

Volume 48

Number 0 *Tribute to Professor Paul Brietzke*

Tribute to Professor Paul Brietzke

A Tribute to Professor Paul Brietzke

Follow this and additional works at: <https://scholar.valpo.edu/vulr>



Part of the [Law Commons](#)

Recommended Citation

A Tribute to Professor Paul Brietzke, 48 Val. U. L. Rev. (2014).

Available at: <https://scholar.valpo.edu/vulr/vol48/iss0/1>

This Article is brought to you for free and open access by the Valparaiso University Law School at ValpoScholar. It has been accepted for inclusion in Valparaiso University Law Review by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at scholar@valpo.edu.



Table of Contents

Susan J. Adams, Foreword: For Paul, A Lucky Man

Heinrich Scholler, For Paul, World Traveler, Witness to Revolution, Champion of Freedom

Lawrence G. Albrecht, My Journey with Paul

Penelope Andrews, For Paul, Lover of Africa, Bon Vivant, Teddy Bear

Bruce Berner, For Paul, A Real Piece of Work

Ivan E. Bodensteiner, For Paul, Global Citizen and Advocate of a World Without Borders

Douglas M. Branson, For Paul, With his Mischievous Smile and a Glint in his Eyes

Derrick Carter, For Paul, Steamboat Captain on the Big Easy, Constant Advocate for the Poor

Edward McGlynn Gaffney, For Paul, Rigorous Scholar and Bold Citizen of Cosmopolis

Faisal Kutty, For Paul, And Upon You Be Peace

Rosalie Berger Levinson, Friend and Fellow Traveler

Joellen Lind, For Paul, A Reliable Truth-Teller

Seymour Moskowitz, For Paul: Bravo! Cheers! Well Done!

David A. Myers, Foe of Injustice and Concentrated Power

Mary Persyn, For Paul, Friend of the Third World

John Potts, For Paul, Firm and Flexible Intellectual and Lover of Academic Freedom

Richard Stith, For Paul, Untamed and Unbroken

Colin Adams Brietzke, Afterword: For My Father

In Memory of Professor Paul Brietzke

Foreword: For Paul, A Lucky Man

Susan J. Adams*

Paul was a lucky man. While his lifespan turned out to be shorter than he would have liked, he wasted little time and realized many dreams. When we first met in 1968, his geographical horizons had been bounded by the continental United States, but stacks of *National Geographic* magazines dating back to childhood revealed a broader world view. Once liberated from law school, he set out to find that world and make it his.

His photographic skills, likely inspired by those old magazines, memorialized what he found. Perhaps in fear of losing that new-found world, he made an extensive photographic record of it: dancing Malawian children, Ethiopian priests, veiled women at Borobudur, market people at the edge of the Danakil Depression, Balinese temples, the ruins at Petra. And he also shared his great love of both photography and music with our son Colin.¹

Over the years his students came in many nationalities: Malawian, Ethiopian, British, Indonesian, Malaysian, Vietnamese, Italian, and American. He loved to teach, and his students enriched his life. He spoke often, and admiringly, of their accomplishments and hopes.

But he also loved the life of the scholar, and his publication list is long and varied. His experience abroad, teaching and consulting in such far-flung places as Mongolia and Kabul, formed the basis for much of his scholarship—law and development, globalization, and human rights were constant themes.

He loved to read and discuss others' scholarship, and to share his drafts with his colleagues in the US and abroad. In fact, he was line-editing his final article, which appears in these pages, into the last two weeks of his life.

* J.D. '90, Valparaiso University School of Law; Professor, Legal Research and Writing, Associate Director, Legal Research and Writing Program, Director of Writing Services, Chicago-Kent College of Law.

¹ See Colin Adams Brietzke, "Afterword: For My Dad," pp. ___ - ___ below.

He collaborated often with other scholars, most notably Professor Heinrich Scholler (Professor Emeritus of Law, Ludwig Maximilian University of Munich law faculty), whose tribute appears here.² Forged in the activism of the late '60s, Paul focused his scholarship on matters as diverse as governmental corruption in Malawi and Asia; reform in legal education; law and economics; *just* law in many countries; post-Katrina legal issues; international human rights; torture; and the implications of international climate change.

Paul would be pleased to have left among his readers and his students the modest legacy of a fresh perspective on what can be changed for the better – in this country and many others. A little bit of Paul remains wherever he trod: Africa, Europe, the Middle East, Asia, and the United States. Recently President Obama spoke of legacy: “At the end of the day we’re part of a long-running story. We just try to get our paragraph right.” Paul did so.

Colin and I are most grateful to all of Paul's friends and colleagues for their kind contributions to this Memorial. We also thank the Law Review staff for grappling with Paul's final article without the benefit of the author's advice. But we are especially grateful for all of the efforts and kindness shown by Ed Gaffney in making the public memorial of Paul at the University, and this collection of tributes, possible.

² See Paul Brietzke, “1848,” pp. ___-___ above [below??]

For Paul, World Traveler, Witness to Revolution, Champion of Freedom

Heinrich Scholler*

It is a great honor for me to participate in this memorial tribute to Paul Herman Brietzke. The first thing I must say about Paul is that he loved to travel, and he knew how to do it well. Paul loved every part of the vast continent of Africa, from north to south, and east to west, and came back from those journeys refreshed in his energy and commitment to development studies. And he came to live in and to understand the peoples living on every continent of this planet.

Second, Paul became one of the earliest and most reliable commentators on the revolutionary era through which Africa is now passing. Paul and I first met in Ethiopia, in the last imperial moment of the “Conquering Lion of the Tribe of Judah and Elect of God,” Emperor Heile Salassie I. We became witnesses to a revolution—and to a small degree participants in events—that sparked the end of an era and began the transformation of modern Africa. Paul’s first major book was an insightful commentary on the Ethiopian revolution and its ongoing consequences.³ His study remains relevant long after the amazing transition away from apartheid in South Africa and the more recent events in Arab Spring to the north.

Third, Paul was a noble champion of freedom and human rights. The principal mode in which he defended human rights—economic analysis—made his work on human rights far more substantial than fads that pass for concern about human dignity, but lack the solidity of Paul’s empirically grounded analysis.

I. A World Traveler At Home Everywhere

It is pure understatement to describe Paul as one who loved to travel. There is no continent he did not visit, none in which he failed to learn from others, and above all, none in which he did not make life-long friends.

Sometimes clarity occurs by contrast. So let me contrast Paul with those curious travelers who journey half way round the world, but might as well have stayed home, the only place in the world where they are content.

* Professor Dr. Emeritus of Law and Dr. of Law honoris causa, Faculty of Law, Ludwig-Maximilians Universität, München.

³ PAUL H. BRIETZKE, *LAW, DEVELOPMENT, AND THE ETHIOPIAN REVOLUTION*. Lewisburg, PA: Bucknell Univ. Press, 1982.

If they are Americans, they are etched finely in Mark Twain's *Innocents Abroad*⁴ traipsing through Europe and even showing up in Palestine and Egypt to take in Jerusalem and Cairo as dutiful Orientalists decades before Edward Said coined the term.⁵ Or if such travelers are less innocent, some of them are like the agent in Graham Greene's *The Quiet American*, plotting and executing covert destruction throughout Vietnam, without the slightest idea of the terrible consequences of his foolish attempt to curb the desire of the Vietnamese to govern themselves, a point an American might be expected to have learned from the Declaration of their own Independence from the United Kingdom in 1776.⁶

If they are French, they have their Guide Michelin to tell them what to see and where to eat and sleep. But why—one wonders—do they ever leave Paris, Lyons, or Marseilles, since for them “*Tout c'est mieux dans la Republique*” (“Everything is better in the Republic”)?

We Germans have our Bodekker. Some follow this guide almost slavishly, allowing it to control them each step of the way and to lay out carefully what they simply must do and in what order. But why—one wonders—do they ever leave Berlin, Frankfurt, or München, since for them “*Alle ist viel beßer in der Vaterland*” (“Everything is much better in the Fatherland”)?

Travelers of this sort many have well-worn passports with many stamped visas in them. But their seemingly infinite appetite for travel is a Wanderlust without any real interest in the many places they visit. They are locked in a provincialism that blocks their capacity to learn anything about a different place or culture or even to learn something new about themselves or their own culture. Such discoveries might occur readily if the purpose of their travel were something other than going “over there” or covering as many kilometers as possible before collapsing in utter fatigue.

⁴ MARK TWAIN, *THE INNOCENTS ABROAD: THE NEW PILGRIMS' PROGRESS, BEING SOME ACCOUNT OF THE STEAMSHIP QUAKER CITY'S PLEASURE EXCURSION TO EUROPE AND THE HOLY LAND*. New York: Harper & Brothers, 1899.

⁵ EDWARD W. SAID, *ORIENTALISM*. New York: Pantheon Books, 1978.

⁶ “We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.” Declaration of Independence, 1 Stat. 1 (1776).

In the starkest possible contrast with such vagabonds, Paul was truly at home no matter where he was on this earth. Paul came to Germany often to participate in projects or conferences here on law and development. Paul's phenomenal impact on our students at the Law Faculty of the Maximilian is illustrated by his marvelous collection of materials on Ethiopian law and development.⁷

Each time Paul visited us, he brought us a great wealth of data and insights, and he returned home wiser because of his capacity to listen carefully and to absorb the understandings of others. He got right down to the nub of things in his writing because he saw more than most do. He saw more than most because he took the time to notice the world around him. And he noticed things because he viewed the world not as an omnipotent judge with a chip on his shoulder, but as one eager to learn from others.

Paul was a superlative comparatist. Like Alexis de Tocqueville—the most famous French traveler to America in the nineteenth century—Paul was an careful observer of the American scene precisely because he came to know so much about how life is lived elsewhere. Better than any Bodekker, Paul's oeuvre has enabled a whole generation to see the world through the lens of an American who roamed the world without the illusion that everything is better back home. Everywhere Paul went, he was at home.

