

HARVARD LAW REVIEW

IN MEMORIAM: JOHN PHILIP DAWSON†

*William Burnett Harvey**

The death of Jack Dawson on October 19, 1985, provided, not an occasion for mourning but, rather, an opportunity to celebrate a long life, well-lived. Through a lifetime of study and scholarship he refined and expressed a deep and wide-ranging intellect; he loved, married, sustained and was sustained by a devoted family; he served with distinction his universities, his community, and his country; he relished his closeness to his friends; he lived richly and deeply, and — in the fullness of time — he died. So I sing, not a dirge, but a paean, knowing that my unwelcome tears are not for Jack, but for myself. I do not expect to meet his kind again. In sharing our cherished recollections of him, we assuage our sense of loss.

Although our professional work for almost thirty-five years was closely entwined, I will leave to other occasions most of my recollections and comments on Jack's teaching and scholarship. A single remembrance will suffice. Years ago, when interviewing a young lawyer for a faculty appointment, I inquired about his own teachers whom he respected most. Not surprisingly, Jack's name headed the list. In response to my probing for reasons, the young man said all the appropriate things about mastery of substance and teaching skill. A day later, however, he returned uninvited to the subject. His earlier answer, he said, while quite accurate, was inadequate. Struggling to articulate Jack's special quality as a teacher, he said: "He cared about and he built on what his students thought and said." To the qualities, thus sparsely suggested, I too can bear witness. Jack and I began teaching Contracts at the same time, I as a true rookie, he as a mature scholar. A year later, we began work on a book that we took through several editions. I recall and will appreciate always being treated from the beginning as a full partner in that enterprise. While I never had the benefit of Jack's formal courses, through most of my professional life he was my teacher. As such, he cared, he listened, and he shared with extraordinary generosity.

† The last five essays were read by their authors at a memorial service for Professor Dawson on November 26, 1985, in Cambridge, Massachusetts.

* Professor of Law and Political Science and General Counsel, Boston University.

As a young man Jack was an athlete, powerful in body and seemingly boundless in energy. So he remained into the late middle years. When I was a law student, I saw him one day with a plaster bandage across his nose, made necessary, I learned, by a high-sticking son in a family hockey game. In his later years he spent much time and energy in moving stones for various building projects in his beloved Vermont. Physical power was joined in him with a capacity for reacting with intense, emotional sensitivity to nobility and beauty. Several years ago, we planned to see together the segment of a televised biography of Queen Elizabeth I that covered the Armada period. Jack suggested that in preparation we should re-read the Queen's address to her troops at Tilbury when they awaited the arrival of Parma's forces. He began to read aloud but, when his eyes filled and his voice choked, he handed the book to Emma to finish the reading. This small incident illustrates well both Jack's vibrant historical sense and, far more important, his dependence on the strong, beautiful, and loving woman who for almost sixty years was his wife.

Jack had an unusual capacity for friendship, and I think he would be pleased that his friends relish their recollections of him. His disbelief of praise, usually expressed with wry humor, should caution us, however, not to let our recollections project an image too good to be quite believed. So let us recall a man in the fullness of his personality, capable of passion, anger, and disdain. One small illustration comes to mind. We were arguing, as we often did, about issues and people of the law, in this case about the work of one Supreme Court Justice. I yielded briefly to the playfully malicious temptation to score debater's points rather than to engage Jack on the issue he wanted to probe. So I disguised my agreement with the view he expressed and merely probed for any chinks in his armor. After a bit, he looked at me with an eye that could be fierce when his "Irish" was up and said, "I probably should point out that you're making me very angry." Fortunately, I usually escaped his anger, but, extraordinarily kind and generous though he was, he was capable of reacting strongly, with anger and disdain, to departures from the standards of civility or integrity that he cherished.

Many years ago a play on Broadway used a stage-setting that indulged the fantasy of Heaven as an upper room visible above the stage. When the living — the people in the lower room — thought about or were influenced by those who had died, the lights in the upper room came on, and its occupants moved, talked, lived. That charming idea suggests that the room where Jack is will be lively indeed. For where men, women, and children draw tight the bonds of loving support in family or friendship, Jack's spirit will be there. As long as teachers teach and students learn in mutual respect and shared commitment to the search for knowledge, a vital part of Jack's life will continue. While women and men of the law continue to prize

insights deepened and sharpened by patient craftsmanship and scholarly objectivity, Jack will speak to us. And as long as we draw strength from the understanding, love, and loyalty that our friends so generously provide, we will have unfailing reminders of a gracious and good man. Jack Dawson's upper room will be full of light, love, and life.

