

# CARL H. FULDA

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On January 5, 1975, the remarkable career of Professor Carl H. Fulda came to an end. By virtue of his extraordinary gifts he had attained a recognition that was not only national but extended far beyond the boundaries of the United States into Canada, Great Britain, India, and almost every country in Continental Europe. To say that his death is an incalculable loss to the law school is but a partial appraisal, for the years he spent here were themselves an asset of incalculable value to the standards of legal scholarship and writing, to public service, to the students in his classes, and to the faculty members who shared his friendship. By virtue of these contributions the law school gained immeasurably in the quality of its educational program and in the enhancement of its reputation.

He was born in Berlin on August 22, 1909. His father was a playwright and short story writer, held in high honor in Germany. He had been president of the Akademie der Kunste, an association of writers, composers and painters whose membership was itself a great honor. In 1926 he had been the founder and president of the European Federation of Societies of Authors and Composers, organized for the protection of copyrights. It is an interesting relevance that this circumstance inspired Professor Fulda to write his doctor's thesis on copyright law. This was accepted in 1931 for his graduate degree at the University of Freiburg. It was later published successfully under the title "Der Bühnenaufführungsvertrag" (1932) and became his first contribution to legal scholarship.

He had intended to practice in Germany, but early discerned the rising cloud of Hitlerian intolerance, oppression, and tyranny, and the impending threat to freedom of scholarship and thought. This prompted him and his wife to move to this country and to start life anew.

After obtaining his law degree at Yale in 1938, he was admitted to the New York bar and served with the New York Law Revision Commission (1939-41). He was with the Court Review Division, Office of Price Administration, Department of Treasury in Washington

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(1942-46). Indeed, public service was an integral part of his career, for later he was a member of the White House Task Force on Anti-trust Policy (1968) and the A.B.A. Commission to study the Federal Trade Commission (1969). In 1967 he was a consultant for the U.S. Agency for International Development on the investigation of small business enterprises in India. He spent the fall of 1968 in Brussels making a study of antitrust problems within the Common Market.

His teaching career began at Rutgers in 1946 followed by ten years at Ohio State and another ten here at The University of Texas. He had been a visiting professor at Louisiana State, Columbia, Hastings, Osgoode Hall in Toronto, the Universities of Freiburg, Frankfurt, and Tübingen, Germany, the Salzburg Seminar for American Studies in Austria, and the Institute of International and Comparative Law in Paris, France. He had lectured at Cambridge University in England, as well as the University of Trieste in Italy, the International Faculty of Comparative Law in Luxembourg, and the University of Groningen in Holland.

It was as a scholar that he attained his widest recognition. In this regard his dual background in European civil law as well as the common law enabled him to become one of the few scholars preeminent in each and gave him an exceptional background for his contributions to comparative law. His special fields of teaching, lecturing, and writing were antitrust law, comparative law, international transactions, and regulation of industry. He published texts entitled *Competition in the Regulated Industries: Transportation*, and *Introduction to American Law* (in German). It was this writing, dedicated to the mutual understanding of German and American lawyers, that prompted a statement by a recent writer in the *Frankfurter Allgemeine Zeitung* that he was a "builder of bridges" between the lawyers of our two countries. His casebook (with Warren Schwartz) entitled *Regulation of International Trade and Investment* has received wide adoption. As Frank R. Strong, one-time dean of Ohio State College of Law and president of the Association of American Law Schools, aptly put it several years ago: "He is a brilliant scholar, outstanding in intellect, creative and imaginative in his thinking, superbly trained, contagiously enthusiastic, tenaciously thorough and unusually effective in literary expression." In every instance his standards of scholarship were of the highest, nor would he ever compromise for anything less than the best. He enjoyed immensely and praised warmly high attainment among his students, while he vigorously and openly condemned any performance he considered less than the best a student's capacities permitted. His competence and sense of responsibility extended to faculty services on many law

school and University committees, but perhaps his dominant interest lay in international relations. Thus, he was a leading figure in bringing to Austin qualified foreign graduate students and a guiding genius in development of The International Legal Studies program and the establishment and support of the *International Law Journal*. Administrative and faculty respect and admiration for his many and varied contributions led to his appointment to the first professional chair ever established at the law school, the Hugh Lamar Stone Chair in Civil Law.

His personality was buoyant, spontaneous, and vivid. One left a conversation with him exhilarated by the experience. He had a most diverting capacity for startling overstatement, be it in praise or condemnation; he exploited to the utmost what some have called the fallacy of the excluded middle and delighted to stimulate in others the urge to supply the middle ground. When he walked with friends he was always two feet ahead, maintaining all the while a lively dialogue back over his shoulder. When he climbed a mountain—his special recreational pleasure—he was shortly out of sight, only to be discovered on the peak, looking over miles of forest and lakes. He delighted particularly in a chalet on a Swiss mountainside, looking down on the small village of Grindelwald and up to a scene of snow-covered peaks high above. There, if anywhere, was the one place he could relax and recharge the sources of his incredible energy.

There is much that he left that will ever be part of all those who knew him. Above all, one was continually aware of his uncompromising insistence on the highest achievement. His intellectual brilliance, his scholarly standards, his integrity, his persistence and devotion, his boundless vitality, and his warm friendship and loyalty—memories of these will live on among all who knew him. For this, for a precious friendship, and for all he gave us so unsparingly, we shall be grateful for all time.