II. Witness to the Ethiopian Revolution

Before I went to Ethiopia in 1972, my legal experience and academic career had focused on problems in Europe in the wake of World War II. More specifically, I was concerned mainly with post-war development problems, especially in Germany. My homeland was seeking in the 1940s and 1950s to rise from the ashes of the war through programs such as the Marshall Plan.

Ethiopia represented my first experience with teaching and researching in an African country. I count my blessings for the day I met Paul Brietzke in Addis Ababa. Paul already had practical experience in Ethiopia, concentrating specifically on law and economics and practical questions of modernization or constitutional reform, including revolutionary change if that was what is necessary to confront and change an unjust legal order.

⁷ PAUL H. BRIETZKE, ED., *A SOURCE BOOK OF ETHIOPIAN LAW AND DEVELOPMENT* (unpublished materials prepared for the exclusive use of the students of the Faculty of Law, Munich, 1974).

That was precisely what transpired shortly after we met. This is how the two of us described our experience of the Ethiopian revolutionary movement.⁸ The last chance for Haile Selassie to bask in glory as one of the great figures of African history was in 1973. In that year the Organization of African Unity (OAU) came to Addis Ababa to celebrate its tenth anniversary in the city where it had been formed in 1963. Among younger, less well-known African heads of state, Haile Selassie stood out not only as the most prominent founding member of the Organization, but also as a fatherly conciliator in inter-African disputes. He was the self-appointed patron of the OAU, an influential elder-statesman and one of the last colorful monarchs in twentieth-century republics, socialist states and military governed countries. His hosting of the anniversary marked the apogee of Haile Selassie's reign of nearly a half century. Henceforth his fortune was to decline.

In fact, the decline was sudden and swift. The principal event of the Anniversary festivities at Africa Hall was the crowning of General Idi Amin of Uganda. While relatively well-fed residents of the city were watching the feasting on television sets installed in the various squares of the city by the government, hapless victims of an internationally concealed drought in central and northern Ethiopia were dying. The total number of victims of a combination of rare natural phenomena and the callous indifference of government officials was later put at 20,000.

Members of the university where Paul and I worked—then called the Haile Selassie I University—dispatched some of their colleagues to Wollo to investigate and report on the extent and nature of the famine. They brought back powerful photographs of starving humanity, children suckling dead mothers, and unburied bodies scattered about. The shocking news and photos were hastily, but clandestinely, distributed to the community outside the University.

In February 22, 1974, the government tried to placate the people through economic measures such as a nominal reduction in the price of fuel and a modest raise in salary for strikers, especially teachers. These palliatives were too little too late. They did little to diminish the crushing effect of inflation and wild-cat strikes. Once the spark of revolution had been

⁸ The narrative in this section is based on our jointly edited volume, HEINRICH SCHOLLER & PAUL BRIETZKE, EDS., ETHIOPIA: REVOLUTION, LAW, POLITICS. München: Weltforum Verlag, 1976.

ignited, urban interest groups realized that this was a once-in-a-lifetime opportunity, and they were determined to seize it. On the same day, the townspeople of Addis Ababa rose up in protest against the government's rosy assessment of the future.

Two days later, members of the Armed Forces demanded and received a pay-hike. On the next day they sent a delegation to the Emperor to express their gratitude. The pay rise inevitably prompted civilian cynicism. Many concluded that Haile Selassie was bribing himself out of an imminent military uprising at the cost of the taxpayers. The fact that military subalterns do not pay taxes also aggravated the growing civilian unrest.

Within days an unprecedented and previously unthinkable event took place—the entire Cabinet of Prime Minister Aklilu Habte Wold tendered its resignation to the Emperor. On February 29, the Emperor nominated Lij Endalkatchew as Prime Minister. The young nominee was Oxford-educated and a member of the nobility. He gained little support from the intelligentsia. University instructors added to the largely clandestine pamphlets then proliferating in Addis Ababa, and charging the new Prime Minister with rendering education inaccessible to the poor (as Minister of Education) and with the crime of unlawful self-enrichment (as Minister of Commerce).

This action was a direct consequence of the popular demand in Addis Ababa that the ex-Ministers answer for the maladministration and corruption leading to the country's economic decline, current chaos, and 200,000 deaths in drought-hit areas. When the representatives of the Armed Forces called on the Emperor on March 1st, they handed over the ex-Ministers, whom they had detained, explaining the detention as punishment for having deserted the Emperor in a time of crisis. On March 5, Haile Selassie announced a major constitutional change, enabling a shift that would make the Prime Minister directly responsible to Parliament rather than to the Emperor.

The Confederation of Ethiopian Labor Unions presented the government with a sixteen-point ultimatum backed up by threats of a strike. On March 7, the first general strike in the nation's history—coupled with the strike of teachers and taxi drivers—effectively paralyzed Addis Ababa. Townspeople began to feel the pinch when one commodity after another became scarce.

Prime Minister Endalkatchew proposed other measures, such as a proposal for an austerity budget (but with a salary increment for low-paid government employees) and the

establishment of an “Enquiry Commission” to investigate alleged crimes of past and present government officials. These reforms directly addressed the dissatisfaction of urban Ethiopians with the famine in Wollo, rampant inflation (particularly the 50 percent increase in the price of gasoline), and corruption of ex-Ministers.

From this point on, things moved forward swiftly. The group conducting the revolutionary movement—now referred to as the Armed Forces Joint Committee—presented the Emperor with five “proposals” concerning “the welfare of the nation”: (1) granting amnesty immediately to most political prisoners; (2) allowing Ethiopians living in exile to return home; (3) drafting and implementing a new constitution; (4) extending the present session of Parliament to adopt the proposed constitution; and (5) allowing the Armed Forces Joint Committee to maintain close contact with the government to insure that all reforms demanded and promised would be properly carried out.

On July 22, the eve of the Emperor’s 82nd birthday, the revolutionary leaders demanded a new Prime Minister. The nominee was Lij Michael Imru, an embarrassment to all noblemen (including the Emperor) because of his liberal and reformist views which had prompted him to distribute almost all his property among the tenants on his land.

On September 11, 1974 the military made a show of force against the Emperor. It was apparent that his days as an absolute ruler were numbered, but the country and the world were wholly unprepared for the radio announcement on the following morning. Emperor Haile Selassie I, Conquering Lion of the Tribe of Judah, Elect of God, had been deposed. Parliament was prorogued, and the Revised Constitution of 1955 was suspended. Crown Prince Asfa Wossen was to be King (not Emperor) as soon as he returned from Geneva, where he had been recuperating. The military government announced that it would perform the functions of Head of State and of the dissolved legislature until the new King assumed the Throne.

Haile Selassie was driven away in a humble Volkswagen to a relatively luxurious detention. Little was heard of the Emperor until August 25, 1975, when his death was announced without fanfare. The cause of death was given as complications arising from a prostate operation. None of the Emperor’s three physicians (two of whom were non-Ethiopians) was allowed to see the body. There was no post mortem, and the manner of disposal of the body was never made public.

This brief sketch of the revolution through which Paul and I lived enables me now to celebrate the careful analysis of these events that Paul provided in his Ph.D. dissertation, which he wrote in England after his return from Ethiopia. The fine edge of Paul's razor cut through the obfuscation in which some of Ethiopian revolutionaries seemed to delight:

[T]his [volume] analyze[s] many of the changes in Ethiopian public law since the revolution and assessed the extent to which Western and socialist legal theories explain and account for these changes. The Derg's⁹ approach to law and politics is reminiscent of Stalin's: active use is made of legal machinery in certain areas, while in others politically sanctioned acts occur without reference to the formal legal system. The functions of the government in the legislative, executive, judicial, and penal spheres have been radically altered in ways which are only partly accounted for by the new laws, while administrative law remains unchanged for the most part and the elaborate system of "lawyer's law" set up under Haile Selassie has been largely ignored rather than repudiated. The apparent lack of tension within the resulting legal system reflects the fact that the Derg refuses to countenance legal challenges to its actions. Its policies are being disputed by violent and extralegal means which call forth bloody repression. The Derg thus faces a familiar Third World dilemma: the need to balance the immediate desirability of eliminating a regime's enemies against a long-term problem of winning support for good government. Ambiguities in the Derg's use of law are the outcome of an interaction of many factors: traditional Ethiopian attitudes about law and the exercise of political power which reflect a militant chauvinism, the continued use of Haile Selassie's legal style, deep conflicts in Marxist theory concerning the usefulness of law, an ad hoc experimentation and, above all, poor political judgment.

The Derg radically transformed Ethiopian constitutional law but missed the chance to turn this transformation into "the ideal dialectic act," through which the moral and ideological values of a new social order are expressed, the relations among political elites are stabilized, and political, economic, and social resources are marshaled and allocated for development purposes. Needless to say, such a criticism is far removed from the

⁹ "The Derg" is a popular nickname for the Provisional Military Government of Socialist Ethiopia, which ruled from the overthrow of Emperor Haile Selassie in 1974 to 1987.

nineteenth-century preoccupations of Western constitutional theories: in the Third World, constitutions should be accelerators of development rather than brakes on governmental action. Ethiopian administration continues much as before, and meaningful mechanisms of administrative legality (properly defined) and accountability have yet to be created. As leading Western theories of law and administration prove irrelevant when applied to Ethiopia, we propose a more appropriate and development-oriented framework for analysis. The Derg's penal policies, including the terror, have failed to achieve the Derg's stated goals, at an immense cost in human suffering. Since the Derg has remained unmoved by criticisms based on the rule of law and its obligations under international law, pragmatic justifications of more humane policies are offered.¹⁰

The concluding paragraphs of Paul's dissertation offer not only a careful, detailed account of what actually happened in the Ethiopian revolution, but also a broad concluding judgment about the global "culture of poverty" that is still painfully relevant in many contexts through the world today:

While the constraints on an Ethiopian development are unique in their combination, the analyses in this study can, with careful modifications, be made relevant to the problems faced in many other countries. There is an obvious interdependence of national development efforts on what ecologists have termed Spaceship Earth: "World poverty is primarily a problem of two million villages, and thus a problem of 2,000 million villagers." Further, the problems of nation building described in this study periodically reemerge in the so-called developed states, as problems of national repair or reconstruction. How many countries today maintain desired levels of investment and productivity in all sectors of the economy, avoid intense ethnic and regional differences and disputes over the distribution of wealth and power, and are blessed with citizens who cooperate with and respect each other, while respecting themselves? Development is a highly relativistic concept, a fact that is highlighted by what Oscar Lewis has termed a worldwide culture of poverty.

