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Max Rheinstein

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ERNST RABEL, SEPTUAGENARIAN

This issue of the Tulane Law Review is dedicated to one of its contributing editors, Ernst Rabel, who celebrated his seventieth birthday on January 28, 1944. On that occasion there was handed to him a collection of essays written in his honor by some of his friends and students. The Tulane Law Review has decided to publish those contributions to the original symposium which the editor assumed to meet with the special interest of its readers. Other parts of the symposium will be published in periodicals dealing with ancient history or papyrology.\footnote{The other articles are: Adolf Berger, Some Remarks on Cattle Stealing in Roman Law, 2 Seminar 23 (1944); Eberhard F. Bruck, Cicero v. Scaevola: Law of Inheritance and Decay of Roman Religion; Rafael Taubenschlag, Execution of Executional Documents, published as part of the author’s book on The Law of Greco-Roman Egypt in the Light of the Papyri (1944); Hans Julius Wolff, The Origins of Civil Procedure among the Greeks; Gerhart Leibholz, The Refugee Problem and International Law in the Second World War; Frederick K. Rabel, Auditing standards and Procedures in the Light of Court Decisions, 42 Mich. L. Rev. 1099 (1944) and 78 Jour. of Accountancy 42.} To the readers of the Tulane Law Review, Ernst Rabel’s name has long been familiar. Since 1932 it has appeared on the masthead as that of a contributing editor, together with those of some of the world’s other leading scholars in the field of comparative law.

To that group of leading scholars Ernst Rabel belongs, indeed. A native of Austria, he studied law in his home country, in Germany and in France. He practiced law as an attorney in Vienna, taught Roman law and modern Civil Law in Switzerland and Germany, and was active as a member of appellate courts of these two countries. In the middle of...
the First World War he recognized the dangers of a narrow legal nationalism and founded in Munich, Bavaria, the world's first research institute for comparative law. Shortly thereafter he was entrusted with the task of establishing and directing a much larger Institute of Foreign and International Private Law in Berlin, an institution devoted to research as well as to the giving of practical information and advice to the Foreign Office, legislative authorities, courts, lawyers and business firms. Under Professor Rabel's guidance the Institute established the most comprehensive law library in Europe and trained a staff of experts in the various legal systems of the world, some of whom are now in this country as law teachers or members of the legal profession. The opinions delivered by the Institute under Professor Rabel's responsibility in matters of legislation, conflict of laws, international trade and international law numbered more than one thousand. The Institute exercised a profound influence on the legal thought and methods not only of Germany but also of those numerous other countries whose scholars availed themselves of its facilities.²

Professor Rabel's pre-eminence was recognized when he was called as judge to the Permanent Court of International Justice (World Court) at the Hague, when the League of Nations appointed him member of the board of directors of its newly established International Institute for the Unification of Private Law, and when that Institute commissioned him with the drafting of an International Uniform Act on the Sale of Goods.³ The University of Athens bestowed on Professor Rabel the degree of doctor iuris honoris causa, the Academies of Sciences of Bologna and Turin elected him to membership, the Universities of Cracow (Poland) and Madrid invited him to guest professorships.

²For a more detailed description of the Institute and its work, see Rheinstein, Comparative Law and Conflict of Laws in Germany, 2 Univ. Chi. L. Rev. 232 (1935).
³He has reported on this work in his article, A draft of an international law of sales, 5 Univ. Chi. L. Rev. 543 (1938); see also his book, Das Recht des Warenkaufes (1936).
INTRODUCTION

National-Socialist fanaticism interrupted Professor Rabel's work in Europe. For the last few years he has been working in this country, with the American Law Institute and now with the Law School of the University of Michigan. The fruit of this work, a comprehensive treatise on comparative conflict of laws, is nearing completion.

The titles of the contributions to the symposium composed to celebrate Professor Rabel's seventieth birthday indicate the breadth of his scholarship: papyrology, the laws of ancient Rome and the other peoples of antiquity, modern Civil Law, conflict of laws, international law, comparative law; in every one of these fields Ernst Rabel's writings have opened up new vistas. Those who had the good fortune of having been his students can testify to the inspiration of his teaching. Combining profound erudition with wide experience, Ernst Rabel has infused scholarship into the craft, and the practitioner's skill and the statesman's experience into the theory of the law.

His friends unite in the hearty wish "Ad multos annos!"

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