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# **Rudolf B. Schlesinger:** **Law Teacher *Summa Cum Laude***

By RAY FORRESTER\*

Our America has been greatly favored by happenchance in remarkable ways throughout its history, not the least of which was the flood of gifted people who chose refuge here from Germany prior to World War II.

One of them was Max Rheinstein, my professor of Comparative Law at the law school of the University of Chicago. Another was Hastings' own professor of Comparative Law, my friend and colleague, Rudolf Schlesinger. By these two exceptional scholars, my awareness of the transnational nature of law was strongly enhanced.

These two men were among an historical group — small in number — who introduced Comparative Law to the regular curriculum of many American law schools.

In Louisiana, a hybrid jurisdiction of French civil law and Anglo-American common law, the law schools of Tulane, Louisiana State and Loyola had taught Comparative Law for decades, led by such scholars as Tulane's Mitchell Franklin. Franklin was a protégé of Roscoe Pound of Harvard, an early comparatist in his own right.

But much of the momentum for broad national interest in Comparative Law came from the group, maybe a dozen or so, represented by Rheinstein and Schlesinger, with the prestigious post-war support, both intellectual and financial, of American philanthropic foundations, particularly the Ford Foundation.

Schlesinger, for example, published, in 1950, the first coursebook on Comparative Law, through the Foundation Press. Incidentally, that Press deserves praise for its pioneering law school publications, including in the field of Comparative Law, the historic one by Schlesinger.

Prior to the printed publication of Schlesinger's book, there were a few law schools that taught Comparative Law, but it is probably fair

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to say that his book established Comparative Law as a recognized part of a good law school program throughout the United States.

After the publication, the course proliferated. Law teachers were able to present the course without preparing their own mimeographed materials and it is also probably true that some of them learned the elements of the subject as they taught the new book for the first time.

It should be noted, moreover, that Schlesinger's early leadership in establishing the broad teaching of Comparative Law in the United States included other seminal and germinative contributions.

One example is the highly original "common core of law" project that culminated in later publication of a two-volume work that identified the common core of different legal systems on a specific practical topic. The actual topic covered was the formation of contracts — offer and acceptance. A team of legal scholars representing experts from various nations produced this study, under the leadership of Professor Schlesinger, supported by a generous and pioneering grant from the Ford Foundation.

While Schlesinger continued his career after 1975 as an outstanding member of the famous Hastings 65 Club, his initial academic achievements took place at the Cornell Law School. After practicing law for several enriching years on Wall Street, he was, as one wag put it, "induced to go straight" by the wise and innovative efforts of Cornell's revered law dean, Robert Stevens.

Schlesinger's brilliant career has been no surprise to those who knew his biography.

He was born in Munich in 1909. He attended the Universities of Geneva, Berlin and Munich. In 1933, he was granted his Doctor Juris *summa cum laude* by Munich. He served as general counsel of a German bank and gained valuable practical experience for his future as an international legal scholar.

In 1938, he came to the United States as an American citizen, through the U.S. citizenship of his father, a most fortunate paternal gift.

In 1939, he entered the Columbia Law School and soon proved that the signal honors achieved at the University of Munich were not confined to his accustomed geography. He was elected Editor-in-Chief of the Columbia Law Review, a remarkable accomplishment for one who had entered the United States not long before; remarkable in academic recognition but also as evidence of the high respect and af-

fection of his fellow honor students on the Review who chose him as their leader.

This combination of brilliant mental ability together with the capacity to get along with people — even with academics — yea, even with law school deans, is rare indeed.

It was my good fortune to become a colleague of his at Cornell in 1963, and in my close association with him at Cornell and Hastings covering over three decades, I cannot remember a single unpleasant or unfriendly incident between us.

When he retired from Cornell in 1975, the Cornell Law Review dedicated an issue to him, and his friend and colleague, Bertram F. Willcox, wrote a beautiful personal tribute, one worthy of reading for the quality of the writing as well as that of the subject.<sup>1</sup>

Professor Willcox stressed the outstanding contribution that Professor Schlesinger and his charming and talented wife, Ruth, had made to Cornell.

Cornell has responded by honoring Professor Schlesinger on many significant occasions. Recently, his portrait has been unveiled and given prominent placement on the walls of the school. He was selected as a lead speaker at the 1988 Celebration of the Centennial of the Cornell Law School. It was in that address that he expressed his own first values in relation to the performance of his chosen calling — that of law professor.

After a reference to the “rapid globalization of legal practice” and a reminder that law, though related to philosophy and the social sciences “stands tall and visible as a discipline, a craft and an art of its own,” he concluded:

[E]very day brings temptations: to write yet another book, to become a consultant to yet another important governmental body, or to prepare a Supreme Court brief in yet another landmark case. These temptations are usually backed up by financial rewards and by promises of fame, individual and institutional. Public relations arguments always militate in favor of giving in to the temptations. But a truly great law school does not live on public relations. It may indeed quite often have to sacrifice public relations in order to achieve true greatness.

True greatness of a law school can stem only from dedication to inspired teaching—the kind of teaching that requires a prodigious portion of the teacher’s strength and enthusiasm and will leave only

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1. Willcox, *Rudolf B. Schlesinger — World Lawyer*, 60 CORNELL L. REV. 919 (1975).

a moderate amount of time and energy for the other temptations; the kind of teaching that not only sharpens the students' legal minds but affects them as human beings; the kind of teaching that will continue to weave a bond of loyalty among all members of the Law School family, and which, a hundred years from now, will bring to these halls another group of distinguished and faithful alumni, united by fond memories of intensive learning and by a shared affection for their Alma Mater.<sup>2</sup>

Professor Schlesinger's own history is testimony to the primary value of "inspired teaching." He has proven at Cornell, where he devoted most of his academic career, that students and faculty, but particularly students, recognize that the quality of classroom performance, is, after all, the most important test of a professor. In fact, we are called law *teachers*. One of Schlesinger's highly effective innovations in his teaching was the combination of the European lecture method with the American case method. This is also clearly demonstrated in his coursebook, mentioned above.

For years the students of the Cornell Law School placed no one above him in their respect and affection. And, indeed, the same is true in relation to the twenty years he has spent at Hastings.

It can be said with no feeling of exaggeration that he must be placed among the great teachers of American legal education.

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2. *The Cornell Law School's Birth and Its March to Greatness: A Rambling Centennial Tribute*, 73 CORNELL L. REV. 1262, 1269 (1988).