

## **Fundação Getulio Vargas**

Escola de Direito do Rio de Janeiro da Fundação Getulio Vargas (FGV DIREITO RIO)

Projeto: História Oral do CEPED

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Data da transcrição: 16.07.2010

Conferência Fidelidade: Raphael Figueiredo

Data da Conferência: 14.10.2010

Entrevista: 21.01.2010

Gabriel Lacerda: Let us start the interview. We will start, of course, with identification of the person interviewed; name, age, short CV, participation in the project and present position.

Peter Bell: My name is Peter Dexter Bell. I was born in 1940. . Having just completed a master's degree in international development at the Woodrow Wilson School at Princeton in 1964, I joined the staff of the Ford Foundation's Brazil office in Rio de Janeiro. I was at the very outset of my career. At the time, the Foundation's grant-making in the country mainly supported university-level training and research programs intended to contribute to Brazilian development. It was in that context that I first engaged in exploratory discussions about what eventually became CEPED.

During my first five years with the Ford Foundation, I lived and worked in Brazil for two years, and then worked more broadly in Latin America from the Foundation's New York headquarters for a year before returning to Brazil for another two years. I then took leave from Ford for a year as a Research Associate in International Affairs at Harvard University until becoming head of the Foundation's office in Chile from 1970 to 1974. During my last two years at Ford, I shifted my focus to issues of domestic social policy in the United States.

With the election of Jimmy Carter as U.S. President in 1976, I left the Foundation to become Special Assistant to the U.S. Secretary of Health, Education and Welfare and later served as Deputy Under-Secretary of that Department. From there, I went on to be President of the Inter-American Foundation, an independent government agency supporting grassroots

development in Latin America; Senior Fellow at the Carnegie Endowment for International Peace; and then, for nine years, President of the Edna McConnell Clark Foundation. It was primarily engaged in improving conditions for people who are poor and disadvantaged within the U.S..

My final “big” job -- for more than a decade -- was as President and CEO of CARE, the international relief and development organization. Since 2007,, I have been a Senior Research Fellow at the Hauser Center for Nonprofit Organizations at Harvard University. I chair the NGO Leaders Forum, which brings together the heads of a dozen major international humanitarian organizations twice a year to explore and discuss issues on their horizon. I also co-chaired the Joint Learning Initiative on Children and HIV/AIDS, a global network of researchers, advocates and policymakers that produced evidence-based findings and recommendations on more effective approaches to protect children in the context of AIDS and extreme poverty. .

Gabriel Lacerda: Good. So your whole career was dedicated to NGOs and this kind of socially oriented work?

Peter Bell: That is largely true. I worked in programs at non-governmental organizations to reduce poverty, resolve violent conflict, advance human rights and open opportunity for people. In addition, as I mentioned, I served for almost four years in the U.S. Department of Health, Education and Welfare

during the Carter Administration. And I was President of the Inter-American Foundation. Although small and experimental, the IAF is actually a government agency. I have also served on nonprofit boards. I was, for example, on the founding Board of Human Rights Watch and was a co-founder and Co-Chair of the Inter-American Dialogue. I am a long-serving Trustee of the World Peace Foundation and currently Chair the Board of the Bernard van Leer Foundation in Holland, which is engaged internationally in supporting early childhood development..

Gabriel Lacerda: And how did your connection with CEPED begin?

Peter Bell: Even though the Ford Foundation, as a private, non-profit organization, was independent of the U.S. Embassy, my initial involvement with the idea of CEPED came through my acquaintance with David Trubek. He was serving as General Counsel for USAID at the Embassy and had a strong interest in legal education. It was he who first enlisted me in discussions about what would become CEPED.

I started out in Brazil as a training associate with the Foundation and was eventually promoted to being deputy representative. From my arrival, I took on responsibility for supporting the development of graduate-level training and research programs in the social sciences, including public administration, political science, sociology and social anthropology. Reynold Carlson, the

head of the Brazil office, was already working out grants for programs in economics. My particular interest was in seeking to support a more empirically-based, behaviorally-oriented approach to political science.