In much of the Third World, poverty dominates, while it is almost a deviant sub-culture in the wealthiest of countries. Despair, apathy, and low levels of group

¹⁰ PAUL H. BRIETZKE, *LAW, DEVELOPMENT, AND THE ETHIOPIAN REVOLUTION*, note 1 above, at 225-226.

organization are the main characteristics of this culture, which is both an adaptation and a reaction by the poor to the improbability of their attaining the successes defined by elites in stratified and individualistic societies. Clearly, “it is more difficult to undo the culture of poverty than to cure poverty itself; policies promoting a narrowly economic growth or those of a welfare state leave untouched many of the conditions which perpetuate underdevelopment. No country can be termed developed until it succeeds in eliminating the culture of poverty within its boundaries, a process which entails major structural transformations. Theories of law and development thus have much to say that will be of interest to the First and Second Worlds in the difficult years ahead.¹¹

III. Champion of Freedom Grounded in Economic Analysis

I am delighted to learn that the Valparaiso University Law Review is publishing in this issue Paul’s last essay, “1848,”¹² a study of the struggle for freedom in today’s world. In this essay he expresses the hope that the current struggle will not end as badly as the revolutions that came and went in the middle of the nineteenth century.

Paul’s scholarship ranged over many topics, always doing so with a discipline of mind that added depth to each of his endeavors. I offer three examples. First, he wrote an insightful article on administrative control by courts, in which he contrasted the American and the European or German concept.¹³ Second, Paul wrote an article in a Festschrift celebrating one of my birthdays: “Homo Oeconomicus as Menschenbild: Reforms in Indonesia.”¹⁴ This title combines two of Paul’s central interests: economic reform of society and an understanding of a typical Menschenbild. Under this concept, societies or states are not absolutely free in developing new aspects of freedoms or human rights, but must bring them together within a meaningful framework. Third, he wrote an interesting article on the Ethiopian development characterizing the new movements as a “Leap in the

¹¹ *Id.*, at 315.

¹² Paul Brietzke, “1848,” pp. ___-___ above.

¹³ Paul Brietzke, “Democratization and Administrative Law,” based on a lecture at the University of Trento in May of 1996.

¹⁴ Paul Brietzke, “*Homo Oeconomicus* as *Menschenbild*: Reforms in Indonesia,” in SCHÜNEMANN, MÜLLER, & PHILIPPS, EDs., *DAS MENSCHENBILD IM WELTWEITEN WANDEL DER GRUNDRECHTE*. Berlin: Duncker & Humblot, 2002, pp. 205-216.

Dark.”¹⁵ These three articles enable us to see that he recurrently combined deep theoretical analysis with wide interests in problems and solutions regarding countries far away from America or Germany.

By the time we met in Ethiopia in 1972, Paul was already a lawyer who know a lot about economics. This interest in economics persisted throughout his life as a scholar, and it never degenerated into the voodoo trickle-down that later enjoyed so much influence among some policymakers and legal commentators. Paul’s macroeconomics was grounded in anthropological awareness of the special character of each community or social matrix within which he conducted his analysis.

Whether or not Paul agreed with you, he was genuinely interested in every person he met. He was thus free to risk deeply engaging encounters with people whose ideas he did not share, or whose economic situation was very different than his. For example, the desperate conditions of poor people Paul met did not diminish them in his eyes. On the contrary, Paul took the time to gaze intently and deeply into the reality of poverty, without ever mystifying it. He wasn’t much for sentimental religiosity or piety about poverty, preferring to focus on the more important work to do in championing the real needs of real poor people.

He was one of the first to grasp the significance of globalization both as a positive movement that can unify our planet about concerns that are urgent for our very survival, and as a perilous concentration of global power in a few rich nations and a few multinational corporations.

In short, Paul Brietzke was a world traveler through whose eyes I learned to see and comprehend many things. He was an attentive witness to the revolution in Ethiopia and an astute commentator on the global significance of this important moment in human history. He was a dedicated champion of human rights who was also was a rigorous economist decades before the rise of “Law and Economics” or the more recent critique reflected in such popular movements as Occupy Wall Street. In this tribute I hope I have shed some light on each of these three facets of the brilliant jewel that was my friend and colleague. Prost, Paul!

¹⁵ Paul Brietzke, “Ethiopia’s ‘Leap in the Dark’: Federalism and Self-Determination in the New Constitution,” 39 J. AFRICAN LAW 19 (1995).

My Journey with Paul

Lawrence G. Albrecht*

My symbiotic professional and personal journey with Paul Brietzke began with review of his aptly named article: *Consorting with the Chameleon*.¹⁶ When I joined the law school faculty in 1986, I quickly realized that Paul's central interests in international human rights and developments mirrored my own. The Chameleon article—the subject of many a knowing smile between us over the next quarter century—was my entrée and template for synthesizing pragmatic legal practice and writing with legal theory.

Our future shared legal experiences—which I coined “R.N.s”¹⁷—focused on the complexities of human rights and development issues in disparate legal cultures. These subjects were often analyzed in Paul's prolific career as a scholar and author. His writings reveal an astounding knowledge of competing legal structures and economic systems, cultural norms, political history and contemporary events, art and artifacts: essentially “all things considered.” Throughout his travels, research, and teaching, Paul remained grounded in this constant devotion to genuine and all-encompassing scholarship.

Paul was immediately helpful in my planning and development of a seminar course on international human rights. Paul's overall generosity became obvious when I—with the spirited assistance of several law students in the clinical program—organized a four-day symposium on South African Liberation.¹⁸ Paul helped select specific topics, secured expert speakers on African economic development, arranged logistics, and entertained all at a special showing of the film *Graceland*, a 1987 film-for-TV featuring Paul Simon's concert in Zimbabwe during the apartheid era in South Africa, with famous

* B.A. '69, Valparaiso University; J.D. '73, Valparaiso University School of Law; Visiting Asst. Professor of Law and Clinical Program Director, 1986-87.

¹⁶ Paul Brietzke, *Consorting with the Chameleon, or Realizing the Right to Development*, 15 CAL. W. INT. L.J. 560 (1985).

¹⁷ See MARK TWAIN, *ADVENTURES OF HUCKLEBERRY FINN*. Berkeley: Univ. of California Press, 2003, first published 1884 (the “Duke” and the “King” journey down the Mississippi performing “The Royal Nonesuch”).

¹⁸ See Lawrence G. Albrecht (Guest Editor), *Perspectives on South African Liberation*, 5 J.L. & RELIG. 259-525 (1988).

South African musicians such as Miriam Makeba, Hugh Masakela, and Ladysmith Black Mambazo.¹⁹

Paul, Valparaiso law professor and dear friend Bob Blomquist, and I were seated at the Stammtisch at Zur Krone in Milwaukee when we learned about the massacre at Tiananmen Square on June 4, 1989. Hours discussing human rights violations in China flowed along with beverages brewed in accordance with the Reinheitsgebot of 1516. In 1996, the Three Amigos reprised their Stammtisch human rights and brewing discussions, including the fact that Reinheitsgebot beer was unavailable at a prior GermanFest.²⁰ A few days later Paul sent a lengthy letter with a detailed legal analysis of the Sherman Act, the Clayton Act, and Supreme Court antitrust precedents in support of an injunction against any further outrageous restriction of trade that had irreparably injured his taste buds.

In 1992, with the gracious support of the Malaysian Association for American Studies and the Asia Society Paul, Rosalie Levinson,²¹ and I presented papers in Kuala Lumpur on themes of international human rights and development. Among our many Malaysian adventures, one best captured Paul the Sherpa. Rosalie shared that Don—her husband and a prominent Indiana attorney—was not feeling well. Paul promptly led us on a trek to a village in a grassy setting to meet a sort of witch doctor he knew from prior visits. The natural arts healer produced some pills. Paul promptly swallowed one and, still standing, smiled at Don who then took his medicine, which worked like a charm. Don, Rosalie, and I humorously reenacted this miraculous healing at a celebration of Paul graciously hosted by his wife, Susan Adams,²² in May 2013.

¹⁹ See “Paul Simon, Graceland: The African Concert” (Michael Lindsay-Hogg, 1987). Twenty-five years later, Simon returned to Southern Africa for another concert; see also “Under African Skies” (Joe Berlinger, 2012). In 2002 I attended an International Bar Association conference in Durban, South Africa, and during a memorable reception found myself on stage with Ladysmith Black Mambazo. I deeply regretted that Paul could not join me on that occasion since his numerous talents included a love for African dance.

²⁰ We also attempted to sing humorous Traveling Wilburys’ songs, but we were really auditioning a Valparaiso variation of Oxford’s The Inklings.

²¹ See Rosalie Berger Levinson, “For Paul, Friend and Fellow Traveler,” pp. ___-___ below.

²² Susan Adams, J.D. ’90, Valparaiso University School of Law, is a Professor of Legal Research and Writing at Chicago-Kent College of Law; see her Foreword, pp. ___-___, above.

Another international foray began simply enough as a road trip to Toronto for the 1998 annual ABA conference. After engaging with Canadian colleagues in spirited discourse on the legal status of the northern tribal territories and cultures, we broke off to explore an exhibition of indigenous art. The wisdom of these art objects and their relevance to our previous legal discussions affected both of us deeply. Unlike me, Paul was always eager to pay market prices for representative artifacts he shared with his family, friends, and guests at his school-house home and faculty office.

Years later, we returned to Canada and participated in a conference at McGill University in Montreal sponsored by the International Red Cross and several U.N. and E.U. human rights organizations based in Geneva. We became frustrated at the endless debate over minimal and incremental proposals for advancement of international humanitarian law,²³ without any serious critique of the way that legal culture generally embraces the moral legitimacy of armed conflict. Donning matching French berets (courtesy of Paul), we fled to troll the banks of the St. Lawrence for artifacts.