*Robert S. Taylor**

The steely blue eyes, the wizened yet youthful face, the thin mustache, the slightly raised eyebrow conveying bemused shock — these are among the physical images that the name John Dawson conjures up. John “Blackjack” Dawson was 69 years old when my classmates and I entered his first-year contracts class. He seemed to us then to be an old man, but “old” overwhelmingly in the sense of a person embodying wisdom, and perhaps, even mystery.

Professor Dawson for us in our first year personified the Law. Never one to let a declarative sentence pass through his lips (at least during class), he led us gently though firmly through the development of common law doctrines. He made us struggle; we had to think through and attempt to create order and meaning out of the chaos of cases. He would never tell us what we should think, and he would never tell us what order and meaning he had found. While the struggle was at times frightening, we never felt abandoned. Professor Dawson was always there, gently and firmly pushing us forward with his mastery of the Socratic process.

Professor Dawson was a consummate gentleman in everything he said and did in the classroom. His courtly manners and formality of manner did not mask for long his genuine kindness and goodness. He treated each student with respect, and he seemed deeply concerned about how each of us was sustaining the pressures of law school. When a student walked out of class to protest a perceived sexist remark of a classmate, Professor Dawson approached the student to try to understand her concerns. While the particular incident seemed silly to some, he took it seriously and in a way that conveyed his deep respect for his students and for their ideas and concerns. Despite his age, he was open to new ideas and changes in society, and he tried to respond.

His kindness extended outside of the classroom as well. When one student called to ask his advice on how to cope with studying for final exams while battling mononucleosis, he traipsed to the infirmary

* J.D., 1975, Harvard Law School. Mr. Taylor is an attorney with Swidler & Berlin, Chartered, in Washington, D.C.

to hand-deliver a hornbook he thought would help. His door was always open to students in need and his help and reassurance were always available.

He had the great teacher's gift of being able to understand how we thought and where we were missing the critical connections. By his insistent questioning and his amazingly subtle yet expressive face, he could keep us from wandering too far off productive tracks. When one of us started down a wrong track, Professor Dawson would raise an eyebrow, further wrinkling his already richly wrinkled brow. His look of bemused shock could convince all but the most hardy that a mistake had been made — and usually the reason was obvious. For those who persisted down the wrong track, and who stuck by their guns in the face of Professor Dawson's probing questions, the Professor would profess shock, and announce that the class was "Liberty Hall," so all ideas were welcome.

Even while on a productive track, however, we were never far from the feeling that, as Professor Dawson repeatedly said, "there are mysteries." Professor Dawson was sympathetic to our occasional feelings of despair that we would ever be able to understand, and he prodded us on with assurances that "the light would begin to dawn" by Spring.

And the light did begin to dawn by Spring. On April 1, students darkened the classroom, and held a candlelighting ceremony to mark the dawn of understanding. By then, we were able to share in his obvious appreciation of the richness of the law, and in his joy in the characters who peopled the cases he selected for his casebook. Pictures of a prim Lucy, Lady Duff-Gordon ("of the English nobility, who employs psychology in designing clothes for women") and of Napoleon Lajoie (a great baseball player in the 1890s) ceased to seem like oddities and began to feel like shared landmarks of increased understanding, and of friendship and comfort with the law.

Professor Dawson succeeded in forcing us to think for ourselves and to begin to understand the law, in its richness, complexity, and mystery. For that, and for his gentle goodness that we all found so reassuring as first-year students, we shall always be grateful.

*Neil Staebler**

Many of you knew Jack as a legal scholar and a teacher of lawyers. I knew him as a dedicated public servant. With the exception of his World War II and post-war service, he never held public office. But during his years in Ann Arbor he made some very significant contri-

* United States Congressman from the State of Michigan, 1963-1964.

butions to the quality and conduct of the government of the State of Michigan. Before I describe that, let me mention two other things.