Back in the 1960s, the dominant approach to international development was economic and tended toward the technocratic. Partly because of my multi-disciplinary training at Princeton, I viewed economic growth and physical infrastructure as necessary for development but by no means sufficient. Some of my Ford colleagues and I thought of development as having not only economic but also political and social dimensions. We viewed development less in terms of increases in per capita income per se and more in terms of increases in some measure of control—or at least participation—in important decisions affecting people's lives, whether at the level of the individual, family, community or nation. Such ideas were not in favor in the period of authoritarian rule in Brazil following the military coup of 1964; nor were they prevalent yet within the Ford Foundation.

At the time, empirically-based, behaviorally-oriented approaches to political science hardly existed in Brazil. Nor, for that matter, did any semblance of the *discipline* of political science. To his credit, Orlando Carvalho, a chair professor of Constitutional Law in the Faculty of Law at the Federal University of Minas Gerais, did edit and publish the *Revista Brasileira de Ciencia Politica*. While most of its articles took more legalistic approaches, Carvalho welcomed articles based on empirical research and data. Also, Leonidas Xausa, a

professor in the Faculty of Law at the Federal University of Rio Grande do Sul, had developed a passion for political science and had enlisted some of his best law students as research assistants. In addition, there was a small but very promising group of young political sociologists at the Faculty of Economic Sciences at the Federal University of Minas Gerais, and several senior professors of political sociology in the Faculty of Philosophy of the University of Sao Paulo. That was pretty much it.

My major initial grant project was to support the multi-year development of a graduate-level program in political science at Minas Gerais, drawing on students from around the country. But when David Trubek asked me to meet with him to talk about the reform of Brazilian legal education, I was intrigued because I saw the heavy traditional emphasis on part-time professors lecturing on the “black letter” of the law had been an impediment to development of social sciences within the law schools. David also persuaded me that Brazilian law schools ill prepared their graduates to seek solutions to issues blocking development. I remember his giving me an article by San Tiago Dantas in which Dantas wrote about the law schools as being the ante-rooms to Parliament. The law schools were where Brazilian students went who aspired to a legislative career or more generally to work in government or engage in public affairs. But Dantas was convinced that the law schools, as then constituted, ill prepared graduates for these roles, too.

In sum, David persuaded me that reform of the law schools (including, for example, full-time faculty with a commitment to more active teaching, research and production of teaching materials; students prepared to engage in critical thinking, discussion of teaching materials and analytic problem-solving; and a curriculum with a more multi-disciplinary perspective, incorporating economics, political science, sociology, etc.) was worth serious exploration. Graduates of these schools would be better prepared to practice law in ways that could make a positive difference and that they might make a greater contribution to the governance and public welfare of Brazil.

Gabriel Lacerda: So David got to talk with you about his idea. David was the creator of CEPED. And he asked whether you would work with him and with USAID on this project. And then he discussed the thing with you, and, of course, he asked whether you might come up with money from the Ford Foundation?

Peter Bell: I was not in a position to promise any specific sum of money. The most I could do was to express genuine interest in exploring the idea further, meeting Brazilians who might be seized by the same idea, investigating whether law professors in the U.S. or elsewhere might be helpful and seeing what Brazilian might lead the project and under what institutional auspices it might be located. As the idea took the form of a more concrete project proposal and we put together our case, I would keep my colleagues in the Brazil office informed. And when the case for the proposal seemed sufficiently

compelling, I would prepare a request to the director of the Office for Latin America in New York for permission to draft a Request for Grant Action, which would then require the formal approval of the officers of the Foundation.

Gabriel Lacerda: But when David contacted you, Peter, he had something in mind. What I assume was in his mind was: "Maybe the Ford Foundation could help by putting some money into this project." And aware of your interest in research and teaching in the social sciences and your knowledge of how little experience there was in Brazil in integrating the social sciences into the study of law, he thought of you as someone within the Foundation who could help to finance his idea and change it into an actual project?

