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James Gordley

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A Tribute To Richard Buxbaum

By
James Gordley*

It is my honor to introduce Richard Buxbaum, our Jackson Ralston Professor of International Law. I talked to him about this speech, and he told me to go easy on the professional honors that he has received. I can't do that—this speech is supposed to honor Dick, so he will have to just sit and bear with it. He has received honorary degrees from the University of Osnabrück, from the Eötvös Lorand University in Budapest, and from Peking University. He has received the Humboldt Prize for the Humanities and Social Sciences, the Arthur Burkhart Prize, and the German *Großes Bundesverdienstkreuz* or Order of Merit. He is an *Officier* of the *Ordre des Arts et Lettres of France* and a *Comendador* of the Brazilian *Ordem de Rio Branco*. In addition, he is also one of the five thousand members of the American Academy of Arts and Sciences, members who represent all branches of human knowledge. The Academy goes back to John Adams. Richard is a member of the International Academy of Comparative Law, one of the highest honors one can obtain in that field. He is a corresponding member of the *Gesellschaft für Rechtsvergleichung*, or Society for Comparative Law. He belongs to the advisory counsel to the Max Planck Institute for Comparative Law in Hamburg. He served on the founding commission of Bucerius Law School, which is an interesting endeavor. German law schools are public. The Bucerius Law School is the first attempt to set one up that is private. It has restricted admissions like an American law school, and is in some ways built on the American model, and Dick was one of the Americans who was asked to be in on this enterprise. He has served on the Committee on Corporate Laws of the American Bar Association and the Committee on Take-Overs and Corporate Governance of the State Bar of California. He is a member of the State of California Senate Commission on Corporate Governance, Shareholder's Rights, and Securities Regulation. He works with the American Law Institute's Corporate Governance Project.

Over the years, he has been a leader in many organizations. He was Dean of the International Legal Studies Program of the University of California. He was Director of the Center for German and European Studies, the Chair of the Center of West European Studies, the Director of our Earl Warren Legal Insti-

* Shannon Cecil Turner Professor of Jurisprudence, University of California, Berkeley School of Law (Boalt Hall).

tute, the Director of the National Center on Financial Services, and the Dean of the LLM program at the American University of Armenia. For many years, he was Editor-in-Chief of the *American Journal of Comparative Law*, and I'd like to say a bit about that. It is one of the premier learned journals in the world. It has a subscription rate in the thousands. I think if you took the next five most prestigious journals in the field of comparative law and added up their subscription rates, they wouldn't equal it. It is read all over the world. If you want to publish something and want to have the best chance of it being read everywhere, you should publish there. It receives articles from scholars all over the world, and prints perhaps one in ten of what it receives. This has been in large part due to Dick's management over the years. He recently retired from that position, and people are hoping that the *Journal* can succeed without him.

During the last five years, he has been researching war reparation practices after World War II. He is at present the American Appointed Member in Geneva of the Property Claims Commission under the German Forced Labor Settlement Agreement. His work has led him into such current questions as the status of laws made by a victorious power for a state conquered in war, which is a subject of importance today in Iraq, and one that he will tell us about in his speech. It has led him into the current debates on African-American slavery.

Now, we don't always accomplish what we set out to achieve in life. I have to admit that from my conversation with Dick, I have learned that he did not. His ambition was to be a solo practitioner in a small village. Part of the reason may be that he was born in the small German village of Griesheim. His family left in 1938 for a small town in upstate New York where his father—who was a medical practitioner—worked with the people on the local Indian reservation. Dick was very familiar with small towns, both in New York and in Germany. He once went on a trip to Indonesia where he visited a village with an American anthropologist. The anthropologist explained the vast differences between human beings of different cultures. His example was this village. There were no indoor toilets, there was raw sewage, there was no plumbing, there was a square where people would meet and talk in the evenings, and there were the mores of a small farming community. The anthropologist thought that this showed a *Geist*, a spirit, or a cosmology foreign to the west. Dick knew better. It was a village, and he had seen them before in Germany and in the United States. The anthropologist might have done better if he had stepped outside an American city before going to Indonesia.

Perhaps Dick liked small towns. At any rate, after receiving his law degree from Cornell, he decided that his lifetime goal would be to practice in one as a solo practitioner. For a time he did. His first case was an action of replevin for two heifers. An action of replevin, as you know, is the action used to retrieve property that has been taken by somebody to whom it does not belong. He also brought an action of conversion, but that was gilding the lily. Of course, as we all know, for that action to lie, the defendants must have converted the heifers to their own use, for example, by selling them or chopping them into hamburger meat, which they had not. So needless to say he lost on that one, but he did get

the heifers back.

His goals may have changed because of his military service from 1953 to 1957. He was appointed junior negotiator for the United States in the negotiations that led up to the 1955 Status of Forces Agreement with Germany. When he returned, his ambitions may have grown. Instead of running a one-man firm, he became a member of a three-person firm located in Rochester, New York, which, I understand, is a somewhat larger village. It had very few clients. One of them happened to be the Helloid Corporation. You know it by its current name probably better. It's Xerox. And it took off. Soon, Dick found himself handling a major international client. Then in 1961, he was offered a faculty position here at the University of California, not because of his work with Xerox, but because he had received his master's degree here, and the faculty was impressed with him. They thought he could be a leader in securities and corporation law, which he has become. I once asked him, "Why, Dick, did you turn your back on representing a major corporation such as Xerox, and devote yourself to the world of knowledge?" He said, "Do you know what the weather is like in upstate New York?"

Since he came here, he has done much beyond what I have mentioned. He represented students during the free speech movement from 1964 to 1967. He represented campus organizations in the third world strike that led to the establishment of the affirmative action program which we once had here at the University of California. I must say that he has also been a blessing to his colleagues. I noticed this the first time I met him. When you are hired here, you have to give a job talk. The people who hire you don't know who you are. You stand up, as I did in 1977, you talk a while, and then the faculty tries to tear you apart. One of the tricks of the game is to make your points clearly and then shut up rather than trailing off. At the right moment, as I looked around the room, a man who I later learned was Dick Buxbaum made a motion that meant, "wrap it up," and grinned. What he meant was: "Fine. Shut up. You're OK." They hired me, and I have been forever grateful.

Dick is the sort of person who, at faculty meetings, has poured oil on troubled waters, and the waters have been troubled here sometimes. Dick has been of so much help to the foreign students here that once, spontaneously, they brought him this huge bunch of flowers at the graduation ceremony and presented them to him. I've been to many countries in the world, and except for one rather remote part of Italy, everywhere I have been, I have been asked, "How is Dick Buxbaum? How is Dick getting on?" I think if I ever meet foreign heads of state, or the Queen of England, or the Pope, the question I am likely to be asked is, "How is Dick Buxbaum?"

He has also been a source of comfort in difficult times. When one of our colleagues dies, he is often asked to give the memorial speech. When he does, we see our colleague better by seeing him through Dick's eyes. In fact, one of my long-term goals is to predecease Dick, so that he can give my memorial speech, although I have considered the disadvantage that I won't be there to hear it. But, you can't have it both ways. Should this happen, however, whether I

end up in heaven or whether I end up in hell, I know that the first question I'm likely to be asked is: "How is Dick Buxbaum?"

So, I would like to introduce Dick, who will give a speech on "The Transformation of States: Germany 1945, Iraq 2003—What's Different?"