In the post-9/11 era, we addressed the deterioration of human rights during the so-called “war on terror” and presented papers at the Center for International Legal Studies conference on terrorism and human rights at the elegant Schloss Leopoldskron²⁴ near Salzburg. We were walking in the idyllic gardens late one night when out of the shadows a well-dressed and armed gentleman suddenly confronted us. The U.S. Secret Service agent explained that an international security team was protecting a federal judge whose life had been threatened because he was hearing terrorism-related criminal cases. While Paul was certainly never naïve, he was deeply troubled by this intrusion of reality which instantly altered our respective perspectives on this new ubiquitous world of perpetual terrorism and the legitimacy of necessary state security interests.

²³ The two main principles of this body of law are *proportionality* (prohibiting excessive use of force) and *immunity* (prohibiting the intentional injuring or killing of an unarmed and non-threatening civilian and of soldiers who are “*dehors combat*” by laying down their weapons or surrendering).

²⁴ This elegant location was used as the principal set for filming the Rogers and Hammerstein musical *The Sound of Music* (Robert Wise, 1965) starring Christopher Plummer as Navy Captain Georg von Trapp and Julie Andrews as the joyful, singing nun Maria, who serves as nanny to his seven children, falls in love with the captain, is married, and dramatically escapes from the Nazis at the end of the film.

We also presented human rights and terrorism papers at the University of Trento, where Paul was feted by the faculty as a long lost colleague. He engaged all of us in detailed analysis of the history of northern Italy, the Council of Trent (1545-1563), Goethe's travels, and current Northern League politics.

We then crossed the Dolomites on to München, where we conferred with Paul's handlers at the Hanns-Seidel-Stiftung, a foundation that financed his consultations in Mongolia and elsewhere. Later we strolled through the English Gardens, and paid a visit to Paul's mentor and great friend, Heinrich Scholler, a revered member of the Law Faculty of the Ludwig Maximilian University of München.²⁵

We presented human rights papers on torture at the 2004 LatCrit/Rulci Colloquium in International and Comparative Law at the University of the Western Cape, South Africa. Following Paul's expert guidance through a myriad of textile markets and bazaars, we hired a guide and continued our "research" along the coastal Garden Route towards Port Elizabeth and indulged in another of Paul's great passions: photographing wildlife. On cue, several whales visited us in the shallows of the Cape's bays, a solitary black rhino patiently posed in the grasslands, and gazelles bounded alongside us as we passed through rural townships and bantus displaying new "Mandela houses" for the poor. We also stopped at a preserve for injured elephants, where I photographed Paul's beaming face while he petted an orphaned baby elephant. Animals reciprocated Paul's affection. He often repeated the story of how a venomous black mamba curled up at his feet to listen to one of his outdoors lectures when he was teaching at the University of Malawi School of Law.²⁶

²⁵ See Heinrich Scholler, "For Paul, World Traveler, Witness to Revolution, Champion of the Poor,"

pp. ___-___, above. Professor Scholler is an expert on African law and development and collaborated with Paul on numerous legal projects and publications on Ethiopia in the 1970s. Paul's Ph.D dissertation was inspired by their collective legal research, and was published by Bucknell University Press in 1982 under the title, *LAW, DEVELOPMENT, AND THE ETHIOPIAN REVOLUTION*. Professor Scholler was partially blinded as a child by an Allied bombing raid during World War II. Because of Professor Scholler's eminence as a scholar, the government of the Land of Bavaria has for decades paid for his graduate student research assistants and for human guides to assist his walking around the campus.

²⁶ Paul's early teaching experiences in Malawi (1970-73) and Ethiopia (1973-75) profoundly influenced his legal thinking on law and economic development. Over the

Paul's prolific later writings continued to explore human rights and development. The subjects he investigated included the seamy consequences of globalization on human rights, the legal aftermath of Hurricane Katrina ("Guantánamo in the Big Easy"), the legitimacy (or not) of the Supreme Court in light of several recent decisions, and the causative nexus between policies and practices advocated by the Chicago School of law and economics and the Great Recession that has gripped the economies of the U.S. and Europe since 2008.

Although Paul would not confess it, he remained firmly grounded in twin pillars of Northern European Protestantism: conviction in the responsibility of the community to care for its most vulnerable members and the responsive duty of each individual to contribute to the public good, all within an accommodating legal culture of freedom and liberty.

In October, 2012, Paul made his last annual pilgrimage to attend an Oktoberfest in Milwaukee. With his Lederhosen costume on display, triumphantly lifting his half-liter in the air, Paul offered his booming baritone to all who had the wisdom to listen.

My journey with Paul continues as I daily walk around Persian carpets he shipped from Afghanistan via Jakarta to Valparaiso. Surrounded each day with these constant reminders of Paul Brietzke's fine eye and careful attention to detail, I recall him vividly as an astute observer of human experience around the globe, an insightful interpreter of the meaning of a life he lived fully and robustly, and a generous and affable soul I am proud to call my friend. Prosit, Paul!

years Paul returned frequently to those experiences and lessons learned, which often paralleled those of Paul Theroux, a Peace Corps teacher in Malawi in the early 1960s who recounted his harsh judgment of international development programs in *DARK STAR SAFARI: OVERLAND FROM CAIRO TO CAPE TOWN*. Boston: Houghton Mifflin, 2003.

For Paul, Lover of Africa, Bon Vivant, Teddy Bear

Penelope Andrews*

Paul Brietzke, with his ever-present pipe and suspenders on his trousers, was one of those larger-than-life figures, and someone deeply committed to law and development in the global south, particularly countries in Africa. He represented everything that was good about the era of the 1960s and 1970s, when law professors went to Africa to involve themselves with legal projects there.

I first got to know Paul when I was a graduate student at Columbia Law School in the mid-1980s, when he was very active in the International Third World Legal Studies Association. A founding member, and for a long time a co-editor of the International Third World Legal Studies Journal (along with Jack Hiller and Mary Persyn), Paul was a notable figure in the law and development movement. He dedicated his scholarship in the pursuit of access to justice for the poor of the world. For many decades the International Third World Legal Studies Association was a very important organizational vehicle for discussion and dialogue about law, policy and economic development in the so-called Third World. Paul was one of the association's pioneers and one of its key intellectual figures.

In the years between 2007 and 2010, when I was proud to be a member of the Valparaiso law faculty, Paul was a warm and engaging colleague, and very generous. I remember many fine evenings at three of Valpo's finest restaurants, Bon Femme, Don Quijote, and Pikks. He took his alcohol, cuisine and good company seriously.

Paul attended two conferences that I hosted in South Africa: one in Cape Town in 2000, and one in Durban in 2008. Everything about Paul in South Africa suggested that he loved being there, that he felt a certain kinship with Africa's people, and that he genuinely believed in the mission of access to justice for all.

In Durban, when we were all heading off on a game-watching trip, I recall his pipe did annoy a rather strident Canadian feminist. Paul handled the whole thing like a big old teddy bear.

* President and Dean, Albany Law School; Professor of Law, Valparaiso University School of Law (2007-2010).

That is how I will always remember Paul: like a teddy bear—warm, generous, soft at the core. You were a good man, Paul. And the world is a much better place because you were here.

For Paul, A Real Piece of Work

Bruce Berner*

In the sense in which my father used the term in New Jersey, Paul Brietzke was a piece of work. My dad didn't mean that such a person was odd, or unusual, or wonderful architecture. He meant that if you were going to befriend such a person or learn much from him, you yourself were going to have to work at it.

First, you had to fight through the gruff exterior Paul would occasionally present, partly I think so that he could see how much work you were willing to bring to the relationship.

Second, you had to learn that occasionally you were going to hear some responses you didn't expect and were not going to treasure. But you would also find that, a day or two later, he would apologize in the gentlest and most gracious of ways. Often, especially when I was Associate Dean (a job which actually requires that you honk people off), Paul would walk in and would say, "Bruce, I really need to apologize." I'd say something like, "Hold on, I'll get out the list," and he would laugh that unbridled Brietzke laugh and we'd both feel a lot better.

Paul's willingness to do this sort of work for me enabled me to see that you and I fall short from time to time. This begins to state a truth at the core of all good theology and psychology: since all of us miss the mark occasionally, then all of us can learn to enjoy the giftedness or graciousness of human existence.²⁷ Beneath Paul's gruff exterior was a deep core of human goodness, and part of his greatest gift to me was never giving up on me because we had been through a rocky patch. In his own inimitable way Paul taught me that the task of restoring a friendship is a calling, a vocation for us all.

* Seegers Professor of Law, Valparaiso University School of Law.

²⁷ I never dreamed that in my lifetime Lutherans and Roman Catholics would come to agree about a common understanding of what all this means, but for anyone interested, see *The Joint Declaration on the Doctrine of Justification*, a document created through years of patient dialogue and agreed to by the Vatican's Pontifical Council for Promoting Christian Unity and the Lutheran World Federation in 1999 (stating that the churches now share "a common understanding of our justification by God's grace through faith in Christ").

The “work” I put in with Paul once led to attending Wagner’s “Ring” operas, which I learned were roughly ninety days long. However you did the necessary amount of work, you were introduced to a person with an extraordinary breadth of knowledge about the world (and I mean every global corner of that world), about the legal systems of many cultures, about economics, literature, wine, and off-color jokes unprintable in this journal. Tempted as I was to share a few of them at the Memorial for Paul in the VU Center for the Arts—a place that Paul loved as much as any other on this campus, whether it be art, music, or theater—I bit my tongue on that occasion, just so that the Law School might be welcome to hold similar events at the VUCA in the future.

Susan and Colin, thank you both for sharing Paul with us. He is too soon gone. I miss him already. I’m in the process of looking for new work.

For Paul, Global Citizen and Advocate of a World Without Borders

Ivan E. Bodensteiner*

For a variety of reasons, most of us operate in a small world—the city or town in which we work and live, and possibly our region, our state and/or our country. Paul was different in that his world was literally THE WORLD. Paul had no boundaries. He traveled globally, he thought globally, he served globally, and he entertained globally.

