when lawyers offer certain assumptions or ideological beliefs as an accepted consensus or as unchallenged facts without the scrutiny and testing of experimental social science. Neither 'International Development

Law/Law of Development' nor 'Legal Development (Intervention)' can be adequately studied and applied without the direct linkage to the underlying social science of 'Prediction of Legal Systems and Change/Law and Society/Culture'.

3.) Finding methods for collecting data and analysing the compositions, approaches, questions, boundaries and practices of Law and Development in order to test for legitimacy: The third step for testing a sub-discipline for legitimacy is to find the appropriate means of data collection and analysis of data for the sub-field. Research techniques need to be flexibly applied to any subject in order to collect a broad amount of data and to process it in ways that make it meaningful. This is especially true in collecting information on research fields where labels and words are used in multiple ways. The methodology of this research includes mixed approaches in information collection, processing and analysis, combining specific knowledge of the fields of law and social science (with approaches to institutional and administrative analysis) with applications to scholarship and education.

While some of the information on the fields, associations, and journals that are named for or touch on 'Law and Development' and its three main areas (law of 'development' interventions, international interventions in law and legal institutions and legal culture, and the interactions between law and culture, society and change) can be found through websites, journals, and historical presentations and scholarly debates, other research material in this article relies on direct interactions with scholars and practitioners in multiple fields globally. The author of this article has worked directly in professional application, teaching, scholarly publication, and conference presentations in the areas of law, development, social science, and various components of 'Law and Development' for the past 35-plus years (back to the 1980s) in some 30-plus countries on five continents, including work alongside the organisations and professionals that have played major roles in the areas of this 'field'. Thus, sources of information collection for this article include interactive discussions with heads of the societies, journal editors, submissions of work and conference proposals, legal development and international development professionals at all levels of government, international organisations, non-governmental organisations, and in work as a legal professional on drafting, legal implementation, legal institution building, the building and structure of disciplines, university administration, and international education.

The methods used here include a mix of participant observation, qualitative anthropological methods (Geertz 1973; Spradley 1980) defined specifically for this type of work in the sub-field of 'organisational anthropology' (Smith 2006; Douglas 2012), as well as the organisational methodologies and approaches described in the previous section. In analysing the organisation of disciplines and in holding disciplines to standards, the author relies on state-of-the-art approaches used in the social sciences (Sly 2018; Lempert 2018a and b; Levinstein 2018).

4.) Historical data and predictions for 'Law and Development' that can be part of a test today: A fourth step that can be used in the test of the legitimacy of a sub-field is to see whether predictions for the sub-field meet the rational developments for the sub-field that one should have expected to see. Most fields don't include much self-reflection and prediction, but where it exists it can also be used as an important source of data over time. While testing the legitimacy of 'Law and Development' is a static measure of whether it currently meets certain criteria for a discipline or field, there was also a dynamic prediction made some 45 years ago on how the field was evolving that can be tested today, in hindsight. Given the existence of a past prediction that has yet to be examined by independent observers like this researcher, the data collected in this study can also be used to test past hypotheses on how the field would change over time and to offer a case study of the 'legal development' (or suppression and distortion) of the field itself.

In searching the scholarly literature of 'Law and Development' and some of the related terms that scholars use for work in the areas of the field,

much of it seems filled with paralysing debates, critiques, and lamentations instead of social science study and generation of accountable technologies that are in concordance with international law, that would promote the actual field, work, and public benefits of 'Law and Development'. Among these is an article by David Trubek and Marc Galanter, who were part of the US government-funded 'International Legal Center' (ILC) approach of the 1960s (that I describe in Table 1 as track 3). They began to make predictions about the field in 1974 as the funding that had allowed them to, in their words, 'cash in' was being challenged and was running out (Trubek and Galanter 1974: 1065). In this article that they somewhat self-pityingly titled 'Scholars in self-estrangement', they described what was for them a 'crisis' and a 'malaise', and defined several directions in which they believed the field was likely to go. In general, they noted that ideologies stifling broad attempts at scholarship and applications appeared to be growing.

Although Trubek continues to write about the history today and appeared recently (in 2019) at a conference of the Law and Development Research Network in Berlin while proselytising for continuation of the government-funded 'First World' (US government) interventions on which he had 'cashed in', neither he nor Galanter have conducted any real follow-up study about their predictions. Though this author brought conclusions and sought to open up discussion with both of them directly, neither continued the exchange after an initial contact. Trubek's only comments, in his recent published work, merely state that his belief that he, himself, contributed to or perhaps encouraged what he views as the decline of the sub-field by promoting questioning of imperial objectives of the implementing/ funding agencies from whom he had benefited (Trubek 2016). Of course, Trubek and Galanter's predictions were not objective, and the history is not independent of their actions since they had a direct self-interest in their own line of work as well as links with funding organisations, established universities, and publications. In hindsight, and as an outside observer, it is possible to add in observations about the line of work in which Trubek and Galanter were engaged as part of the predictions to test.

The three paths of research and applications in 'Law and Development' that Trubek and Galanter predicted would continue and for which there is now evidence to test those predictions can be described as three different 'Typologies' that I summarise as follows:
—Typology I: Compartmentalisation of 'Law and Development' into narrow 'moral action' on behalf of specific interests/groups (e.g., legal interventions and scholarship on civil rights of women, children, assimilating minorities, environment, labor, and indigenous peoples) with narrow actions to 'help the poor' (e.g. legal clinics, access to justice, and other token projects) to replace systematic legal system changes (e.g. restoring legal systems and communities/sustainability through law and de-colonising legal interventions; challenging international organisations with new forms of accountability through development law);
—Typology II: 'Objective' case study 'reporting' of black letter law (specific written law) and local conditions (what they called 'neutrality' and 'positivism'—i.e. reports on specific laws in specific countries without analysis and applications or just theorising) in place of social scientific comparisons and applications;
—Typology III. Replacement of the field of 'Law and Development' with abstract philosophy (continued 'critique' of law and of elite actors) with no practical benefit or empiricism.

An unvoiced additional typology that can be tested and that seems to have been implied by the critiques of the 'Law and Development' of the 1960s, but that Trubek and Galanter did not mention, perhaps due to potential conflicts of interest, would be this:
—Unvoiced Typology: Replacement of the field of 'Law and Development' with hegemonic international law to promote Globalism and Corporatism (e.g. new global trade regimes to promote corporate profit; new laws promoting assimilation and neo-colonialism; laws increasing powers of international organisations and elite contacts in ways that would undermine public accountability and rights).

In their article in 1974, Trubek and Galanter note that they were working for the very government agencies that their colleagues were criticising (as promoting 'imperialism'). While they described their work at the time as part of building 'democracy', they did not develop any specific protocols to ensure that their work was consistent with international laws on development and that their findings did not include conflicts of interest. Nor did they specifically take a stand on the issue in that work. Since one can infer Trubek's views from his recent work (cited below) as in favour of an agenda of globalisation, I include this fourth Unvoiced Typology as one they were also implicitly seeking to be tested.

While Trubek and Galanter did not offer a specific testable theory of change that predicted what the field of 'Law and Development' would look like today, they suggested that the first three typologies would result as a reaction to the failures and moral violations of the US government in its activities in 'legal development'. They noted the 'loss of faith of most policy makers who administer or support legal development assistance'. They wrote of 'disillusionment with the United States government and the governments and legal professions in many Third World countries' with a 'collapse of the liberal belief that United States foreign policy is really guided by its humanitarian rhetoric' along with a belief that 'the real motives behind United States assistance are military security or preservation of economic interests' (Trubek and Galanter 1974: 1092).

One other theoretical prediction on the field that appears in the literature is found in the *Political and Legal Anthropology Review*, back in 1995, some 21 years after Trubek and Galanter and now some 25 years ago, independently expanding on Trubek and Galanter's observations as it related to what Trubek and Galanter were describing as Typology III within the field of Legal Anthropology/Law and Anthropology. According to this piece, the turn of political and legal anthropology towards philosophy and away from any form of prediction of legal development or application for any kind of public benefit seemed to be directly intentioned on avoiding any challenges to government with the rationalisation that this served a 'moral' purpose of avoiding any chance that work to advance even legally accountable and public benefit international legal development objectives could be misused by governments (Duncan 1995).

III. Data: examining the six tracks of 'Law and Development': In place of a fruiting tree of a discipline and field of 'Law and Development' — in ways that would represent the logical evolution of scholarship and application — what seems to appear instead are different mounds of firewood or discarded and lost growth with disappeared roots. Ideally, in examining the emergence of a legitimate sub-discipline, what one might hope and expect to find is scholars focusing on existing questions within an existing sub-field — building up a body of knowledge in the form of new branches of a 'sub-discipline', then perhaps reaching out to other disciplines and sub-disciplines to link them into a 'field' to pursue answers to a set of questions jointly, reaching a consensus on answers and approaches to questions in a way that creates a 'core' field or sub-field, and then adding on applications based on established findings. What one actually finds today in 'Law and Development', however, is not only a clear disconnect from this earlier development of scholarly questions and search for answers and what have emerged as current sub-disciplines, but the emergence of two current associations that each claim to be 'Law and Development'—both applied fields with no theoretical origin and with no agreement with each other on basic definitions of 'development' (if they have them at all) or goals. Meanwhile, there are other simultaneously existing and now defunct branches. This is the confusing picture that is presented in summary in the origins of 'Law and Development' in Table 1. To find 'Law and Development' and to make sense out of it, one needs to follow discontinuous tracks of scholarship in a number of different fields that act at times without knowledge or interaction with each other and at other times in direct opposition to each other and to goals and principles of scholarship and application, to the apparent detriment of any emergence of a sustainable and integrated 'field'.

In presenting data on 'Law and Development', this section looks at what can be classified as six different 'tracks' of this field by examining them in their chronological appearance, interactions, and practices, to see how they constitute the fundamentals of a single field (or pluralistic set of fields and sub-disciplines). The chronological approach helps to reveal how the current tracks abandon the basic context of natural and legitimate sub-fields that build on disciplinary standards and on discoveries, integrating with and learning from each other. This section provides expanded information on the tracks that were introduced in Table 1 in outline form, summarising basic information on their time of emergence, the relationship between different tracks, the disciplines in which they appeared, the infrastructure they have developed, their scope and whether they are appropriately theoretical with applications, as well as whether they are representing a publicly accountable discipline or whether they are funded by specific interests with particular political ideologies.

— The two main tracks are, first, the long historical track that emerged preceding and then within social sciences over centuries but that is, ironically, largely invisible, and then a post-World War II track of applied work that continues to influence two current tracks even though it largely exists outside of academia.

—Two of these six tracks that are now largely just peripheral are mentioned here to explain how they began from a main track and then narrowed and restricted their scope.

—The two current tracks (both applied, and detached from any fundamental 'development' discipline) that both claim the name 'Law and Development' are easier to analyse given the availability of current data.

Note that the numbering used here is different from the column order in Table 1 but follows the numbering used in the first row of that table ('When it Emerged', with the rough chronological order marked). Here, the order of presentation is column 2 of the 7 columns in Table 1, the original track of the field; column 6 in Table 1 (a peripheral track that branched off law and social science to focus on industrial societies and not on 'development'); columns 3 and 4 in Table 1 that use the name 'Law and Development'; then column 7 that is a peripheral track that was a rejection of 'Law and Development' in reaction to it; and then column 4 that is a new track of 'Law and Development' in Europe. This is because the presentation here follows the logic of historical development rather than identification of each track with the 'core' of 'Law and Development'.

1.) Classic social science and jurisprudence: the basis for the formation of 'Law and Development' that is now marginalised: While most established sub-disciplines actually have two versions of their histories that are well integrated into their work — one that consists of all of the established theorems and discoveries (and in some cases also the methodologies) upon which the field is built as part of a progression of solutions to the questions and problems of the discipline, and a second one that also includes the past failures and misconceptions as a guide to learning from mistakes — there does not seem to be any recording of a core progression of 'Law and Development'. It is as if there is a current goal among those in the two associations of scholars today that use the name 'Law and Development' to eliminate a social scientific path and a set of precepts, findings, and principles and to replace them with politics. To try to find the actual history of the work in 'Law and Development', that in fact goes back centuries, one needs to conduct research across multiple fields and to try to reconstruct it. In order to do that, one also needs to think about the three areas of the field described above (in the section on Methodology) and to consider within each of these three areas the specific kinds of questions that social science researchers would be asking about the 'development' of human cultures and societies and about the concurrent 'development' of law, role of law and interaction with law. Below, I present this history of the field that I find dating back more than 2,000 years, in a section on 'Unrecognised Historical Origins of "Law and Development"', followed by a section on the 'Roots of Modern Social Science and Law', and then an overview of 'What Remains Today' in this area of work, scattered among the social sciences, law, international development, and various journals.

Unrecognised Historical Origins of 'Law and Development': although it has not been a part of study of 'Law and Development', certainly the technology of 'legal development' has existed for as long as there has been law and contact between peoples — both in the form of transfer of approaches to enforcing exchanges of all kinds between different peoples (from kinship to joint land use to agreements on conflict and conflict resolution to trade) to hegemonic influences and imperialism. The Rosetta Stone is documentation of this exchange back in 196 B.C.E. in the form of a decree of the Egyptian Pharaoh Ptolemy V, written in Egyptian and Demotic as well as in Greek so that it would be intelligible to the Greeks under Egyptian influence. The decree reports on a decision by the priesthood for annual celebrations as part of the worship of Ptolemy V, and is an example of the transfer of law and politics involving religious ritual. This kind of legal transfer has occurred across empires in the record of ancient laws and religion/religious law from the early Indian kingdoms in Hindu and Buddhist religions and affiliated law, the Roman Empire, Christian religious law and old Roman codes following the fall of the Roman Empire and then through the Middle Ages, of the ancient Chinese Han as their empires expanded, and in the late twelfth century from Asia to Europe under the rule of Genghis Khan.

If law was imposed or exchanged across different systems, certainly there would have been at least informal questioning and 'study' of the role of law as well as of the institutions of law itself and their role. While no formal study is documented, ancient writings present what is essentially evidence of social experiments in 'Law and Development' that have been regularly discussed since that time.

—We know, for example, of the story of Moses and the 'Ten Commandments' in the Old Testament (that scholars date to at least the sixth century B.C.E.), that is in fact a social experiment in introducing law. The tale of Moses' initial failure to convince the wandering Israelites in the desert near Mount Sinai (around 1200 B.C.E.) to follow this basic law and then his greater success in his second attempt is experimental evidence of legal development.

—The story of Moses also includes his attempts to convince the Egyptian Pharaoh to end slavery and the various means that he employed to achieve what is today also a goal of international development law. Moses' techniques for convincing the Pharaoh, starting from simple requests and then moving on to various forms, ultimately leading to an armed resistance movement and freedom, are an experimental case study in techniques of 'legal development' to achieve cultural political equality. These may be the first studies of 'legal development' and presentation of an actual social experiment for transferring a code of law and could be considered part of an early text on legal development.

—One can also read the plays of the Greek Aeschylus, (fifth century B.C.E.), describing the legal profession and the popular mistrust of lawyers (much like the role of lawyers today), and the attempt to use lawyers to achieve justice (in this case from the Greek gods) to know that the questions that social scientists ask today about 'Law and Development' actually date back more than two millennia. Probably there are other such stories of law and culture dating back to ancient Mesopotamia several centuries earlier. One might also classify some of the early Greek philosophical writings on political systems and law, such as Plato's *Republic* (380 B.C.E.), as an early attempt at modelling 'legal development.

The Roots of Modern Social Science and Law: Formal studies of 'law and society' that provide the basis for questions about 'Law and Development' date back perhaps to the eighteenth century and to Montesquieu's studies of law and society (1748), in early political science, and Marx and Engels' brief description of law as driven by material culture (and 'class' in mass society) with law a dependent variable on culture (superstructure) rather than acting to change culture (1846). These could be considered some of the early social science on the relationship between law and social change and on the ability (or inability) to use law to achieve social change.

This work was followed in the nineteenth century by Henry James Sumner Maine's studies of 'Ancient Law' and 'early' society (1861, 1883) that appear to use a linear 'Darwinian' model of the

'evolution' of legal systems on a straight path from 'primitive' to 'modern' (Western colonial) as well as his examination of the relationship between democracy and 'progress', finding no link (1885), that could also be classified as early political science or comparative law. Although it has long since been debunked and disregarded by later scholarship as well as by study of Darwin's work himself (and his actual view of evolution as 'adaptive' and 'radiative' to local circumstances, rather than linear and teleological), this nineteenth-century view of 'legal development' long characterised the mid-twentieth century teaching of political (and legal) anthropology. It seems to be the basis of the ideology of 'legal development' and 'Law and Development' promoted by Trubek and others today (though they avoid any scientific discussion and debate on the source of their beliefs), as can be noted below in discussions of some of the current tracks of the field. The classic work of Max Weber, considered a founding 'sociologist' and 'political economist' on law and the 'rationalisation' of society, originally presented in his lecture 'Der Nationalstaat und die Volkswirtschaftspolitik' in 1895, is also a work of the relationship between types of society (in this case, mass industrial society) and legal ordering.

It seems that little or perhaps none of this history of 'Law and Development' has entered into any syllabi or publications on the history of the sub-field. In a recent work, Trubek, in his efforts to write about the history of his track of work in the field, recognised Max Weber as perhaps the first scholar in his version of the history of the field, but Trubek also puts a spin on the history by mentioning only Weber's work on 'the spirit of capitalism' (1904) and linking law to 'capitalism' rather than noting Weber's actual work on the field, linking law not to economic organisation but to social complexity and technology (and the idea of bureaucratisation and law as a form of social organisation and control) (Trubek 2016). Perhaps this is part of an ideological goal to see 'law' and 'development' only as the advancement of corporate business. Trubek's selective view of the history that seems to be shared by others, with a reference to 'isms' and to 'capital', spins the field today into an ideology of law for the promotion of neo-liberalism and a focus on economics rather than on social organisation and culture.

Other works of law and society that could be seen as part of its early development but that have now largely disappeared from recognition as part of a sub-field of 'Law and Development' include works like that of the German-Italian sociologist Robert Michels and the Russian lawyer-scholar Evgenii Pashukanis and lawyer-sociologists, Pitirim Sorokin and N.S. Timasheff, both in the Soviet Union and the latter two in the U.S. Robert Michels (1911) in his study of the 'iron law of oligarchy', extended Weber's principles on technology and complexity driving political and legal ordering (in Michel's theorem, where technology and complexity drive oligarchic laws in certain political structures). Pashukanis, the Soviet legal and social theorist added law to the dialectic development predictions of Marx and elaborated the earlier observations of Marx and Engels on the relation between law and society and how law would 'wither away' if legal culture and socialisation institutionalised behavioural norms (1924). After their emigration to the US from what became the Soviet Union, Russian law professors Sorokin (1937), and Timasheff (1939) built sociology and added to theories of 'law and society' within social science.

Alongside this track of law and society studies that developed in the social sciences, law schools also begin to integrate theory into the applied professional teaching and study of law, within the field linking social science and law that emerged as 'Jurisprudence'. Within Jurisprudence in the 1920s was a set of studies testing the social theories on the relationship between formal law and legal outcomes. Many of their studies focused on the relationship between social and political backgrounds of judges and legal outcomes. The conclusion of these scholars (Pound 1927; Frank 1949; Llewellyn 1962), calling themselves the 'Legal Realists', was that law itself had no real independent impact on decisions and that the realpolitik of judges was the determining factor.

