Continental "imports" enrich Law School faculty

Reimann, Weiler carry on Michigan's tradition in comparative and international law

Seeking to maintain the high standards set by Michigan's pioneering professors in comparative and international law, the Law School conducted a wide search for qualified faculty to fill positions left vacant by recent retirements. This year Mathias W. Reimann and Joseph H.H. Weiler, specialists in various aspects of foreign legal systems, have joined the faculty, bringing with them fresh perspectives on the study of law. Both names are familiar to those associated with the Law School: Reimann is a former graduate student and research scholar; Weiler taught as a visiting professor during the 1983-84 school year.

Mathias W. Reimann
Always looking for new challenges

When Mathias W. Reimann came to the Law School in 1982 as a foreign graduate student, he took both the faculty and the student body by surprise. The wiry young man with the big brush moustache spoke English like a native, claimed that law school was fun, took as many courses as he could, and surpassed his American counterparts in nearly every course.

"Law school was at the same time more serious and more fun here," Reimann claims. I found the teachers to be engaging and innovative, and the exams much easier than those in Germany where they're given on a cumulative, comprehensive basis. European students are trained to think in an organized, analytical manner. I wanted to break out of that mold and so I deliberately tried to be chaotic in my writing, but still every teacher complimented me for being so organized."

Professor Christina Whitman remembers being impressed with Reimann's smooth transition to a foreign culture. Reimann attributes his easy adjustment in part to his previous visits to the U.S. In 1974 he had spent a summer traveling across the country by Greyhound Bus. In 1980, after completing an internship with a firm in Nashville required for his German law degree, he made a similar trip by motorcycle.

After completing the LL.M. with a 4.3 grade-point average, Reimann stayed on at Michigan as a research assistant to several professors. Part of Reimann's time was spent working with the late James Martin on his conflicts casebook.

Reimann taught at the University of Freiburg Law School (contracts and a seminar on comparative labor law) the following year, and then returned to the U-M in 1984 on a research scholarship. Shortly after Reimann arrived, Professor Martin became too ill to work, and Reimann was offered the chance to teach his course.

"I accepted the offer because it was a challenge," said the energetic Reimann, who has remained here since then, arriving in his office at seven a.m. each day to write and prepare for his classes.

Mathias W. Reimann
investigative procedure, the trial
of Baden. His dissertation (Doktor der Rechte) from the University of Freiburg Law School. His dissertation is a detailed description and analysis of the most spectacular political trial during the 1848/49 Revolution in the German state of Baden. The case involved two of the leaders of the Revolution, who were tried for high treason after attempting to overthrow the monarchy. The dissertation describes the events leading to the trial, the investigatory procedure, the trial itself, and its aftermath and influence on the further course of the Revolution.

The trial is a milestone in the history of the German jury: it was the first jury trial in this most progressive of the German states. It took place at a time of radical change in the criminal law and in criminal procedure, during which the older continental tradition of inquisitorial process was finally succeeded by the more progressive English, French, and American ideas of accusatorial process before a lay jury.

The work was awarded a prize as the best dissertation of its year, and has since been published in book form in German.

Among Reimann's other works are a piece on the legality of political strikes in the U.S. and a forthcoming article on Oliver Wendell Holmes's "Common Law" and German legal science.

Reimann, who has been teaching torts, conflict of laws, comparative law, and a special comparative law seminar this year, explains that his main interest is in the comparison of legal cultures, especially the civil law tradition and the common law. "Contrary to the widespread belief that they have developed by and large independently," he said, "I think that there have been far-reaching mutual influences. My interest here is based on the belief that both legal cultures can learn an immense amount from each other. The common law can learn from the civil the virtues of a sound organizational approach to legal questions and the value of clearly defined concepts. The civil can learn from the common law the advantages of conscious social engineering, flexibility, and consciousness of political and economic implications of the law."

Reimann's plans also include working with Joseph Weiler to establish an integrated foreign and international law program at Michigan. They envision a program that would offer a variety of courses to students who want to go into international practice or who are just interested in matters beyond the American orbit.

Joseph H.H. Weiler
Prodigious writer, theoretical analyst, active pragmatist

Besides being a scholar of European and international law, Joseph H.H. Weiler is, in a certain sense, a citizen of the world. An Israeli, born in South Africa to parents of British and Russian origins, Weiler works in English, Hebrew, French, Italian, and "some German." He received his high school education in Jerusalem, and his university education in Britain, The Netherlands, and Italy. He earned a B.A. at Sussex, an LL.B. and LL. M. at Cambridge; a Diploma of International Law at The Hague Academy of International Law; and a Ph.D. in European Law at Florence.

