

Foreword

On February 12, 2004, three years after the passing of Friedrich K. Juenger, many of his former colleagues, friends, and students came together at a colloquium organized by the University of California at Davis School of Law to discuss and honor the exemplary work of this great luminary of American and international conflicts law. It was a very successful and lively colloquium worthy of this intellectual giant whose ethereal but powerful presence dominated the day. By the end of it, it became clear that the best way to honor Fritz and to preserve his intellectual legacy was not by publishing the proceedings of that colloquium,¹ but rather by republishing his brilliant book *Choice of Law and Multistate Justice* (1993). The result of that decision is in your hands, together with drastically abbreviated summaries of the remarks of the colloquium participants.

“The book is a treasure,” said a prominent commentator in reviewing it.² Indeed it is. It stands on at least an equal footing with the three most important American conflicts books of the 20th century—Cook, *The Logical and Legal Bases of the Conflict of Laws* (1942), Currie, *Selected Essays on the Conflict of Laws* (1963), and Cavers, *The Choice of Law Process* (1965). Like these books, Juenger’s book is an incisive, powerful, and eloquent critique of the prevailing conflicts-law orthodoxy. The difference is that this book, written some decades later, is a challenge to the new orthodoxy that the three other books helped produce, although it does not advocate a return to the traditional system.

Another difference is that Juenger’s book is richly comparative in its conception and decidedly cosmopolitan in its orientation. Juenger’s knowledge of foreign conflicts systems and their history remains unparalleled among American scholars and is manifest in all his 100-plus publications. More importantly, Juenger not only saw himself but also acted as a “citizen of the world” rather than of any particular country. He was a

¹ The proceedings are available through the University of California-Davis School of Law.

² Russell J. Weintraub, *Choosing Law With an Eye on the Prize*, 15 MICH. J. INT’L L. 705, 722 (1994).

devoted and eloquent internationalist who decried the insularity of modern American conflicts law and the parochialism of some American approaches, such as interest analysis. In one of his last writings published posthumously, Juenger wrote:

At a time when the cliché “globalization” is in everyone’s mouth, it seems perverse to lavish attention on purely domestic problems and to ground our discipline on outdated notions about state sovereignty. In view of the ever-increasing interdependence of nations we simply cannot afford to disregard what happens outside the United States. Moreover, the unprecedented mobility of persons, things and transactions engenders innumerable international conflicts problems that cannot be satisfactorily resolved if we eschew the comparative method.³

This book is true to these words, which are as prescient in the 21st century as they were when this forward-looking book was first published. Its republication ensures that Juenger’s inimitable wit and wisdom will remain accessible to the next generation of conflicts students and scholars in the United States and abroad. It also provides scholars of the current generation with a second opportunity to reread Juenger’s exquisite prose and to discover, as the undersigned has, the many nuggets of wisdom we missed on the first reading. And this is one of many reasons for which this book is a classic.

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³ FRIEDRICH K. JUENGER, *SELECTED ESSAYS ON THE CONFLICT OF LAWS* viii (Transnational Publishers 2001).