Rudolph B. Schlesinger - 1909-1996

Richard M. Buxbaum

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Ugo A. Mattei

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Barely one year after celebrating him, the Journal joins his legion of friends in mourning him. Rudolf B. Schlesinger, Professor Emeritus at Cornell Law School and at Hastings College of Law, Honorary Member of the American Society of Comparative Law, and long an Editor of this Journal, and his wife, Ruth, died on November 10, 1996 in San Francisco. With his death the comparative law community has lost the man who more than any other person had come to symbolize it during this past half-century.

Rudolf Schlesinger was born in Germany in 1909; thanks to his father's passport he was a citizen of the United States from birth. Raised in Germany, he began his law studies in 1927, first at Geneva (to be accurate, he studied tennis and French Literature while registered at the law faculty), and completed them at Munich with a two-semester interruption in 1928 for studies in Berlin. He completed his legal education in eight semesters and in 1931 received the first-place rank in Bavaria for the written examination. During the apprenticeship period leading to the second state examination Schlesinger also worked in his father's law office, represented indigent criminal defendants on his own, and, most significantly in light of his future career, began work on a dissertation with a well-known professor of commercial law, Rudolf Müller-Erzbach.

The advent of the Third Reich and the immediate expulsion of Jewish professionals from their positions also had its consequences for those still in the early stages of their studies or careers. The apprenticeship preparation for the second state examination became moot with the closure of the door to the profession, and Rudi Schlesinger threw himself more fully into his dissertation research. The academic examination for the doctorate had been set for the end of 1933; but warned by a courageous Müller-Erzbach in May of that year of a decision to block promotions to the doctorate for Jews after the summer 1933 semester, and advised to submit the thesis immedi-

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1. Much of the following we have gleaned from an unpublished memoir written by Professor Schlesinger for his family.
2. It was on the protection of the value of a closed-down enterprise under principles of unfair competition ("Der Wert des geschlossenen Unternehmens und sein Schutz durch die Unterlassungsklage nach §1 des Gesetzes gegen den unlauteren Wettbewerb"). Privately printed, a typescript of it will be deposited with the library of The Hastings College of the Law.
ately, Rudi dictated his notes to a legal secretary, handed in the manuscript, which his advisor and a second referee read immediately, and sat for the accompanying oral and written examinations — all by July of 1933. He obtained the Dr. iur. degree summa cum laude, with word that it was only the third summa from the faculty in that century.

His American citizenship gave Rudolf Schlesinger some security despite his Jewish background and he went to work as counsel for a German private bank, but he emigrated late in 1938 after the economic and social, if not yet the physical, fate of Jews had become all too clear.

He enrolled at Columbia Law School shortly after arrival and graduated with distinction in 1942, having gained the additional distinction of being elected Editor in Chief of the Columbia Law Review. A year as clerk for Chief Judge Irving Lehman of New York’s highest court, the Court of Appeals, was followed by a second year as Law Secretary for that court. Four years as law associate at the distinguished Wall Street firm of Milbank, Tweed, Hope & Hadley and a later professional association with his colleague Joseph Kaskell in Kaskell & Schlesinger, added to his earlier invaluable experiences, gave Rudi Schlesinger the rare qualification of a thoroughly seasoned American commercial and commercial-litigation lawyer competent to participate in the most sophisticated transactions of the day — without in the least dulling his intellectual appetite for comparative law and legal scholarship. His membership on the U.S. Advisory Committee on International Rules of Civil Procedure that extended for almost a decade from the late 1950s — a subject always close to his heart and central to his professional and academic concerns — suitably attests to these unique qualifications.

Rudolf Schlesinger’s distinguished academic career, beginning in 1948 at Cornell Law School, where he rose over nearly 30 years to be the holder of its most prestigious chair, the William Nelson Cromwell Professorship, and continuing for another two decades at the Hastings College of the Law, until his second retirement in 1994, is well-known and has been fully chronicled in earlier tributes. Less well-known, perhaps, is his consultant service, under the leadership of his colleague John MacDonald, as the guiding light of the New York Law

3. Famous among the early generations of Rudi’s students as the source for some of the most unforgettable case studies and memorandum requirements in his seminar on International Business Transactions.

Revision Commission where, among other major works, he and his Columbia mentor and colleague William Patterson produced the book-length study of Article 5 of the proposed Uniform Commercial Code — a study without which Karl Llewellyn’s dream would have failed of passage in New York and thus of nationwide adoption.

In 1950 there appeared the first edition of *Comparative Law — Cases, Text and Materials*, and with it the recognition of Comparative Law as a mainstream academic subject. Now in its fifth edition, this work, as was said in our recent “Tribute,” made Comparative Law a subject for “real” lawyers to take seriously, without sacrificing its idealistic claim to help bring nations and peoples together. That normative mission also motivated and justified Schlesinger’s massive labor of love on *Formation of Contracts — A Study of the Common Core of Legal Systems*, whose two volumes appeared in 1968 after more than a decade of hard effort by him and his dedicated comparativist colleagues.

Rudi Schlesinger was a master teacher. With the indispensable support of his energetic and hospitable wife, Putti, who as Ruth Hirschland had known the Schlesinger family since her childhood, made the Schlesinger household an extension of the classroom for his dedicated students, especially but by no means only for those of them who followed him into academic careers.

Old age did not erode their hospitality; even as Putti’s health and Rudi’s eyesight failed, their pleasure in the company of family and friends and their intellectual curiosity about the academic and political events of the day did not diminish.

We cherish the memory of a learned and cultivated man who wore both attributes lightly, of an unforgettable classroom presence whose emphatic exclamations could leap two octaves in a single

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8. Supra n. 1.
bound, of a cheerful cynic, of a warm and ever-helpful mentor, colleague, and friend.

Richard M. Buxbaum
Ugo A. Mattei