Weiler comes to the Law School from the European University Institute, where he was head of the law department and director of the European policy unit. The Institute, a creation of the Member States of the EEC (the European Economic Community or Common Market), is the highest research and post-graduate center for European studies in Europe.

An unassuming man with a short beard and a gentle smile, Weiler speaks reluctantly about his wide-ranging achievements. His sedentary physique and scholarly appearance belie the fact that he served as an Israeli tank officer for three years, an experience he discusses only when pressed by his incredulous colleagues.

In the area of scholarship, one of Weiler's most significant works to date has been an analysis of the fundamental legal and political structures and processes of the EEC, which resulted in a new working definition of the nature of "supranationalism."

Prior to Weiler's work, the study of the EEC was marred by a growing cleavage that had developed for almost two decades between political and legal analyses of the EEC and European integration. "Political scientists," he explains, "had chronicled what in their eyes was the demise of the supranational features of the Common Market and had abandoned the field of regional integration. By contrast, lawyers observing and analyzing the same entity during the same period (the 60's and 70's), albeit under a different perspective, emphasized the uniqueness of the European construct, going so far as to call it a pre-federal state. Contact between law and politics was a veritable dialogue of the deaf."

Beginning with a couple of widely discussed articles in the early 80's, Weiler identified and analyzed this disciplinary cleavage. He then constructed a unified theory which both accounted for these two diverging trends and linked them to each other, as well as into one coherent systematic analysis. These beginnings were then developed into a full-fledged
Joseph H.H. Weiler

monograph in Italian entitled *Il sistema communitario europeo* (The European Community System), published in early 1985 by Il Mulino in their “Frontiers of Science” series. The book has drawn considerable attention; versions in French and Spanish are in print and a German translation is pending. Weiler hopes to complete a final and definitive English version over the next two years.

Other monographical work includes a book about the much misunderstood European parliament, *The European Parliament and its Foreign Affairs Committees* (Cedam/Oceana) and a short monograph with the title *Israel and the Creation of a Palestinian State.*

In addition to individual scholarship, Weiler has been involved in some important collective projects of comparative analysis. Most important has been the design and co-direction, together with Professor Cappelletti (Florence and Stanford Law Schools) of a major research project involving over 30 scholars from Europe and the U.S. This project sought to examine some key issues in the process of European integration and compare them with the American experience. The project has now been published under the title *Integration Through Law: Europe and the American Federal Experience* (De Gruyter) as an eight-volume series with Weiler as a key contributor and one of the general editors.

Despite the theoretical and conceptual emphasis of his personal research, Weiler relishes the practical world of law. This is reflected in both his teaching and his writing. Among his other contributions, he has become a co-author of the supplement to the celebrated Stein, Hay, and Waelbroeck Casebook, *European Community Law and Institutions in Perspective.*

This same desire not to be completely ensconced in an academic ivory tower led him in 1984 to found and direct the European Policy Unit, an independently funded interdisciplinary think-tank engaged in policy studies concerning the European Community. Under his direction, this center has engaged in projects ranging from the prospective impact of SDI (Strategic Defense Initiative) on European economies to alternative policies for dealing with young female delinquents in European countries.

His fascination with the European Community and with the Arab-Israeli conflict led inevitably to an attempt to connect the two. He has co-authored a monograph with an Israeli colleague (Alain Greilsammer) examining the evolution of European foreign policy towards the conflict since the 1967 Middle East War. This book will appear shortly under the title *European Political Cooperation and the Arab-Israeli Conflict* (Westview).

Wishing to expand their enquiry further, Weiler and his Israeli collaborator convened a conference in Israel with scholars from Europe and the U.S. to examine the broader issues and to integrate the economic dimension into this complex. The resulting volume, *Europe and Israel: Troubled Neighbors,* will be published by the end of the year (Walter de Gruyter).

Weiler considers the invitation to teach at Michigan “a singular honor.” He explains, “in the fields of European international and comparative law, Michigan has been something of a Mecca to Europeans. Its reputation in Europe is second to none. Although the geographical distance to Europe is enormous, the library and its resources make me feel as if I were in one of the best stocked European research centers. The architecture as well: gazing out of the leaded window in my office onto the beautiful quad-rangle, I can imagine being anywhere in northern Europe. And yet, this is America with all its excitement, and Michigan Law School with its quiet commitment to serious scholarship. It is not surprising that some of my colleagues in Europe refer to Michigan as ‘that monastery of learning.’”

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