Along with Weber, in his version of the history of the field, Trubek also mentions Pound, seeing the origins of 'Law and Development' as primarily within law schools and in the form of application, with little or no recognition of social science

testing and theory. Trubek cites Judge Roscoe Pound's address on 'Law and Social Change' before the Indiana Conference on Social Work as seminal because it discussed the relations between law and social behaviours and the objectives of using law for 'social engineering'.

In the 1930s, when sociology and anthropology began to split with each other, the study of law in comparative contexts (historically and internationally and in sub-groupings) was essentially split between two levels—that of cultures (anthropology) and that of societies (sociology). This split partly mimics the split that occurred within the field of sociology itself in which it now acts on two different levels with a mixed logic. Today, sociology mixes the study of 'society' at the level of the aggregation of cultures into a complex set of group interactions with the study of social structures that appear as component parts of societies and cultures, like the family and schools and their functional roles like 'socialisation'. As a subject of study within sociology and connected with sociology, this meant that questions of law (and of 'Law and Development') were also split between the two levels in these disciplines.

What this history makes clear is that, even well before World War II and the rise of the US as a global power intervening in the legal systems of former European colonies and elsewhere in the name of 'development' and in 'legal development (interventions)', the questions of law in different types of cultures and society, the impacts of introducing outside laws, the processes and relations between law and culture, and other related concerns were all arising naturally within various social sciences and also in the area of Jurisprudence in law schools. If all of these studies had been defined as 'Law and Development', they would have been sufficient for the formation of a field or a sub-discipline that would have then guided different technologies of 'legal development' as well as oversight of 'development law' following the post-World War II international law system that was introduced in the hope of learning the lessons of that war (for de-colonisation, protecting populations against genocide, and promoting a list of some 13 'rights' and 'development objectives' at various levels through international law and legal treaties (as previously discussion in the section on Methodology, above) (Lempert 2014a, c).

Some of this work seems to have continued for a time in early post-World War II legal (and political) anthropology as well as in legal and political sociology (and the track of Law and Society). In early, mid and post-WWII anthropology, the discipline consisted of four different 'fields' (physical anthropology, which is primate anthropology and human evolution; human archaeology and pre-history; social and cultural anthropology; and linguistics) and also began to generate sub-fields according to 'structures and functions', which included politics and law. 'Political anthropology' and 'Legal anthropology', either together or separately, originally included the questions of 'development' of politics and law from primates (primate politics, though not really primate 'law'), politics and law in 'states' and 'pre-state' formations of hunter-gatherer bands, tribes, chieftaincies, and nations, to contemporary complex cultures. Originally, this study suggested a linear path of 'social evolution' but then more refined concepts of radiative and adaptive evolution led to studies of political and legal development using environmental variables and leading to identification and study of varying types of 'legal cultures' at all of the various levels. Although less work was done on complex legal cultures and interactions, it did appear and also provided the basis for informing the technology of legal change. This author's doctoral work in the urban Soviet Union (in Leningrad), with comparisons to the US and other industrial empires in their systems of control, regulation, interactions with minorities within and outside the empire, and pathways of change, was one such work opening the door to an integrated sub-field of 'Law and Development' that essentially remains stillborn due to radical changes in the field of Anthropology (described below) (Lempert 1996).

What Remains Today: The track of study of comparative legal cultures and of 'social evolution' in various forms continues in a very small number of journals of those remaining (and aging) scholars of the earlier Political and Legal

Anthropology such as *Social Evolution & History* but without any direct reference to 'Law and Development'. In parallel, there is an emergence of a study of 'social evolution' today that is coming from the field of biology and that is slowly branching into human cultural behaviours. If this sub-field of 'Law and Development' remains excluded from contemporary anthropology (see below) perhaps it will re-emerge in Biology.

Scattered work can be found today (briefly noted in Table 1 and in some discussions later in this article on reconstituting, reintegrating, and rebuilding the field) not only in the area of 'social evolution' but also in the area of 'social justice' and in 'law and social justice'. With the current politicisation of Anthropology and Sociology, the turn away from science, comparison, prediction, and technical applications and towards studies of and advocacy for 'identity', there has been an emergence of various aggregations of Area Studies (interest group studies) into fields and journals of 'Social Justice'. In fact, this new field has very little to do with 'justice' in the forms of law and procedures and is focused more on advocacy for specific groups. Those working in this field, however, have started to return to the recognition that achieving justice may actually require an understanding of law, legal culture, differences of laws across cultures, and also international law. Some law schools and journals now cover 'Law and Social Justice'. Though they essentially study 'civil rights' law in complex industrial societies, some work of 'Law and Development' has now entered here as one of the places where it is welcome again. An integrated form of 'Law and Development' could thus potentially re-emerge in 'Law and Social Justice' within law schools (returning to the earlier track of Jurisprudence and Legal Realism that integrated law with social science rather than just philosophy) or in Sociology, Anthropology, or a combination.

Nevertheless, the integrated field of 'Law and Development' is largely stillborn as a recognised sub-field even though its key pieces may exist today scattered across disciplines (see below) since it lacks a critical mass of scholars or an institutional home or funding.

2.) Law and Society: (Peripheral): With the branching of Anthropology and Sociology starting around the 1930s, the sub-fields of Political Sociology and 'Sociology of Law' also began to emerge within the discipline of Sociology. Unlike Anthropology, however, Sociology today limits its study to the level of complex societies (generally contemporary industrial societies, though also with some historical comparisons to empires), which means that any study of 'development' is largely limited to that of urban industrial complex societies. A 'Sociology of Law' that includes 'Development' would therefore largely be limited to the study of assimilating cultures into larger blocs, converting their economic and political systems to be compatible with larger units or standardising interactions with them in some way. This makes it essentially a peripheral field to 'Law and Development'.

While the sub-field of 'Sociology of Law' had begun to develop among sociologists like Max Weber in the late nineteenth century, it was not until 1964 that the field was formally recognised in the US with the infrastructure of an association, the 'Law and Society Association' (LSA) [https://www.lawandsociety.org/about.html] and, two years later, a journal, the *Law & Society Review* [https://www.lawandsociety.org/review.html], that received foundation support (the Russell Sage Foundation). Although neither the LSA nor its journal specifically mention 'Law and Development' today, and there is no committee for it in the current by-laws of the Association [https://www.lawandsociety.org/docs/bylaws.pdf], one of the first editors of the journal in 1973 was the author of works on 'Law and Development', Marc Galanter, and the journal at that time did include articles from this sub-field.

In its initial years, the LSA and the sub-field of 'Law and Society' essentially focused on the role of law in the US in areas of civil rights and inequality (Skolnick 1965). The topics mentioned as within the scope of the LSA today include 'the impact of specific reforms, compliance with tax laws, the criminal justice system', describing 'legal systems' and identifying and explaining 'patterns of behavior' and 'understanding ideology, culture, identity and social life'. There is no mention of

international comparisons, international interventions, or of international law or international development law. While the LSR journal describes itself today as 'interdisciplinary' and welcoming work 'from any tradition of scholarship concerned with the cultural, economic, political, psychological or social aspects of law and legal systems' [https://www.lawandsociety.org/review.html], it also does not mention any processes or technologies of 'development' associated with law. Typically, the articles published today are case studies of laws in specific country contexts [https://onlinelibrary.wiley.com/journal/15405893]. In repeated submissions of articles on topics of 'Law and Development' that have been published elsewhere, this author has found recent editorial boards of the journal unwilling to consider or review articles within the area of 'Law and Development'.

3.) The USAID Track of (Applied) Legal Development: The sub-field of 'Law and Development' that appeared with this specific name as of 1974, if not earlier, served as a technical professional field promoting US government objectives internationally without any integrated, sustained, or natural connection to the social science or humanistic concerns of 'development' and of 'law', severing the possibilities for an integrated sub-discipline of 'Law and Development' to emerge for the roughly 50 years that have followed. What Trubek and Galanter (1974) described as a 'crisis' in 'Law and Development' due to a 'lack of purpose' dating back to that time, that Trubek claims continues today (Trubek 2016), would seem to be easily explainable by the fact that this applied, technological segment of the field, driven by government-defined objectives and funds, and enabled mostly by law professors whose work hardly includes social science, directly cut off the opportunities for the natural emergence of an integrated discipline. Indeed, this track appeared as a deliberate, top-down choice to create a field with an ideological purpose that failed to even recognise, let alone ensure, any accountability to existing international development law (Lempert 2014a, 2018c and d). Part of the reason for the hostility to this approach was that rather than codify and incorporate the actual international laws of development, this track promoted objectives of cultural homogenisation and neo-colonialism that were directly in conflict with it. The sub-field deliberately blurred the choice of specific basic definitions for words like 'development' and avoided posing the basic theoretical questions and recognising the full scope of questions that would have enabled the natural progression of a publicly accountable and scholarly legitimate field.

The Emergence of this Track to Serve US Cold War Objectives: Though this track may not have entered universities in the US under the name of 'Law and Development' until around 1974, Trubek and Galanter describe the emergence of this track as dating to the Ford Foundation's funding of the India Law Institute that they claimed conducted the 'first studies' of legal interventions in a 'developing country' in the 1950s (apparently as of 1954). Soon after this, the US Agency for International Development (USAID) provided $1m to the International Law Center (ILC) in 1961 to try to establish this work as an academic field (Trubek and Galanter 1974: 1067). The Ford Foundation's activities in India from the 1950s appear to have largely been the funding of India's law schools to educate Indians in 'Western legal doctrine' (Krishnan 2004 :448), spending millions to hire US law professors (including Galanter) to export the American approach (including $9m for major US law schools to create a curriculum for training foreign lawyers) and apparently replace the British-established colonial-era law school approaches. The reaction of the law schools and faculty involved in this program over the years appears to have been a recognition that Ford's goals were a recipe for failure as a result of 'various institutional, political, cultural, and legal reasons' (Krishnan 2004: 498). Apparently, this awakening among some of the law professors alerted them to the concepts of law and society and legal culture and to their description of their work and reflections as a 'discipline', despite the lack of involvement of social scientists in these programs.

After another decade of Ford- and US Government-funded projects in legal advising

overseas, that Trubek and Galanter describe as top-down requests and funding for scholars to work overseas and at their universities (1974: 1065), the International Legal Center (ILC), with $1m in USAID funding, organised some nine of these scholars, including Trubek and Galanter, to serve on a 'Research and Advisory Committee on Law and Development' and to try to define the scope and purpose of the field of 'Law and Development'. In the document they produced in 1974 (ILC 1974), this group of lawyers both failed to even recognise or try to codify existing international development law (Lempert 2018c) and failed to even define 'development', though a definition does exist under international law today and is similar to what was available at the time (Lempert 2014a). The group admits that 'we did not try to reach agreement on a comprehensive definition of development' and that a definition of 'law is scarcely more precise' (ILC 1974). In reflecting back on the start of the sub-discipline of 'Law and Development' today, and noting his participation in a $20m project funded by USAID, Trubek seems to define 'development' as post-World War II intervention in the Third World by the US government in a way that avoids any attempts to equate US hegemony with Soviet or other country interventions internally or internationally, or with any other historic interventions; eliminating the possibility of social science modelling of this work.

In Trubek's view of this early period (what he calls the 'first moment' of 'Law and Development', and recent versions of it the 'second moment') 'most work then and today assumed that the long-term goal was to suck the diversity of the globe's cultures and economies into a single, US and European led "market economy" within a "capitalist" system. Though international development law protects cultural (and economic cultural) pluralism, with attempts to override it as a crime under international law (UN 1948; Lemkin 1944), Trubek and others acted to promote just one road to legal development within their paradigm' (Trubek 2016: 19 (of unnumbered text)).

The ILC group simply defined the scope of the sub-field as the 'study of legal problems in Lesser Developed Countries', without any reference to the social science of law and culture, law and society, and how both developed or changed, as well as without reference to the technologies of legal interventions. There was no attempt to define the public 'problems' they would focus on or scholarly questions they would answer, meaning that there was an avoidance of the terms 'sustainability', 'cultural survival', 'colonialism/neo-colonialism', 'legal culture', or 'cultural survival'. Although the concept of 'sustainable development', which is one of some 13 elements of international development law today, was not specifically recognised until at least 1969 (in UN General Assembly Resolution 2398 calling for the UN conference, that was held in 1972), the UN Convention on the Prevention and Punishment of the Crime of Genocide, UN General Assembly, (December 9, 1948), already-established cultural rights and the concept of sustainability rather than that of 'economic productivity growth/economic development', assimilation and trade. Other scholars had already recognised it, but not the ILC group. There was, however, the use of terms like 'democracy' and 'rule of law' that were also apparently left undefined (as they have been for decades in US and international legal development interventions (Lempert 2011)) along with others like 'equity' and 'individual liberty'.

Not only did the approach of narrowing the field to the performance and study of interventions by lawyers and law professors cut off ties to the social sciences and humanities of law, as well as to the laws of international development, but a recent study of this track of the field suggests that it also worked to marginalise even comparative law study within legal scholarship itself (Kroncke 2012: 480).

The ideology of this track of 'Law and Development' was top-down and one-way intervention (even with local collaboration), evidenced in the name of the program at Yale University that David Trubek tried to establish there with colleagues and that has since disappeared—Law and Modernization—funded by a USAID grant from 1969 to 1977 and then ending because it was dependent on USAID funding

[https://voelkerrechtsblog.org/reflections-on-the-history-and-future-of-law-and-development/] Though the approach was not based on cultural protection, included little real social science, promoted contacts between two sets of professionals rather than with the public in the 'undeveloped' countries, and came out of US Cold War policies, this was not to say that it was completely monolithic. There was some inclusion of social scientists occasionally in the discussions, and there was also some diversity of opinion among the law professors and legal professionals involved, which seems to have partially triggered the emergence of opposition in other tracks peripheral to 'Law and Development' and described below. During the 1960s in the US, there were also expanding movements for cultural and individual rights, social equality, and government oversight that were much stronger than those today in the US and elsewhere. Boston University Law Professor Robert Seidman, for example, ran a program at his University on 'Legislative Drafting for Democratic Social Change', with an approach to legislative drafting that had the goals of reversal of European colonial institutions in the recipient countries as well as in economically disadvantaged neighborhoods in Boston and the US (Seidman 1991).

Public Opposition to this Politicisation of Scholarship: Since this track of the field was essentially based on project funding from the US government, the awakening of the public and academics to the failures, legal violations, and harms of these hegemonic (neo-colonial) interventions was to oppose them and to critique those who continued to accept such funding. According to Trubek, 'One reason why the first L & D movement failed to establish a beach-head in legal academia was the reaction of students against overseas engagement: the struggle over the Vietnam War soured many' (Trubek 2016: 19 (of unnumbered text)). This opposition was not just from students but also from legal scholars and practitioners. In 1980, one of the directors of the Ford Foundation, James Gardner, specifically termed the interventions 'Legal Imperialism', leading to a shift of Ford Foundation funding away from these legal interventions. More recently, legal anthropologist Laura Nader who critiqued the approaches back in the 1970s authored a book with legal scholar Ugo Mattei describing the work of 'legal development' that dates to this time as, in fact, 'plunder' and calling it out, directly, as illegal, in violation of international and domestic law (Mattei and Nader 2008).

Continuation of this Track within the Context of Neo-Liberal Institutions like Global Development Banks: While those, like Trubek, who continue the field today in its 'second moment' put blame on the students for calling out illegality and failures and on Gardner for leading to a suspension of Ford funding (Trubek 2016: 10 (of unnumbered text)), that has not stopped other funding agents from resurrecting and continuing the previous work. According to Trubek, 'In the 1990s, law and development, now renamed "rule of law," became big business. Many agencies began to support legal reform. In this decade, the World Bank began to spend heavily on law reform and many regional banks and national aid agencies followed suit. Estimates vary but expenditures were in the billions'. He notes that the World Bank spent some $850m on 'rule of law' (Trubek 2016: 12 (of unnumbered text)). With most social scientists excluded or avoiding participation in this track, the World Bank's economists and those allied with them began to enter this field, identifying the goals of 'development' as the neo-liberal agenda of globalisation and short-term 'growth' rather than the requirements of international law and development law (Lempert 2018d). As Trubek noted in 2016, 'One of the most important changes in law and development in the 20th century was the discovery of the field by economists' (Trubek 2016: 8 (of unnumbered text)) with the measurements used now those defined by the World Bank in line with its agenda of 'growth' (Trubek 2016: 7 (of unnumbered text)). In Trubek's view, recently presented directly at the Fourth Conference of the Law and Development Research Network (LDRN) in September 2019 (described below), the goal of the field as it continues in its current form should not merely be to follow directions of governments and global banks but to also establish partnerships with the private sector (Trubek 2016: 6 (of unnumbered text)).

Trubek's justification today for this approach is that, while based on the economic growth objectives that are not mentioned in international development law, those measures of 'human rights' and sensitivity to the 'South' that the World Bank uses can be added into the work, in place of the measures established by international law of development that include political, social, cultural and personal-psychological development, cultural survival and choice of sustainability ('slow growth', 'no growth' (Daly 2011) and autonomy rather than participation in the international economy) along with cultural restoration and cultural protection. As Trubek wrote recently, 'Thanks to the work of Sen (1999) and others, we have returned to the idea of development as a complete transformation whose ultimate end is human dignity and liberty. As a result, new dimensions like human rights, women's rights, constitutionalism, and democracy promotion have become salient. But it isn't just that development has many dimensions; these dimensions are interdependent' (Trubek 2016: 22 (of unnumbered text)). He highlights the embedded ideology of this Applied Legal Development/'Rule of Law' approach as that of a 'complete transformation' managed by the World Bank and powerful governments.

While there was no identifiable academic core of this track more than ten years ago, before the founding of the Law and Development Institute (below) in 2009, this track never really ended because academics like Trubek, now in his 80s, continued to provide some continuity. Practitioners continue to appear on law faculties and show up at symposiums (Matsuura 2005).

The recent successor to the Ford Foundation is the Carnegie Endowment for International Peace, where Thomas Carothers, an attorney, directs their 'Democracy and Rule of Law Program' and publishes a stream of books and articles describing these interventions [https://web.archive.org/web/20110728141326/http://www.carnegieendowment.org/programs/global/index.cfm?fa=proj&id=101].

4.) The Law and Development Institute (LDI): An Attempt at Academic Legitimacy for the USAID/World Bank Neo-Liberal Track: With the USAID-funded 'Law and Development' track lacking a scholarly core, it appears that the emergence in 2009 of the academic association 'The Law and Development Institute' (LDI) [https://www.lawanddevelopment.net] was an attempt to create this legitimacy with a new generation of members. Like the earlier track some 50 years earlier, it remains detached from the social science roots of the field and is confined to a few lawyers who work with organisations like the World Bank and USAID on top-down approaches that appear to distort international development law and replace it with a globalism ideology of 'growth' without a focus on rights and sustainable development. In a sense, this track has usurped the very term 'Law and Development' and replaced it with a separate agenda. Although it has a basic membership infrastructure and a journal, *The Law and Development Review*, the LDI's membership in 2019, ten years after its founding, counts only 23 members on its website.

