

## FOREWORD

The editor's first contact with the person to whom this *Festschrift* is dedicated goes back almost precisely twenty-six years. On a late-summer afternoon in 1961, at the beginning of what was to be a year-long association with the Civil Law Department of the Law Faculty of Moscow State University, I was called upon, at the first department meeting of the academic year, to explain my academic interests and plans. I was hesitant with my response, and for good reason: my years' long dedication to learning the Russian language was doing me no good, and I could think of nothing – in any language – to say. From across the table in a stage-whisper from a person whom theretofore I had not noticed came a translation into English of the department chairman's query and suggestions as to how to reply. It was André Loeber, providing the first of the many generous and helpful acts he has performed on my behalf over more than a quarter of a century. It was also a demonstration of the broad range of his knowledge and his fluency in a number of languages, qualities which for the past several decades have made him sought-after as a visiting scholar, lecturer, and conference participant in numerous countries in the world.

During the next several months while Loeber remained in Moscow, we became good friends – he even loaned me clothing after mine was stolen from my room in what turned out to be a part of a Moscow University crime wave. But it was not really until after I had left the USSR that I came to appreciate what an important scholar André Loeber was. He had already received the M.A. degree in International and Foreign Law from Columbia University in 1953 (to go with his earlier law degree and Doctor of Jurisprudence from the University of Marburg and a Diploma from the Hague Academy of International Law), and had published nearly thirty articles.

The early 1960s saw his first visiting professional appointment in the United States, at the Harvard Law School, which was followed over the next two decades by visiting professorships on multiple occasions at such institutions as the law schools of UCLA, Stanford, and Columbia University. Research and teaching activities have also taken him to numerous other locations, including China, Australia, and, on some ten occasions, including two year-long stays, the USSR. During all of this time his base of operations has remained in the Federal Republic of Germany, where he has been a member

of the bar of the cities of Munich and Hamburg, the editor of the journal *Osteuropa-Recht*, senior research fellow of the Max-Planck-Institute of Foreign and International Private Law and, since 1966, Professor, Faculty of Law, the Christian-Albrechts-University of Kiel. He was Dean of the Law Faculty of that Institution from 1985 to 1987.

On a visit to his home near Hamburg in 1962 I first got the chance to see and use his personal library – without a doubt one of the handful of great repositories of materials on Russian and Soviet law outside of the USSR. Loeber always had not only an encyclopedic knowledge of legal sources, both common and scarce, but also the great ability to hunt down and acquire even the rarest of them. One of the few points of common agreement among the small fraternity of Western scholars of Soviet law is that if you want quick, sound advice on sources in Soviet law, the person to start with is André Loeber.

As might be expected, the passion for embracing, getting at the root of, and ultimately understanding Soviet law is reflected in the breadth of his scholarship. A perusal of the list of his major writings, which is included at the end of this volume, will give some indication of the scope of his interests. But a few further words might be said about some of the more notable aspects of his scholarly activity.

Although, as the listing in the appendix indicates, Loeber's research interests extend to virtually every major area of Soviet law, there are certain fields of specialization, certain basic themes, to which he returns. His early published work, which dates from the beginning of the 1950s, concentrated on the broad aspects of civil law, international law, and, reflecting his birth and early years in Riga, Latvia, legal questions involving the Baltic states. These general themes received sustained attention through the years, sometimes with particular emphasis given to certain sub-areas. Thus, an early interest in Soviet copyright law (No.36)<sup>1</sup> leads not only to research and writing on Chinese copyright law (No.65), but also provides the basis for a more generalized interest in legal aspects of publishing and communication, including censorship and *samizdat* (e.g., No.50). This connects to another strain of Loeber's intellectual focus, the nexus between law and politics, a matter that will be discussed below.

Likewise, his early training and interest in international law and contract law seem to provide the basis for his concentration, from the late 1950s onward, on international trade (No.13), culminating in his magisterial *East-West Trade: A Sourcebook* (No.60, 4 volumes, 2304 pages, 1976-1977). This work illustrates another characteristic of Loeber's approach to legal scholarship: a desire for thoroughness which leads not just to the complete analysis

1. These numbers refer to publications listed in the Appendix.

of a given problem, but also to unearthing all relevant documentation on the subject and, if possible, giving the reader the chance to examine this documentation himself.

While Loeber has returned regularly to the subject of the Baltic states during his nearly four decades of published scholarship, the highlight of his efforts in this area undoubtedly is *Diktierte Option. Die Umsiedlung der Deutsch-Balten aus Estland und Lettland 1939-1941* (Dictated Option. The Transfer of the Baltic Germans from Estonia and Latvia 1939-1941) (No.47, 1972, 2nd ed., 1974). This massive work of documentation, over 800 pages in length, generated enormous interest. Over 75 reviews were published, and a conference devoted to the issues raised in the book was held in 1974 near Bremen.

Loeber's interest in the interaction of law and politics has already been referred to. It can be seen both in his analyses of the legal implications of Soviet transnational actions (e.g., No.9, a widely-reprinted article on the Soviet invasion of Hungary in 1956) and in his examination of political-legal issues on the domestic scene (e.g., Nos. 19, 20, 74-76, 84). In a sense the culmination of this interest was the conference in June 1984, organized by Loeber and held at the University of Kiel, on "Ruling Communist Parties and Their Status Under Law". The volume based on the conference papers, edited by Loeber, appeared in 1986 (No.98).

In addition to his extensive travel and research experience in the USSR, André Loeber has established and maintained a variety of contacts, both official and unofficial, with Soviet counterparts. He is one of the few Westerners in the social sciences whose research results have appeared in official Soviet publications (No.80). And he has the equally rare distinction of having had one of his publications appear in *samizdat* (the widely-cited "Legal Rules 'For Internal Use Only'", No.44). Another writing (No.62b), on international commercial law, has been translated into Russian for internal use by the USSR Ministry of Foreign Trade.

André Loeber has not yet reached the age of retirement. But in any case it is hard to imagine him not spending much of his time in the study of Soviet law, whatever his official employment status. The great number of us who have profited from his work over the years look forward to an extended future association with him. We merely say at this point поздравляю и благодарю.

*Donald D. Barry*