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HESSEL E. YNTEMA
1891-1966

This issue is dedicated to the memory of Hessel E. Yntema.

HESSEL E. YNTEMA

Memorial Resolution by Law School Faculty Concerning Hessel Yntema

With the death of Hessel E. Yntema, Research Professor Emeritus of Comparative Law, on February 21, 1966, the University of Michigan Law School lost one of its most distinguished professors emeriti, who in thirty-five years of service had contributed notably to the work of the University and to legal scholarship and law teaching.

We of the Faculty of the Law School mourn his passing, but take pleasure and pride in our long association with him, and in expressing our appreciation of his continuing efforts for law, order, and justice. We heartily endorse the statement of Acting Dean Charles Joiner, that:

Hessel Yntema was probably the world's most distinguished comparative legal scholar. His distinction has circled the globe. His passing is a loss that will be felt in many countries with the keenness that is felt in Ann Arbor. . . . His honors and decorations have come from all parts of the world. He probably has been more honored than any other member of the law faculty. His colleagues will miss him.

We regard this as an appropriate time to recall some of his accomplishments. Hessel E. Yntema was born at St. Johns, Michigan, January 17, 1891, into a family of Dutch (Frisian) descent, with strong traditions of independence and of scholarship. He received his A.B. in 1912 from Hope College, the A.M. from Michigan in 1913, another A.M. from Hope in 1915, the B.A. in Jurisprudence with first-class honors from Oxford in 1917 after study there as a Rhodes Scholar, the Ph.D. from Michigan in 1919, and the S.J.D. from Harvard Law School in 1921. He married Ida Olive Danhof in 1917, who preceded him in death by about a year; three children survive.

From 1917 to 1920 he served as an Instructor in Political Science at Michigan. In 1921, after receiving the Harvard S.J.D., he turned to law teaching as Lecturer in Roman Law and Comparative Juris-

prudence at Columbia University, becoming Assistant Professor of Law in 1922, Associate Professor in 1924, and Professor of Law in 1928. Thus he was a member of the famous galaxy of law teachers at Columbia who breathed new life into American legal education. In 1928 he became Professor of Law at the Institute of Law at Johns Hopkins University, conducting pioneer factual research on legal processes and on the administration of justice. In 1933-34 he served as Visiting Professor of Law at Michigan, and in 1934 became Professor of Law here. After spending 1947-48 as Professor of Law at Yale, while commuting weekly to Ann Arbor as a Visiting Professor, he returned to Michigan in 1948 as Research Professor of Comparative Law, which position he held until becoming Professor Emeritus upon reaching the retirement age in 1961.

Professor Yntema was a stimulating and demanding teacher, proving particularly successful in seminars and small classes, and in direct supervision of legal research. Comparative Law, Conflict of Laws, Theories of Public Law, and International Law were the subjects he taught most frequently, while Roman Law, Bills and Notes, and Trade Regulation were among other courses he had given occasionally. The high standards to which he adhered in his teaching bore their fruits as attested by the numerous letters and visits of his former students, many of whom occupy high places in the bench and bar of the United States and abroad.

First as a student, and later as a scholar, Professor Yntema read widely both in law and in many related fields of knowledge. During the forty-seven years since his first article, on international law, appeared in the 1919 *Michigan Law Review*, he published a wealth of articles, comments and book reviews, dealing with various topics of comparative law, conflict of laws, Roman law, international law, jurisprudence and legal theory, contracts, commercial law, constitutional law, judicial administration, procedure, legal education, and other facets of the law and its administration which reflect the breadth of his interests. His writing was scholarly, carefully reasoned, and thoroughly documented. He wrote in a highly individual style, choosing words meticulously to obtain the precise effect he sought; his writing reflects his familiarity with the classic literature of Greece, Rome, England, and Western Europe.

Outstanding among his scholarly achievements were the monumental studies by him and under his direction of Western Hemisphere laws relating to negotiable instruments and commercial transactions. He commenced service as the Law School's Director of Re-

search in Inter-American Law in 1942. This Inter-American Legal Research project grew out of cooperation during the World War II years with young legal scholars who came to Ann Arbor from the other American republics, and who published the results of their studies in the form of books and articles, principally in Latin America. He also worked on projects for cooperation in the commercial law field with the International Institute for the Unification of Private Law in Rome. Among his last scholarly tasks was the preparation of a concordance of the Latin-American laws on negotiable instruments.

It was upon his initiative and under his supervision that two distinguished foreign scholars were able to complete their work. The first was Dr. Vladimir Gsovski, whose two-volume work, *Soviet Civil Law*, published in 1948 and 1949, was for many years the authoritative treatise in this field. The second project involved the publication of the now-classic four-volume treatise by Dr. Ernst Rabel, *The Conflict of Laws: A Comparative Study*, which appeared in its first edition in 1945-1958 and the second edition of the first three volumes of which, in collaboration with the Max Planck Institute for Foreign and Private International Law in Hamburg, appeared in 1958-1964.