The LDI largely seems to revolve around its founder and Director, Yong-Shik Lee, who is an 'international trade' lawyer with a PhD in Law and an Economics undergraduate degree. The focus of his work is not the aspects of 'development' under international law (sustainability, peace, human rights, social justice, and personal growth) but international trade and investment [https://www.lawanddevelopment.net/people/lee.pdf]. Although the LDI's website gives lip service to 'social progress', it is not defined as part of development. The contradictory term that the LDI uses in its definition of development is that of 'economic development'. According to the LDI's website, the importance of the Institute is to respond to issues like the 'large gaps between the developed and developing countries in their positions on key international trade law and development issues' that led to suspension of the Doha Round negotiations of the World Trade Organisation. In Lee's 'Director's Statement' on the website, he focuses on 'poverty issues in the developing world and the economic problems in developed countries' and seeks solutions 'by clarifying the impact that law, legal frameworks, and institutions have on development and by building an analytical law and development model for development'

[https://www.lawanddevelopment.net/message.php]. While the Institute lists no sources of funding, the website notes that LDI is an 'official partner of the Global Forum in Law, Justice and Development hosted by the World Bank' and has 'undertaken international development projects at the request of national governments.'

The LDI's 'Mission Statement' offers no definitions, scope of research, list of disciplines, or specific set of goals for the sub-field. It simply welcomes 'professionals and organisations interested in the area of law and development' to 'participate in the activities of the LDI' [https://www.lawanddevelopment.net/about.php]. Of its 23 total members, all of them are law professors except for one who is a fellow at the 'LDI' and a PhD in Medicine (essentially, the editor of LDI's journal) [https://lawanddevelopment.net/people/]

LDI's approach is visible from Lee's work offering versions of economic treaties (Lee 2018) and a codification of what is purported to be international development law but is actually international trade and finance law (Rumu Sarkar 2002). Dr. Lee, himself, notes that he does not recognise the full body of international treaties on human rights (political, social, and economic) nor the treaty basis of development, believing that despite their being signed by the international community they 'do not have cross-cultural consensus … unlike economic development issues' (personal correspondence to author, 3rd August, 2017).

In addition to publication of a journal, LDI has held at least one conference—the 2018 Law and Development Conference, held jointly with Humboldt University of Berlin's Faculty of Law and the publisher of LDI's journal, Walter de Gruyter GmbH in Berlin. The conference included 17 presenters, two of whom are among the six members of the Law and Development Research Network (LDRN) Executive Committee, representing two of the four universities on the LDRN Executive Committee [http://globalforumljd.com/new/sites/default/files/documents/events/2018 Law and Development Conference_1.pdf]. While there is no information on how the selection was made for conference attendance, this author received feedback on at least one aspect of the criteria from its Director, noting that discussion of public and legal accountability of donors to standards and to international law (Lempert 2018d) was 'not … relevant' to the conference (letter to author, 2018 Law and Development Conference, 3rd August, 2017).

5.) Critical Legal Studies and Political and Legal Anthropology: A Reaction to the USAID Legal Development Approach: While 'Critical Legal Studies', that describes itself as a 'movement' that arose in law schools rather than an academic 'field' or 'sub-discipline', and, similarly, today's 'Political and Legal Anthropology', that arose within Anthropology as the successor to the earlier 'Political Anthropology' and 'Legal Anthropology', do not include the main subjects of 'Law and Development' (development law, legal development, or the social science of law and society) and are really only peripheral to it as forms of philosophy and literature in the humanities, both seemed to arise directly in response to the 'Law and Development' track of USAID and the US government in the 1960s and 1970s. Surprisingly, without seeming the meet the requirements of an academic 'discipline' pursuing answers to specific public questions to solve problems and to offer applications, both have now continued for half a century. Perhaps more significant is that the apparent objective and impact of both has been to fill the space in scholarship that the track of social science of law had filled before that, while working to suppress the possibility that an holistic and publicly accountable 'Law and Development' sub-discipline could emerge.

The Political Roots of 'Critical Legal Studies' and Contemporary ('Post-Modernist' and 'Humanistic') 'Political and Legal Anthropology' and Its Related Fields of 'Social Justice' as Resistance to Social Science and Application: As noted above, the classic stream of social science of law was expanding in the post-World War II era and it was certainly possible for this work to have continued with a public interest, grass-roots focus if scholars, students, and the public had stayed behind it. Many of the questions that are basic to creating a theoretical base for 'Law and Development' were being researched in social sciences like

Anthropology and Sociology, and many 'progressive' scholars were using social science to develop model solutions and tools for implementation. There had also been interaction between these social sciences and law within law schools in the pre-World War II era in Jurisprudence in the work of the Legal Realists. Indeed, when the sub-fields of political and legal anthropology (and the associated area of development anthropology) began to emerge they largely overlapped with and encompassed what is presented within the sphere of Law and Sustainable Development, given the focus on rights of cultural survival (Maybury-Lewis 1972). But instead of that happening, with social science of law directly serving public interests rather than government- and corporate-funded interests, this public approach quickly became one that attacked social science and applications directly, replacing them with philosophy and literary analysis (semiotics and 'deconstruction') rather than procedural reform.

When the track of 'Law and Development', that was funded by the Ford Foundation and USAID to promote US colonialism and hegemony alongside US global militarism and in apparent violation of international law (and international development law), came to public and scholarly attention, there was a resistance 'movement' against it that increasingly focused on the artistry of critique rather than on actual public oversight, accountability, and reform, to put social science and applications to public benefit. Among scholars, students, and public funding agencies in the late 1960s and into the 1970s, there were two clear choices in response to the abuse and misuse of the social science and applications of 'Law and Development'.

—One was that legal scholars and social scientists would demand and create a public-purpose, humanitarian, applied social science and law that would promote a form of legal development consistent with international humanitarian objectives.

—The other was that legal scholars and social scientists would withdraw from confrontation and constructive engagement, would reject the field entirely, would retreat into something they could control or that would provide a sense of pleasure and escape, and/or that they might agree to work with the system they mistrusted and opposed in order to gain specific personal benefits for themselves, perhaps as token representatives of diversity. This, second, approach is what Trubek and Galanter were hinting that they were seeing in the late 1960s and early 1970s among their colleagues in the form of a 'counterculture' of rejection, self-interest, narrow advocacy for specific beneficiaries, and forms of academic escapism.

What has happened within 'Critical Legal Studies' for some 50 years seems to be continuing 'critique' and presentation of 'alternative voices' of every representational group. It has included 'Critical' 'Theory' of 'gender' and 'race' and 'ethnicity' along with issues of 'semiotics' and 'consciousness' incorporating French philosophers like Foucault (1988) and Christian theology and ethics. There have of course been well documented critiques of legal intervention and 'legal development' (Dezalay and Garth 2002; Mattei and Nader 2008; Tamanaha 2011; Lempert 1996b) and occasionally models and tools for reforms and citizen controls (many of them offered over the years by this author). But beyond this half century of 'critique' there has yet to be in this particular 'movement' any sustained set of alternative approaches for identifiable projects and implementation because there have been no links with measurements (which have been discarded) or social science (which have been severed). As a 'movement', rather than a real field that has discoveries and applications, 'Critical Legal Studies' never developed a sub-disciplinary core beyond a set of materials of philosophies and gurus. It still has annual conferences but the critiques now seem to be running their course.

Meanwhile, there seems to be a similar phenomenon in parallel within the field of Anthropology. The Association of Political and Legal Anthropology (APLA) within the American Anthropological Association (AAA) and its journal, *PoLAR: Political and Legal Anthropology Review*, have become a firm core within American Anthropology, supported by membership that has grown (to 596 dues-paying members as of May 2019) [https://save-sup.org/files/letters/2019.5.5-apla.pdf].

The change within Anthropology has been striking. Almost everything previously done in the field of 'Anthropology of Law/Legal Anthropology' has been purged from the discipline. The impact of this purge is presented in Table 5. Anthropology is historically divided into four sub-fields, as noted above (Physical Anthropology, which is Primate and Human Evolution; Human Archaeology/Pre-History; Contemporary Cultures: Social and Cultural Anthropology; and Linguistics), that previously worked together using a variety of methods and data in pursuit of predictive models, solutions, and applications. These sub-fields emerged as a combination of natural science (human genetics, instincts, and relations with the environment), social science (behaviours of humans in groups and predicting them within particular conditions, including change), humanities (modelling potential futures and impacts of interventions through thought experiments and fiction; considering ethical issues), and applications (restoring and protecting cultures to sustainability and for 'progress' in various aspects). Table 5 presents these four sub-fields in the four rows and presents the three approaches of science, application, and humanities across the columns, with each column split into two for 'methods' and 'range of topics'. As one of the 'structures and functions' of human behaviour, 'legal institutions and behaviours of groups and their relation to the whole of culture'/'legal culture' is a sub-field that Table 5 directly shows, by this total number of boxes, can be studied with contributions from the 4 x 3 x 2 (24 total) sub-approaches of Anthropology.

What Table 5 shows (in red) is how much of classic Anthropology has been abandoned directly by the APLA (and its journal, *PoLAR*) in the study of 'Political and Legal Anthropology'. Of these 24 boxes representing the areas of potential study and interaction in the previous sub-field of 'Legal Anthropology', almost all of these have now been purged by the adherents of this 'moral' movement that is mostly confined to 'Social and Cultural' Anthropology. All that remains in the study is a bit of humanities questioning, shown in yellow. This picture and the reality that it depicts is startling. 'Political and Legal Anthropology' today has abandoned social science. It has abandoned applications. It has abandoned Physical Anthropology (study of the development of primates and humans and political ordering). It has abandoned Archaeology (the history and development of legal and political systems). Indeed, beyond abandonment has been a concerted attack within Anthropology against science, against social science, and against any applications other than a few areas today like public health ('Medical Anthropology'), Museum Anthropology, and Forensic Anthropology. The idea of cultural restoration and protection through anthropology in any form, including through law, has largely been abandoned (Duncan 2018a; Lempert 2018e). There is discussion of human rights and 'development' and various areas of 'social justice' and other blanket statements of 'X justice' (e.g. 'Environmental Justice'), but it is not to promote the technologies of cultural survival and sustainability. It is merely philosophical discussion and 'advocacy'. It is without any reference to actual international Law of Development or actual international human rights laws such as protection of cultures under the UN Convention on Genocide. It is also without any applications using law. There is no work with lawyers or using law for any kind of protective Legal Development Intervention. Law is simply treated as 'text' or a system of symbols and 'narratives' of abstract 'power'.

What remains in Political and Legal Anthropology today is semiotics, philosophy, semantics, narrative, and case study. Some 30 years ago, this author presented ideas that included the basic concepts and applications for 'Law and Development' directly in the APLA journal, *PoLAR*, including publication of a syllabus serving as a basis for the field (Lempert 1996c). In recent years, the APLA and editors of *PoLAR* have directly suppressed attempts to bring works on 'Law and Development' in theory and application, in any form, into the APLA and into *PoLAR*, including a recent refusal to even host an online and updated version of the earlier syllabus that it published in print with material in 'Law and Development'. With the suppression of social science and application in the APLA, this Association has ensured that 'Law and Development' cannot

today re-emerge and establish itself within this (once) holistic discipline.

The Future of these 'Movements': While there are continually concerns within 'Political and Legal Anthropology' and 'Critical Legal Studies' that funding for these studies is under attack and that students will abandon them because they offer no marketable skills or visible public benefit, their expansion into areas like 'Social Justice', and their ability to almost entirely eliminate previous work and even its memory over more than two generations, suggests that it has enough of a constituency to continue. Given that its teaching is mostly book learning that can be delivered at little cost, and that it serves the interests of neo-liberalism by not offering any public-benefit grass-roots replacement of approaches of the major development banks and government actors, beyond philosophical challenges, it may actually be serving the very approaches that it was originally designed to challenge (Lempert 2018e).

Table 5: **Politicization and Deterioration of Political and Legal Anthropology: Current Narrowing of APLA and *PoLAR*: Range of Potential Studies (Abandoned versus Remaining)**

Pol. Leg. Anthro. by Approaches	Social Science Approach		Applied Social Science		Humanities	
Pol. Leg. Anthro. in Four Fields	*Range of Methods*	*Range of Topics*	*Range of Methods*	*Range of Topics*	*Range of Methods*	*Range of Topics*
Physical (Primate Politics)	Abandoned by APLA				?	?
Archaeology (History and Change of Law and Politics)					?	?
Social and Cultural						Remaining in APLA *
Linguistics						

6.) The Newest Track, the Law and Development Research Network (LDRN): A Field in the form of an Opportunistic 'Network' without the Discipline of an Academic Discipline: The most recent track in 'Law and Development', using this specific name, is the Law and Development Research Network (LDRN). Unlike the other 'tracks' or 'movements' in this field, the idea of forming it as a 'network' gives it a particularly amorphous and undefined character. As a 'research network' rather than a professional association, it has no definitions of the field it seeks to serve, no explicit scope or boundaries or mission, no transparent criteria or standards, no clear list of questions or problems, no clarity of end beneficiaries other than those who join or fund the network, no professional codes or ethics and no real infrastructure. Its logic is simply that of 'membership' (at this point, non-paying) with outside funding for what are thus far a website, a one-way e-mail list without interaction, an annual conference at a host university somewhere in the world each year, and a short seminar that it describes as a 'PhD school' offering a four-day annual conference for a handful of graduate students (15 in 2018), on philosophical issues of law. It has no journal. With this approach, it is subject to (and apparently welcomes) influences of funding, political pressures, and hidden agendas. Analysis of its activities already suggests a number of distortions that it is introducing that undermine the ability of 'Law and Development' to emerge and coalesce as a legitimate scholarly and applied sub-discipline. Since this network is expanding and changing, I analyse here what is happening in the LDRN and where it is heading by examining its history, then holding its recent conferences to detailed scrutiny of their organisation and content to reveal the underlying logic of this track, as well as to hold it up against the classification typologies of approaches to 'Law

and Development' that were offered by Galanter and Trubek (1974).

History of LDRN Founding and Objectives: The LDRN started as a conference in 2016 on 'whether law and development should remain a distinct area of research', with the invitees apparently mostly teachers representing European law schools and human rights units that were the founding 'institutional' members (Trubek 2016). As of 2017, there were nine institutional members, but only four of the ten who attended the 2016 conference. A comparison of the list of those institutional attendees (described as numbering ten institutions, total) with the list of the original founding member institutions of the LRDN in 2017 (five of the ten attendees and an additional four not on the list from 2016) [https://www.uantwerpen.be/en/conferences/law-development-conference-2017/] shown in Table 6, indicates that at least five of those institutions answered the question in 2016, about 'whether law and development should remain a distinct area of research' in which they would be members, with a 'No'; that they were not interested in being part of this organisation and are not now members. The reasons why half of the institutions that were originally considering membership did not join are not clear.

Many of the nine original member institutions describe themselves as having aspects of 'Law and Development' as subjects of research and teaching. Nevertheless, the existing courses and approaches on their websites seem to be restricted to those of 'laws (and modalities/regulations) of development funding' (rather than International Development Law) along with case study comparisons of aspects of foreign legal systems, rather than any study of 'legal development' or of the social science of 'law and society' and its many questions relevant to the field. The one exception is perhaps the International Institute of Social Studies, a public policy school (though the two executive committee members of the LDRN who come from this school are both lawyers).

The history of the founding of the LDRN seems somewhat awkward and without a specific rationale. The original nine member institutions were all from Western Europe with the exception of one from Argentina, and appear to follow the European research and teaching traditions of narrow, tracked professional law schools using few methodologies, few comparative methods, and little or no natural science or social science. The six members of the executive committee as of late 2019 all come from four European Universities (in Germany, the Netherlands, the UK, and Belgium). As of late 2019, with the aim of the network to expand and with institutional membership open to any institutions with 'at least three staff members who are involved in [self-defined] research on law and development' 'or perhaps even a faculty with the relevant expertise in law and development' (whatever that may be, since it is left undefined) [https://lawdev.org/partner-institutions], the network has now added two universities in India, three in Brazil, and three in South Africa, though none yet in the US, Canada, Australia, the former Soviet Union, or China. Apparently, none are social science faculties. The current expansion seems to be based on personal ties with the European universities, like Humboldt University's Law Faculty that is building faculty exchange programs with India.

While there is no LDRN mission statement that defines the scope of the field in any way or offers any definitions, Philipp Dann, Law Professor at Humboldt and one of the six members of the executive committee, described the aim of the Fourth Annual Conference of the LDRN, hosted at Humboldt in 2019, as to 'enhance understanding of rule of law in relation to development and governance' by connecting people and 'confronting problems like global inequality, and environmental degradation' (also undefined and unelaborated) [https://www.youtube.com/watch?v=caJ63vDbbUY].

Table 6: **Original University Discussants (2016), Initial University Members (2017) and Current Institutional Members (2019) of the LDRN**

At 2016 Conference (and noted by Trubek)	*LDRN Founders That are Still Members (Yes or No)*
Flemish Interuniversity Network on Law and Development	No
Ghent University Law Faculty	No
Catholic University of Leuven Law Faculty	No
University of Hasselt	No
Collaborative Research Center on 'Governance in Areas of Limited Statehood,' Free University Berlin	No
Human Rights Institute of Abo Akademi	Yes
Chair in Global Law and Development, Tilburg University	Yes
Van Vollenhoven Institute for Law, Governance and Development, Leiden University	Yes
University of Antwerp Human Rights Centre	Yes
Development and Human Rights Research Cluster, University of Warwick	Yes
Apparently at Conference but not mentioned	
Humboldt University Law	Yes
International Institute of Social Studies, Erasmus Institute, Rotterdam	Yes
University of Cardiff	Yes
Universidad Austral - School of Politics, Government and International Relations, Argentina	Yes
New Partner Institutions now on Website as of October 2019	
Azim Premji University, India	-
Fundação Getulio Vargas - São Paulo Law School (FGV Direito SP) Brazil	-
National Law University, Delhi - Centre for Law, Justice and Development	-
Nelson Mandela University – Department of Public Law, South Africa	-
University Centre of Brasilia, Brazil	-
University of Pretoria - Centre for Human Rights, South Africa	-
University of São Paulo – Faculty of Law	-
University of the Witwatersrand – School of Law, South Africa	-

The LDRN leadership, in fact, specifically opposes recognising categories of 'development' in international development law as a basis for defining the field, and opposes setting any boundaries or clarity on standards or goals. Though the LDRN began working in 2019 with a commercial publisher, Elgar, on what they call the Law and Development Encyclopedia [https://www.uantwerpen.be/en/research-groups/law-and-development/publications/law-and-development-encyclopedia/] its description also suggests that it attempts to include every form of law affecting developing countries whether or not they are part of international development law (e.g., including 'Economic Law' and 'Environmental Law') and 'ensuring a proper balance between authors from the North and the South' rather than seeking a consensus to define the field. All of the editors listed on the website in 2019 were law professors.

In offering an explanation why the network avoided starting with definitions and research questions to define the field, in his introduction to the 2019 Conference, Dann explained that countries all defined 'development' in different ways (despite international legal agreements that their countries have signed that give specific meanings for 'development') and that limiting the definition to the international law on development would exclude Indian participants since their law schools have an existing field called 'Law and Poverty' [https://www.youtube.com/watch?v=caJ63vDbbUY]. Rather than to promote and build a field, the goal seems to be, instead, to expand the 'network'.

While the six members of the executive committee of the LDRN do not make any other criteria explicit, they do exert direct and indirect roles in shaping the boundaries, questions, disciplines, and participants that are allowed within the LDRN. Four of the six members of the executive committee (representing the four universities in which the six of them work) appeared on three of the five panels on history and teaching of 'Law and Development' at the 2019 LDRN Conference, offering four of the 20 topics that they selected (with 21 presenters), allowing them to influence the history and teaching of the field and to exert control over its future.

Despite the seeming lack of any explicit standards, the LDRN does have criteria for exclusion.