So when Paul addressed a topic within his broad array of expertise, in discussion or in writing, he brought a world perspective. Some tuned him out because of that, while others embraced the opportunity to broaden their horizon. However the audience reacted, Paul was very willing to share his ideas and his perspectives. He left no doubt about where he stood on matters.

While Paul could be, or appear to be, gruff at times, he was really a kind and gentle person. Our friend Penny describes Paul as a teddy bear,²⁸ and that is very apt. Paul was also friendly; he could strike up a conversation with anyone and become a friend in a very brief period of time. I am sure that ability served him well in his travels abroad.

What made me really appreciate Paul was his tenacious defense of those who were not in the mainstream of society. For several years, Paul and I attended meetings of the legal panel of the local chapter of the ACLU. As we discussed letters from people seeking assistance, often as a last resort, Paul was reluctant to conclude there was nothing we could do. His creative thinking often helped us to find at least a small “ray of hope” to communicate to the one seeking assistance.

Thank you, Paul, for enlightening us by sharing your global experiences and perspectives. We are better because of it.

*Interim Dean and Professor of Law, Valparaiso University Law School.

²⁸ See Penelope Andrews, “For Paul, Lover of Africa, Bon Vivant, Teddy Bear,” pp. ___-___ above.

For Paul, With his Mischievous Smile and a Glint in his Eyes

Douglas M. Branson*

Paul Brietzke is renowned among American law professors with experience in Africa. From 1970 to 1973 Paul taught at the University of Malawi. In 1973 he and Susan went to Ethiopia, which gave him the experiential grounding for his graduate work and the Ph.D. dissertation he worked on at the School of Oriental and African Studies at the University of London, and published in 1982 under the title *Law, Development, and the Ethiopian Revolution*.

I first met Paul at a meeting of the American Association of Law Schools sometime in the 1980s. He took me to a reunion of the “SAIL professors” that took place at every AALS meeting, this one in New Orleans. The common experience that a dozen or more law professors shared with Paul and one another is that in the 1960s they had all begun their careers with SAIL,²⁹ under whose auspices these professors started law schools in a number of African universities. Each had spent at least three years in Africa. Some, like Paul, were there for five years or more.

Cliff Thompson—later the dean of the law school at University of Idaho and then at University of Wisconsin—was the director of the SAIL program. The program was then based in Addis Abba, Ethiopia. Paul took me to several of the annual SAIL dinners. The veterans of this program remained close to one another, and many of them spent the remainder of their careers in legal education. For example, SAIL members include Vern Davidson of Gonzaga University, Steve Dycus of Vermont University, Jonathan Eddy of the University of Washington, and Peter Winship of Southern Methodist University.

One of the most enjoyable things about AALS meetings was playing hooky with Paul from the official sessions. One year Paul and I went to the Palace of the Legion of Honor in San Francisco. Another we went to Audubon Park in New Orleans. We did the

* W. Edward Sell Professor of Law, University of Pittsburgh.

²⁹ SAIL is an acronym for the Savings and Investments Linkages Program to support various projects relating to the process of socio-economic transformation and development in Africa. It has been funded by the Ford Foundation and is also supported by the Economic Policy Research Institute.

River Walk in San Antonio. And we once went to an outdoor market together, but I can't remember where. No matter where we went, catching up with Paul was for me a highlight of the AALS meetings. In between these meetings we traded at least two or three lengthy chatty emails every year.

In 2000, I began to know Paul in a different dimension. He became my boss on several contracts sponsored by the United States Agency for International Development in the State Department. These contracts supported three trips to Indonesia as a consultant in corporate law, corporate governance and in asset securitization.

The specific program in which we worked together was the Economic Law and Improved Procurement Systems (ELIPS) project. ELIPS played a pivotal role in helping Indonesia modernize its economic laws, as its agreement with the International Monetary Fund required Indonesia to do. At that time, the Indonesia economy had slid into the ditch as a result of the near-complete collapse of Asian economies in 1998.

Paul was the director of the ELIPS project in Jakarta and I worked for him. Paul was amazing. He arranged interviews with government ministers, lunches and dinners with leading Indonesian practitioners, bankers and corporate executives. He seemed to have connections everywhere. We worked in teams, going all over Jakarta meeting and interviewing principal and not-so principal players.

Others on our team included Bernie Black of Northwestern University, Benny Tambuan of the University of Singapore, and Cally Jordan of the World Bank (now at the University of Melbourne) were among those on our teams. We always concluded with an analytical report detailing our findings and suggesting changes in the law, the regulations or in the various agencies of government.

In the evenings, though, Paul returned to his mirthful self. I consider myself very lucky to hang out with Paul and his good friend, program administrator James Agee, who always included me in their evening adventures. At the end of my official business in Jakarta, I always managed to leave an extra week or so to travel about the country. Paul would guide me on those trips. He had an encyclopedic knowledge of the nation. I always stuck to Paul's agenda.

In 2002, Paul arranged for me to deliver the Indiana Supreme Court Lecture at Valparaiso.³⁰ After the lecture I spent nearly a relaxing and very comfortable week with Paul and Sue in their converted church, a bit east and north of Valparaiso. One afternoon Paul and I went to the Michigan Dunes to walk his ancient dog Trover (what a great name for a law professor's dog!). That evening we went into Chicago to listen to blues music.

Having fought in Vietnam, Paul and I retained an abiding interest in this country. Later we went back to Vietnam several times. Paul and I talked quite a bit about that mutual interest.

Of the many fascinating dimensions of Paul Brietzke, three stand out in my memory. First, the breadth and range of his interests, tastes, and knowledge was truly catholic or universal. Within law, administrative law, environmental law, constitutional law, antitrust, law and economics, public and private international law, economic development would be merely a partial list. He could drill down deep in many differing cultures, religions, governance structures and geographies. As many others have noted in this collection of memories, Paul's interests in music and photography were as broad as his concerns about law and life.

Second, deep down Paul was a kind person, considerate of others, hospitable, and eager to help.

Third, Paul was a bit of a devil. It was not a huge part of his makeup, but it was not insignificant either. I remember the pipe almost constantly in his mouth. When he took it out, there always was an impish smile on his lips, looking mischievous at times, and always a sparkling glint in his eye.

³⁰ Douglas M. Branson, "The Rule That Isn't a Rule – The Business Judgment Rule" (Indiana Supreme Court Lecture), 36 VALPARAISO UNIV. L. REV. 631 (2002).

For Paul, Steamboat Captain on the Big Easy, Constant Advocate for the Poor

Derrick A. Carter*

Paul Brietzke's enormous self-confidence was reassuring. Paul was comforting, nonjudgmental of human error. Sometimes his big smile and his hearty laugh were enough of a gift to lift persons up and give them the courage they needed to face another day.

Shortly after Hurricane Katrina I witnessed Paul's transformative impact on poor people in New Orleans twice—in 2006 and 2007—when Paul partnered with me and a large team of Valpo law students working through our spring break in the New Orleans Public Defender office.

Paul loved the connections of environment, music, and human souls everywhere in the world, but especially so in the Crescent City. Everywhere he strode, he cut the figure of a Steamboat Captain floating down the Mississippi, with his stately beard, deep, gruff voice, and ever present pipe.

During these trips to New Orleans, Paul wrote and took pictures of deplorable conditions of the wretched urban poor: inmates working as para-slaves for prison officials, the enormity of the economic task of the recovery effort, and the pain of the voiceless living in a tent city beneath the I-10 overpass.

We sat and mingled with judges, reporters from the Times-Picayune, engineers working on the levies, and lawyers advocating for the poor. We were quite a team: an athletic-looking Black Professor and a White Steamboat Captain who walked out of the pages of a Mark Twain story.

Many people gave us access to their thoughts and homes. In the evenings, we enjoyed the flavors of New Orleans—sitting for hours listening to jazz and speaking with the musicians and cooks. Paul took Cajun cooking lessons and dared me to sample his spicy shrimp and oysters. Whoa! Steam came from my ears.

* Professor of Law, Valparaiso University School of Law.

Paul was a co-editor with Jack Hiller,³¹ Penny Andrews,³² and Mary Persyn³³ for the *Third World Legal Studies*, published by Valparaiso Law School from 1985 to 2003. This journal published hundreds of articles on the state of international affairs, such as “Developing Legal Resources with the Third World Poor,” “Realizing the Rights of Women,” “Reparations,” “Constitutional Reconstruction,” and a “Middle Eastern View of Human Rights.” These articles are still cherished and receive thousands of “hits” from avid internet readers concerned about insights into the Third World, especially Africa and the Caribbean.

Paul loved wines and was quite a connoisseur. He stocked his cellar with great picks, and had the sense to let them age to increase their mellowness and depth. Along with fine wine, tobacco was one of his greatest loves. He would light his pipe anywhere—even against the rules. At times he enjoyed annoying people.

In 2010 I spent a spectacular week with Paul at an international conference in Athens, Greece. He passionately presented his paper on some technical economic theories, stressing the Chicago School of Economics. Before hearing Paul’s paper, I couldn’t tell whether this school was good or bad. After listening to Paul, I got it. In the evenings, we enjoyed the delicate food and wines, and even participated in labor union demonstrations along the streets in Athens.

From Valparaiso, Indiana to Africa, to Europe, to Asia and all points in between, Paul was there. Paul became President of the International Third World Studies Association, and he served for a brief period as legal Counsel to the Governor of Indonesia.

At faculty meetings, Paul was a strong voice against usurpation of faculty prerogatives by central administration and our own administrators. Sometimes, I didn’t know where Paul was going, but I always felt secure in knowing he was looking out for colleagues on the faculty and for individual justice. Paul was a passionate champion of

³¹ See “Jack Hiller, In Memoriam,” ___ VALPARAISO U. L. REV. ___ (2011).

³² See Penelope Andrews, “For Paul, Lover of Africa, Bon Vivant, Teddy Bear,” pp. ___-___, above.

³³ See Mary Persyn, “For Paul, Friend of the Third World,” pp. ___-___ below.

academic freedom.³⁴ He had a deep melodic voice, which he often raised to protest injustices everywhere and—even more significantly—to offer meaningful alternatives.

