IN MEMORIAM

CARL HERMANN FULDA
August 22, 1909-January 5, 1975

Carl Hermann Fulda was born in Berlin, Germany. His father, Ludwig Fulda, noted playwright and short-story writer, had been president of the Akademie der Kunste, an association of writers, composers and painters, membership in which was itself a great honor. In 1926 he had been founder and president of the European Federation of Societies of Authors and Composers, organized for the protection of copyrights. It was this topic that later prompted his son, Carl, to write his doctor's thesis in copyright law. In 1931 it was accepted for his graduate degree of J.U.D. at the University of Freiburg and was published the next year under the title, "Der Bühnenaufführungsvertrag". It 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 as Research Assistant and Consultant (1939-41). He was with the United States Treasury Department (1942) and the Court Review Division, Office Price Administration of that Department in Washington (1942-46). Indeed, public service was an
integral part of his career, for later he was Consultant for the Attorney
General's National Committee to Study Anti-trust Laws (1954), a member of the
White House Task Force on Anti-trust Policy (1968) and the American Bar Asso-
ciation Commission to study the Federal Trade Commission (1969). In the summer
of 1967 he was in India as a consultant for the United States Agency for Inter-
national Development on the investigation of small business enterprises. He
was General Reporter on State Intervention in Business for the International
Encyclopedia of Comparative Law. He spent the fall of 1968 in Brussels making
a study of anti-trust problems within the Common Market.

His teaching career began at Rutgers in 1946 followed by ten years at
Ohio State (1954-64) and another ten here at The University of Texas. He had
been a visiting professor at Louisiana State, Columbia, Hastings, Osgood Hall
in Toronto, The Universities of Freiburg, Frankfurt, and Tubingen, Germany,
the Salzburg Seminar for American Studies in Austria, the Institute of Inter-
national and Comparative Law in Paris, France. He had lectured at Cambridge
University, England, as well as the University of Trieste, Italy, the Inter-
national Faculty of Comparative Law in Luxembourg and the University of
Gronigen, 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. He
had taught labor law while at Rutgers and had been a member of the National
Labor Law Group, and a participating editor of *Labor Relations and the Law* (1953). But, his special fields of teaching, lecturing and writing were anti-trust law, comparative law, international transactions and regulation of industry. He published a text on *Competition in Regulated Industries* and an *Introduction to American Law* (in German). It was this latter 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 case-book (with Warren Schwartz) entitled *Regulation of International Trade and Investment*, has received wide adoption. As Frank R. Strong, one time dean at 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." Finally, he had been a member of the Board of Editors of the American Journal of Comparative Law and Advisory Board of the Journal of Air Law and Commerce for the past eleven or twelve years until his death, and General Reporter on International Air Law for the Congress of Comparative Law, Upsala, Sweden (1966).

In every instance his standards of scholarship were of the highest, nor would he ever compromise with 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 respon-
sibility extended to faculty services on many law school and University com-
mittees, 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 in 1965 of the Texas International Law Journal.
Indeed, the current Board of Editors have dedicated the Summer issue, 1976
to Carl Fulda, long its "mentor and guardian of its interests." It is in
this issue too that another great teacher in the field of comparative law,
Rudolf Schlesinger, has written perhaps the most apt tribute yet to appear.
"He inspired his students by a rare combination of infectious enthusiasm,
brilliant wit and clarity of presentation***The enormous breadth as well as
depth of Professor Fulda's scholarship is shown by the massive bibliography
of his writings***The impact of his contributions will be felt for many years
to come." Among the elements of strength which establish their uniqueness,
he listed "the artistic elegance of his style***the cosmopolitan breadth of
experience brought to bear on his treatment of issues***his familiarity with
the doctrinal tradition of Old World scholarship as well as the more pragmatic
and often inter-disciplinary approaches" in this country.

His personality was buoyant and exuberant, spontaneous and vivid. One
left a conversation with him exhilerated by the experience. He had a most
diverting capacity for startling overstatement be it in praise or condemna-
tion; 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 didn't walk, he strode: he was always two feet ahead, yet maintaining all the while a lively dialogue back over his shoulder. As one friend and former colleague Professor Kenneth Karst, has put it: "the only thing everyone will remember about Carl was his enthusiasm, the wonder and joy of living that animated every bit of him and energized those around him." 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 re-charge the source of his incredible energy.

The impact of Carl Fulda will long be felt. The warm affection and admiration of his colleagues and friends have found expression in a moving memorial service in Townes Hall on January 17, 1975, and in a tribute in the Texas Law Review. The Ohio State Law Journal (vol. 36, no. 2) contained two articles in his memory and the proceedings of the "Conference on Transnational Economic Boycotts and Coercion", February 19 and 20, 1976, shortly to appear under the title "The Arab Boycott Conference", will be dedicated to him.

But no memorial tribute to Carl Fulda can be complete, unless Gaby Fulda were to have her share. She was, as Professor Schlesinger has so well put it, "the great and fulfilling romance of his life***, his lifelong idol and companion and the mother of his two sons." Without her, he himself could
never have been complete, either. Long a talented pianist and today a member of the Music faculty of this University, she continues to share the love and admiration of all Carl's friends.

It is happily and wonderfully true that much that he left will be ever part of all who knew him. We shall never forget the excitement, the fun of being with him, nor 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 unsparingly we shall be grateful for all time.

Lorene L. Rogers
President of the University of Texas at Austin

Bill D. Francis
Secretary of the General Faculty

This Memorial Resolution was prepared by a special committee consisting of Page Keeton (chairman), Hans Baade, Robert E. Mathews