



IN MEMORIAM

Friedrich K. Juenger
Edward L. Barrett, Jr. Professor of Law
Davis
1930 — 2001

Friedrich K. Juenger, Edward L. Barrett, Jr. Professor of Law, died after a brief illness on January 26, 2001.

One of the world's leading authorities in the fields of conflict of laws and comparative law, Friedrich Juenger was a fervent advocate of the comparative perspective on law reform. Known to everyone simply as "Fritz," he was fascinated with this approach — believing it to be a highly practical but greatly underused tool for change. He expounded this thesis tirelessly and with considerable effect — working with great dedication and skill to turn his general comparative principles into practical, everyday realities in both American and foreign law.

An important second theme was pragmatism, particularly in his work on conflict of laws, a highly complex and abstract area of the law that deals with the problem of what law to apply when a transaction or an event involves more than one jurisdiction or legal system. His laserlike search for approaches that generated just results in the real world led to a fearless, even scathing, scrutiny of existing doctrine. Doctrines, he thought, should be tested by their results rather than by their structural beauty, and he found many of the traditional views wanting.

Fritz was never one to let airy abstractions divert his attention from whether law in action generated the right outcomes — which to Fritz generally meant victory for the injured party and often the underdog. This led him to develop his own bold, distinctive approaches to a number of important problems. It delighted him to no end when courts in the United States or abroad chose to adopt one of these approaches, but for him the most important audience was always his academic colleagues. This was the group, he thought, who shaped and molded the law, and thus the group that needed to be persuaded if any new approach was to become an enduring part of the law.

Born in Germany on February 18, 1930, he studied law at the J.W. Goethe University in Frankfurt and the Free University of Berlin. After passing his Referendarexamen in 1955, he received a Fulbright scholarship to study at the University of Michigan Law School, where he earned a master's degree in comparative law. He became so interested in American law that he enrolled in the J.D. program at Columbia, where he was a Harlan Fiske Stone scholar and served on the law review. Graduating in 1960, he soon found his way to Baker & McKenzie, the leading international law firm of the time — working in New York, Chicago, Frankfurt, and Madrid. It was during his practice time in Frankfurt that he met his wife, Barbara.

Beginning his teaching career in 1966 at Wayne State University in Detroit, Fritz joined the Davis faculty in 1975, and became the Edward L. Barrett, Jr. Professor of Law in 1993. He taught conflict of laws, comparative law, international transactions, and torts. Fluent in four languages, Fritz brought a steady stream of international visitors to the Davis campus. He loved teaching and he lectured widely. As visiting professor, he taught at Michigan, Tulane, and universities in France (Lyon), Germany (Freiburg, Frankfurt), Italy (Bolzano), Australia (Sydney), New Zealand (Wellington), and Tahiti. In 1985, he received the U.C. Davis School of Law's Distinguished Teaching Award. Including his service as a Fulbright lecturer at the

Uruguayan Foreign Relations Institute, he lectured at an extraordinary number of different universities throughout the world.

One of the highlights of his career came in 1983 when he was invited to give the general course on private international law at the Peace Palace in the Netherlands under the auspices of The Hague Academy of International Law. This is an honor reserved for the world's leading conflict of laws scholars. The author of four books and over 70 articles, Fritz served as president of the American Society of Comparative Law from 1990 to 1994 and later as president of the Common Law Group of the International Academy of Comparative Law. An active and valued member of the Board of Editors of the American Journal of Comparative Law for over 30 years, he also served as a member of the Secretary of State's advisory committee on private international law and as general reporter for the 12th International Congress of Comparative Law in 1986. In the last year of his life, he served as the chair of the American Association of Law School's section on conflict of laws. Less than a month before he died, he chaired a panel at the Association's annual meeting. Appropriately, the title for this panel was "The Role of Comparative Law in the Conflict of Laws," one of the dominant themes of his professional life.

Fritz grew up in the dark times of depression and war. His parents died in a bombing raid when he was 14, which he survived only by the barest thread of great good fortune – taking refuge in the water of an open fountain in the middle of winter to escape the flames. He knew all about how hard life could be. The theme of his life, however, was not sadness. It was joy. He loved life, and he lived it to the fullest.

He loved teaching, he loved students, he loved traveling, he loved meeting and talking with people, and he loved learning new things. He reveled in good food, good drink, and good conversation. He was a fine skier, a fierce ping pong player, and an ardent bicyclist.

He was upbeat, bouncy, and funny. No one who knew him will ever forget the roar of his laughter or his wicked puns. He forced you to laugh even when you didn't want to. One weekend two students demanded that he let them into the dean's office. If Fritz did not let them in, one threatened, he would burn the door down. "I'd very much enjoy seeing that," Fritz said, pulling out his cigarette lighter and offering it to the student.

Fritz also loved language. It was not enough that he was fluent in four languages. He worked on them all the time, and thought everyone else should do the same. To improve his French he arranged a sabbatical in France. While there, he was drafted on short notice to teach a course in French. It was a challenge that he couldn't refuse. He was willing to put himself under tremendous pressure in order to master the language in the way he wanted. He did it, did it well, and when he came back, was enormously pleased that he had taken on the challenge.

No less than language or life, Fritz also loved the law. He never met a law professor or a law student he didn't like. But law to Fritz was not just about people. It was also about ideas – not so much for their sake but as a means for making a hard world a bit more humane. He thought deeply and he wrote passionately. You might agree or disagree, but you were never likely to be bored. He was a wonderful writer and a great teacher and lecturer.

A month before he died, Fritz told a colleague that he had made two good decisions in his life. One was his decision to come to Davis to teach. The other, and for him by far the more important, was his decision to marry Barbara, his wife of 34 years and his constant companion during his many travels. She truly was the love of his life and he loved being with her. Fritz was also extremely proud of his two sons, Tom and John. When he talked about his sons, he simply beamed. His love and his pride were written all over his face. He beams today in the memory of all who knew him.

Floyd Feeney
Robert W. Hillman
John B. Oakley