He taught his classes to the bitter end. Barely mobile, he taught till the final minute. He told many of us, privately, that he would soon die. Prof. Penny Andrews responded, “Oh, so now I have to be nice to you!”

Through his final illness, he laughed and beamed. He loved the give and take of life, and repartee with friends. Until his final breath, the students listened. And the world is still listening to his numerous books and articles.

For most of us, Paul Brietzke was a warm and a pleasurable companion. As for pushy or bossy types, he mastered the art of keeping them at bay, and he never let them rob him of his joy. With Paul, life was a Divine Comedy; like Dante accompanied by Virgil in the underworld, Paul walked serenely through perils in this world with courage.

In a word, Paul was noble. And he taught us to be noble as well.

³⁴ See John Potts, “For Paul, Firm and Flexible Intellectual and Lover of Academic Freedom,” pp. ___- ___, below.

For Paul, Rigorous Scholar and Bold Citizen of Cosmopolis

Edward McGlynn Gaffney*

Paul Brietzke was a scholar who took the time to understand what it is to understand.³⁵ This enabled him to attain both depth and breadth in his appreciation of the law. His training in anthropological and sociological understandings of human experience led him to appreciate the common law as a series of human narratives intertwined with and limiting the reach of the rules it announces for life in solidarity or community with others.

Paul was attentive. His scholarship was rigorous because he regularly checked and rechecked factual information to be as sure as humanly possible that data on which he relied were accurate. For this reason it was very hard to pull the wool over his eyes.

Paul was intelligent. He respected the stubbornness of facts and the durability of insights that were empirically grounded, but he did not fall into the trap of empiricism. Skeptical of many isms, he sought constantly to understand, struggling patiently to grasp the deeper meaning of scenarios that sometimes become clear only when the same data are viewed from alternative perspectives. He was humble in the way that Einstein was, aware that no amount of experiments would make him infallible and that one more attempt to comprehend might cause him to revise and correct a misunderstanding or mistake.

Paul was reasonable. Where others were content to leap to judgments, Paul took the time both to reflect critically to determine which hypothesis more satisfactorily accounted for data with which he was familiar, and to explain his conclusions in accessible arguments. His thinking was not static; he remained open to changing his mind whenever an alternative judgment became more plausible. He was generous with praise of those who

* Professor of Law, Valparaiso University School of Law.

³⁵ “Thoroughly understand what it is to understand, and not only will you understand the broad lines of all there is to understood but also you will possess a fixed base, an invariant pattern, opening upon all further developments of understanding.” BERNARD J.F. LONERGAN, *INSIGHT: A STUDY OF HUMAN UNDERSTANDING* xxvii (Volume 3 of the *COLLECTED WORKS OF BERNARD LONERGAN*, Toronto: University of Toronto Press, 1997; originally published in 1957). Lonergan’s philosophical anthropology, known as “general transcendental method,” expresses human consciousness as a dynamic interaction between experience, understanding, critical reflection leading to judgment, and decision, with four corresponding imperatives: Be attentive. Be intelligent. Be Reasonable. Be Responsible.

offer reasoned judgments for their views, even when he disagreed with them. And he was mercilessly critical of arguments from authority, which were almost beneath his contempt. I say “almost” because Paul relished his vocation of calling authority figures to task for the arbitrariness of their judgments. “Do this or that because I say so” just didn’t cut it with Paul. He not only declined to accept such pronouncements as reasonable. He often offered public critiques of politicians or academics (especially those who dabble in academic politics) who offer such weak substitutes for reasoning, which he deemed a mask for illegitimacy or at least misuse of their power.

Paul was responsible. He was not an eager activist readily espousing every cause under the sun. In this sense he was no crusader. In fact, he despised the anti-Jewish and anti-Muslim violence entailed in the Crusades of the Middle Ages, and railed against the puzzling misuse of the mascot “Crusader” by the university for which he worked faithfully for decades. One of the last things he expressed to me was being appalled at the VU billboard on the Indiana Toll Road that welcomed passersby to “Crusader Territory.” Why, he asked, would a place of higher learning purporting to carry on the work of the Lutheran Reformation fall from grace so easily and so far by identifying itself with one of the worst mistakes of Papal history? Though no “crusader,” Paul knew that when he had assured himself that his view on an issue was reasonable, this was also the moment for commitment to action. Hence there was no large gap between what he deemed true and the way he lived his life. Integrity and authenticity were two of his middle names.

These commitments to the life of the mind also made Paul one of the finest of our professors. Precisely because he was rigorous himself, he could and did demand excellence from his students. He had an enormous effect on many of them because they realized that he practiced what he preached.

Paul travelled extensively. He was at home all over the world, with deep friendships and long years of service in Europe, Asia, and Africa. In short, he was a citizen of cosmopolis.³⁶ Paul reflected often in his writing about our conjunction with billions of

³⁶ Lonergan referred to “cosmopolis” as an opportunity “to make operative the timely and fruitful ideas that otherwise are inoperative. So far from employing power or pressure or force, it has to witness to the possibility of ideas being operative without such backing. Unless it can provide that witness, then it is useless.” See BERNARD LONERGAN, *INSIGHT*, note 1 above, 239.

others on this finite and vulnerable planet, also called our mother earth. He did not advocate a superstate swallowing up all our particularities, nor a body of nations defined by its capacity to dominate and coerce. Instead, Paul yearned for a city composed of any and all peoples of this world, a genuine human community that would protect and even enable all of us to become more attentive, intelligent, reasonable, and responsible.

Paul knew Europe like the back of his hand. His work in Ethiopia formed the subject of his Ph.D. dissertation in economics at the University of London.³⁷ Even through his final illness, he was reading English news sources and commentary such as *The Economist* and *The Guardian*. He was puzzled why anyone who want to understand our world would rely exclusively upon someone like Rupert Murdoch for information and insight.

He taught and lectured often in Germany, relishing above all his visits to Munich to see his dear old colleague from his days in Ethiopia and co-author, Dr. Heinrich Scholler.³⁸ He also was a frequent academic visitor to Italy, where his colleagues always found in him a well-informed American, not an ugly one. He became familiar with the European dissatisfaction with brutal force after the catastrophic experience of two world wars that devastated Europe and led to the emergence of transnational and international protection of human dignity. Paul understood that the modern human rights movement was based on Europe's realization that it must never allow another war to engulf the entire continent.

When Americans raised objections to this view, he tried to help them recall disastrous consequences of wars on our own soil, centuries before 9/11. He found it sad that what little Americans recall from our history of warfare, we tend to glorify. Paul knew better because he studied law at the University of Wisconsin in the tumultuous period of the Vietnam War. During those years of constant teach-ins, any thoughtful person in Madison became aware of the dreadful compromises over slavery from the moment of our first civil war of rebellion against the mother country in 1776, through the second civil war

³⁷ PAUL H. BRIETZKE, *LAW, DEVELOPMENT, AND THE ETHIOPIAN REVOLUTION*. Lewisburg, PA: Bucknell University Press, 1982.

³⁸ HEINRICH SCHOLLER and PAUL H. BRIETZKE, *ETHIOPIA: REVOLUTION, LAW, AND POLITICS*. München: Weltforum-Verlag, 1976. *See also* Heinrich Scholler, "For Paul, World Traveler, Witness to Revolution, Champion of Freedom," pp. ___ - ___ above.

of rebellion against the Union in 1861-1865 (primarily to maintain the brutal economics of an enslaved labor force) to the infamous compromise of 1877 abandoning federal enforcement of civil rights.

Paul was also aware of the painful and often violent subordination of women to men through the centuries of American patriarchy. And he knew of the genocidal forced marches of American Indians and the numerous wars of extinction waged against them from the end of the Civil War to the end of the nineteenth century. At heart—at the very core of his being—was a passionate American. But he loved his country well enough to remain committed to reversing its three greatest mistakes: racism, sexism, and contempt for the indigenous people who were here millennia before our ancestors got here.

Paul knew a lot about the history of the world. So when war—or something that looked like and very much smelled like an outrageous act of war—came home to this country in 2001, Paul recognized the events of 9/11 as the atrocity they were and are. But these events didn't turn him into an Islamophobe, remove his grave doubts about lurching quickly into dubious wars in Afghanistan and Iraq, or turn his mind to mush when it came to evaluating Guantánamo, Abu Ghraib, or torture anywhere.

I admire Paul for his love of life, reflected, for example, in the beautiful images he took of human subjects all over the world. He loved good food, not as hedonists do, but primarily for the pleasure of human company. Paul was a real connoisseur of fine wine, and toward the end of his life he bought superb wines by the case, not to amass a fortune in his cellar as some investors do, but to drink it with friends and give it away in fellowship. His table talk was both salty and saucy, but our meals together were the times I most enjoyed my journey through life with Paul. The food and drink was fine, but the jokes, smiles, and hearty laughter were the best of all.

Paul's searing honesty and his courage to speak boldly often led him to call a spade a dirty shovel. He was undeterred by those who were offended by his bluntness.

Paul taught me to care deeply enough about our lives as scholars that we must always be willing to acknowledge we need to have another think about something we imagined we understood, but really didn't until we had heard the voices of those who are typically marginalized and ignored in our world: widows and orphans of war, refugees, and undervalued workers of the world.

I am grateful to Paul Brietzke for a conversation that extended over three decades.³⁹ Now that he leaves behind a widow and a son without a father, my heart goes out to Susan and Colin as they ponder memories of their longer and much more intimate relationship with him.

³⁹ Paul and I met in the events celebrating the centennial of the School of Law in 1979. Both of us were respondents to the paper delivered by Richard John Neuhaus on that occasion, "Law and the Rightness of Things," 14 VAL. U. L. REV. 1 (1979); *see* Edward McGlynn Gaffney, "The Gospel in the Law: A Reply to Pastor Neuhaus," 14 VAL. U. L. REV. __ (1979); *see also* Paul H. Brietzke, "___," 14 VAL. U. L. REV. __ (1979).

