IN MEMORIAM

With the passing of Hessel Yntema the world of comparative law has lost one of its most picturesque and best-loved figures of a generation. It was not only his scholarship that was distinguished by a rare subtlety and originality: his name of Dutch origin, his dress, which had a strong continental flavor, his manner, for which only Oxford could take major responsibility, and his courtesy, which was all his own, distinguished him in any gathering of international and comparative lawyers and endeared him to all who had the pleasure and sometimes the difficulty of working with him. His standards were high, and his contribution to comparative law and private international law, particularly on its historical side, very great. Until the death of his wife, within the past few years, one tended to associate the two in their hospitality, and it was thus that the writer had the pleasure of seeing the Yntema home for the first time in 1949, a new home in which Hessel Yntema took tremendous pride. But he was no less at home in the Legal Research Building of Michigan Law School, where he had encouraged and built up a high reputation for research in the commercial laws of Latin America. It is only within the past year that attention in the United Kingdom is being directed to this area of the world, principally through the Professor of Comparative Law in the University of London.¹ Yet Yntema’s pioneering spirit extended to other fields; his work on the Dutch jurists in the area of private international law gives the United States a special place in this field of scholarship which by origin was so much Yntema’s own. To him a debt of gratitude is due from scholars of private international law throughout the world. In the field of learning the promise of the Rhodes Scholarship which Yntema received was thus amply fulfilled, and no finer memorial is needed than the written word he has left behind.

The other side of Yntema’s legal activities was somewhat different. His participation in international organizations took two chief forms; for several years he represented the United States on the International Committee of Comparative Law, the executive body of the International Association of Legal Science. His contribution in this context has been well recorded by the present President of the Association, M. le Conseiller Marc Ancel: all that we would wish to add comes from our personal experience. In 1960 the International Association met at King’s College, London, to hold a colloquium on The Sources of the International Law of Trade. In both the discussions of the

¹ Professor A. G. Chloros, a member of the Management Committee of the Institute of Latin-American Studies, University of London.
colloquium and the meetings of the Committee Hessel Yntema made valuable contributions, and he was elected Vice-President of the Association. At the following meeting in New York, in 1964, the Association did him the unique honor of creating the office of Honorary Life President of the Association, to which he was elected. In the minds of many members Yntema had attained the position of elder statesman in which his advice would be needed far longer than the limited two-year period of presidency.

Yntema's devotion to comparative law was manifested in a different practical way by his accepting the presidency of the International Faculty of Comparative Law when the International University of Comparative Sciences was first founded at Luxembourg. He remained constant and faithful to his responsibility through all the difficulties that followed, when many of his colleagues were persuaded to withdraw. So he remained until the moment of his death, making regularly the long journey from his home to preside at meetings of the Council of the Faculty, constantly searching out new ways of promoting comparative legal studies. He was an idealist with a rugged honesty of purpose, and in some of the difficult negotiations of recent years, possibly impractical. He expected of others the same standard of courtesy and sincerity that he himself constantly gave, and when at times he failed to find it he was shocked and a little lost in an unfamiliar atmosphere. His death marked the beginning of a new chapter in the history of that Faculty.

Yntema's other association with comparative law was as a member of the International Academy of Comparative Law and finally as its Vice-President. He might naturally have hoped and expected to have been elected its President when a vacancy arose in 1960 in that office. It may have been thought that the Presidency of one body concerned with comparative law should suffice for him. Whatever the reason may have been, he was regrettably not elected to the highest office on that occasion, an event which brought to an end his effective participation in the work of the Academy to which he had devoted much time and his great talents for many years.

Hessel Yntema was a frequent and always a welcome visitor to London; he rarely failed to honor us with his presence whenever he came to Europe, and we here share with his American colleagues and with his other friends and admirers in many countries of the world a sense of personal as well as intellectual loss, now that he has been taken from us.

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