**Ad Hoc Committee on Individual Membership in the American Society of Comparative Law**

Report for the 2018 Annual Meeting in Fukuoka

Committee Members: Gary Bell, David Clark, Ralf Michaels (chair)

Our committee was tasked to “make recommendations to encourage and set the status of individual memberships in the academy.” This draft sets out 1) the current status of individual membership in the ASCL, 2) comparative information on membership in comparable associations, 3) the reasons for why an enhanced individual membership would be desirable, 4) concrete proposals.

# 1) Current Status of individual membership in the ASCL

Traditionally, membership in the American Society was reserved for schools and not open to individuals, the Society did not provide for individual membership. This has historical reasons. When the Society was set up (first as the American Association of Comparative Law), the idea was that such an Association could bring together comparative law expertise from different law schools and thereby provide an American equivalent to comparative law research centers like the Max Planck Institute in Hamburg, including the publication of a high-quality journal. The Association began with eleven member institutions (incl. ten law schools); today it has more than a hundred law schools from the United States, and several from abroad.

In 1998, a sustaining membership was introduced also for individuals, at an annual fee of then USD 500. A separate category of individual membership, namely associate membership, was introduced in 2000. The current website lists 29 individuals as associate members, and one as a sustaining member.

The governance structure rests on the institutional sponsor members. These are entitled to name one director and one editor to represent them, and can name, in addition, one or several delegates. Membership fees are set by the Society (currently USD 700, plus USD 50 for each delegate). Member representatives attending the annual meeting are reimbursed for their travel costs up to an amount close to this annual fee when the meeting is in the United States, and at an amount exceeding this when the meeting coincides with a meeting of the International Academy of Comparative Law. In addition, member schools and their representatives are entitled to copies of the Journal. Importantly, sponsor members vote through their directors and editors (who have slightly different competences); if neither of these two is present, the sponsor member can authorize its delegate or another person to vote (bylaw 3.4). Directors, editors and delegates can be elected into the offices of the Society (bylaw 6.2).

Associate (individual) members pay a lower annual fee (currently $ 90), and while they are allowed to attend annual meetings and have a subscription to the Journal, they can neither vote nor be elected for office. They can serve on any committee that the President determines, but not for the Executive Committee (bylaw 7.1).

# 2) Comparative Information

This structure, which rests on institutional membership, is used by two of the five law members of the American Council of Learned Societies (the ASCL and the AALS), while the other three base membership on individual scholars (Legal History, Law & Society, and International Law). Their individual membership number is significantly greater than the number of individuals in the American Society of Comparative Law (incl. Directors, Editors, and Delegates).

Internationally, comparison is a little harder, at least on the basis of website information (see Table 2)[[1]](#footnote-1). In most countries, membership in comparative law associations is based on individuals. Some countries have a combination. In the United Kingdom, there are two parallel institutions: one, the British Association of Comparative Law, rests on institutional membership (of UK law schools), the other, the British Institute of International and Comparative Law, has a mixed membership. The Asian Law Institute, by contrast, rests on institutional membership.

# 3) Reasons for an enhanced individual membership category

Telling from the comparatively low number of individual members, the current organization of the American Society of Comparative Law appears not to be attractive for individual members, except as a way towards a subsidized subscription to the journal. (Associate membership costs $ 90 p.a.; institutional subscription to the print journal costs § 130 p.a.; individual subscriptions are not offered online but are available on request, at essentially the same price.). This is an undesirable situation in general (a), but especially with regard to younger comparatists (b), with the consequence that the ASCL loses ground to other associations (c).

a) The Society remains relatively small, as concerns actual individuals involved in it (i.e. directors, editors, associate members). As a consequence, many comparative lawyers do not take part in our activities. (This was already the finding of the Asia outreach ad hoc committee in its 2016 report.) The younger or other colleagues take part on panels at our annual meeting but then do not come back. This means that the ASCL has no direct line of communication with anyone else and therefore no means of communicating with everyone in the discipline. Moreover, the potential of a broader readership for the journal among individuals outside of sponsor members is not utilized. The potential of additional income for the Society through individual member fees is not utilized.

b) Especially for younger comparatists, the current structure is unattractive: If they are not professors at member schools, their only access to the Society is as Associate members, without reduced fees and without full governance rights. Even if they are professors at member schools, they can typically only become directors or editors once existing and more senior colleagues who hold these positions give them up for them; until then, they can only be delegates with only subsidiary voting rights.

c) As a consequence, other comparative law associations appear more vibrant and, potentially, more successful in the long run. One example is the International Society of Public Law (I-CON), which has a strong comparative law component. I-CON remains unaffiliated with ASCL. Another is the Society’s own Younger Comparativists’ Committee, which has grown into a veritable (global) society of its own, with more members than the ASCL (currently 184) and more activities. The potential of drawing on YCC members for the ASCL is excellent. Yet there is no direct path from membership in the YCC into the ASCL; even former officers of the YCC cannot become voting or eligible members of the ASCL unless they become directors or editors of their home institutions. Not surprisingly, some YCC members have threatened to split off the ASCL and become an independent Society, which would then be in direct competition.