For Paul, And Upon You Be Peace

Faisal Kutty*

“Salamu Alaykum,” (peace be with you) Paul Brietzke said as I passed him on my way to the faculty lounge. These were his first words to me when I visited Valparaiso University Law School to deliver my job talk in the fall of 2008.

Later that day, he was part of a group that took me to lunch, after which he encouraged me to give serious consideration to Valpo Law as my academic home. He was adamant that the school and its growing minority population would benefit greatly from my presence here. Paul also insisted that I would be much better qualified to take on his role as the advisor to the Muslim Students’ Association (MSA) on campus. He told me he shouldered this responsibility reluctantly, not because he did not want to, but because he did not feel adequately qualified for the job, a belief none of the students shared throughout all the years he served MSA.

When I began teaching in the fall of 2009, Paul insisted that I take on the role of advisor to MSA. I learned from some of the MSA students that they felt it was an important moment in the life of this law school when Paul and a number of other faculty members reached out to them to get their views about having me join the faculty. They told him that they had “Googled” me and gave me a thumbs up. Paul was ecstatic, they told me. This level of concern for students and diversity is characteristic of Paul. Without a doubt, he was ever the person looking to make life better for others.

Perhaps Paul never knew this, but the fact he was so warm, welcoming and caring that ultimately weighed heavily in my final decision to accept an offer to join the faculty. He remained interested in my career at Valpo and often went out of his way to make me feel welcome. In fact, even a few weeks before his passing, Paul had come by my office to check in with me. He wanted to make sure that I was happy with how things had shaped up for me over the previous year when I was put on the tenure track.

During the three short years we spent together I learned a great deal from Paul as we shared a cup of coffee from time to time in the faculty lounge. Not any old coffee.

* Assistant Professor of Law, Valparaiso University School of Law.

Paul's own brand, way better than Starbuck's. He roasted his beans freshly at home, and he ground the beans freshly just before making the best coffee I ever tasted in my life.

His deep interdisciplinary knowledge of international law and international human rights set him apart from most of his contemporaries in the field. Never ceasing to be the teacher, he spent a considerable amount of time imparting his wisdom to me as a new faculty member.

What I appreciated the most was his willingness to share his experience and knowledge without expecting anything from me in return. The famous advice columnist Abigail Van Buren once said: "The best index to a person's character is how he treats people who can't do him any good, and how he treats people who can't fight back." Indeed, Paul stood out as a man of great character who gave selflessly, stood up for his principles no matter how unpopular they were, and readily took up the causes of the underdogs.

As I got to know him more, it dawned on me that it was his concern for others, his thorough knowledge of his field, and his commitment to excellence in scholarship combined with his gift for a good story that made him a superb teacher and raconteur. Ah, the stories he told. He proudly shared stories about his son, Dr. Colin Brietzke, who was working as a prison psychiatrist at the time. He gleefully recounted how his tall and well-built son would come in handy when any of his pro bono prison clients exhibited signs of getting out of hand or became unruly. What intrigued me was that even at such a late stage in life and despite the risks to his personal safety, he continued to help the less fortunate. He was sincere and committed to giving back. He truly had internalized the belief that happiness comes from helping others and trying to make a difference for others rather than yourself.

He also shared with me stories from his time in Malawi, Indonesia, Malaysia and some of the other exotic places he had visited or taught in. I would often look up in wonderment about how he managed to squeeze in so much into his life. It was plainly evident that his time living and interacting with those from other cultures and religions helped to shape his own worldview, scholarship and approach to life. He was deeply committed to using legal education to secure the common good and to advance human rights globally. He certainly was more than an ivory tower academic. Indeed, he not only talked the talk but walked it as well. In addition to his pro bono work, Paul was a strong

supporter of Amnesty International, Human Rights Watch, Oxfam and the Muslim Students Association on campus.

The last time I had a substantive exchange with Paul was in late 2012 when we both attended an Amnesty International event at the law school highlighting the US administration's use of torture. He sat unassumingly next to me and my wife Sana at the back of the lecture hall. In his characteristic outspokenness and frankness Paul eloquently spoke about how the use of torture had tarnished the reputation of this great nation. When I later introduced him to my wife, she commented on how down to earth and unpretentious he was. Indeed, prior to making his comments, he had been quietly sitting and munching on his pizza slice and chips.

As Confucius noted, "Those who are firm, enduring, simple and unpretentious are the nearest to virtue." Add caring and gregarious to the list and in my eyes there would be no better way to describe Paul, my teacher, mentor and friend.

Wa Alaykum Musalam wa rahmatullahi wa barakatahu (and upon you be peace, mercy and blessings of God), Paul. You will be missed.

For Paul, Friend and Fellow Traveler

Rosalie Berger Levinson*

Paul and I started teaching at the law school around the same time, but I did not really get to know him well until the two of us were invited to speak at an International Law Conference in Malaysia—arranged in large part by our dear colleague Jack Hiller. Larry Albrecht—one of our former colleagues on the law faculty and a dear friend of Paul’s—was also with us on this occasion.⁴⁰

This was my first speaking engagement abroad, but, for Paul, this was routine. He assisted me in knowing what to expect. He had traveled to Malaysia several times and was well aware of the political scene and the human rights violations. Paul was clearly dedicated to disclosing violations and to using the law to remedy huge problems in countries like Malaysia and Ethiopia. I admire him most for this dedication.

Many of my colleagues have recalled beautifully many other dimensions of Paul’s multi-faceted personality in this memorial tribute. Three things Paul loved strongly leap immediately to my mind: art, music and good food. These three loves often come together beautifully in a meal. I am grateful to Paul and his lovely wife Susan for the warm hospitality they extended to us in their unique and beautiful home, filled with artistic treasures he acquired on his travels. A party with Paul was a wonderful achievement of community.

Paul was a generous, giving person. He will be missed.

* Richard and Phyllis Duesenberg Professor of Law, Valparaiso University School of Law.

⁴⁰ See Lawrence G. Albrecht, “My Journey with Paul,” ___-___, above.

For Paul, A Reliable Truth-Teller

JoEllen Lind*

I will never forget the first time I met Paul Brietzke. I had just come to Valparaiso Law in 1991 to give a job talk for a possible teaching position. I saw a bearded fellow wearing a Dashiki, and with a big pipe in his mouth. He looked tired—I later learned he had just flown in from Africa—but he asked lots of questions and made not a few statements that showed an amazing range of knowledge and interests. From that very first encounter I knew that Paul had opinions—about nearly everything!

Over the years, I could count on Paul to tell me the truth, even when I didn't want to hear it. He was willing to do this for all of us, standing up regularly in faculty meetings for what he believed in, whether or not he had the votes.

It was fascinating to teach a class after him and walk into a room filled with Marshallian cost-benefit curves on the board, or to bandy philosophy with him in the faculty lounge.

Paul was always friendly and warm. My daughter Erin was only turning 13 when we made a visit back to Valparaiso to look for housing. His son Colin was about the same age. Paul and Susan had Colin come over and swim in the hotel pool with her, and it helped her to feel that she might be happy making the trek to the middle of the country in the middle of junior high school.

As time passed, we came to know each other pretty well, and I got a kick out of so many things about him—his love for Wagner's Ring Cycle, his incredible pictures and pottery from all over the world, his bawdy sense of humor, and the fact that he could truly "hrump," a skill I had only ready about in Dickens's novels.

We will all miss him. Paul was an original; there is no other.

* Professor of Law, Valparaiso University School of Law.

For Paul: Bravo! Cheers! Well Done!

Seymour Moskowitz*

So here we are—the survivors. We have come together many times as a community to remember colleagues at this law school who died too soon: Charley Gromley, Lou Bartelt, Al and Nancy Meyer, Jack Hiller, and others. This collection of memorials celebrates the life of Paul Brietzke, who taught at Valpo for so many years, gave so much to our Little House on the Prairie, and most assuredly died too soon.

How to begin? At the intellectual level, Paul had academic credentials to die for. Phi Beta Kappa, J.D. Wisconsin Law School, Ph.D. in Economics, University of London, numerous Fulbright Awards, positions at prestigious foreign universities and so on. But ultimately, when we remember Paul it will not be for his academic credentials, but as a person. Paul had a larger than life personality and he left an indelible mark on colleagues, thousands of students, and friends. Let me share just a few observations about a friend and colleague.

Paul the Scholar

Trained in economics, he brought the rigor of that science to his work in the law. A scholar's work reveals the character of the person and that was certainly true of Paul's work. He studied and wrote of subjects that were of deep concern to him, particularly issues in the developing or Third World. I looked up a list of his writings, and it would take a very long time to simply list them. He wrote more than 60 books, articles, chapters and other works. The topics included Law and Rural Development in Malawi, Administrative Law & Developing Countries, Constitutional Law, Law & Economics, Globalization and Human Rights, and on and on.

Paul's time, first in Ethiopia and East Africa and then in other parts of the emerging post-colonial world gave him insight and wisdom about the vast injustices imposed on large portions of the earth's population. To these issues he brought his knowledge, analytic skills and practical experience. For years, he and Jack Hiller and Mary Persyn⁴¹ edited a journal begun and published here at Valparaiso Law School called Third

* Professor of Law, Valparaiso University School of Law.

⁴¹ See Mary Persyn, "For Paul, Friend of the Third World," pp. ___-___, below.

World Legal Studies, a unique publication. Paul also served as a legal consultant to governments and agencies in Indonesia, Afghanistan, Vietnam and other places.

Paul the Advocate

Paul was devoted I think, above all, to the liberal value of freedom. Academic freedom, literary freedom, economic and political freedom, in short, freedom in all its manifestations. By that devotion, he helped the rest of us keep our focus on those enduring values when issues arose in or outside the law school. For example, one of the things in which he involved me and many others at the law school was his passion—together with Jack Hiller—for supporting lawyers and judges who found themselves in trouble with repressive regimes because they acted in accordance with the norms of a fair and free legal system. Jack and Paul pushed and prodded the rest of us to sign petitions and protests to the American government or others (foreign ambassadors and governments) on behalf of lawyers or judges in far-flung places. It was a small gesture, without personal risk, but still worth doing. In some cases, it actually helped. At a minimum, it kept us conscious of important things.

