

## Foreword

When Shael Herman retired from the Tulane Law School in 2005, it did not take long for the loss to set in. Speaking for myself, I began to miss the company of a very special colleague with whom I had shared for more than thirty years similar values about law, community and scholarship, the one colleague who unfailingly found time to read and discuss my own writings in draft, a friend with whom everything could be discussed. It was very clear to me there was no replacing Shael. But of course the loss to Tulane's students and faculty was immeasurably greater than my own. For Shael had long been one of the faculty's most gifted teachers and writers, and even doubled as its *de facto* foreign minister and roving ambassador. I was rather amazed to learn from his *résumé* that on no less than twenty-five occasions he taught law abroad as *le professeur invité* at prestigious universities around the world. No less than thirty of his written works were published abroad. Internationally speaking, I rather doubt that anyone on our faculty has been more respected or could be better known than Shael.

His retirement leaves a gaping hole in the conversational and intellectual life of the school, and his approach to legal education, I hope, will always be remembered as something very valuable. To Shael the school was far more than a place where one had an office or taught courses or did research. It was a larger space, something of a public square or open forum where one learned by exchanging ideas and interrelating with students and colleagues, and not necessarily in classrooms or committee meetings. I shared the same faculty suite with him and often noted that his door was open, the light was on, his jacket on the chair, but he was not there. If he was not at that moment teaching, he was usually visiting with students in the halls or drawing colleagues into nearby coffee shops, constantly discoursing about law, life, history, music, Louisiana, Roman Law, Europe, politics and many other things. On these daily peregrinations he could be gone for hours, consuming as many coffees as necessary. There seemed no end to the topics that he enjoyed discussing because, as one quickly learned, there was no outer edge to his intellectual interests. His formidable talent for speaking foreign languages seemed only to expand the conversational web. As compared to my own plodding existence in library carrels, I always found there was something particularly joyous and vital in Shael's loquacious, extroverted approach to faculty life.

Certainly it can be said that he represents, especially in the context of American academia, a rare and vanishing breed of legal scholar—the rather rangy humanist whose intellectual curiosity embraces law to the fullest but extends into the related disciplines beyond. His wide interests and cosmopolitan outlook are basically at odds with the proliferation of the narrow specialized courses of the modern curriculum. His ability (and willingness) to teach many different subjects made him somewhat singular—a utility player on a team with fixed competences and boundaried interests.

It is fitting to describe Shael as a comparative lawyer, for it is clear from the essays in his honor that he has worked with leading comparatists here and abroad, and his own writings are imbued with the comparative dimension. Certainly I have always regarded him in that light and yet I cannot recall that he ever referred to himself as a comparatist. Perhaps that method came too naturally and instinctively to him to require mention. Incidentally, those exposed to Shael's discursive side might have assumed he had little time or inclination for research and publications. They would be very mistaken. He leaves a legacy of more than seventy publications, and the list continues to grow in post-retirement. Obviously retirement from the faculty did not signal withdrawal from further scholarly life. In the past year he has enjoyed visitorships in Paris and Catalonia and his publications continue to flow.

The *Forum* takes great pleasure in presenting this special *estschrift* issue in honor of Shael Herman's career as a jurist and international scholar. The Essays presented here are written by Shael's friends and admirers, nine eminent scholars from Belgium, Germany, England, Spain, Scotland, and the United States. There is no greater testimonial or token of esteem they can offer than the splendid essays they have prepared. May he continue to enjoy a most productive "retirement" and may he always have good conversations and good company on the crossroads of comparative law.

Vernon Valentine Palmer  
Editor in Chief