According to the organisers, some 300 people submitted proposals to the 2019 Conference and roughly 100 of them were denied (possibly at least 126 given that the total number of presentation topics was 174). Since participants could propose more than one paper and also propose 'book launches' and discussions, it is possible that more were denied. This is a rejection rate of roughly 42 percent. This rate should be kept in mind in considering the analysis below of the fit between the papers that were presented and various definitions for what meets the standards of scholarship and the boundaries for this field. None of the criteria for denial were made explicit, though there does at least appear to be some financial criteria and some country-specific criteria (to favour access of the founding European universities to partners in the 'Global South').

While the LDRN (like the LDI) is not dependent on funding in the same way that the USAID track was designed to use universities to support a government agenda and to pay universities to create programs with foreign universities, money and politics do appear to be shaping the organisation. Since the members of the LDRN are mostly universities and paid professors (including those who work on government projects) rather than independent scholars, the LDRN could run with specific standards without seeking outside funding with the political influences it brings. Nevertheless, the LDRN has chosen to seek government funding and also to create a differential funding scheme in order to promote certain kinds of contacts and discussions while disfavouring others. Conferences and interactions could, for example, be entirely public and free, on the Internet, in electronic journals and discussions. Conferences could be publicly accessible without financial discrimination as a barrier to entry and with the imposition of differential burdens. But they are not. This choice on funding may indicate an underlying ideology of this approach.

Detail Analysis of the Logic of the Network through its Conferences, the Main Work of the Network: The major interaction of the LDRN is through its annual conferences, in which participants need to physically appear. The first four conferences have been held in Europe and the fifth, in 2020, was scheduled for South Africa. Conference attendance requires a significant amount of financial outlay and time (during September, rather than during vacation periods) and the structure of funding imposes clear differential burdens. For the 2019 conference, at Humboldt University in Berlin, participant fees were 180 Euros, non-negotiable in any form, for non-students. This does not include travel and hotels for three days (some €500-plus) or opportunity costs of time for three weekdays and paper preparation. For 2020, the cost of travel from Europe, Asia, North America, and South America (in other words, for almost all members and potential members) would have amounted to some €1,500 plus about one week (mid-week) without salaries.

According to the 2019 organisers, Humboldt University, they spent time on 'extensive fundraising'. Money for the conference came from the German government (the Federal Ministry for Economic Cooperation and Development (BMZ) that promotes German industry internationally), along with the Konrad-Adenauer Foundation (KAF) (associated with the centrist German government party of Chancellor Angela Merkel and, promoting globalisation, the Christian Democratic Union (CDU)) and the German Research Foundation [https://www.youtube.com/watch?v=caJ63vDbbUY]. Similarly, in 2018, funding for the conference in Leiden, Netherlands, was provided by the Dutch Ministry of Foreign Affairs as well as by the University [https://www.universiteitleiden.nl/en/news/2018/09/third-annual-conference-of-the-law-and-development-research-network-19-to-21-september-2018]. This money was specifically used for travel stipends to participants from specific universities and institutions in developing countries as a way to cement the contacts between the universities.

The criteria for use of funds to support participants was not based on specific need/financial hardship or transparent quality and relevancy criteria. Under the criteria to promote contacts with specific Third World countries and institutions, the European government conference hosts used this money from their governments to

promote specific contacts. Scholars from 'developed' countries that are economic competitors to the host countries of the conferences were not eligible for financial support. Nor was it possible to reduce or waive the fees on any grounds. Under this policy, for example, a North American scholar working in Europe as a visiting scholar and without income was considered ineligible not only for support to present a paper that had been accepted at the conference, but the LDRN was also unwilling to allow such scholars to bring their own food and to waive food costs (which conference organisers said was the bulk of the €180 conference fee in 2019) (letter from Philipp Dann and Law School Dean Martin Heger, 19th June, 2019 and confirmed by the executive committee of the LDRN, 'Question on Standards for Participation in the LDRN Conference', 16th August, 2019).

There seemed to be one other category of financial support at the conferences that was designed to set the tone of the field: the selection of 'keynote speakers' who were apparently subsidised to attend. (It is not clear if they were awarded honoraria.) While the thematic title of the 2019 conference was 'The Plurality of Law and Development', the three keynote speakers—David Trubek, Katharina Pistor, and Madan Lokur—were all lawyers, with two of them promoting an 'economic' definition of 'development' that is outside of the thirteen categories (including political, social, cultural, and personal) of international development law and that seems to promote a neo-liberal ideology. Trubek, as noted above, is one of the continuing adherents of the USAID 'Legal Development' top-down track. Pistor is a German 'corporate lawyer' whose address focused on 'economic development' [https://www.youtube.com/watch?v=caJ63vDbbUY]. She teaches law in the US, her teaching focuses on 'corporate law, corporate governance, money and finance, property rights and comparative law and legal institutions', and she writes on 'global finance' [https://www.law.columbia.edu/faculty/katharina-pistor]. Lokur is a former Indian Supreme Court Justice, now a Supreme Court Justice in Fiji. While this choice of keynote speakers might seem idiosyncratic to the 2019 Conference in Germany, Trubek explained in his keynote that he previously gave the same keynote address, by Internet and not in person, at one of the previous LDRN conferences. He noted that he had established himself as a fixture of the LDRN and its growth. Trubek and Pistor also noted that they had been on a circuit (previously in South America and in New York) presenting the same papers and engaging in the same discussion promoting their approach to the field earlier in the year. With social science excluded from the discussion between the keynote speakers, the approach of the Conference was to focus on 'institutions and law', and law as a way to shape 'institutions' as a way to manipulate governance and economies, without recognising 'legal culture' or other social science concepts regarding law and society.

Other economic influences at the conferences, though difficult to measure, are those of the four 'Practitioner Discussions' hosted by government-funded agencies and foundations. In 2019, these included one such discussion between the German actors promoting their work (the German Development Organisation (GIZ), a representative of one of the Conference donors, KAF, and the German Bar Association); one discussion including four representatives of corporate law firms (ironically) discussing international corruption; another discussion with six discussants, two of them lawyers working for the German Foreign Ministry on its projects and one speaker receiving German government funding through the Max Planck Foundation for German government legal intervention with lawyers overseas; and another discussion with six participants, on Middle East interventions, with two of them from KAF.

The 2019 conference also offered six 'book launches' in which publishing companies (Oxford, Cambridge, Brill, Hart, and Routledge) seemed to appear to promote their books in tandem with the authors who gave presentations followed by reviews by colleagues. It is not clear if the LDRN allows 'book launches' to inform colleagues about e-books available freely on-line or whether these panels are just used to seek funds from and to promote and court publishers.

Understanding how the LDRN actually sets its scope and categories requires a content analysis

of its presentations, given that it not only does not offer clarity but acts to avoid it. The LDRN does not make any overt attempt to create any multi-disciplinary consensus that would help to integrate and define the scope and boundaries of a field of 'Law and Development' (and participants at the 2019 Conference do not even wish to use the term 'field'), to establish a progression of knowledge that one would find in a discipline, or to identify specific technologies that would then follow in applications. It is possible to start directly with an analysis of the work of the six law professors who are members of the executive committee, and then to expand the analysis to their choices of other voices as well. Among the members of the executive committee, their work generally seems to be focused on the specific laws of development funding and on the actors in development, in general, rather than on the international law of development, legal development intervention, or any of the social science bases of law and society. Koen De Feyter, for example, has written a book on 'world development law' that is not on the international law of development and its codification (Lempert 2018c) but is on the various actors financing interventions and on international environmental law (De Feyter 2002), while Sam Adelman has analysed the ideologies of the United Nations sustainable development goals (SDGs) (Adelman 2018), though not holding them up to international development law (Lempert 2017a) or modelling those development goals that would meet international law (Lempert 2014c). Beyond the work of the executive committee, the conference presentations at LDRN conferences offer a larger sample of scholars and include those whose work is not represented by the executive committee but of whom they approve. Given that there were nearly 200 presentations at the 2019 Conference, in some specifically labelled categories, it is possible to determine how the LDRN founders are trying (either consciously and covertly, or subconsciously) to shape the current track of 'Law and Development'.

While there have been four annual LDRN conferences, and it might be worthwhile analysing each of them separately, they have been in fact part of a continuum successively incorporating the subject areas and approaches of the earlier conferences. Indeed, the goal of every one of the conferences has not been on defining the field or solving specific problems, but on expanding the definitions (and the membership) in a way that expands the categories, in ways that do appear to follow an underlying logic. The 2018 Conference, held in Leiden, with the theme 'Interfaces' 'addressed the breadth as well as the interdisciplinarity of the field of law and development' and 'Like the two previous editions … looked at the role of law in addressing problems of development and governance' [https://www.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/instituut-voor-metajuridica/overview-of-panels-papers-working-groups-law-and-development-research-network-conference-2018.pdf]. Similarly, the 2019 Conference theme was 'The Plurality of Law and Development' [https://ldrn2019berlin.wordpress.com/] in two tracks, one on 'self-reflection of the field' without any structure, and 'one general open track that addresses the thematic plurality of issues as raised by participants', asking somewhat rhetorically, before any attempt at definition, 'what holds this plurality of approaches and traditions together as a field?' (if anything at all). Indeed, the 2019 Conference seems to have repeated the same basic question from the 2016 Conference, 'whether law and development should remain a distinct area of research', suggesting that not only was there still no answer on the original question after four meetings of scholars, but that perhaps the purpose was to avoid answers (or at least transparency) at all.

On inspection of the categories of presentations at the conferences, there appears to be a clear continuity, with the numbers of categories and the number of presentations simply growing. The data on the conferences is presented in Table 7 (below). The 2018 Conference at the University of Leiden was half the size of the one in 2019. The main difference between the two conferences is that, despite not having any stated definitions on scope or core of 'Law and Development', the 2019 Conference began to include two conference paper tracks on history and on teaching methods for the field that they had not defined: 'Histories and Approaches: Theories and Didactics'. What

seems to have started to disappear was the three 'working groups' of 2018.

A quick look at the way the conferences are organised (Table 8's eight Roman-numbered tracks, from I to VIII) offers some insights into what is happening at the LDRN, though it is not as revealing as analysing the full list of presentations themselves, that follows below. The organisation of the LDRN conferences by topic area does not in any way track the three underlying 'natural' areas (the strategic 'meta' categories) of the field ('International Development Law'; 'Legal Development (Interventions)', and 'Law and Culture/Society' (the Social Science and Humanities/Ethics that Underlie them and their Technical Applications that derive from this basis)). What is presented instead (in addition to the 'History', 'Teaching', and 'Practitioner Conversations', which are conference tracks I, II, and VIII) are five conference tracks (of the eight at the 2019 Conference) that seem to mix the strategic/meta level of 'Law and Development' with all of the different 'line' or sectoral areas of law (such as Education and Health) that do not belong in it, as well as a number of line areas that are not found in 'International Development Law' and represent an ideological incursion into the field (like Economics and 'Economic Development'). Most of these topic areas are not much more than statements of existing studies of Law in law schools, adding 'and development' into the titles to make them fit the conference. Table 8 (following page) lists these five thematic conference tracks (numbered III to VII) and comments on their general lack of appropriate fit with 'Law and Development'. It appears from these titles that the LDRN is defining itself as a renaming of 'International Law' and 'Law', with international invitees to offer comparative domestic law in areas of economic policy and social policy. Only the category of 'development finance' and related issues of oversight (with legal implications and mechanisms) could potentially fit the core of 'Law and Development' without being part of an already existing category of studies of 'Law' or 'Development' ('Development Studies' policy).

Table 7: **Comparisons between the 2018 and 2019 LDRN Annual Conferences**

Characteristics	***2018 Conference in Leiden***	***2019 Conference in Berlin***
Number of Presentations	77	173 (including keynotes)
Total Presenters (not subtracting for those who presented more than once)	Not given	186
Participants Not Presenting	Not given	34
Number of Panels	17	55
Number of Scholars Participating	128	220+
Countries Represented	29	39
Number of Legal Scholars	Not tabulated	Not tabulated
Number of Social Scientists	Not tabulated	Not tabulated
Number of Practitioners	Not tabulated (but only 1 session)	Few, but not tabulated (4 sessions)

Source: The number of presentations in 2019 was counted using the Conference schedule while the number for 2018 was provided on the LDRN website.

There is no evidence here of any core field, definition of a field, or progression of a sub-discipline. While there was at least one paper submission, known to this author, that was proposed for the 2019 Conference, with a deep interdisciplinary analysis of the field ('Defining the Field' with 'Proposed Directions for Law and Development') from a scholar-practitioner, the LDRN executive committee did not allow it, claiming that there was 'no … basis for any productive academic exchange' (correspondence on 19th June, 2019 and confirmed by the executive committee of the LDRN, 'Question on Standards for Participation in the LDRN

Table 8: **Analysis of Content Areas of the Presentations at the LDRN Conference, 2019 by the (Roman Numeral) Numbered Thematic Tracks in Terms of Replication/Overlap of Other Existing Sub-fields in Law or Social Sciences and Fit with "Law and Development" as a Discipline**

Areas of Panels	***Replication of Existing Subfields***	***Fit with "Law and Development" as a Discipline?***
III. Public Law and Socio-economic Development	Law and Economics	No. International Development Law Distinguishes Clearly between "Development" and Economic Measures (not development)
IV. Development Finance, Institutional Law and International Economic Law	International Law International Finance and Trade Law [Areas of Legal Oversight and Legal/financial mechanisms are appropriate]	Partly. Legal Modalities of Development are a small, technical part of "Law and Development" but Finance and Trade Law are not
V. Human Rights and Technological Challenges in Law and Development	International Public Law Human Rights	Partly. Human Rights goals coincide with Development but "Law and Development" is at the Meta Level. "Line" implementation in countries is not included.
VI. Gender, Identities and Development	Domestic Civil Rights Laws and International Human Rights Laws	No. Human Rights goals coincide with Development but "Law and Development" is at the Meta Level. "Line" implementation in countries is not included.
VII. Legal Pluralism and Non-State Law	Comparative Law Legal Anthropology	Partly. Cultural rights goals coincide with Development and Comparative Law can offer data for testing theories of law and social change, if the studies are scientific tests and at the Meta Level

Conference', 16th August, 2019). Further, in comparing the conference tracks and panels of the third and fourth conferences, there is no sign of increased specialisation or development of research areas that would advance a core of 'Law and Development'. With the abandonment of the workshops, there is no evidence of any intent to focus on consensus on methodologies or on answers to specific disciplinary questions in ways that one finds in the scholarly advance of a discipline. Despite the claims of the LDRN and the conference organisers, there is also no specific visibility of social science.

It is also not clear what the LDRN meant by 'The Plurality of Law and Development', the theme of the 2019 Conference, other than its subsidisation of academics and lawyers from the 'Global South'. Nothing is visible in terms of models, methodologies, or discoveries. There was one paper recognising traditional law but there were no papers on the Russian (or Soviet-era) traditions of law and social science or Jewish traditions of law and social science. There were two participants from countries with Muslim populations (Lebanon and Turkey) but no evidence of specific introduction of approaches. There were four participants from Hong Kong but none from other areas of China, with one presentation on 'Chinese legal thought'.

To analyse the presentations at the 2019 Conference, I have coded each of the 170 presentations (not counting the three keynote addresses) on two separate dimensions: content and methodology. The goal of this coding was to assist in classification of the papers that appears in Tables 9 to 12, to test whether they fit into the sub-discipline of 'Law and Development', whether they meet the tests of scholarly work (in social science or law), and to see what they suggest about how the LDRN is actually seeking to define and position 'Law and Development' and what the actual goals are of this network. These codings are presented in Annexes 1 and 2, with counts for each of the areas coded. (Note that I have not specifically referenced back to each of the conference presentations. I also inadvertently introduced one (insignificant) codification error such that Annex 1 contains 170 cases and Annex 2 has 169 cases.)

Annex 1 codes each of the presentations on the basis of content or topic. What the results of this initial coding suggests is that the presentations seem to fall into seven different categories; the bulk of them without any connection to 'Law and Development'. The categories include (in order of direct relevance to the three areas of the field identified in the Methodology section, above): research questions on 'development law' (16

cases) or research cases on 'legal development' (ten cases); simple reporting on development law (six cases) or legal development (two cases); areas of law with some of them in clusters and in 'law and social science' but without a link to development questions (80 cases); areas of development policy or other policy (without any link to law) (31 cases); administration of the discipline in areas like teaching (ten cases), history and theory of the sub-field (eight cases), and a final seven cases that are difficult to assign. These raw numbers themselves are a bit striking.

Annex 2 codes each of the presentations on the basis of the methodology that the authors used, testing in particular whether they are social science or legal analysis, which meet the tests of scholarship, or whether they describe technologies/applications, versus whether they are non-scholarly reports or case studies. Here is how the classification was done. The titles of the papers were examined to see if they were similar to that of legal scholarship examining a problem and analysis of law from a technical perspective. If not, they were then classified as either philosophy, administrative, or social science. Case studies and comparisons were then categorised as potentially social science, even though the presenters may not in fact be social scientists, but because case studies and comparisons in appropriate scholarship are used for social science hypothesis testing. Some 113 presentations could thus be classified as potential social science, but of these, there are only ten relevant to 'Law and Development' that actually do hypothesis testing (four case studies with hypothesis testing or modelling, and four comparative studies that test hypotheses). There are 76 case studies that are little more than journalistic reporting and that are not even related to the field, and another 17 that are also just reporting, though they are related to the field (reporting on development organisations and rule of law projects). There are another two comparative studies with hypothesis testing that are not related to 'Law and Development'. There are ten more comparative articles, not related to 'Law and Development' and without hypothesis testing. Some 36 presentations can be viewed as using some kind of legal analysis; 16 of these related to 'Law and Development', seven describing technologies of 'Law and Development', seven others not related, two proposed laws related to development, and four not relevant. There are another eight presentations that perhaps could be described as from the humanities or 'philosophy' of the discipline, most of them seeming to just be ideological discussions not really relevant to the progress of the field as a sub-discipline. (Note that the coding is somewhat judgmental, since it is based on titles without copies of papers or the ability to attend all of the presentations. This is also visible in a slight discrepancy between the two Annex lists on whether the presentations were relevant research (somewhere between 26 and 29), with the determinations slightly different when viewed in terms of methodology or by subject area alone.)