I first met Jack in the 1920s. I was an undergraduate at the University of Michigan; he was a young law instructor. Some of us were chafing at the restraints of what we perceived as the parochialism of the university student body, so we formed an organization called the Roundtable to bring to the campus stimulating speakers on national and world affairs. Jack was our faculty advisor, and he shepherded us through many controversial occasions.

In the 1930s, we came to know Jack and Emma as friends, and as fellow singers in a Christmas carol group. I remember an occasion during the War when the four of us — Jack and Emma, Burnette and I — stationed in Washington, sat on a bench in Dupont Park in mid-summer and startled the natives by singing Christmas carols.

Back in Michigan in the late 1940s, Jack became deeply involved in the group around G. Mennen Williams that was trying to clean up Michigan politics and give the state a viable two-party system. When Mennen was first elected Governor in 1948, his victory was so unexpected that there was little in the way of a program ready for action. The Governor called on Jack, his former law professor, to form a planning staff to come up with solid programs for the state. Together with Samuel Eldersveld of the Political Science Department, Jack set up special study groups to prepare plans for unemployment compensation, mental health and education, equitable taxation, budgetary problems, and many other similar problems. Some of the state's most brilliant policy experts were recruited. As Jack described them: "They were the kind of people who wanted nothing for themselves, who had an intimate knowledge of the problem to which they had been assigned, who could and would look far ahead, and who were completely frank in their discussions with the Governor." By the time of the Governor's inaugural in January, these planners had presented the Governor with a well-rounded plan of action for Michigan's future.

Jack was not just a back-seat advisor. In 1950, and again in 1952, he ran for Congress in the Second District of Michigan. This came about because the Democratic Party, under Mennen William's leadership, had a rare opportunity to build itself into a respectable, viable party. To do this, we needed candidates of stature, who might not win, but would attract people to support the Party and help us build a genuine two-party system in Michigan. Such candidates were hard to find in our Republican area, and Jack's contribution was of great value. He campaigned vigorously, encouraged many people to participate and raised the level of respect for the whole ticket.

He performed another important service for the Governor and the State, by serving on an informal committee of outstanding Democratic lawyers, teachers, and judges, to screen the qualifications of possible appointees to the courts of the State. Using the work of this com-

mittee, Mennen, during his twelve years as Governor, filled seventy-seven vacancies on the bench, every one of whom made a public record of which we were proud. In the case of one appointment — to the Michigan Supreme Court — the Governor offered it to Jack, who surprised us by refusing; he recommended instead the appointment of Talbot Smith, a fellow law professor.

In conclusion, let me mention the occasion when our son, Mike, was considering going to law school. I tried to dissuade him on the ground that he would be better equipped if he had a balanced training in science, management, economics, and a little acquaintance with the law. I urged just a *little* acquaintance with the law rather than all-out concentration.

Mike was determined to be a lawyer and asked Jack to help him change my point of view. Jack's phone call has always remained in my memory. "Neil," he said, "you are arguing that spending three years in studying legal precedents is too confining. But think a moment. What is Law? Law is the study of how to solve human problems. What better use of one's time and effort can you suggest?"

*Erwin N. Griswold**

Death is a part of the rhythm of life. I take comfort from two sayings of long ago. One is by Francis Bacon, who said: "It is as natural to die as to be born." And there is the familiar phrase of John Donne: "any man's *death* diminishes *me*."

We meet to commemorate the life of John Philip Dawson, the last twenty-nine years of which were spent in this community. He was born in Detroit in 1902, and thus reached his eighty-third birthday last summer. He did his undergraduate work, and his legal studies, at the University of Michigan, serving on the Board of the *Michigan Law Review*. With these basic studies behind him, he started on a career which can truly be said to be that of perhaps the most authentic Renaissance man of our times, at least of the legal world.

After leaving Michigan, he spent the next three years at Oxford. He was a Rhodes Scholar, though he never listed that fact or referred to it. After completing his thesis, he received the D. Phil. degree from Oxford in 1930. He had already joined the Michigan law faculty in 1927, and he was a distinguished member of the faculty of that school for twenty-nine years. In 1956, he came to Harvard and was an active member of the faculty here until 1974. He loved teaching, and he continued to teach for the next seven years at Boston Univer-

* Mr. Griswold, Dean of Harvard Law School from 1946 to 1967, is an attorney with Jones, Day, Reavis & Pogue in Washington, D.C.

sity. Thus, he had a total of fifty-four years in law teaching and in active legal scholarship. His outstanding qualities of mind were recognized by five honorary degrees, two from foreign universities, the University of Edinburgh and the University of Frankfurt. In 1950, he gave the Rosenthal Lectures at the Northwestern University Law School, and in 1978, he gave the Storrs Lectures at Yale.

