

## GEORGE L. HASKINS

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The retirement of George L. Haskins as Algernon Sydney Biddle Professor of Law, after thirty-nine years of distinguished service to the University of Pennsylvania, provides an occasion to commemorate a man and a career.

Although I cannot speak to George Haskins' contributions as a scholar as authoritatively as many others can, in recently reacquainting myself with three of his most important books I have been struck by the enduring significance of the questions he has addressed and the rigor and subtlety with which he has framed his answers.

From the very beginning of his scholarly career, Haskins immersed himself in the origins and development of representative democratic assemblies, in what, fifty years ago, he called the "struggle for participation in the government by those under its rule."<sup>1</sup>

In *The Statute of York and the Interest of the Commons*, published in 1935, Haskins sought to demonstrate that the Statute of York, one of the most celebrated pieces of fourteenth century legislation, had been historically misunderstood. Rather than conferring the power to participate in legislation upon the parliamentary representatives from shire and town, the Statute represented "little more than regal or chancerial verbiage"<sup>2</sup> and was "an autocratic statement of royal power."<sup>3</sup>

In *Law and Authority in Early Massachusetts*, published in 1960, Haskins undertook to trace the beginnings of American law in colonial Massachusetts. He did so in such an imaginative, synthesizing way that he set an enduring standard for all subsequent scholarship committed to understanding how social and political forces mold the shape of legal institutions. "[L]egal history," he wrote, "is concerned with determining how certain types of rules, which we call law, grew out of past social, economic, and psychological conditions, and how they accorded

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<sup>1</sup> G. HASKINS, *THE STATUTE OF YORK AND THE INTEREST OF THE COMMONS* ix (1935).

<sup>2</sup> *Id.* at 8.

<sup>3</sup> *Id.* at ix.

with or accommodated themselves thereto.”<sup>4</sup>

In 1981, Haskins published *Foundations of Power: John Marshall, 1801-15*, his magisterial account of the law and politics of the great Chief Justice’s early years on the Court. Only a historian of Haskins’ breadth of learning could have analyzed the shaping of the judicial process by so many diverse strands of legal and political development with such lucidity and command. Only a legal scholar of Haskins’ intellectual elegance could have evoked so stirringly the struggle “to extricate the Court from partisan politics”<sup>5</sup> and to stamp it as an institution of law.

In these works, as in his others, George Haskins set a standard of scholarship that others have emulated ever since. But his contributions extend beyond the luminous character of his scholarship. George Haskins has also been an exemplary member of the Law School community, as I first discovered upon joining the faculty in 1964. Although I already knew of George’s reputation as a scholar, nothing had prepared me for his generosity as a colleague and his conscientiousness as a teacher.

For the next eighteen years, I invariably saw George several times a week, usually at 7:30 a.m., when I had arrived to prepare for class and he, I suspect, had already written many pages of his elegant prose. In those early morning conversations, I was impressed by the depth of his concern for this colleague who was having trouble completing a manuscript or that colleague who was awaiting word on a fellowship application.

His concern extended to his students as well, for George was deeply devoted to good teaching. When he spoke about himself at all, it was usually to wonder whether he had adequately outlined for still another year’s round of students the full set of limitations upon the circumstances in which covenants run with the land.

George was particularly devoted to maintaining the academic standards of the Law School and took a special interest in the appointment of new members of the faculty. He was among the strongest champions of the Law School’s international programs. When the Law School established a joint program in Middle East Studies, George participated in its creation and became its faculty advisor. Thereafter, he guided the students who enrolled in the program through the curricular thickets of Intensive Arabic, Islamic Religious Thought, and the History of Pales-

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<sup>4</sup> G. HASKINS, *LAW AND AUTHORITY IN EARLY MASSACHUSETTS* viii (1960) (footnote omitted).

<sup>5</sup> G. HASKINS, *FOUNDATIONS OF POWER: JOHN MARSHALL, 1801-15 (PART ONE)* 365 (2 *HISTORY OF THE SUPREME COURT OF THE UNITED STATES*) (1981).

tine and Israel.

George Haskins has fashioned a career marked by loyal commitments to friends and institutions, some of international and academic eminence, others of local and personal significance. He has been the intellectual companion of figures such as A. Lawrence Lowell, Felix Frankfurter, and John Dickinson. But he has also been the friend and mentor of numerous law students, many of whose names are recorded with gratitude in the prefaces to his books. Haskins served, in 1945, as a member of the United States delegation to the San Francisco conference that organized the United Nations. But he also served, in 1975, as a member of the Bicentennial Committee for the town of Hancock, Maine, where he has a home and deep family roots. He is a Fellow of the Royal Historical Society and the Medieval Academy of Ireland as well as a member of the Law School's Sharswood Law Club.

Numbering great leaders and beginning law students among his friends, mingling large national responsibilities with cherished local attachments, holding membership in prestigious academic societies as well as local social institutions, George Haskins has enriched all of the associations he has had.

On the occasion of his retirement, the Law School can take pride in saluting George L. Haskins. He is, quite simply, the leading legal historian of his generation and perhaps as near to an American Maitland as the United States has come. He is also an outstanding legal scholar of property law, a fact that has not been fully recognized because of the magnitude of his achievements as a legal historian. His scholarship and the impact he has had on his students will endure.

As he begins what will undoubtedly be a retirement of continuing creativity and contribution, may he experience what Justice Holmes called "the secret isolated joy of the thinker, who knows that, a hundred years after he is dead and forgotten, men who never heard of him will be moving to the measure of his thought—the subtile rapture of a postponed power . . . ."<sup>6</sup>

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<sup>6</sup> O.W. HOLMES, JR., *The Profession of the Law*, in COLLECTED LEGAL PAPERS 32 (1920).