An analysis of the 2019 Conference presentations by subject area (Table 9, below) shows that only 30 percent of the presentations actually fit into the field of 'Law and Development', with only 5 percent in the area of 'International Development Law', only 15 percent on 'Legal Development (Interventions)' and zero percent on the social science basis of 'Law and Development'. Some 11 percent of presentations dealt with the history of the field and its administration/teaching, but it is possible that these papers present a false history and inappropriate curriculum that is also outside the actual subject areas of 'Law and Development'. This table clearly suggests the failure of the LDRN to define the sub-discipline and the failure to incorporate the essential social science of the sub-discipline. In designing this table, I have followed the framework used for Table 4, with the same colour scheme. In light blue are the areas of the sub-field of 'Law and Development'. On the table, I have also indicated presentations in those boundary subject areas that are not 'Law and Development' but that are either neighbouring sub-disciplines or are the 'line' disciplines of law that touch on development but are not within the strategic/meta area of 'Law and Development'. For example, some 9-plus percent of the presentations are in areas of

Table 9: **Analysis of Presentations at the LRDN Conference by Subject Area and Fit with Law and Development: Fit with Law and Development as a Legitimate and Rational Sub-Discipline**

Parent Discipline	*Topics*	*Number of Papers/ Percentage of Total Content Papers (170)*
International Public Law		
Human Rights and Interventions		16 (>9%)
	Sovereignty/Indigenous rights and international business oversight, land rights and Interventions	13 (8%)
	Human Rights Monitoring	0
	Other	3 (<2%)
Law and Development (Applied area of Rights and Sustainable Development)		52 (30%)
	History of Study	8 (5%)
	Administration/Teaching and Advocacy	10 (6%)
	(a) International Laws of Development/Sustainable Development, Reporting on Actors and Agendas	8 (5%) 6/ on Development Law 2/ on Legal Development
	(b) Legal Development Interventions Research	26 (15%) 12/ on Development Law 14/ on Legal Development
Laws of Relief	International Development Agency Laws	Not specified
Laws of War		0
Environmental Law		0 (domestic only)
International Private Law		
	International Finance and Investment, Bribery	7 (4%)
	International Labor Law	2 (1%)
	Other	1 (<1%)
Areas of Domestic Law		*36 (21%)*
Constitutional Law (General)		8 (5%) 5/ are potentially relevant to "legal development"
Civil Rights Law		8 (5%)
Local human rights institutions)		3 (2%)
Other (regulatory, resource rights)		18 (11%) 4/ are potentially relevant to "legal development"
Others, not clear for categorization		7 (4%)
Development Policy or Other Policy, with no clear link to law		31 (18%)
Social Sciences		***6%***
Anthropology (Holistic)		
Law and Anthropology	(c) Theoretical Basis	0
Economics		
Law and Economics	Theoretical Basis	7 (4%)
Sociology		
Law and Sociology	(c) Theoretical Basis	0
	Other Law and Sociology (Law and Stratification)	4 (2%)
Psychology		
Law and Psychology	Theoretical Basis	0

Human Rights that are part of the International Public Law of Human Rights but that have nothing additional to the study of 'development' that would place them within 'Law and Development'. Some 21 percent of the presentations are in other areas of domestic laws (other line areas of laws) that fall outside even the topics found as line areas of 'Law and Development'. Some 31 percent of the presentations are on topics of development policy or other public policy with no clear link to law. Another 6 percent are in the social sciences but not relevant to 'Law and Development'.

An analysis of the 2019 Conference presentations by methodological area (Table 10, below) shows that only 19 percent of the conference presentations examined by methodology (29 of 156) even meet the minimal requirements of scholarship of either 'research' social science or of legal analysis for or presentation of new models and technologies in 'Law and Development'. That means that some five of six presentations should not have been accepted if the actual boundaries of 'Law and Development' were being applied. Since a large number of the presenters came from the 'Global South', their inclusion suggests that the goal of the conference was to be 'representative' and to make international connections rather than to actually build a sub-discipline following academic standards. It is also possible that the participants from 'developed' countries attracted by this sub-field are also weak on standards and that this field is serving political goals more than professionalism. What the analysis of this table suggests, given the backgrounds of attendees (law schools), the fact that most of the presentations appear on their face to be attempts at social science analysis rather than law, even though there were few social scientists at the conference, and the finding that the papers do not meet the classification of law or the appropriate methodology if they are classified as social science, is that the attendees of the conference were largely lawyers reporting on

Table 10: **Analysis of Presentations at the LRDN Conference by and Methodological Area, Appropriate Use of Methodologies and Fit with Law and Development: Fit with Law and Development as a Legitimate and Rational Sub-Discipline**

Methodological Area Standards Required for Papers Given the Topic and Fit with the Sub-Discipline of Law and Development	***Appropriate Use of Methodology (Number and Percent)***	***Inappropriate Use of Methodology (Number and Percent)***
Philosophy of the Discipline: 7 total (5%) *	Insufficient information	Insufficient information
Social Science or Potential Soc.Sci.: 113 total (72%) *	10 (9%): (6% of all cases)	103 (91%):
Related to Field: 25 total (22% of social science cases) **(16% of all cases)**	**8 related to field (7%) (5% of all cases)** 4: case study with hypothesis testing 4: comparative with hypothesis testing	17: case study only without hypothesis testing or modeling, including 7 on history
Not related to field:	2: comparative with hypothesis testing	76: case study only without hypothesis testing or modeling 10: comparative without hypothesis testing
Legal Analysis: 36 total (23%) *		
Total Related to Field: 21 (13% of all cases)		
Analysis related to Law and Development: 16 total/	16: presumptively assumed appropriate	-
Analysis not related to Law and Development: 7 total	7: presumptively assumed to be appropriate	-
Legal Development Technologies and Impact: relevant to law and development: 3 total	3: presumptively assumed to be appropriate	-
Legal Development Technologies and Impact: not relevant to law and development: 4 total	4: presumptively assumed to be appropriate	
Proposed Laws relevant to development: 2 total	2: presumptively assumed to be appropriate	-
Proposed Laws, not relevant to development: 4 total	4: presumptively assumed to be appropriate	
Policy Questions (not related to Law and Development): 2 total	Not examined	Not examined
Administration of Discipline: 10 total	Not examined	Not examined
TOTAL RELEVANT CASES	**29 (19% of total)**	

*** Total Cases Included as Using a Methodology (Social Science, Law or Philosophy): 156**

specific laws and projects from their countries rather than doing any actual scholarly work. Since their reports are clearly not following the methodology of 'legal analysis', which is easier to determine from the titles, they could only be part of 'Law and Development' if they were social science. This is how some 113 presentations are 'not legal analysis' and are then placed in a category of potential social science where they are also found not to meet social science standards. Since most of the presenters were lawyers/law professors who do not regularly use and may not be trained in social science methodologies, perhaps it is not surprising that their reports do not meet scholarly standards on that dimension either. Of 113 total papers that do not seem to be using legal methodology, though they are on areas of law and policy, only 10 actually use hypothesis testing. Of these 113, only 25 are related to 'Law and Anthropology', and of these 25 only eight (about one third) use an appropriate methodology. Of 36 cases using legal analysis, some 21 are related to 'Law and Development' and they are presumed to be using an appropriate legal methodology.

What the data from the 2019 LDRN Conference also shows is how the research network is failing to cover the key areas for developing 'Law and Development' as a discipline. In failing to define the field of 'Law and Development' and to establish the boundaries and research questions that are a key to the field, not only are the categories of the presentations at LDRN conferences outside (or in some cases in opposition to) the actual scholarship that would help build this field, but the little research that is being done that fits within the field and that is under its umbrella is only weakly covering the actual areas of the sub-discipline. Given the above data—that 70 percent of papers that were presented at the 2019 LDRN Conference are non-topical and 81 percent are not even scholarly—even if the participants had been invited to the network simply to build good-will and contacts, there would still be a need for the remaining work to offer value to build the discipline. It does not.

Table 11 (below) shows the weakness of the coverage of the sub-field of those few relevant presentations at the 2019 LDRN Conference. The left-hand column presents the three key areas for the natural development of the sub-discipline as the baseline of the scope of the field: the two tracks of 'International Development Law' and 'Legal Development (Intervention)', along with the key social science research questions that are needed to build the core of the sub-discipline and to generate appropriate technologies. Some of the administrative, definitional, and methodological requirements for the sub-discipline are also provided in this column. The other columns help divide the work presented at the Conference into that of social science, humanities and ethics, and applications. (Note that, in addition to helping evaluate what is happening at the LDRN, this Table can also be used as a baseline for the future research and conference agenda to promote appropriate work of the LDRN and to prevent against distortion or corruption of its mission.) In entering the data from the codification of presentations, I have started with the base of some 42 total presentations that are relevant to the field and have also accepted for the possibility that another nine presentations, in the area of federalism, conflicts of laws, and resource rights could potentially fit the field if they are looking strategically at the issue of indigenous/cultural rights within international development law and legal development interventions, and are not just case reports on local laws.

What this Table demonstrates, and highlights (in red), showing critical areas for the field in which the 2019 LDRN Conference presents no work or discussion at all, is that the focus of the LDRN is really on reporting law and implementing legal interventions but without any basic measures or research on effectiveness. There is next to no basic research on the fundamental theoretical questions for the field (only a total of four presentations). What exists is equal only to half of the number of reports on the history of the sub-field and on presentations on development actors and activities. This, itself, is a bit shocking. How can there be 'History' without actual disciplinary work? The bulk of relevant scholarship focuses on technical applications, but without the basis social science knowledge to test them, accounting for some 20 (or 29 if the additional nine papers are included).

An examination of the 2019 Conference presentations on the basis of categories of law that they cover (for some 95 cases that can be characterised by areas of law and policy) also demonstrates how weak the coverage is in the areas that international development law identifies as 'development' (the thirteen categories at four different levels that are the international consensus on development). Table 12 (page after next) presents this list of categories in the central column of 'overall objectives' of development. This Table, like Table 11, can also serve as a benchmark for the LDRN's research coverage. For this table, most of the 95 cases are actually not appropriate to the work of 'Law and Development' because they are not at the strategic/meta level of research on international development law and legal development interventions in those areas of law. Most are just specific reporting of law, policy, and projects that are really from different sectoral categories of law (like civil rights laws, health laws, etc.). In other words, this Table is not actually reporting on the coverage of the development areas of 'Law and Development' as much as it is simply looking at whether the LDRN even seems to correctly recognise the areas within international development law. The network appears to lack even this basic understanding of what the international community defines as the areas of 'development'. Of the thirteen categories of development that are defined in international law and agreements, six of them were not represented by a single paper at the Conference. Only two of the six categories of personal/individual development (physical and mental) were recognised at the conference (with no mention of spiritual, moral, social, or cultural development). There was a large focus on social equity/equal opportunity at the level of individual rights (24 of the 95 cases) and a bit on individual political rights (six), a bit on sustainability at the level of cultures (eight), and a small bit on equal opportunity for cultures (three) and political opportunity for cultures (seven) at the global level. Peace/tolerance/demilitarisation was not

considered at all, either within societies or internationally, though both are development goals mentioned in international law. Most surprising is that nearly half of all of the cases, some 46, were considered with areas that are not development (financial, regulatory, economic, and

appropriate methodologies confirms many of the criticisms. Trubek and Galanter suggested three different types of failures (described as 'Typologies' in the Methodology section) and the presentations seem to represent examples of two of them. Although Trubek himself seems to now be a proponent of top-down 'economic'

Table 11: **Papers at LDRN Conference that Fit within Law and Development (by Number and Percent) [Using base of 42 to 51 papers, depending on classification]**

Disciplinary Components and Questions	*Basic Science Questions*	*Basic Humanities and Ethics Question*	*(Applied) Law and Development*	*TOTAL*
HISTORY OF THE AREA STUDY	Included?	Included?	**Included?**	**8 (16-19%)**
SUBJECT AREA OVERVIEW			**8**	**8 (16-19%)**
I. International Development Law Track	-	-	*6*	*6 (12-14%)*
Legal Codification, Measures of Impacts of Existing Laws and Organizations, Defining Methodologies, and Modeling Alternatives	-	-	1	1 (2%)
Simple Presentations of Existing Laws of Development without Analysis	-		5	5 (10-12%)
II. Legal Development Intervention Track			*2*	*2 (4-5%)*
Legal Codification, Measures of Impacts of Existing Laws and Organizations, Defining Methodologies, and Modeling Alternatives	-	-	0	0
Simple Presentations of Existing Laws of Development without Analysis	-		2	2 (4-5%)
THEORETICAL QUESTIONS FOR THE SUB-DISCIPLINE			**4**	**4 (8-10%)**
I. International Development Law Track			*4*	*4 (8-10%)*
Relationship Between Law and Society/Social change			4	4 (8-10%)
Definition and Measures of "Progress"			0	0
II. Legal Development Intervention Track			0	0
Predicting Political and Legal Systems				0
Pathways of Change of Legal and Political Systems including Colonialism Processes/ Dependency, Collapse				0
Predicting Pluralism of Political and Legal Systems: Complex Cultural Groupings				0
Possibilities for "Progress" of Legal Rights/Legal Systems				0
TECHNOLOGIES/ APPLICATIONS OF DEVELOPMENT LAWS AND REGIMES: Tools, Measures (quantitative and ethics), Oversight/ Accountability			20+9	20+9 (48-57%)
I. International Development Law Track			10	10 (20-24%)
II. Legal Development Intervention Track			10 +9 (5 on federalism and conflict of laws; 4 on resource rights)	10+9 (24-38%) (5 on federalism and conflict of laws; 4 on resource rights)
MODELS OF DEVELOPMENT LAWS AND REGIMES			2/	2 (4-5%)
I. Development Law Track	-	-	2	2 (4-5%)
II. Legal Development Track	-	-	0	0

administrative policy and law).

Comparison of the LDRN with Trubek and Galanter's Typologies: While the LDRN Conference data does not specifically address the predictions made by Trubek and Galanter (1974) as to what would happen to the field of 'Law and Development' over the past 45 years, it does seem to confirm many of the aspects of the 'crisis' of the field that these authors wrote about. The fact that some 70 percent of the presentations at the Conference do not fit at all within 'Law and Development' and another 10 percent do not use

approaches that do not fall within the field and that were part of the criticisms of the field that he noted from others back in 1974, there is still evidence of this failure within the LDRN today (partly represented by Trubek's role, itself).

—Typology I: Compartmentalisation into narrow 'moral action' on behalf of specific interests/groups proved impossible to tabulate from the conference presentation data, though it is possible that many of the case studies on social justice issues are evidence of members of the LDRN just promoting specific interest groups and

Table 12: **Topical Analysis of LDRN Conference Papers on Specific Categories of Law (or Policy) and whether they are Under the Rubric of International Law of Development**

1.	***Individual Development Goals*:**	
	Overall Objectives	***Number/ (Rough Percent) ****
1.	Physical (body) development:	5
2.	Mental development:	1
3.	Spiritual (appreciation of natural world) development:	0
4.	Moral (appreciation of others as individuals) development:	0
5.	Social (appreciation of community) development:	0
6.	Cultural (appreciation of one's identity) development:	0
2.	***Societal Level Development Goals***	
	Overall Objectives	***Number/ (Rough Percent) ****
7.	Social equity/ Social progress/ Equal opportunity for individuals	24
8.	Political equity/ Equal rights for individuals:	6
9.	Peace/ Tolerance/ De-militarization for individuals:	0
3.	***Cultural/ Community Level Goals***	
	Overall Objectives	***Number/ (Rough Percent) ****
10.	Sustainability/ (sovereignty) of cultures:	8
4.	***Global Development Goals***	
	Overall Objectives	***Number/ (Rough Percent) ****
11.	Social equity/ Social progress/ Equal opportunity of cultures:	3
12.	Political equity/ Equal rights for cultures:	7
13.	Peace/ Tolerance/ De-militarization for protection of cultures:	0
	All Other	
	Overall Objectives Not within International Development Law	***Number/ (Rough Percent) ****
	Financial, Regulatory, Economic, Administrative, Etc.	46

Total Base: 95 cases (about half are policy, about half are law)
These are not the meta-level that qualify as the discipline.
* *Note* that percentages are not presented because the total number of cases (95) is already close to 100.

not really researching or interested in 'Law and Development' at the strategic level. This seems to be what the data in Table 12 is showing.

—Typology II: 'Objective' case study 'reporting' in place of comparisons and applications. Table 10 (and the coding in Annex 2) indicate directly that LDRN presenters are not doing real scholarly work. Some 76 of 169 total cases (really out of 119 cases, if some of the administrative and other entirely irrelevant cases are deleted) reflect this kind of failure that Trubek and Galanter saw as a result of the disciplinary crisis of 'Law and Development'. Whether the appearance of this within the LDRN represents the incompetence of members, misunderstanding of the field, or an actual turning away of presenters from scholarly work out of frustration with the sub-discipline of 'Law and Development' for political reasons (abuse of social science and technology of the field by corporatist governments) is not clear.

—Typology III: Replacement of the field with abstract philosophy with no practical benefit. Some eight presentations out of the total of 169 (really 119 cases, see above) represent this turn towards philosophical meandering that does not seem to offer answers to any substantive questions or lead to any applications for the field.

—Unvoiced Typology: The eleven presentations on trade and finance suggest a corporatist, globalist agenda or ideology among some researchers that is in opposition to the goals of international development law, and that represents another disciplinary failure.

Summary: Overall, the data shows that the LDRN is failing to fit or to build the field of 'Law and Development' as a scholarly discipline. A discipline builds on discoveries and starts with research questions in a search for specific answers. In a disciplinary field, scholars work to solve specific problems, move to further refine the discoveries, and create technical applications based on the discoveries. There is a progression of proof and advance. The LDRN is not creating any of the basic research structure in terms of definitions,

boundaries, questions, and collaborative work on solutions/proofs of hypotheses, and discarding failed hypotheses. The goal of 'pluralism' and building a 'network' appears to be to widen topics and to grow the number of case studies and participants in the field without any logic for scholarship or beneficiaries. The expansion seems to be generating confusion rather than focus and solutions. The money that the LDRN has raised from government and foundations is not allocated to promote scholarly advance but instead to generate linkages with foreign counterparts who are currently in former European colonial countries where European countries now have trade relations (India, South African, and Latin American countries among them), which seems to be the logic from the level of funders. From the level of participants, who are mostly funded by their institutions as law professors, the logic seems to be to create opportunities to present papers and make connections to further their academic careers rather than to further 'Law and Development', along with opportunities for travel. The current model seems to be that of a social club.

IV. Analysis: What has gone wrong in this sub-discipline and why, as an example for other fields: The data for the history of 'Law and Development' demonstrates a continuing failure to establish a legitimate academic field, largely as a result for decades now of distortions in academia. While scholars, practitioners, and organizations claim to be doing the work of this sub-discipline, those who have the greatest access to resources largely appear to be serving other interests in ways that misdefine and misrepresent the field. An analysis of the two current tracks of 'Law and Development', the Law and Development Institute (LDI) and the Law and Development Research Network (LDRN), using a methodological test for disciplinary legitimacy, suggests that the LDI is essentially promoting an ideology under the name of 'development' while the LDRN seems closer to a social club for legal scholars internationally than infrastructure for a sub-field. Predictions that Galanter and Trubek made in 1974 about the failure of the field of 'Law and Development' to coalesce as an integrated discipline with technical applications for the betterment of humanity seem to have been correct, with scholarship largely politicized to serve specific ends of small groups of elites. Though some scholarship does continue in the area of 'Law and Development', it remains scattered through various sub-disciplines without appearance in core disciplines and recognized as a sub-field.

Of the six different historical tracks of 'Law and Development' (presented in Table 1), the natural track of the discipline has yet to be recognized with basic disciplinary infrastructure. Two peripheral tracks have largely abandoned work. One government-funded track never really had legitimacy and is largely disappearing. Meanwhile, the two current tracks, those of the LDI and LDRN, both lack academic legitimacy and reflect the distortion of academia through external and internal politics. The failures of the LDI and LDRN appear to directly represent two political failures of contemporary academia in this field: the influence of financial control and distortion, which is the case for the LDI, representing an ideology of corporatism and political-economic oligarchy while replacing the actual goals of international development law; and the opportunistic self-interest and self-promotion of university academics in place of public purpose, which appears to be the failure of the LDRN. These represent the failures of the contemporary political ideology of neo-liberalism: on the one hand providing direct service for globalisation, corporatism, environmental plunder, and inequality in the name of 'growth' and 'development' (the case of the LDI) while on the other hand promoting 'representation' of everyone and giving lip service to 'pluralism' and 'inclusion' without any standards (the LDRN). These are two aspects of the same phenomena that have worked to undermine the development of disciplines in the service of humanistic objectives under international law (Lempert 2018e).