Peter Bell: That is probably a very fair summary.

Gabriel Lacerda: I'm trying to get you to describe or summarize the process by which the Foundation's grant was actually approved. David had the idea to talk to you and asked whether you thought the general concept was good and whether you could get some money for it. Please force your memory a little bit. Can you remember how did it come out, how the decision to approve the

grant was made, and what obstacles you faced? I can remember talking with you about my own fellowship to study in the United States. I also recall how excited I was and how envious my friends were. How did the request for help in funding the project to reform legal education in Brazil turn into actual U.S. dollars?

Peter Bell: First, I should confess that 45 years after the fact, my memory of this whole process is sketchy at best. Somewhere in our large and very crowded attic at home, I probably have files that contain much of the story, but I have yet to locate them. I hope that David Trubek can find copies of the same materials in the Ford Foundation's archives. In general, the process for developing a grant proposal and gaining formal approval for it would have been very much as I've already described it.

One obstacle that we had to overcome was that the Foundation staff in New York had made a large grant for the establishment of a free-standing New York-based International Legal Center, headed by John Howard, formerly a senior program director of the Foundation. The Center was given \$3 million to support projects to bring law and development closer together. Some Foundation colleagues at headquarters advocated channeling funds to the Center for coordination and oversight of the CEPED program. And John himself became quite interested. However, others of us felt that the program should be "owned" and run by Brazilians; and we dug in our heels.

Meanwhile, David had introduced me early on to Caio Tacito, a practicing corporate lawyer and respected professor at the Faculty of Law at what was then the State University of Guanabara. Prudent, a mover and shaker, and appreciative of the need for reform in legal education, he assumed the overall leadership of the Brazilian group with whom we were talking. As I recall, he was accompanied by Alfredo Lamy Filho, a respected legal scholar, and by Alberto Venancio Filho, identified as a possible executive director of CEPED. They, in turn, introduced us to outstanding young law graduates, including you, Joaquin Falcao and others who might do advanced studies at leading law schools in the U.S. and bring back additional energy and ideas for reform of Brazilian legal education.

In addition, at David's suggestion, we invited Henry Steiner, a former Wall Street lawyer and tenured professor teaching contracts and transactional law at Harvard Law School, to visit Brazil, meet Caio Tacito and his colleagues, and learn more about the CEPED project. Henry came; he saw; and he was conquered. Not only did he later spend 18 months as an advisor and visiting scholar at CEPED, but his own career would take a radically different turn. He became a voracious reader of social science literature and founding director of Harvard Law School's Center for Human Rights. Henry's career was rejuvenated by his CEPED affiliation and Brazil experience. In effect, he would become the change that he was advocating!

Gabriel Lacerda: So, the Ford Foundation finally made its grant. Why? For how much, over how many years? And what costs did the grant cover?

Peter Bell: We did make the grant in 1966. We made it basically because we believed that reform of legal education in Brazil would make for more proactive, broadly educated lawyers who would be advocates for Brazilian development. And we were encouraged by the caliber of the Brazilian leadership of CEPED and by the intelligence, interest and energy of the young law graduates whom they identified for study abroad. We were also encouraged by the supportive engagement of David and Henry. My recollection is that our initial grant was for US\$495, 000. That was “real money” back then!

As best I can recall, the grant budget was to cover such items as salary supplements for full-time dedication of CEPED-linked faculty, visiting advisors (not only Henry Steiner but also Keith Rosenn, a young law professor from Ohio State University), fellowships abroad, preparation of teaching materials, testing of more active methods of teaching, etc. I believe that the funds were to be used over several years. I cannot remember what and how much AID contributed, but David will know.

Gabriel Lacerda: How would the grant for CEPED compare in size and substance with other Ford Foundation grants in the late 1960s? Do you recall?

