

# TRIBUTES

## The Remarkable Career of a Beloved Friend

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I am delighted to have the opportunity to write a few words about Edgar Bodenheimer in this issue of the *U.C. Davis Law Review* celebrating his eightieth birthday. It is a major tribute to Edgar and his work that such a distinguished group of scholars has contributed essays to this volume. But I will not comment on them. My purpose is to say a little about the remarkable career of a beloved friend.

Edgar was born in Berlin in 1908 and by age 24 had received the degree of Juris Doctor (*magna cum laude*) from the University of Heidelberg. In 1933, at age 25, he emigrated to the United States. Four years later he had received an LL.B. degree from the University of Washington. In 1939 he became an American citizen, and the following year was admitted to the bar in Washington and entered government service as an Attorney in the U.S. Department of Labor in Washington, D.C. In 1942 Edgar transferred to the Office of Alien Property Custodian as Principal Attorney in the Division of Patent Administration. During the Nuremberg trials he served as a member of Justice Jackson's Office of Chief Counsel in Germany. He began teaching law at the University of Utah in 1946.

Beyond this interesting youth, however, Edgar's true strength as a scholar emerged early with the publication of a treatise which has distinguished his entire life. In 1940 just as Edgar was beginning law practice, McGraw-Hill published *Jurisprudence*. This remarkable work has been, and still is, a benchmark in the world market. It has been translated into Spanish and Portuguese. In 1962 Harvard Univer-

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sity Press published a revision of the book under the title, *Jurisprudence: The Philosophy and Method of Law*, and revised editions were published in 1974 and 1981.

In 1988, the year of Edgar's eightieth birthday, *Jurisprudence* is receiving even greater international attention. The Chinese government looked for a jurisprudence treatise for scholars and students in China. It selected Edgar's book, invited him to write a special preface for Chinese readers, and translated it. In December 1987 Edgar was told that the Chinese publisher had 30,000 prepublication orders!

A review of the book is not appropriate here. It is worth noting, however, that the core of the book develops Edgar's thesis that a legal system "must aim at the creation of order as well as the realization of justice."<sup>1</sup> His perception that the law must be concerned with justice and that natural law plays a part in that concern is qualified by his belief that justice "cannot be accomplished without an orderly system of judicial administration which will ensure the equal treatment of equal situations . . . . The required synthesis of the two values (order and justice) may be summed up in the statement that law aims at the creation of a *just societal order*."<sup>2</sup>

Let us return to Edgar's academic life. He was a faculty member at Utah for twenty years, teaching courses relating to his wide interests: introduction to law, legal history, constitutional law, equity, jurisprudence, and international law. But research and writing were his primary interests. He revised the *Jurisprudence* book and published many notable articles. In recognition of his scholarly interest he received three Fulbright grants to teach abroad, a research grant from the Rockefeller Foundation, and a research grant from the National Endowment for the Humanities.

I first met Edgar during his Utah years. In 1965, when I was busily recruiting a faculty for the first class in the new law school at Davis, I was delighted to hear that Edgar might be persuaded to leave Utah. He came, contributing his wisdom to faculty and students alike. His research and writing continued at a faster pace. He published *Treatise on Justice* in 1967, *Power, Law, and Society* in 1973, and *Philosophy of Responsibility* in 1980. He was invited to speak around the world and published more than thirty articles and book reviews while at Davis. He retired from active teaching in 1975.

Since his retirement, Edgar's teaching and scholarly activities have

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<sup>1</sup> E. BODENHEIMER, *JURISPRUDENCE: THE PHILOSOPHY AND METHOD OF THE LAW* 246 (rev. ed. 1974).

<sup>2</sup> *Id.* at 247 (emphasis in original).

increased. He has taught the Introduction to Law course at Davis many times, and as a result he co-authored a teaching book, *An Introduction to the Anglo-American Legal System* in 1980. A second edition will be published this year. In recent years he has also taught Introduction to Law and the Legal Process in the U.C. Davis Graduate School of Management.

More impressive is the continued international interest in Edgar and his jurisprudence since his retirement. From Budapest to Sydney to Salzburg to Caracas, Edgar's scholarship remains in high demand. His most recent writings continue to evoke thoughtful and provocative exchanges among legal philosophers.

I look with awe upon Edgar's professional life: spanning the decades and the world. I look upon Edgar as friend and colleague with constant pleasure. With all of his international recognition as a scholar, he has remained a modest human being enjoyed by all who come in contact with him. Yet his continued influence on students is reflected by their call to hear his famous lecture on the Nuremberg trials as seen from his perspective as a member of Justice Jackson's staff.

And finally, it pleases me to report that there are some signs that Edgar is beginning to relax. In a recent note to me he indicated that he would no longer teach and would spend the remaining years of his life chiefly on research and writing. Also, I am informed, he recently purchased a condominium in Hawaii!