# 4) Concrete Proposals

Taking this into account, it is recommended to work towards attracting more individual members. The committee has the following proposals, which remain as much in accordance with the current governance structure as possible. It is hoped that an attractive individual membership can provide additional revenue to the Society, some of which can in turn be used for he higher costs of the benefits proposed below.

Committee members differed in their prediction whether an enhanced individual membership will indeed attract many comparatists to the Society. The President should assess the success of these measures after a time of three years. In addition, it could be useful for the President of the ASCL to form a committee to look at how to increase membership by means other than changes in the membership structure, or further changes to that structure if necessary. It would be important for that committee to find ways to survey the views of those comparatists who do not attend our meetings on why they don’t and what would make them attend.

**A) Changed Status for Delegates**
If colleagues are from a member school they should be able to join as delegate without having to seek an appointment as delegate from their school. They could pay the fees themselves (whether the school reimburses them is not our concern).
The Society should actively encourage sponsor members to nominate all comparative lawyers in their schools as delegates.

**B) New Fee Structure for Individual Members**

* Associate membership is currently §90, less than mere subscription to the journal. It is proposed to offer two types of individual membership: a cheaper one without subscription to the journal, a more expensive one with such a subscription. (We encourage negotiations with OUP towards a discounted e-subscription for Society members.)
* A discounted individual membership should be offered to individuals from less developed countries.
* There should be a significantly discounted individual membership category for young academics. This membership should come with e-subscription to the journal, to make sure young comparatists without affiliation with a sponsor school have access.
* As a way of attracting new individual members, panelists should, for now, be given associate membership, with waived fees for the first year. Possibly, this waiver could be given up in the future, in accordance with what other societies do.

**C) Eligibility**
Both delegate and associate members should be eligible for all positions, including on the
executive committee, and including the Presidency.

Unlike the other recommendations, this one did not reach unanimity on the Committee: one member would extending office eligibility for associate members only to the Executive Committee (one of the 4 at large members) plus all other ASCL committees that the President approves.

**D) Membership Benefits**
Additionally, membership benefits in accordance with what is offered by other Societies, should be considered:

* Reduced fees to Society events (assuming there are fees for conferences).
* Access to a searchable member directory and member profiles
* Discount on comparative law related publications from our academic partners (OUP and CUP, possible to negotiate with others)
* Ability to apply for funding of projects from the Society
* Participation in additional member-oriented activities, e.g.
* newsletters
* online discussion groups
* sharing of course syllabi
* establishment of mentor/mentee pairing for new members

**E) Voting Rights**Currently, the Committee does not recommend giving voting rights to individual members, as this would upset the current structure of the Society.

**F) Advertising**
The Society ought to engage in concerted advertising of the newly enhanced individual membership category, through its website and through appropriate websites in the US and abroad.

Table 1: Law societies and comparative societies within the Council of Learned Societies.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | American Society of Legal History (ASLH) | American Society of International Law (ASIL) | Law & Society Association (LSA) | American Comparative Literature Association (ACLA) | World History Association |
| Membership types | Individuals | Individuals and institutions | Individuals and institutions | Individuals | Individuals |
| Website membership | http://aslh.net/membership-information/ |  | http://www.lawandsociety.org/membership.html | https://www.acla.org/become-member | https://www.thewha.org/membership/ |
| Number of members | 1,100 (2003) | 3,350 | ? | ? | ? |
| Ordinary fees | USD 65-175 | USD 130-215 | USD 40-255 | USD 70-195 | USD 70-175 |
| Student fees | USD 35 | USD 60 | USD 40 | USD 45 | 50 |
| International membership |  |  | USD 24 |  |  |
| Journal | Incl. (E & print) | Incl. (print + USD 30) | Incl. (print + USD 10) | discount | Incl/ (print + USD 10) |
| Governance rights individuals | Full rights to vote and be elected | Full rights to vote and be elected | Full rights to vote and be elected | Full rights to vote and be elected |  |
| Governance rights organizations | n.a. | Non-voting | Right to vote, Not eligible for election | n.a. |  |
| Membership Benefits | * Subscription to print and online editions of [Law and History Review](http://journals.cambridge.org/action/displayJournal?jid=LHR), America’s leading legal history journal
* Access to back issues of Law and History Review online through Cambridge Journals Online
* A 30% discount off the regular price of books in the [Studies in Legal History series](http://bookseries.aslh.net/newsite/).
* Access to annual meeting
 | * Subscriptions to the quarterly [*ASIL Newsletter*](https://www.asil.org/resources/asil-newsletter) and the semi-monthly electronic news bulletin *IL.post*.
* Participation in the Society's online [Community](https://www.asil.org/community), including 30+ Interest Groups.
* Access to a searchable member directory and member profiles
* Discounts on print versions of ASIL periodicals and books, as well as on some publications by the [Society's Publishing Partners](https://www.asil.org/financial-support/asil-partners-and-sponsors)
* Free or discounted registration for ASIL online and in-person [events](https://www.asil.org/calendar/events/all), including the Society's highly reputed [Annual Meeting](https://www.asil.org/AM) and [Midyear Meeting](https://www.asil.org/midyearmeeting)
* Occasions to earn [Continuing Legal Education](https://www.asil.org/education/continuing-legal-education) (CLE) credits
* Countless opportunities to network, to serve as a local ASIL ambassador, or even perhaps to be published by the Society
* Support of ASIL's [public education mission](https://www.asil.org/education/public-education)
 | * a subscription to the **Law & Society Review**(including electronic access on publisher's site for editions dating 2003 and later);
* access to a real-time **Membership Directory**;
* Exclusive access to **LSA-Talk**, our members-only listserv;
* the right to **vote** for officers and trustees of the Association;
* the opportunity to **serve on governance committees**;
* access to our **Teaching Materials Repository**;
* 25% **discount** off most Wiley print products;
* the right to nominate your students’ best work for **LSA’s annual student prizes;**
* 25% discount on **Law & Society Review re-use permissions**– contact lsa@lawandsociety.org with requests;
* 50% discount on **JPASS**– JSTOR’s individual access plan
* the opportunity to apply for grants to help pay for **childcare** during the Annual Meeting
* membership discount for **Annual Meeting registration**
* for all LSA members, the opportunity to apply for small grants to fund law and society activities
 | * access to annual meeting, vote
 | * WHA members receive subscriptions to [**WHA publications**](http://www.thewha.org/about/publications/) the *Journal of World History* and the *World History Bulletin*. Members are also elegible for discounted registration fees at the annual [**WHA conference**](http://www.thewha.org/conferences/), as well as occasional discounts on prize-winning books and other promotions.
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Table 2: List of Foreign Comparative Law Associations