But this recital does not describe the man, nor recognize the breadth of his career, both practical and scholarly. He was a Special Representative of the United States in the Middle East area in 1945–1946, and he was Director of the Foreign Trade Administration of the Greek Government in 1947–1948. I never knew much of the details of this work — he never talked about it — but I have understood that he played an important role in the restoration of the Greek economy, and in helping thus to hold back Communist infiltration in that area.

After this contact with the world at large, he devoted himself to teaching and scholarship, for both of which he was superbly qualified. He was always quiet of demeanor. He never raised his voice, and I never heard him say an unpleasant thing. Just yesterday, one of my younger partners, who was a student at the Harvard Law School in the early 1970s, told me that Dawson was his best teacher there, and added that he was “a superb artist of the Socratic method, constantly teaching by questioning, but always in a kindly way, leading the student on, but never assaulting him in any manner.”

John Dawson's basic scholarly interest was, I suppose, in what we now call restitution. He published a casebook in that field in 1958, with a new edition in 1969, as well as a casebook on the law of contracts, which went through four editions between 1959 and 1982. His interest in restitution led him into the field of legal history and comparative law. His first book in this field was *Unjust Enrichment: A Comparative Analysis*, published in 1951. In a review in the *Harvard Law Review* in early 1952, Arthur von Mehren, then an Assistant Professor at Harvard Law School, wrote: “This book . . . is a distinguished contribution to the comparative study of law.” He referred to “the rich suggestiveness of Professor Dawson's work for the student of comparative law,” and concluded that “[t]he book is indeed a significant contribution to understanding not only in the field of restitution but in the field of comparative law in general.”

Jack Dawson's next book, *A History of Lay Judges*, published in 1960, received a praising and thoughtful review from F.H. Lawson, Professor of Comparative Law at Oxford University, who wrote, “This is a beautifully written and important book of comparative law history.” In 1968, Dawson published his book on *Oracles of the Law*, of which T.B. Smith, of the University of Edinburgh, wrote: “The verdict of comparative lawyers and legal historians generally will certainly acclaim Professor John P. Dawson's masterly achievement in

The Oracles of the Law"; and he concluded: "No comparative lawyer will lend his copy to a friend."

Jack Dawson achieved emeritus status on the Harvard Law faculty in 1974, but he continued his scholarly writing, publishing *Gifts and Promises: Continental and American Law Compared* in 1980. He also wrote a series of major articles dealing with several problems in the field of restitution, which were published in the *Harvard Law Review* in 1974 and 1975, and an even longer series on restitution problems, which was published in the *Boston University Law Review* in 1981 to 1984, the last after he had reached his eightieth birthday. He also published, after eighty, a very thoughtful Note on "Legal Realism and Legal Scholarship," which appears in the September 1983 issue of the *Journal of Legal Education*.

The Law School here in Cambridge has been the home of many great law teachers and legal scholars, and Jack Dawson stands with the best of them. But he was not only a great teacher and scholar, he was an extraordinarily fine man. He was courteous, gentle, quiet, and unassuming. He was highly regarded by his fellow law teachers, as is indicated, among other things, by the fact that he was President of the Order of the Coif in 1956-1958. His many friends will always remember him with warmth and affection and gratitude. As Leonardo da Vinci wrote in his notebooks long, long ago, a "life well used brings happy death." We are grateful to Jack Dawson for his many contributions to us, and to law teaching and legal scholarship.

Clark Byse*

As many of you know, when a member of the Harvard Law School Faculty reaches retirement age, the faculty honors him at what has come to be known as the Elegant Dinner. The highlight of the occasion occurs when one of the retiree's colleagues toasts him and he responds. Twelve years ago last May it was my privilege to present the toast in honor of Jack Dawson. I remember well my feeling at that time. It was that I was singularly fortunate to be selected to talk about Jack, because it was such an easy assignment. For here was a man who was the quintessential scholar, teacher, colleague, concerned citizen, friend, spouse.