The specific analysis of the LDI and LDRN, using the model for academic disciplinary legitimacy created in Table 3, is presented in Table 13 (two pages below). The 18 categories of analysis appearing in in Table 3 are presented in the left-

hand column of Table 13 and are used for testing the LDI (the second column) and LDRN (the third column).

—While the LDI has some characteristics of a discipline (indeed, the work of the LDI is essentially that of the professional sub-discipline of 'Law and Economics' and of trade and investment law, placed incorrectly under the rubric of 'Law and Development'), the LDI lacks all of the characteristics of social science testing that are essential to the questions of 'development' and 'law'. Like the current aspects of classic Economics that also fail as a discipline (Lempert 2018a), the LDI is largely promoting an ideology or theology with undefined variables, untested assumptions, and pseudo-science. Of the 18 categories, the LDI fails directly on eleven of them, meets the standards on three of them, and is questionable on the other four.

—The results for the LDRN are even clearer. There is essentially no set of standards at the LDRN that comes out of social science or humanities. Some scholars affiliated with the LDRN are doing legitimate academic work (though largely in the applied area of law), but the research network just draws scholarship from several places without the integrity of a cohesive field. The LDRN fails on all 18 criteria. The failures are shown in Table 13, shaded in magenta.

The theoretical basis for what has happened—the link between politicisation of scholarship over the past several decades and the failure of the sub-discipline of 'Law and Development' to emerge—is shown in Table 14. This shows shows how the idea of 'public purpose scholarship' that was promoted after World War II, particularly in the 1960s and 1970s, began to emerge in order to challenge government- or corporate-controlled manipulation of disciplines (like USAID's top-down control over 'Legal Development') and how it has disappeared today. The left and centre columns on this Table present the tracks of work in 'Law and Development' over time, starting in the 1960s and then today. The third column then analyzes these changes by comparing what happened and noting whether what happened fits into any of the three typologies suggested by Trubek and Galanter in 1974 for how scholarship in the field was either becoming interest-group oriented (narrow moral action) (Typology I), case study and anti-social science/anti-applications for human betterment (Typology II), or just 'critique' or escapist philosophy, paralysing any work (Typology III). There was also an Unvoiced Typology (the continuation of globalism and corporatism) considered. The Table seeks to present the six tracks of 'Law and Development' (and their different splinter approaches) to show where they fit and what has happened to them.

The rows of the Table are divided into three segments. One segment presents sub-disciplines that were developing in the 1960s as part of a natural emergence of legitimate, ethical scholarship for public benefit. The other two Segments highlight recent and continuing historical approaches as they reflect political ideologies that have distorted scholarship historically (the neo-conservative, imperialist, colonial tradition from the nineteenth century and continuing today) and more recently (the neo-liberal, globalist approach to corporatism, neo-colonialism, and massive income inequality behind a veneer of 'representative' 'diversity').

Table 14 (two pages below) shows how public benefit, ethical scholarship for the promotion of the objectives of the post-World War II consensus on international law and the post-colonial aspirations for democracy, cultural sustainability, political rights, and social equality has largely disappeared, while there has been a rise of politicized neo-liberal work as well as a return to colonial approaches. These trends all confirm what Trubek and Galanter began to see in 1974 and that they believed would continue. The Table does not seek to explain why these ideologies gained hold and distorted scholarship. It simply shows that the distortion of scholarship can be correlated with these different ideologies.

The failure of the LDRN, LDI, and professionals working in 'Legal Development' is that most scholars and practitioners today seem to have just worked to create a shell to either serve the needs of those to whom they directly or indirectly sell their time, or to serve their own opportunistic needs, in place of the calling of 'discipline' and public interest and without real thought about what a discipline is in terms of purpose or

Table 13: **Testing the Legitimacy and Rationality of Law and Development as a Sub-discipline as it Appears Today**

Characteristics of a Legitimate/ Natural Sub-Discipline	***LDI***	***LDRN To Date***
I. Academic Scholarly Characteristics (Content of Work)		
A. Existence of a Foundation for Specific Research Questions (Categories 1 to 3)		
1. **Clear Boundaries** Questions arise within the blocks of a classic discipline in seeking to answer specific questions, possibly merging towards that of a neighboring discipline and the amount of work requires opening a sub-area	Debatable. Questions arise within what is de facto the applied discipline of "Production Engineering" (Economics) that today promotes goals of globalization/ industrialization/ urbanization/ commoditization/ homogenization but they are only technical questions and not scientific, predictive hypothesis testing on "development" within any social science	No. The goal seems to be to avoid any setting of boundaries and to increase the membership and global ties.
2. **Clear Definitions of Terms Used in the Field** [For Law, which is already Applied, a clear codification] Scientific, clearly defined areas of variables	No. There are short-term measures of ideological variables of "value" and "productivity" set by those with elite positions. The term "Development" does not follow international law and "law" is a euphemism for regularization of elite benefit	No. There are no definitions of terms. The process is open to politicization and is non-transparent
3. **Clear Research Questions** There is no confusion in definitions of terms or of research questions since they are what drives the area. The mission is to answer specific questions and to develop technical applications/technologies based on the scientific findings to provide public benefit in measurable ways.	Yes, but the questions are outside of Law and Development.	No. There are no defined research questions. The idea of "promoting pluralism" is used to build members and resources.
B. Use of Empirical Reasoning and Testing (Scientific Method) (Categories 4 through 11)		
4: **Theories and Hypotheses are Clearly Prepared for Testing** For specific research questions, different theories arise about causality, variables, and interactions and there is a search for cases or ways of experimenting to test them.	Yes, but pseudo-scientifically within the confines of ideological constraints such as measuring short-term "growth" and impact of specific laws	No. The standard is "representation" and case study.
5: **Measurable Variables, Objectives/Outputs of Empirical Phenomena** In order to test the theories, there is a search for measures and for tools of measurement as well as for ways to define and isolate different variables as well as to link them.	Yes, but pseudo-scientifically within the confines of ideological constraints of economics and its concepts such as measuring short-term "growth" and impact of specific laws but with variables that are largely subjective, politically defined	No. There is little or no social science represented. The bulk of work is reporting in the form of narrow case studies without hypothesis testing.
6: **Multiple cases are used for testing in a full range of levels and scales, including non-industrial, non-agrarian groups throughout historical periods and also primate cultures/ societies** The mechanisms for testing theories look to find specific cases where the variables are clear and there is not a lot of noise and confusion and then to try to take the simple cases and expand the search to more complex cases to see if the proof still holds and, if not, how additional variables and conditions force reworking of the model.	No, the limitation to industrial societies and industrializing offers a culturally biased context for cases.	No. There does not seem to be any examination of the historical record of law and society/culture. Generally the approach is the study of formal law in industrial societies, though there may be some studies of traditional unwritten law that expand the field of cases.
7. **Methodologies Clearly Defined and Flexible to fit problems** The selected tools need to be those that can identify, isolate and find the variables and model the phenomena. The research questions and theories drive the methodologies since the methodologies are just measurement tools.	Generally no since the approaches are those of legal doctrines and mathematical economics with other disciplines and approaches and assumptions like anthropology excluded.	No. The focus is on written law and policy and most work does not seem to apply any methodology.
8. **Rooting of Theory in an Empirical Social Science or Natural Science** Predictive theory needs to be replicable and objective, meaning that there needs to be a set of rules for independence of the observer. These rules are the basis of science.	No. Researchers agree to an initial ideology and subjective variables, meaning that only members sharing the dogma can conduct the measures.	No. The bulk of work is journalistic recording rather than predictive theory of meaningful phenomena.
9. **Clear Applications of the Theory in the form of Measurable Results of Technologies** Once scientific phenomena are understand and behaviors are seen as predictable within specific conditions and variables, the next step is to seek to use tools to change specific variables so as to create predictable results.	No. the only applications are copies of laws rather than fundamental changes based on scientific principles.	No. There does not appear to be any reference to theories. Applications are reported or models are offered without specific measures.
10. **Goal is the Testing of Theories and Applications** rather than just replication of known findings or definitions with new cases Scientific papers are designed as proof of theories that either confirm or debunk the theories in a way that promotes advance.	No, either the theories are so context specific and minor that they are inapplicable elsewhere or the cases are just replications in order to reinforce an ideology (e.g., neo-liberalism).	No. The purpose of the network seems to be geared to just bringing in a new area or a new law from a different place to reinforce what is already known.
11. **Standards for Peer Review and success** Clear standards already exist such as the scientific method for hypothesis testing with objective validation	No. Researchers agree to an initial ideology and subjective variables, meaning that only members sharing the dogma can conduct the measures.	No. Decisions are political based on social, political and funding networks of the faculty members. The standard of success is institutional affiliation and resources.
C. Ethical Test of the Research (Categories 12 through 13)		
12. **Ethics/Legality and Public Review** Scientists and social scientists seek to imagine the long-term consequences of use of technologies and their potentials for abuse. Implications that harm the prospects for human survival are the basics of ethics and rules are created as part of a common agreement to promote human survival following rules of symmetry and equity. Enforcement standards create processes of public knowledge and oversight.	No. Public concerns, oversight and ethics are not allowed.	No. The society defines itself politically for the benefit of its members and solicits grants from government agencies without clarity on beneficiaries or public benefit or oversight.
13. **Principle of diversity and minority ideas** A healthy discipline requires a full exchange of ideas and their testing, allowing for minority ideas to be continually presented subject both to fit within the questions of the discipline and its purposes and the rules of testing ideas. Citations are used only to establish the fit within those goals and the advance of previous work, but by nature any new ideas may not be able to footnote anything else.	No, the discipline requires adherence to ideological dogmas of economic "growth".	No. The diversity is simply "representation" and expansion of the network rather than focus on specific approaches and solutions to promote problem solving.

Characteristics of a Legitimate/ Natural Sub-Discipline	*LDI*	*LDRN To Date*
II. Administrative Infrastructure of Field		
14. **Relationship to Funders protects objectivity** Strong protocols create firewalls between spending and research agendas. Spending can be solicited for specific public solutions and theoretical problems if there is a logical presentation that recognizes and protects the whole discipline.	No, there are conflicts of interest with corporate elites, promoting their particular objectives	No. Funding seems to be to promote government objectives without transparency and measurable benefits to the discipline.
15. **Invitees to Conferences reflect openness rather than institutional ties or financial-political resources** Sliding scale fees for all participants with openness to the public and transparent standards. Conferences are organized by scientific topical questions and advances with peer review standards that require demonstration of actual advances.	No, there is an ideological test (described below)	No. Subsidies work to promote contacts. The mentality seems to be to promote paper presentations and networking among those with access to institutional funds only.
16. **Selection of Faculty Members reflects standards rather than politics** Representation on quality and progress answering the key questions of the sub-discipline and on inventing technologies with measurable results	Yes, but there is an ideological test for conformity to the ideology of unsustainable "productivity" and "growth", cultural genocide and globalization	No. Among the member universities, hiring seems to be based on "representational" categories and to fit narrow academic tracks that do not reflect standards of "Law and Development" as a discipline
17. **Research Contacts with Other Universities** Expansion of modeling and comparative testing.	Partly, but the expansion is also ideologically driven to promote business and legal consulting and promotion of trade blocs and proselytizing "growth".	No. Contacts are used for institutional and individual interests with journalistic reporting not promoting fundamental research.
18. **Ethics Codes** Members of the Profession follow a code of ethics to advance the profession for the benefit of society rather than for institutional or individual benefits. The codes are enforceable and there are legal procedures for enforcement.	No, the purpose seems to be to promote the interests of an ideology and to build Collaboration-collusion in networks for publication cartels and for unfair advantages in research grant funding, and for other political power	No, the purpose seems to be to promote Junkets to enjoyable locations; Publication and resume building for academics to justify academic positions; Contacts seem to favor foreign universities for personal benefits of members; Collaboration-collusion seems to be the goal of the networks for publication cartels and for unfair advantages in research grant funding, and for other political power

standards. Even scholars who have declared themselves as working in the area of 'Law and Development' have refused to define the field over decades, or have refused to define it based on international development law.
—They have failed to define terms like 'development' or 'legal development'.
—They have failed to set disciplinary boundaries.
—They have failed to define goals other than those of law and economics.
—They have not defined a set of research questions and coverage.
—They have not establish ethics or standards.
In staying 'market'-oriented, they have also largely adopted a market logic for a public good and defined the field by 'whomever shows up for meetings', whoever funds it, and whatever self-interest it has for those who are involved.

This is not to say that the field of 'Law and Development' has disappeared or that there has not been a series of advances. The scholarly work of this sub-discipline does continue to expand, though slowly. However, it is not recognised as a field and continues to be marginalized and disintegrated. Much of this author's work over the past 30 years, for example, is within the frame of this field, including a large number of published works (and much still unpublished due to a lack of venues). Since there is no existing journal or infrastructure to promote this field, including no specific university program that recognizes it as such, it is difficult for scholars to publish or to identify and access work that does exist. On the web, for example, the LDI has usurped the Wikipedia page for the field. Apparently, Wikipedia will not allow presentations that do not reflect what happens outside of this category since their standard for recognising work is not merely that it is published and refereed scholarly work but that the work is then vetted by a specific set of powerful institutions acting as gatekeepers.

Table 15 (two pages below) offers some hints on where to find the natural sub-discipline of 'Law and Development' today, given that it does not exist in any specific track. The Table divides the different natural subjects of the discipline, starting with the structural basis of the field (the first sub-table) and then examining the key underlining research questions of the field (the second sub-table). Table 15 is essentially a guide to scholars who want to try to find work in the sub-field and want to try to build it in a way that others can find it. The columns seek to define the various parts of the field in terms of science/social science, humanities/ethics, and applied work. For the structural basis of the field and for key underlying research questions, the Table queries where the work would ideally appear (also assuming that existing social science and humanities disciplines fulfilled their appropriate roles), where it did exist or exists now, and then where work actually appears (though as a very small percentage of total articles published) in various recent scholarly publications.

Table 14: **Politicisation of Law and Social Science (the General Theoretical Context for the Applications of Law and Development) over Time across the Spectrum of the Democratic Responsiveness of Social Science to Fundamental Questions of Individual Fields (Showing How Different Political Ideologies Drive the Approaches)**

1960s (Key Goals and Foci of Disciplines)	Contemporary (Current Status of 1960s Goals and Foci or Current Replacement)	Does the Change Fit with the Prediction Typologies (and which ones) of Trubek and Galanter (1974)?
Democratic-Social Equality- Social Justice Public Benefit Oriented, Ethical Scholarship and Applications		
Sociology of Law, identifying inequalities in all aspects of the legal system (stratification, hidden biases, unequal treatment of white-collar crime, unequal access to civil and criminal law)	(Disappearing or replaced by approaches promoting assimilation rather than rights based protections)	Yes (all four Typologies), Government and corporate donors would eliminate funding for progressive research relating to Law and Development and Scholars would agree to eliminate Social Science
Legal Anthropology (Classic) (as a four-field study (instinctive primate and human behavior, study of social change)	(Disappearing or transformed into advocacy and semantics)	
Legislative Drafting Clinics (Law for Democratic Social Change/ Social Justice)	(Disappearing)	Yes (all four Typologies), Government and corporate donors would eliminate funding for progressive applications relating to Law and Development
Jurisprudence (Legal Realism, law and social change)	(Disappearing or transformed into post-modernist symbolism and "deconstruction" of "narrative")	Typology III. Field would be replaced with abstract philosophy with no practical benefit
	Criminal Defense Clinics (NYU, Soros) opposing death penalty	Typology I. Compartmentalization into Narrow "Moral Action" on Behalf of Specific interests/groups
	Human Rights Clinics focusing on whistleblower protection and political rights freedoms (ACLU, GAP)	Typology I. Compartmentalization into Narrow "Moral Action" on Behalf of Specific interests/groups
Political Economy and Development (various options of political and economic and legal organization)	(Disappearing or replaced by Law and Economics)	Yes (all four Typologies) Government and corporate donors would eliminate funding for progressive applications relating to Law and Development
Ideological Distortion: Neo-Liberal Corporatist Social Assimilation, Philosophy and Ethics in Place of Action and Social Science		
-	Criminology and Criminal Justice/ Legal Studies (running the prison state): Replacement of Sociology of Law	Worse than anticipated (Unvoiced Typology): Replacement of the Field with Authoritarianism, Corporatism, Globalism
-	"X" Studies (individual interest group studies, gender and ethnicity, for advocacy and reporting)	Typology I. Compartmentalization into Narrow "Moral Action" on Behalf of Specific interests/groups AND Typology II: "Objective" case study "reporting" in place of comparisons and applications
-	**Law and Consciousness/ Philosophy of Law**: "Power", "Social Justice", "Ethics" (semantic studies of "narrative", deconstruction, as philosophy and literature interpretation)	Typology III. Field would be replaced with abstract philosophy with no practical benefit AND Typology II: "Objective" case study "reporting" in place of comparisons and applications
-	**Critical Legal Studies** (study of inequality through textual analysis, deconstruction of "narrative", philosophy)	Typology III. Field would be replaced with abstract philosophy with no practical benefit
-	Human Rights Clinics (refugee status, women's rights) for interest group assimilation	Typology I. Compartmentalization into Narrow "Moral Action" on Behalf of Specific interests/groups
Ideological Distortion: Neo-Conservative Hierarchical Corporatist (Holdover from 19th Century, Re-emerged)		
Political Science (Ideology of the ruling interests)	Same today	-
Political and Legal Anthropology (Hierarchical historic archaeological development of the state)	(mostly discontinued)	-
Comparative Law (mostly black letter law of state law)	(mostly replaced with International Business Law)	-
	International Business Law	Worse than anticipated (Unvoiced Typology): Replacement of the Field with Authoritarianism, Corporatism, Globalism
International/ Transnational Public and Private Law (mostly black letter law of international organizations)	Same Today	-
[Not existing]	Law and Economics ("efficiency" in the corporate model rather than equity and social-cultural protections)	Worse than anticipated (Unvoiced Typology): Replacement of the Field with Authoritarianism, Corporatism, Globalism
	Law and Development Institute Approach / Legal Development (Neo-colonial absorption, assimilation and cultural genocide of potentially sustainable cultures through legal hegemony)	Worse than anticipated (Unvoiced Typology): Replacement of the Field with Authoritarianism, Corporatism, Globalism

Table 15: **Appropriate Disciplinary Infrastructure and Research Questions of "Law and Development" and the Institutional Structures that Ideally and Current Support Them**

Disciplinary Questions	***Basic Science /Social Science Questions***	***Basic Humanities and Ethics Question***	***(Applied) Law and Development***
Structural Basis of the Field: Legal Codification of International Development Law and Legal Development Intervention Law, Measures of Impacts of Existing Laws and Organizations, Defining of Methodologies, and Modeling Alternatives			
Disciplines where it Should Exist	(Political) Sociology (Political) Anthropology (4 fields, incl. Archaeology) Anthropology Political Science History (Predictive)	Political philosophy	Law Schools Public Policy Schools
Where it exists or did exist	?	?	?
Journals that have Recently Allowed It to be Published	*Cliodynamics: The Journal of Quantitative History and Cultural Evolution;* *Consilience;* *Journal for Economics and Social Policy;* *Transcience: Journal of Global Studies; Cultural Survival*	*Catalyst: A Social Justice Forum;*	*DePaul Journal for Social Justice;* *Journal of Mulit-Disciplinary Evaluation;* *Journal of Law, Social Justice and Global Development;* *Practicing Anthropology;* *International Journal of Minority and Group Rights;* *Policy Innovations;* *Journal of Social Research and Policy;* *International Journal of Sustainable Societies;* *Global Jurist;* *Demokratisatsiya;* *Human Rights*

Disciplinary Questions	***Basic Science /Social Science Questions***	***Basic Humanities and Ethics Question***	***(Applied) Law and Development***
Key Underlying Research Questions			
Predicting Political and Legal Systems			
Disciplines where it Should Exist	(Political) Sociology (Political) Anthropology (4 fields, incl. Archaeology) Political Science History (Predictive)	Political philosophy Science fiction	Law Schools Public Policy Schools
Where it exists or did exist	Basic work in political economy; some in human geography	Science fiction	?
Journals that have Recently Allowed It to be Published	*Journal of Globalization Studies;* *Social Evolution and History;*		
Pathways of Change of Legal and Political Systems including Colonialism Processes/ Dependency, Collapse			
Disciplines where it Should Exist	(Political) Anthropology (4 fields, incl. Archaeology) (Political) Sociology Political Science History (Predictive)	Political philosophy Science fiction	Law Schools Public Policy Schools
Where it exists or *did exist*	Outdated *Archaeology/ Political Anthropology;* Sustainability studies; Human Geography	Science fiction	?
Journals that have Recently Allowed It to be Published	*Cliodynamics: The Journal of Quantitative History and Cultural Evolution;*	*?*	*Sustainability: Science, Practice and Policy*

Table 15 (cont.)