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| --- | --- | --- | --- | --- |
|  | British Association of Comparative Law | British Institute of International and Comparative Law (BIICL) | Société de legislation comparée | Gesellschaft für Rechtsvergleichung |
| Membership types | institutions | Individual/organisation | individual | Individual/organisation |
| Website membership | https://british-association-comparative-law.org/association/ | https://www.biicl.org/membership | https://www.legiscompare.fr |  |
| Number of members | 37 UK law schools |  | Ca. 1000 |  |
| Ordinary fees |  | £85-£140 | Eur 50 | Eur 50 |
| Student fees |  | £30 | n.a. | Eur 25 (“young”) |
| International membership |  | £75 | Eur 15 | Eur 130 |
| Organisations |  | £500-3000 | n.a. |  |
| Journal | no | Incl. (print + **£35)** | Full price |  |
| Governance | Not clear | Not clear | Not clear | Full rights to vote and be elected |
| Membership Benefits |  |

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| --- | --- | --- | --- | --- | --- | --- |
| Discount on BIICL events |   |   |   |   |  3 events annually |   |
| 40% Discount on BIICL publications |   |   |   |   |   |   |
| Online access to ICLQ\* archive |   |   |   |   |   |   |
| Hardcopy subscription to the ICLQ\* |   |  |   |  |  |  |
| 20% Discount on CUP Publications |   |   |   |   |   |   |
| Access to papers from past events |   |   |   |   |   |   |
| BIICL Newsletter |  |  |  |  |  |  |

 | Annual meeting |  |

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|  | Asian Law Institute (ASLI) | Assocciazione Italiana di Diritto Comparato | Japanese Association of Comparative Law | New Zealand Association of Comparative Law |
| Membership types | Organizations | Individuals and organizations | Individuals | Individuals |
| Website membership | https://law.nus.edu.sg/asli/how\_to\_join.html |  |  | https://www.victoria.ac.nz/law/research/publications/about-nzacl |
| Number of members | 100 law schools |  | 746 | 50 |
| Ordinary fees | no |  | 4000 Yen (ca 40 USD) | $ 10 (+ initial $ 25) |
| Student fees | No  |  |  |  |
| International membership |  |  |  |  |
| Organisations fees | SGD 200-300 (ca USD 150-225) |  |  |  |
| Journal | Asian Journal of Comparative Law (AsJCL) |  | Not incl. (+ 4000 Yen) | n.a. |
| Governance | Governed by a Board of Governors made up of the Deans for the 16 Founding member schools – the other 84 member-schools do not have the right to vote. Individuals also do not have the right to vote. | All members can vote and be elected |  | All members can vote  |
| Membership Benefits | Each member institution is entitled to:

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| --- | --- |
| • | Receive copies of the Asian Journal of Comparative Law (AsJCL) (2 issues annually). |
| • | Participate in the open forum of members at the annual ASLI Conference. |

In addition, faculty members from the member institutions will have the following benefits:

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| --- | --- |
| • | The right to apply, on a competitive basis, for an ASLI Fellowship with tenure of up to two months at the NUS Law School. The NUS will provide house and a stipend. |
| • | A SGD $100 discount on the registration fee for the annual conference. |

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1. Information is mostly based on <http://www.nyulawglobal.org/globalex/Comparative_Law1.html#_National_organizations_and_institut>.

. [↑](#footnote-ref-1)