From 1939 to 1957 he served as Editor of the Michigan Legal Publications, and Chairman of the Law School's Editorial Board. He likewise served as a member from time to time of the Law School's Research Committee and Library Committee, and did much in earlier days to encourage bringing foreign graduate students to the Law School and supervising their work. In 1952 he was designated Cooley Lecturer at the Law School, delivering three lectures on Conflict of Laws. From time to time he was called upon for special lectures in other institutions. In 1961 he taught as Legion Lex Distinguished Visiting Professor at the University of Southern California Law School. The spring semester of 1962 he served as special faculty adviser to Southern Methodist University Law School, in connection with that school's program in conflict of laws and comparative law, with special emphasis on comparative commercial law of Latin America.

In his later years, his chief efforts were devoted to the *American Journal of Comparative Law*, which he founded in late 1951 and guided in his capacity as its Editor-in-Chief from the beginning until the time of his death. He was most successful in working out arrangements for the cooperation of various American law schools and

the American Foreign Law Association in carrying on this project, in building up the Journal to a place of world-wide distinction, and in establishing its high standards. This was the work to which he devoted so many hours, the windows of his office showing light far into the night. The outstanding achievements of his editorial work with the Journal were to make available contributions from those writing in English, and to publish in the English language the results of researches of foreign scholars whose contributions he translated from French, German, Italian, and Spanish. These contributions ranged from the latest developments in legal philosophy in France, Germany, and Italy, to the efforts of civil and commercial law codification in France, and the unique legislative and judicial experience connected with the European Common Market. His last editorial achievement was the expert collection of the most outstanding contributions to the Journal in a two-volume American Journal of Comparative Law Reader, under the title, *The Rule of Law and the European Communities*; unfortunately, he was unable to see the finished product.

His enthusiasm for scholarship did not prevent his serving the public when there was a task in which his aid was needed. His public service included work as a consultant to the Treasury Department from 1934 to 1938; Director of the Codification Branch, the Department of Justice, 1937-39 (in which capacity he had much to do with development of the Code of Federal Regulations); Member of the Department of State Permanent Committee of Habana, 1940; Member of the Committee on Practice of the Treasury Department, 1942-1952; and Member of the Committee of Experts appointed by the United Nations to prepare a draft treaty on maintenance orders, 1952. It was perhaps in large part due to his insistence with the Department of State since 1938 that in 1963 the United States finally joined as a full member the Hague Conference on Private International Law, and the Rome International Institute for the Unification of Private Law. Professor Yntema was appointed to serve with the Advisory Committee, headed by the Legal Adviser of the Department of State, which was set up on February 14, 1964, to handle problems involving international unification of laws.

Meanwhile, he also served professional associations and groups in the comparative law field. He was Vice President of the International Academy of Comparative Law, of the American Association for the Comparative Study of Law, of the American Foreign Law Association, and of the International Association of Legal Science

(under UNESCO auspices). He was President of the Law Faculty of the International University for Comparative Sciences in Luxembourg, and a member of the Conseil de Direction of the International Institute for the Unification of Private Law in Rome, as well as a member of the Centro Argentino de Altos Estudios Juridicos, and an honorary member of the German Gesellschaft für Rechtsvergleichung, and of the Louisiana Law Institute. He delivered in 1956 a course of lectures entitled "Cross Roads of Justice" before the Inter-American Academy of Comparative and International Law at Habana, and was a member of that Academy's Curatorium from 1955 to 1960.

He received many well-deserved honors. The University of Stockholm awarded him its honorary degree of Juris Doctor in 1957, and in later academic processions he wore the picturesque garb indicating that honor. In 1962 Luxembourg decorated him as a Commander of the Grand Ducal Order of the Oak Leaf. In 1964 the Greek Government made him an Officer of the Order of George I of Greece.

On his seventieth birthday he was presented a copy of a *Festschrift* volume, *Twentieth Century Comparative and Conflicts Law*, consisting of essays written in his honor by colleagues from fifteen countries.

Such a listing of accomplishments and honors might continue, but enough has been mentioned to show that he enjoyed a life full of successful achievements in his chosen field. His colleagues will miss him in the years ahead, but we rejoice that we had him with us so long, and that he accomplished so much. His work has made a deep impression not only upon the Law School of the University of Michigan but also upon legal education throughout the United States, and comparative legal scholarship throughout the world. Hessel's colleagues remember him for his independence, his intellectual integrity, his vision, his humor, his determination, the way in which he stimulated (or sometimes goaded!) us, and for his high ideals of law and of legal education. A provocative conversationalist, he was always ready to talk with his colleagues, on almost any topic. Hessel had an unusual capacity to suggest ideas which his auditors later found themselves mulling over and developing, each in his own way.

We recall his unceasing insistence upon the combination of research and education, upon a broadly based humanistic background for work in law, upon the law as a truly learned profession rather

than merely an "honorable trade," and, above all, upon the importance of keeping in mind the ideal of justice.

We, the Faculty of the University of Michigan Law School, adopt this resolution to express our sympathy with his family and associates, our sorrow that we could not have had him with us longer, and our gratitude for and pride in all that he has done for the profession of the law, for legal education and scholarship, and for the University of Michigan.

March 1966