Predicting Pluralism of Political and Legal Systems and Conflict: Complex Cultural Groupings			
Disciplines where it Should Exist	(Political) Anthropology (4 fields, incl. Archaeology) (Political) Sociology Political Science History (Predictive)	Political philosophy Science fiction	Law Schools (Federalism) Public Policy Schools
Where it exists or did exist	? [case studies only]	Science fiction	
Journals that have Recently Allowed It to be Published	*Cliodynamics: The Journal of Quantitative History and Cultural Evolution;*	*?*	*?*

Relationship Between Law and Society			
Disciplines where it Should Exist	(Legal) Anthropology (4 fields, incl. Archaeology) (Legal) Sociology Political Science Law History (Predictive)	-	Law Schools Public Policy Schools
Where it exists or *did exist*	*Jurisprudence* *Sociology of Law*		*Law Schools*
Journals that Have Recently Allowed It to be Published	*Peace Studies Journal;*	*?*	*?*

Definition and Measures of "Progress"			
Disciplines where it Should Exist	International Law Social anthropology History	Political Philosophy Science Fiction	Law Schools Public Policy schools
Where it exists or did exist	?	*Philosophy*	
Journals that Have Recently Allowed It to be Published	*Human Figurations: Long Term Perspectives;*	*?*	*?*

Possibilities for "Progress" of Legal Rights/Legal Systems			
Disciplines where it Should Exist	(Political) Anthropology (4 fields, incl. Archaeology) (Political) Sociology Political Science History (Predictive)	Political philosophy Science fiction	Law Schools Public Policy Schools
Where it exists or did exist	-		
Journals that Have Recently Allowed It to be Published	*Journal of Developing Societies;* *Peace Studies Journal;* *Consilience*	*?*	*Consilience;* *Practicing Anthropology;* *Demokratizatsiya*

Table 15 (above) shows how the field exists only in the margins of existing disciplines today and how it is scattered due to the lack of a specific infrastructure for 'Law and Development'. (Note that the final section of this article, on reconstituting the discipline, describes specific work and approaches, much of it produced by this author over the past 30 years of a scholarly career, while this Table just presents the general categories of work.)

V. Proposal: A model for reintegrating and professionalising 'Law and Development: Theory and Application' as an example of restructuring a sub-field:

The sub-field of 'Law and Development' essentially remains stillborn. Both the basic theory and applied technologies for human benefit to promote goals of sustainability and rights (including those of communities) are weak. Below, based on a series of recently published works that provide much of the essential core of this field, is a proposal to better define the work of the field, globally, with an outline of key research areas to continue its progress. All of the areas in this proposal include specific research for which the initial stages have been completed by scholars, and where follow-up research can test theories and apply and improve on newly invented technologies that have been outlined in specific previous public research.

This structuring of the field follows the presentation of the organisation of the three key areas of the field that is described earlier in this piece: the definitions of the two key areas of the field, 'International Development Law' and 'Legal Development (Intervention)', 'Prediction of Legal System and Change/ Law and Society/ Culture' (the key social science and humanistic questions that are at the core of work in the field), and the

approaches and types of technologies/ applications that can be created and tested in putting the scholarly discoveries about the field into practice.

1: Definitions and Codifications of 'International Development Law' and 'Legal Development (Intervention)' and their Essential Principles*:* Basic codifications of 'International Development Law' and 'Legal Development (Intervention)' in terms of their legal elements and measures already exist. There is a consensus in the international community that is enshrined in international documents, though many scholars and practitioners maintain the pretense that these elements are not measurable, not recognised, have no boundaries, can be set aside at whim for individual political reasons, or that they require endless philosophical discussion and acceptance of competing views. Moreover, track records of compliance and violations of existing laws and principles by practising organisations that engage in interventions in the field have also been presented in published sources. Models outlining specific measures of compliance have also appeared in peer-reviewed publications, though they are largely unrecognised.

'International Development Law': The international community has referenced and defined 'development' in a range of laws and declarations since World War II. A recently published work compiles 'international development law' in the form of a legal treatise/codification, listing the specific legal elements of the areas of development, the various principles, actors, rights, and modalities of interaction (Lempert 2018c). This treatise has also already been the source of initial accountability testing of international development actors to note their compliance (and in most cases, violations, as a result of power politics and hidden agendas) with the international legal consensus (Lempert 2018d). There are also now studies that take the framework of 'international development law' and use it to test the recent implementation 'goals' endorsed by the international community. like the current Sustainable Development Goals (SDGs) that now replace the earlier 'Millennium Development Goals' (MDGs) (Lempert 2017a).

What these studies demonstrate is how the international community itself (governments, global banks, non-governmental organisations, and the business community) has worked to create measures in the name of 'development' (as well as economic structures that claim to be working towards 'development') that undermine the legal framework and replace it with an ideological and self-interested economic agenda.

'Development' itself is well defined in the full set of international legal documents in the areas of international humanitarian law and human rights agreements that followed the establishment of the United Nations (Lempert 2014a). These documents have been signed by all major nations and almost every government. There is also a published set of measures that actualises 'international development law' and that is presented as the 'Universal Development Goals' (UDGs) in stark contrast to the politicised MDGs and SDGs (Lempert 2014c). A quick summary of the international consensus categories and definitions of 'development', as presented earlier in this article, is summarised here again:

Under international development law there are thirteen recognised categories of 'development'. Development is defined at four different levels:
—At the level of the individual (personality), international treaties refer to five development objectives (physical, mental, spiritual, moral, and social development) plus individual cultural development (that links these to the level of culture/community);
—At the level of society, the treaties are clear on how societies themselves must develop in order to meet the needs for full individual/personal development. These are understandings and rights that promote individual development, and fit into three categories of equity (social equity/equal opportunity (not income equality but opportunity which is a political right), political equity, and peace/tolerance);
—At the level of cultures/communities, there is one fundamental development requirement: sustainability;
—At the global level, there are three areas of political, economic, and social development for equity between cultures: social equity of cultures,

political equity of cultures, and the requirement of peace/tolerance.

There are also clear specifications of development actors and their appropriate roles to be consistent with international development law (Lempert 2016a).

Beyond the general classification of 'development' under international law, there is now also a specific international declaration that defines 'sustainable development', which can also be legally codified into specific enforceable elements (Lempert and Nguyen 2008). There are also key systems necessary for sustainable development law to be implemented with lists identifying their specific elements (Lempert and Nguyen 2016).

While many in the fields of 'Development Studies' and 'Law and Development' seem to confuse projects for 'poverty alleviation' and 'economic development' (transfer of economic technology, foreign investment, short-term 'growth' or 'productivity' enhancement, industrialisation, urbanisation, and other changes that are aimed at production systems) with international law of 'development', these approaches are not part of the 'international law of development'. 'Poverty alleviation' and 'relief' are forms of international intervention that often share aspects of development interventions (in that they are generally forms of transfer from wealthy countries, areas, and cultures to those that are weaker), but there are separate bodies of laws and goals that deal with those interventions (Lempert 2015a).

The international community recognises development as focusing on human beings and the levels of human organisation that expand choices and include options for sustainability, cultural protection, and cultural restoration along multiple pathways of adaptation to different environments and needs. Productivity development or economic development do not fit into the fundamental development principles of the international community because they would at best only be a means to an end but not an end in themselves. The recent recurring failure of 'Law and Development' to emerge as a coherent discipline is largely a result of its inability to successfully confront the political agenda and mantra of 'economic development' that has become embedded in discourse on 'development', despite the fact that it violates international development law and all of the precepts of the sub-discipline. This idea of 'economic' development is a holdover of colonialism that the post-World War II consensus deliberately and specifically sought to eliminate in the body of 'international development law', precisely because of the catastrophes it had created in two world wars of clashing empires and an associated legacy of genocide. Today, the modern concept of 'development' as 'sustainable development' has emerged with the clear purpose of confronting global mass consumption, industrialisation, and urbanisation and replacing it with a focus on cultural sustainability in environmental niches and adaptive choices, rather than a unilinear model of 'modernisation' linked with a colonial uniformity.

The basic legal principles of 'development' are in fact tied to political rights at the level of cultures and individuals and imply adaptive and diverse forms of expression and evolution, maintaining diversity of culture, forms and levels of economic productivity, social organisation, political organisation, and law in various eco-systems. International development law also specifically protects this in the form of the recognition of cultural sovereignty and the call for an end to dependent relations in the international global economic and political system (Lempert 2009a). This is in sharp contrast to the (oxymoronic) concept of 'economic development' along a path to uniformity, industrialisation, urbanisation, and globalisation that continues to re-emerge in government- and business-funded policies and in the academic disciplines that follow them, like economics (Lempert 2018a), as well as the associations of 'Law and Development' that are linked to them like the LDI (expressly) and the LDRN (implicitly).

One of the goals of 'Law and Development' as a field (in the area of the underlying social science and technology of 'Legal development (intervention)' is to study cultural change and legal culture and the continuation of false beliefs

about law and about development that continue today, demonstrating how to confront them. It is the elimination of this ideology and of its colonial structures that are both recognised in treaties and science of 'sustainable development' (Lempert and Nguyen 2011). The continually recurring ('zombie') belief that 'economic growth' is a condition precedent to the existence of rights of personal development and equality is part of a myth that was presented in the nineteenth century in unilinear 'social Darwinism' (Morgan 1877) and that re-emerged in 1950s scholarship and continues despite being debunked. The kernel of belief that has kept it alive was the manipulative presentation of data in the 'Kuznets curve' (Kuznets 1955) showing that, with industrialisation of an agricultural society, the early stage of formation of small businesses and creation of industrial employment tends to level wages (while also levelling cultural differences and setting countries on paths to unsustainability). Ultimately, however, inequalities return, often worse than before. Nevertheless, the belief was so strongly propagandised on both sides of the Cold War that it has been hard to dispel even today. During the Cold War, the leading countries of the 'First World' and 'Second World' each claimed that their version of industrialisation was the highest stage of evolutionary growth (Rostow 1960), or that the world was entering some new ultimate phase of singularity, described as either the 'third wave' of human 'development' (Toffler 1980), or 'modernity' (Berman 1982), or 'post-modernity', or, according to some scientists who recognise that the technological advance may actually indicate the human destruction of the global environment rather than its flourishing, the 'anthropocene' era (Meyer 2019). This ideology is stronger than ever today among establishment policy makers and social science, with the belief that we currently represent the 'end of history' (Fukiyama 1992).

The body of 'international development law' not only exists in itself but is supplemented with infrastructure that is designed to ensure that evaluation and oversight systems of development interactions meet legal and best-practice standards (Lempert 2009b), and there are proposals that public non-government organisations also fill the appropriate role as watchdogs (Lempert 2008a). Although not legally mandated, specific ethics codes are available to ensure that practitioners in international development adhere to development law (Lempert 1997). There are also approaches for using law to ensure that university disciplines, such as economics, also recognise and adhere to international law in their teaching, to ensure that international development law is upheld by those who are certified in different disciplines that touch on development (Lempert 2018a).

2: Legal Development (Interventions) Codification*:* Since 'legal development (interventions)' are interventions in a specific 'sector' (the legal sector), the international laws of development apply to it as to other 'sectors' (health, education, etc.) that fit into development. The 'legal sector' offers the mechanisms for ensuring the thirteen categories of development (for ensuring personal development, sustainability, peace, etc.), and, at the same time, it also has specific goals of ensuring political rights that are intrinsic to legal institutions and to the larger 'legal culture' in which legal institutions and all forms of legal practices are a part. The codification of 'legal development (interventions)' is specific in terms of how international laws specify goals for interventions in legal systems and legal culture (i.e., to bring about 'political equality' both between ethnic groups at the level of cultures and then, where applicable, to bring about political equality within political and legal systems), whether existing measures exist and are consistent with those goals, and whether specific modalities recognise and follow international law.

A codification of the development category of political equality (for individuals and for cultures at these two different levels) does now exist to hold interventions in this category accountable to international laws of genocide and sovereignty, as well as to other specific international declarations (Lempert 2011). What is most important to recognise here is the failure of international actors to follow these principles. Instead, international actors have largely acted and continue to act to replace appropriate activities with tests and measures that largely reflect ideologies of

colonialism (e.g., seeking to copy and export specific institutions and technologies of law to weaker countries, or to bring weaker countries into specific patterns of trade, production, education, technology, and culture), or that apply concepts of 'improvement' and 'efficiency' that often make injustices and inequities more efficient without protecting or restoring cultures and individual rights that continue to be harmed as a result of earlier colonialism. Interventions have been increasingly defined by labels of projects like 'access to justice' (that denote a specific kind of access promoted top-down), or 'administration of justice' (efficiency that reinforces colonial justice systems), or definitions of 'rule of law' or 'democracy, governance, and human rights' that do not follow the requirements and principles of international law.

Though codification of international development law applies to both international and domestic interventions in other sectors besides the legal sector, there is also a specific codification for accountability of the key modality of interventions in 'legal development (interventions)'—the modality of 'capacity building' in legal systems. 'Capacity building' has become a catch-all term and a euphemism for any kind of transfer of resources or assistance to institutions, professionals, and actors in the 'legal sector', and it is an intervention tool that has been prone to violations of international law (Lempert 2015b). There are also codifications that offer a means of measurement and accountability for legal system interventions that prioritise specific rights or approaches to rights. These ensure adherence to the principles such as gender equity (Lempert 2016b) and human rights education (Lempert 2010a), as two examples. This area of 'Law and Development' can continue to build these kinds of legal accountability codifications and tests.

Among the specific technologies that are lacking for implementation of 'legal development (interventions)' are actual measures of most of the categories of human rights in ways that go beyond lip service in international treaties and that achieve the goals of international law (i.e., in terms of balancing of actual powers with active enforcement mechanisms). An inventory of measures that exist, those that are missing, and the principles that need to be applied in creating new tools is presented in a recent work (Lempert 2017b).

3: Key Theoretical Research Questions of 'Law and Development': Much more difficult than codifying human aspirations that are expressed as part of a consensus in international law (above) is discovering the fundamental natural principles of human groups; how human groups change and how this can be predicted; and how legal institutions, legal actors, and legal culture interact with culture and society as part of these changes. This is the underlying social science that exists only at a very basic level. It is still insufficient today as a basis for designing and applying successful technologies. Indeed, one could argue that every practitioner today who is active in the area of 'Law and Development' who does not at least have temporary answers to the basic theory questions about predictable and measurable interactions between law and society and pathways of social change, grounded in empirical reality rather than in just faith, is committing malpractice. Below is an attempt to integrate some of the key questions and work to date in these areas as well as to outline future paths for the field.

'International Development Law': At the heart of international development law there are two untested assumptions that require proven social science hypotheses (reliable predictions), but that modern social science is reluctant (if not religiously and ideologically opposed) to actually test. While there appears to be an identifiable way to measure 'social (not technological) progress' (the agenda that is presented in international development law as a consensus set of aspirations of humans) there is no established certainty:
1) that it is possible to achieve it, and, if it is,
2) that law (legal institutions and their outputs, legal actors, legal culture) can interact with culture and society in ways that can bring it about, along pathways that can be identified in processes that are predictable and that are subject to being altered by human action.

We have an international consensus definition of 'social progress', but we do not know is if it is actually attainable. Even if it is, we do not know how law can achieve it (and what the pathways are of this kind of change). Most societies operate on a quasi-religious belief that social change can occur through the human will, but humans are biological creatures and human cultures and societies follow rules of behaviour that have been inadequately studied and that contemporary social science, including social sciences of law and legal scholarship, largely avoids studying or acknowledging. Among the contemporary quasi-religious beliefs that prevent such study is that modern societies, themselves, reflect the culmination of social progress simply because of technological progress, that these processes of 'social progress' will naturally continue before current societies collapse (as all previous civilisations have, in what appears to be a law of societal development processes), and that law and human actions will lead to greater 'progress' (including 'social justice' and 'environmental justice'), 'sustainability', and 'development'.

Nevertheless, despite the lack of firm social science results on these questions, some work has been done on both areas.

1) Testing whether 'social progress' is possible: While this question has largely been one of philosophy, including philosophies of history, there are some recent attempts to define what needs to be measured (Lempert 2014b) and to create some experiments to test hypotheses. So far, the answers seem to be that 'social progress' is a 'religious' ideal, but that the natural laws of human societies and change thwart actual attempts at change, cycling through different stages in a cycle of rise and fall, with only technological achievement but no social progress (Lempert 2016c).

   There have also long been observations of social collapse. Some theories of the processes that may be possible to test include tests of those cultural processes that are similar to processes of natural selection but that work at the level of cultures/societies and their survival and selection (Lempert 2017c, 2018f).

   Overall, however, while some natural scientists are joining with social scientists to test some of these questions, there still seems to be an inability to apply scientific standards and to use the appropriate models and testing of variables (Lempert 2018g).

2) Testing how law (legal institutions and their outputs, legal actors, legal culture) interact with culture and society, the pathways of social change and their prediction: The place for modelling the interaction between law and society/culture and predicting and identifying the pathways was originally in social anthropology, in the sub-field that deals with culture and law—that of political and legal anthropology. Although little social science exists today in this sub-discipline (for reasons described above in this article), one example of such modelling, that is now slightly dated, is in the form of a legal and political ethnography of the transition of the legal system of Soviet to post-Soviet Russia. This study, conducted in 1990, is now ripe for a longitudinal 30-year follow-up as well as additional comparisons (Lempert 1996a).

Legal Development (Interventions): The theoretical social science underlying legal development interventions is similar to that for international development in general, with questions about whether 'social progress' is possible and how law influences culture/society, and on what pathways. Legal development interventions in legal culture and legal institutions, themselves, can also be studied in a similar way as overall study of culture change as a result of other kinds of interventions. The same issues and concerns that arise for the study of social progress and development, in general, also apply to legal development. There is a need for social science to:

1) Predict the emergence of different legal and political systems to understand the forms that

arise and how they arise, and whether these are natural, unalterable processes or not; and

2) Predict the pathways of change for legal and political systems to see if it is possible to measure and identify the pathways and to influence them;

3) As an offshoot of the above, among these interactions to be predicted by the social science of Law and Development are those of complex societies with specific pathways for complex cultural groupings.