For the Foundation at the time, it was a large commitment, but not our largest. At the Federal University of Minas Gerais, for example, our multi-year grant to develop a graduate-level Department of Political Science totaled more than US\$600,000. It was to cover the funding of a visiting professor, fellowships for Brazilian students in the new program, doctoral fellowships for prospective Brazilian faculty to study abroad, etc. While some of the budget items may have been similar, the doctoral fellowships could be quite costly. They involved not just a year of support, as in the case of study abroad for young associates of CEPED, but fellowships of three years or more to obtain a PhD.

At Minas Gerais, our Brazilian partners and the Foundation were committed to building Brazil's first full-fledged Department of Political Science directly under the auspices of the Reitoria. In comparison, CEPED's long-term goal was to help generate broader reform within legal education. Rather than building virtually from scratch, CEPED aimed not only to develop the commitment of core faculty, to produce new teaching materials, and to encourage more active teaching methods, but also to restructure existing law schools, starting with Guanabara, by introducing core faculty who were full-

time, bringing in allied disciplines in economics and the social sciences, rewarding research as well as teaching, etc.

As with housing, it can be easier to build from scratch than to restructure a pre-existing but outmoded building. Reforming legal education meant changing well-entrenched institutional practices and cultures—no easy task, as the Foundation and CEPED would discover. And the appetite of Caio Tacito and his colleagues for taking on this daunting mission turned out to be limited. Even in my early discussions of CEPED, I had some inkling of how difficult it might be for a small center--outside of any law school and without strong university support--to bring about the far-reaching reform of legal education; but in retrospect we failed to appreciate what a slow, uphill climb it would at best be.

Gabriel Lacerda: What in your opinion were the basic ideas of CEPED in connection with teaching methodology and in connection with the concept of law and the role of the lawyer in society?

Peter Bell: Basic to the CEPED program were putting aside long-accepted but outmoded notions of, first, the law professor as someone who rushed into a lecture hall from his legal practice to expound from on high on the black letter of the law; second, the student who passively accepted and wrote down what the professor said; and the lawyer, whether in private practice or government, who continued to cling to the black letter of the law, to be passive, better at saying “no” than “yes”, and ill equipped to help solve problems or innovate.

At the heart of CEPED’s program was advocacy for making legal education and the role of lawyers more in keeping with a changing society in which mores, policies and laws were embedded and in which lawyers could make a positive difference. This would take at least a core of full-time faculty dedicated to both research and teaching; a more rounded, multidisciplinary curriculum including courses in economics, political science, sociology, etc; more active teaching methods by professors and more interactive, challenging and thought-provoking exchanges between them and their students; and lawyers going into private practice, corporations and government ready to help solve problems, seek innovative solutions and to advance the broader economic development and social welfare.

Gabriel Lacerda: Yeah. I could summarize that – I don’t know whether I will do it properly, but in a sense the idea was to teach law as an interdisciplinary subject. Law is not a grant that Moses brought directly from our Lord and gave to man, but it’s a fruit of a social weave and woven of various influences.

Economics, political science, and sociology all come together to shape law; it is part of a larger world of diverse influences and implications. That seems to me to be one of the ideas. I think your statement agree with that.

Peter Bell: Yes, you have summarized it beautifully. I fully agree with you.

I must admit that my understanding was also influenced by own experience as a graduate student at Princeton's Woodrow Wilson School of Public and International Affairs, which brought together a combination of political science, economics, sociology, law, history, and other disciplines.

Gabriel Lacerda: Okay. There is a question here that is much asked, even if the answer is obvious. Do you think the approach to legal education developed by CEPED was (1) due primarily to ideas developed by the Brazil participants; (2) was substantially drawn from the U.S experience; or (3) was a blend of both of these?

Peter Bell: I didn't follow CEPED after I left Brazil in 1969. But clearly there was a blend of the two. If you ask me to figure out the proportion of the blend, I wouldn't know – except, from all of my experience – I would have thought that ultimately, it was the Brazilian setting and perspective that would have shaped what CEPED became, and that they would have adopted whatever the Brazilian participants found to have been useful from their exposure to the

law schools of the U.S. and from the American professors who may have visited CEPED.