Paul the Colleague

In his scholarship Paul tackled complex issues of breadth and importance. He wrote with erudition, analytic rigor, and sense of the real world. He often gave me drafts of his work for comment. In truth there was little I could add to his work but he always thanked me profusely for whatever critique I produced for him. On the other side of the equation, when I would give Paul my writing, or there was a faculty Work in Progress presentation by me or other colleagues, Paul was always generous in suggesting additional angles of inquiry, sources of authority, or other ways by which we could make our work better.

Paul spent many years on various committees on which I also served, including many years on the library committee of the law school. Paul loved books; I mean he really loved books and the library committee was a perfect spot for that kind of passion.

Like all of us, Paul had his shortcomings, but those were more than offset by his wit, charm, energy and warmth. His smile was infectious and his laugh always produced laughter from those who heard him. It brings a smile to my face when I think about the many, many conversations we had over the years about books, baseball (the Cubs

in particular), legal rules and so many other things. You always got a strong opinion from Paul. I don't know how many times he urged me to give Wagner's Ring Cycle a third or fourth or fifth try.

Paul enjoyed a good drink, a fine glass of wine and a toast. So Paul would have appreciated our raising a glass and exclaiming, Bravo! Cheers! Well done, dear friend!

For Paul, Foe of Injustice and Concentrated Power

David A. Myers*

I have long had a dream that our generation would have a massive, nationwide, midlife crisis and attempt to return to our passions for change that occurred within a five-year radius of the time Americans walked on the moon. Popular music would again be democratic, and our interests would focus on making the country great, or progressive, or just focused. Our intellects would be motivated by the dreams of the younger generation and a true consensus on what is right and what is wrong.

I did not have to wait for Paul Brietzke. When we first met, we often went to B.L.U.E.S. on Halsted and an eatery close by. The conversations, with our wives and guests, would often turn to the question of power in America and what to do with it, along with healthy doses of commentary on music and popular culture. Paul taught and wrote about power in America through his courses on antitrust law and economics. He often wrote against the grain, as America moved further and further away from that time we landed on the moon. His international experiences prompted him to teach and write about the economics of development, and his pen remained aimed at questions of power and injustice.

In our private conversations, his focus was on the kind of trends that had resulted in a second Gilded Age in America. But he also kept in sight the impact that social movements can have in changing the world one small step at a time. He held on to the promises we made to each other as citizens, back at the time of the Generation Gap, and he tried to make those promises come true so that his son would live in a better world. We can ask no more of any law teacher or scholar. Paul and his voice will be missed.

* Professor of Law, Valparaiso University School of Law.

For Paul, Friend of the Third World

Mary Persyn*

Early on in my career at the Law School Paul and Jack Hiller approached then-Dean Peter McGovern about VU taking over the publication of a law review dedicated to covering the law of developing countries, entitled Third World Legal Studies (TWLS). It was the official journal of the International Third World Studies Association (INTWORLSA) whose membership was truly international. Because I had some relatively recent experience in editing a law review Dean McGovern asked me to be the Managing Editor while Paul and Jack were the Editors of TWLS responsible for soliciting and editing the contents.

Much of the content of TWLS came from members of INTWORLSA, so Paul decided that I should join him at a seminar that INTWORLSA was putting on at the University of Windsor Law School in Ontario. He offered to drive.

It wasn't until we were on I-94 on the way to Windsor that he told me that his driving style had been seriously influenced by his years in Ethiopia. I had already decided that his driving style was not one I was used to, having grown up in Indiana, but I credited it to his being from the Chicago area. I soon noticed it was more than Chicago driving. The Michigan State Police must not have been on I-94 that day (or on our return).

When we arrived at the University of Windsor, Paul was greeted by old friends from around the world—Sri Lanka, Australia, Indonesia, and several countries in Africa as well as the United States and Canada. He introduced me around and made sure that I was involved in the conversations and was having a good time. The seminar was fascinating and introduced me to problems in developing countries that I had never considered, such as the dumping of out-of-date baby formula in developing countries by First World corporations.

One evening a professor from Windsor who was Sri Lankan invited the attendees to his home for traditional Sri Lankan food. Paul was enthusiastic about the event. The

* Associate Professor of Law Emerita and former Associate Dean of the Law Library, Valparaiso University School of Law.

food was spectacular and was accompanied by alcohol and good conversation. When I think about Paul, the first thing that comes to my mind is that dinner and how he enjoyed the food and the conversation. I also remember the efforts he made to be sure I was included in those conversations and introduced to food that was way outside my experience.

Many times over the years at Association of American Law School conferences Paul was very gracious in introducing me to his wide circle of international friends, many of whom I only knew as the names of authors whose articles we had published in TWLS.

Paul and Jack put a lot of effort into TWLS. It ceased publication in 2002 after an eighteen-year run. However, I like to think that Paul and Jack live on in its pages. Third World Legal Studies was digitized and is now available on the Valpo Scholar website (<http://scholar.valpo.edu/twls/>). Although it ceased publication in 2002, articles from TWLS have been downloaded more than 40,000 times.

For Paul, Firm and Flexible Intellectual and Lover of Academic Freedom

John Potts*

There are many measures of a man. One is how agreeable he remains in disagreement. During more than three decades knowing Paul Brietzke, I learned he measured up. He was an intellectual whose approach, as he put it, was: “If we can’t agree, can’t we at least have fun?” Fortunate it is, then, that we disagreed on fundamental matters, although not always, else I would not have known this rare strength of character in him. Whether or not one agreed with Paul, he was as happy to discuss the one side as the other, harboring no ill will toward intellectual adversaries. He was a likable and admirable individual.

Another way of taking the measure of someone, in academia or out, is whether that person is an intellectual. Willing to see merit in a challenge to his thinking, Paul was flexible in thought when convinced, yet firm when not. Perhaps that could be expected of all people. Paul, however, met this expectation. He was willing to be convinced. An intellectual, as I use the term here, need not be bright or educated, although Paul was both. An intellectual is one who is interested in ideas. In the great conversation, Paul was always a ready participant. He was certainly an intellectual.

Academic freedom was a concern of Paul throughout our time as colleagues. A person feeling embattled, rightly or mistakenly, could expect Paul’s support. In his own academic environs and in participation in Valparaiso University’s chapter of the American Association of University Professors, Paul lived this belief consistently and constantly.

Like me, Paul was born in the first half of the last century. Once a year for several years in this century Paul and I would conduct one class in a course at the business school that dealt with the legal climate for business. The class lasted most of three hours. Paul always took the first half. He knew that I would open with the statement: Paul is my warm-up act. Students enjoyed it, but the point here is that Paul enjoyed it, taking it well even the first time when he did not know it was coming.

-
- Professor of Law Emeritus, Valparaiso University School of Law.

In these classes I quickly learned that Paul had a deep and commanding grasp of antitrust law. There are important intersections of his principal work as a scholar with my concentration on federal tax law, particularly in the area of corporate reorganizations. Paul was good at bantering exchanges that highlighted where these areas met.

Yogi Berra reportedly said: “When you come to a fork in the road, take it.” On infrequent but recurring occasions, Paul was faced with the choice of wearing his red socks or his green sox. For Paul, that was a fork in the road. And he took it!⁴²

When we held the memorial for Paul in the Valparaiso University Center for the Arts, another speaker said that Paul had a full life. He certainly did, and in many ways. This would sometimes be seen in stories Paul would tell. Leaving aside details, it is suggestive of the breadth of experience of this economic consultant to foreign governments that one story concerned the depth of his tire treads on the German autobahn and another the reaction of his tire treads on a different continent to a road paved only with sharp rocks.

Paul, you are one of a kind. We’ll not see another like ye, and we’re the poorer for it!

⁴² Those who knew Paul long enough will know what is meant. And Paul was not color blind. I asked.

For Paul, Untamed and Unbroken

Richard Stith*

Paul was a lion in our long winter.

Paul's lusty roar from out his great white mane broke the timid silences of our faculty meetings, warning administrators to come no closer. A fierce fighter, too, for human dignity and the universal rights of man.

But for us colleagues he was a beast soft and warm, stretching out in friendship, ever ready to curl around a circle of good cheer and lusty tales—and to chew and crack and savor the last marrow of life's great feast.

Paul Brietzke, our glorious King of Beasts.

* Professor of Law, Valparaiso University School of Law.

Afterword: For My Father

Colin Adams Brietzke

First, I'd like to thank all of my father's colleagues and friends for taking the time to reflect about my father. To say that reading through these kind remembrances in the preceding pages was challenging would be an understatement.

Three themes came up with some regularity in these writings—my father's love of exploring this world, his deep desire to leave it a bit better than he found it, and his constant engagement in these pursuits in a lusty manner. These themes very much reflect the way I think of him and have shaped me immensely.

Early in my life, the number of novel experiences I was presented with by my parents was enviable. The travel, the music, the trips to museums, the food, the stories about far away places and the general inquisitiveness about how the world works all imparted a curiosity that remains my fundamental driving force. Sure, taking a young boy to the Art Institute to look at blue and white china is a recipe for disaster, but I suspect it still set the stage for a life of interested engagement.

The most vivid memory I have of him imparting this kind of curiosity to me was when he taught me to use a single lens reflex (SLR) camera. Since this camera was delicate and expensive, I had not previously been allowed to touch it. Beyond this, the number of lions and elephants it had been trained on made it that much more special. So, somewhere in the South of France, I was first permitted to use this grown-up camera and through his coaching, I rapidly fell in love with the medium.

This otherwise mundane father-son moment ultimately gave way to a metaphorical way of seeing the world. He and I both loved the ability to investigate, comment on and ultimately share our view of the world with others through a photograph. Anyone who had been in his house or office knows that my father was a collector of things, but fundamentally, he was a collector of experiences and perspectives. Photography was one very potent means of doing that.

In the end, there is much to experience in this world, but the fact that we are largely free to do so must be tempered by the fact that some are not similarly able. And he certainly

knew that ruffling a few feathers while addressing this latter point may not be the end of the world either.