What social science brings to the study of 'legal development (interventions)' is a challenge to the standard, colonial-era assumptions that law can be imposed by either colonial authorities (hegemonic power) or established voluntarily by reformers as a 'social construction' that can be imagined and suddenly adopted because people wish it to exist. Recent works have started to recognise the existence of 'legal culture'. Economists and development bureaucrats have used this term with a very limited understanding, as either something positive (a form of 'cultural capital') or negative (a 'risk factor'), and without much acknowledgment that the assumptions used by these 'legal development' experts about causality have been wrong. Social science demonstrates that it is geography, environment, and relational history that shape legal culture and legal systems as well as set the context for sustainability and stability, and that 'legal culture' and 'law' are not simply independent variables but also dependent variables in a complex relationship with these other factors. There is some current work in each of these areas that can be integrated as part of building this field. Below, in these three areas and in a fourth related 'meta category', that of university disciplines, themselves, are descriptions of the work in these areas.

1): *Predicting the emergence of different legal and political systems:* Among recent new thinking in social science has been the prediction of political (and affiliated legal) systems based on economic, environmental, geographic, and relational variables, applying approaches that look at dynamics of evolution of complex systems over time (Lempert 2016d). Recent findings suggest that legal systems are determined by environment, and that legal systems are a dependent variable rather than 'chosen' independently. There are ways of testing theories like this as a basis for more predictive modelling, using several comparative historical cases. One such approach is outlined in the literature (Lempert 2000).

2): *Predicting the pathways of change for legal and political systems*: In the past few decades, one of the theories about legal systems has been that technologies cause them to 'converge' to similar forms, with technology and technological development as the independent variable. This question is also still unresolved, though there are some recent tests of the theory (Duncan 2014).

3): *Predicting specific pathways for complex cultural groupings*: Other recent approaches on determining how political and legal systems emerge and how they evolve use the idea of 'relational' dynamics to suggest that cultural and social systems define themselves in relation to others as part of a collective dynamic, rather than independently (Lempert 2014d). This means that any kinds of legal interventions or attempts at change are dependent on the system of interacting cultures/societies and also cannot be chosen independently of this context. Like the deterministic findings to the questions above, recent findings on how group relations influence individual systems also directly challenge the ability of law and legal interventions to have actual impact without concurrent changes in the larger system.

4): *Improving the integrity and work of social science disciplines in accordance with public purpose and international law*: Social science findings generally suggests that social science itself is driven by cultural and social forces and that the ability to build a basic social science, like the social science underlying 'Law and Development', may also not be possible unless social and cultural conditions allow it. The observations in this article about 'Law and Development' seem to be proof of this, suggesting that legal development interventions also include

study of change and how interventions could change the work of disciplines, since the technology of legal development intervention is also dependent on social science, which itself is dependent on specific factors and intervention dynamics (Lempert 2018e).

There is room for continued modelling and analysis of what has happened in social science disciplines including political science, law, and psychology (study of humans at the individual level), as a way of suggesting alternative structures of disciplines and their work in order to meet public needs. Some recent work includes historical examination of changes in social sciences from an ethnic perspective and how religious ideologies are undermining current social science (Duncan 2018b).

4: Technological Applications of 'Law and Development' Social Science and Humanities: In an integrated and effective sub-discipline, the social science discoveries of the 'natural laws' of 'Law and Development' will serve as the basis for specific technologies of change to promote 'social progress' and development that is consistent with international 'development law'. It will also serve as the basis for achieving appropriate impacts with 'legal development (intervention)' technologies. Although current work has only offered the basic theories of relations between law and culture/society (culture/social change and development pathways), there are still some technologies that are being created to provide one part of the linkage between law and culture/society and development. These technologies pave the way for sustainability, cultural sustainability, and social science disciplines that are consistent with international law and with the objectives of the sub-discipline.

International Development Law Technologies: There are a number of recently invented technologies for measuring achievement of development objectives that are consistent with international development law and that can also be part of legal enforcement of this law. Five of these are described and referenced below.

1) *Technological Tool: Red Book for Endangered Cultures*: While international development law specifically calls for cultural protection, there has yet to be an effective survey of cultural endangerment to guide these protections and to sanction threats to them. One approach to do just that is the idea of a Red Book for Endangered Cultures (Lempert 2010b). Through this approach, researchers would standardise and catalogue the status of the globe's 6,000 existing cultures, most of them endangered, as a standard for measuring harms and offering the basis for international human rights litigation and advocacy, in which they could also participate. This follows the model of the IUCN's Red Book for Endangered Species that serves as the basis of environmental protection and litigation. No such measures now exist for lawyers to use in protecting cultures and enforcing the Convention on the Prevention and Punishment of Genocide on all the aspects it envisions for protecting vital, sustainable cultures, lands, languages, and practices.

2) *Technological Tool: Sustainability Certification (Cultural Impact Certification) for Businesses, Governments, and Non-Governmental Organisation Projects*: Another approach to protecting and restoring cultures that is consistent with the international laws of development and sustainable development is to use cultural impact/sustainability certification for all interventions of any sort that impact cultures and societies (Lempert 2013b, c). Contemporary approaches to legal enforcement for sustainability, particularly in environmental protection (such as the CITES treaty) apply market incentives and advocacy in combination with law. This is a business idea, based on CITES certification for commercial use of particular species and on fair trade practice certification, that is applied directly to commercial and government impacts on indigenous and non-indigenous cultures and their environments and sustainability. This approach follows models of 'fair trade labelling' and environmental protection labelling (such as CITES), noting that no such labelling currently exists in the area of cultural survival/sustainability rights protections. The approach could be run profitably, using business incentives.

3) *Cultural and Environmental Heritage Protection and Promotion Technologies Linked to Sustainable*

Development: There are several recently invented approaches to cultural and environmental heritage mapping to protect cultural sustainability, survival, and tolerance using cross-disciplinary methodologies. Few current approaches in legal development focus on the roots of legal culture protection, tolerance education, and understanding of sustainability in ways that are rooted in identity. This approach, designed and tested in Southeast Asia and with Amnesty International in Hungary, does that, beginning with the classification, protection, and popularisation of cultural heritage in ways that promote pride, identity, and understanding of sustainability (Lempert 2020, b; 2015c). The surveys can be linked to protection and popularisation and making the scheme work with market incentives (in tourism) (Lempert 2016c), and with public educational activities (Lempert 2013a).

4) *Technology: Sustainable Development Plans at various Levels, working directly with Communities and Policy Makers*: The technology for sustainable development planning at the national and community level (geographic and cultural levels) is improving, but few such plans are being required or created. Model research projects have created the basis for this kind of tool (Lempert, Mitchell and McCarty 1998).

5) *Technology: Diaspora Centres to Create Foundations for Discussion on Cultural Sustainability and Co-existence in Complex Societies*: The technology for promoting sustainable development planning in complex, multi-ethnic societies requires cross-border work with diaspora communities as well as internal discussions on co-existence with different groups. An approach to sustainable development and cultural survival in complex societies relies on maintaining roots with diaspora communities and promoting discussions and research on history in ways that are popularised. An example of one diaspora centre to build ties among migrating communities and to promote multi-disciplinary research on lost heritage and approaches in Eastern Europe has been presented as a model (Lempert 2008).

Technologies and Models for Legal Development (Interventions): Legal development opens the door to models of rights-based constitutions (Lempert 1993; 1996d) for holding bureaucracies (public and private) accountable and expanding democratic public participation to direct institutional oversight. As noted above, there is also a need for publicly accountable disciplines that meet legal and ethical standards to improve on or replace disciplines that are not meeting public needs and that may also be in violation of international law. This article is one example of how to generate an indicator for public and professional accountability of scholarly fields, and there are other new technologies being developed for similar ends (Lempert 1995, 2018a, b; Sly, 2018).

VI. Conclusion: Facing Realities:

We live in Orwellian times. What happens in the name of 'development' today isn't development (Lempert 2015d). What is presented as 'research' is too often reporting and ideology (Duncan 2013). What is presented as 'law' is often the violation of law (Nader and Mattei 2008). What is largely called 'social science' today no longer uses the methods of science or even examines human behaviours at the level of 'society' (Lempert 2018e). Disciplines have largely strayed from their missions.

The indicator presented here for disciplinary legitimacy has implications not only for a small sub-discipline like 'Law and Development', but for almost all of the larger social science and humanities disciplines as well as for their applied disciplines, including 'Law'. But, given the current political influence on disciplines that this piece documents in the area of 'Law and Development', how likely are an actual measuring tool and a constructive outline for a field to be used? Even though this piece shows how to restart and reorder disciplines to ensure their legitimacy and clarity of purpose, to present their achievements and to continue to move them forward, the political and institutional pressures that have created these distortions are not easy to overcome.

There has been a field of 'Law and Development' dating back centuries and continuing today. Nevertheless, what actually fits in the legal and disciplinary definitions of this field and promotes the field and its public purpose exists mostly in the shadows. Meanwhile, for decades, there have been government- and international bank-supported work under the name 'Law and Development', including, in the last few years, both an 'institute' (apparently with no physical location) and a 'research network' of scholars claiming the mantle of 'Law and Development' that neither recognise the definition of 'development' under international law nor meet the definition of a legitimate field or of 'research'.

This study of 'Law and Development' itself reveals the structural barriers to social change and progress and to implementations of law and standards starting with scholars and practitioners who claim to be doing the work. If the field itself cannot adhere to standards, how can the international law of development be implemented and its goals achieved?

Ideologies are difficult to confront when they represent networks of governments, paid think tanks, universities, private business, publishers, and university structures that put profit and self-interest ahead of disciplinary standards and public benefit.

The question for the field of 'Law and Development' today and for those in it, as it was some 50 years ago when scholars were writing about this field, is whether it can be courageous, humanistic, and far-sighted, with concerns of human survival, cultural sustainability, and principles of international law and justice, or whether it will serve interests of imperial design, exploitation, cultural and physical genocide, totalitarianism, and globalisation that appear to be suicidal for humanity and that critics have called 'legal imperialism' and 'plunder'. This question can just as easily be posed about other fields.

'Law and Development' is not like other sub-disciplines or interdisciplinary fields, in that it actually combines many of the requirements that larger fields may have individually. In their combination, these requirements also highlight what is needed throughout the other larger fields. To fulfill the mission of this sub-field takes four things:

—Special training with both breadth and depth—in law, in a mix of social sciences, in humanities, and applied, administrative skills, as well as country experience with multiple languages and peoples;

—Special intelligence—in the ability to think at high levels, to model large systems and to integrate different fields, understanding causes, solutions, and interactions;

—Deep commitment to humanitarian values, including special compassion and dedication to public purpose—to engage in applications at the level of countries, communities, cultures, and international organisations; and

—Courage—to deal not only with the intellectual concerns of war, genocide, oppression, and social collapse and the psychological trauma, violence, and health risks associated with them, but also to work with both the victims and those responsible, to face direct threats and pressures and dangers.

None of these are easily found anywhere today and perhaps not at any time.

This article sets out the history, the existing infrastructure, and the challenges facing this sub-field as an example for several fields. It sets it out in the sea of academic work like a message in a bottle to those who may someday be in a position to continue the work of this field as a discipline and similarly, other disciplines, and to apply the approaches to the needs of humanity before it is too late.

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ANNEXES:

ANNEX 1: *Analysis of Papers Delivered at the Law and Development Research Network Conference in Berlin at Humboldt University, September 2019, by Content*

Analysis by Content/ Topic:
Total cases reported: 170 [Over counting error, 1 case]

Specific link to law and "development": (in terms of frameworks): 54 total: 28 promoting research content of the sub-discipline; 8 reporting on actors and topics; 18 others just playing an administrative role

History and Theory: 8
History of law and development, 8
Reporting: 8

Development Law: (6)
Other international law actors; financing, and development: 5
How the development agenda was shifted (case of gender rights): 1
Legal Development: (2)
German organizations in legal development: 1
Rule of law projects, discussion: 1

Content of the Discipline (Research Questions): 26
Development Law: (16)
Visions of a new development law, 1
International sustainable development law: 1
Vision of a new "social justice" court: 1
Development agencies and actors and law, oversight: 6
Oversight of international and private banks: 3
International and Domestic Law and public policy implementation/social change: 3
Strategic litigation and human rights progress: 1
Legal Development: (10)
"Transformative constitutionalism" (giving judges a political role) and rights: 4
Access to Justice/Equality, Applied:
- legal incubators: 1
- IDPs (though could also be just international law of states and persons): 1

Corporate control/Economic democracy/Corporate forms and law [also political economy but fits here]: 2
Transitional justice: 1
Legal pluralism (recognizing traditional law) approaches: 1

Administration of the discipline: 10
Teaching law and development: 6
Clinical legal education: 1
Teaching police on customary law: 1
Roundtable on publication: 1
Advocacy for the discipline: 1

Areas of Legal Study but No specific link to law and "development": 80 with 7 more unclear

Sociology of law: 4
- Law and criminality: 2
- Gay rights, marriage: 2

International Law: 10
- International trade law and organizations: 5
- Labor law of export workers: 1
- Fishing boundary law: 1
- International water rights: 1
- Anti-bribery law: 2

International Human Rights Law: 16
- Oversight of international business: 2
- Indigenous people's rights: 8
- Land rights: 3
- Children, disabled, refugees: 3

Law and economics: 7
- Law and economic development: 3
- Constitutions and economics: 1 (if this is about economics; if it is about constitutions as the place for law for fundamental change, then it could be corporate forms and law, below)
- Law and social evils (tobacco): 1
- Intellectual property rights; Agriculture and intellectual property: 2

Constitutionalism: 8
- Federalism and conflict of laws: 5 [Potentially relevant to "Legal Development"]
- "Institutional bypass" (informal governance mechanisms): 1
- Constitutional control: 1
- Constitutional Law and History: 1

Other: Domestic law questions with no link to law and development: 36
Civil rights law:
- Gender: 8
- Disabilities: 1
- Religious rights and conflicts: 5

Labor law: 1
Administrative law:
- Public procurement and corruption: 1

Securities Law: 1
Constitutional Law:
- Judicial accountability: 1

Regulatory Law: 1
Banking/SME: 1
Credit regulation: 1
Human rights institutions: 3

Media law: 1
Language technology: 1
Information Technology: 4
Resource rights law: 4 [Potentially relevant to Legal Development]
Environmental pollution law: 1

Unclear: 7
Theories of law (without stating hypotheses tested): 5
Administrative law (?): Law and political agency: 1
Land rights reparations (not clear if the discussion is on new mechanisms for sustainability or just reporting): 1

No clear link to "law": (Development policy or other policy): 31
Definition of development, post-colonialism: 2
International banks and organizations and development: 3
Trade and social impacts: 1
Development finance: 1
Measuring development: 2
Health policy: 5
Urban planning and housing policy: 2
Foreign direct investment/ sustainable development policy: 1
Industrial policy: 1
Fiscal policy, tax: 2
Migration policy and development/finance: 2
Economic sector policy: 1 (fisheries)
Education policy/privatization: 1
SDGs (sustainable development goals) outcomes (including one on gender): 2
Gender and labor participation: 1
Gender imbalances (not law related): 2
Caste systems: 1
Food security policy: 1

ANNEX 2: *Analysis of Papers Delivered at the Law and Development Research Network Conference in Berlin at Humboldt University, September 2019, by Methodology*

Analysis by methodology: Social scientific, Legal Analysis, Applications Approaches:
Total of 35 that actually meet methodological tests in the field

Total reported: 169 [undercounting error, 1 case]

Philosophy of the discipline (?): 8
Definitions: 1
Measures: 2
"design base", "relational plurality", "post-colonialism", law and political economy, law and political agency: 5

Social Science: 10 using hypothesis testing out of 113 total

Case studies related to field: [journalistic reporting]: 17
7 on history of field/ reporting;
1 on JICA
1 on German organizations in legal development
1 on Inter-American court of human rights
4 on international banks and UN system and development
2 on theory (interpretivism, econosocial)
1 on rule of law projects

Case studies (geographic and institutional) not related to field: [journalistic reporting]: 76
1 on constitutional history
1 on judicial accountability
1 on sociology of law (criminality)
1 on law and economic development
4 on health policy
7 on gender equality law/ women's rights, domestic violence
2 on disabilities law
1 on export worker law
1 on general labor law
2 on city planning
1 on industrial policy
1 on foreign investment
4 on international trade organization
2 on fiscal policy, tax law
1 on financial stock market regulation
1 on credit regulation
1 on international fishing rights
1 on fishery sector development
1 on intellectual property and agriculture
1 on education policy
1 on micro-finance
1 on national human rights institutions
1 on regional human rights courts
2 on oversight of international corporations/ corporate social responsibility
6 on indigenous rights including land (3)
1 on land rights
1 on media law
3 on information technology
1 on women in labor force
2 on gay rights
2 on women and the SDGs
2 on gender imbalances
1 on caste
1 on children's rights
1 on refugee rights
4 on resource rights
1 on environmental pollution
4 on religious conflict
1 on conflicts with customary law
4 on local legal culture and conflict
1 on constitutional control

Case Study Hypothesis testing/modeling related to field: 4
1 on constitutions and economic structural changes
1 strategic litigation and human rights impacts
2 on transformative constitutionalism/ changing role of judges

Comparative with hypothesis testing: 6
Related to field:
Law and public policy implementation: 1
Untied aid (Echternach process): 1
Law and social change/poverty reduction: 1
International law and social change: 1
Not related to field:
Investment policy and immigration flows: 1
"Institutional bypass" (informal governance mechanisms): 1

Comparative without hypothesis testing: 10
1 on history
Law and economic development: 2
Health policy: 2
Geography and sustainable development goals (SDGs): 1
Indigenous rights frameworks: 1
Land rights frameworks: 1
Globalization, trade and social impacts: 1
Food security policy: 1

Legal: 16 legal questions, 7 discussions of legal technologies, 2 legal proposals (total of 25); 11 others

Legal questions analysis relevant to development: 16
Access to justice for IDPs: 1
Corporate forms, oversight and democracy, including transnationals: 3

Oversight of public and private international banks: 2
Oversight of development actors: 4
International law and sustainable development: 1
International regulatory regimes: 1
Transitional justice: 1
Land rights reparations: 1
How the development agenda shifted (to include domestic violence): 1
Legal pluralism (recognizing traditional law) as an approach: 1

Legal questions analysis not directly relevant to development: 7
Anti-bribery law: 2
Intellectual property rights: 1
Language technology development: 1
Collective vs. individual rights: 1
International Water rights: 1
Religious rights in plural societies: 1
Discriminatory applications of criminal law: 1

Legal Development Technologies and Impact: [see also above, strategic litigation] 7
Relevant to law and development:
Legal incubators and access to justice [as a case study not counted above]:1
Transformative Constitutionalism [changing roles of judiciaries]: 2
Not relevant to law and development:
Development financing, social impact bonds: 4

Proposed laws: relevant to development: 2
"right to development law": 1
World Bank oversight: 1

Proposed laws: not relevant to development: 4
Model anti-corruption/public procurement law: 1
New court systems, e.g. social justice court (proposed): 1
Corporate social responsibility: 1
Creating information technology as a human right: 1

Policy Questions: 2

Development policy questions analysis: (not law and development): 1
Migration and Development: 1

Administration of Discipline: 10

Teaching law and development: without linking concepts to the teaching: 6
Clinical legal education: 1
Teaching police about customary law: 1
Publishing, without linking concepts of law and development/ rights to psychological development, to the publishing problem: 1
Advocacy for the discipline: 1