Gabriel Lacerda: Yes. That's why I said this question was obvious. The only possible answer is a blend. But people continue to raise the question.

Peter Bell: Any ideas that actually prosper in the Brazilian soil would have to be cultivated by Brazilians who found them to be useful or exciting.

Gabriel Lacerda: Sure.

Gabriel Lacerda: On to the next question: First, did you ever go on to write anything about law, Brazil, legal education, and related topics? And secondly: if so, were these writings influenced by the CEPED experience? In what way?

Peter Bell: During my year as research associate at Harvard in 1969-70, I did write a couple of book chapters that drew on my Brazil experience. One was on "The Role of the Ford Foundation as a Transnational Actor", which critiqued the notion that foundations that work across borders should be "apolitical" or "technocratic". I argued that to be responsible and to avoid doing unintended harm, we had an obligation to make our goals and our

values explicit, so that we and others would better understand how the goals and values behind our grant-making fit within different national contexts. The other piece I wrote was an examination of “American-Brazilian Relations” in the 1960s. I looked at the U.S. tendency—driven by the Cold War---to exaggerate the threat of “communism” in Brazil and how that tendency affected Brazillian politics. But in neither case was my writing specifically influenced by the CEPED experience.

Gabriel Lacerda: Have you maintained contacts with CEPED and Brazil since your departure in 1969?

Peter Bell: Brazil has been part of my life ever since the years that I worked there with the Ford Foundation. During my year at Harvard, I was in touch with Henry Seiner and David Trubek and occasional CEPED visitors; however, I did not keep abreast of CEPED after moving to Santiago as the Foundation’s representative in 1970. I met Karen in Brazil, the woman whom I married more than 40 years ago, and we share to this day a love for Brazil, reflected in our collection of Brazilian art and crafts. We also made sure that our two children each had stints in Brazil—our son perfecting his soccer and our daughter doing research for a paper on the women’s movement.

One of the very last grants that I recommended in Brazil supported the creation of CEBRAP in 1969 after Fernando Henrique Cardoso and various of

his academic colleagues were ousted from the University of Sao Paulo by the military regime. Not only did the grant facilitate Cardoso's remaining in Brazil as co-director of CEBRAP, but it also supported CEBRAP's becoming one of the leading centers for social science research in Latin America. Over the years, he and I have remained friends and collaborated on various projects, including as founding members and eventual co-chairs of the Inter-American Dialogue.

Well before I became president of the Inter-American Foundation, it had been bounced out of Brazil by the military because of its support of an Afro-Brazilian cultural project in Bahia regarded as "sensitive". I led a successful effort to restore its grant-making program in Brazil in the early 1980s. During my presidency of CARE, I helped to establish a CARE-Brasil NGO, governed, staffed and funded mainly by Brazilians to reduce poverty. My most recent visit to Brazil was as a trustee of the Dutch-based Bernard van Leer Foundation to visit programs in early childhood development in Sao Paulo, Santos, Rio, Belo Horizonte and Curvelo. Over the years, the Brazilian friends with whom I have been most in touch have been members of the science community whom I first met at the outset of their and my careers. I could go on, but suffice it to say that Brazil continues to occupy a special place in my heart.

Peter Bell: I do want you to know how much it means to me to learn after these many years that the spirit of CEPED is still alive and of sufficient

relevance that you are conducting this research—and even more importantly, that you have been putting some of its ideas into practice within the Law School of the Getulio Vargas Foundation.

Gabriel Lacerda: Here we are in 2011 and you referred to something called “the spirit of CEPED” ... Will you say what you mean by “the spirit of CEPED”?

Peter Bell: When I say “the spirit of CEPED”, I am talking about law schools committing themselves to a more dynamic education that is grounded not only in the formal law, but also in society and the changes that are taking place within society. It is an education that must reflect not only the black letter of the law, but also the living reality and our aspirations for a prosperous and just society. That spirit is conveyed through systematic research, active teaching, lively interaction between professors and students, and lawyers not simply as naysayers but as change agents.

Gabriel Lacerda: Muito obrigado.