As a legal historian, a comparatist, and an expert in restitution and contracts, his scholarly attainments are recognized throughout the United States and in foreign lands as well. He wrote numerous law review articles — some of them classics in their fields — co-edited two widely used volumes of teaching materials, was the author of

* Byrne Professor of Administrative Law, Emeritus, Harvard University.

four noteworthy books on restitution, legal history and comparative law, delivered the Julius Rosenthal Foundation Lecture at Northwestern, the Thomas Cooley Lecture at Michigan, and the Storrs Lecture at Yale, was awarded honorary degrees by universities in the United States, Germany, and Scotland, and was the recipient of the Order of the Coif Triennial Book Award which, "in recognition of preeminent scholarship," is conferred on the "author or authors of outstanding publications that evidence creative talent of the highest order." Without any question, John Philip Dawson was a giant in the field of legal scholarship.

Similarly, he was a superb teacher. Deeply dedicated to his craft and intensely concerned about the personal as well as the intellectual welfare of his students, he was beloved and admired by the generations of young men and women whom he taught at Michigan, at Harvard, and, after his Harvard retirement, at Boston University.

Jack also was the ideal colleague and faculty member. He was always available to share his vast store of knowledge, to read a draft and gently identify errors or omissions, to help a colleague clarify his thinking and in the process, to use his phrase, to warn against that disease unique to lawyers, "hardening of the legal categories." Also, when the faculty in its corporate capacity represented by the dean called on him to undertake an assignment, he always responded with good humor and then did the job unobtrusively and effectively. In this respect, I am sure he was the kind of faculty member a dean wished he had more of. I recall one illustrative incident. A committee of the faculty examining the curriculum concluded that the school should offer a new required course on the development of legal institutions. The faculty approved the committee's recommendation, leaving it to the dean to find someone to put flesh on the bones of the committee's proposal. Who was it who, when asked by the dean, put aside his own research, assembled the necessary materials, and taught the course? You know who. And he did those things with never a murmur of objection or regret. I know, for more than once I expressed my objection to a process whereby a committee conceives a new course and then delegates the time-consuming and difficult task of execution to someone else. Each time I did so, his gentle reply saw that I was wrong, that if that was what the school needed, why, of course, he would do his part; and of course, he did it without the slightest indication of regret, resentment, or feeling that he had been imposed upon.

Jack Dawson was, in addition, a man of his times. He cared about the larger world outside the law school's doors and he acted accordingly. Thus, he was a national officer and active in the affairs of the Order of the Coif, the American Association of University Professors, and the Association of American Law Schools. He also was a candidate for Congress from the State of Michigan and in

World War II served in various capacities in Washington and later as Director of the Foreign Trade Administration in Greece in 1947-1948. At one time, the Governor of the State of Michigan informed Jack that he intended to appoint him to complete the term of a deceased Senator from Michigan. As Jack told the story, he went out and bought an expensive new dark suit so that he would be appropriately attired when he was sworn in as United States Senator. Alas, some powerful political forces opposed the appointment and the Governor changed his mind. The larger community thus lost a distinguished public servant, but the law school community retained a valued member. After this episode, when Jack wore the suit, he often referred to it in a joking way as "my senatorial suit." I think he regretted the turn of events but I never heard him complain. Complaining was not Jack Dawson's style.

Along with these truly preeminent qualities of scholarship, teaching ability, collegueship, and participation in affairs outside the law school, and more important than all these, Jack was a warm, humane, caring person dedicated to his friends and above all devoted to his beloved Emma. In recent years I was privileged to be their guest for Sunday lunch — just the three of us — on average, I would say, every two or three weeks. These always were pleasant affairs. The menu was tasty, the conversation sprightly. But more than this, simply to be with them and observe the love and respect each had for the other, exalted by spirit, made me feel I was a better person when I left than when I came. More than once over the years Jack said to me, "Clark, I am a lucky man. I'm so lucky to have Emma." And so he was — so lucky to have had Emma. And so she is — so lucky to have had Jack. And so are all of us here today — so lucky to have had this wonderful person as our friend.

*Archibald Cox**

Others have spoken of Jack Dawson's talents and accomplishments as both scholar and teacher. I wish to try to find the words in which to express my enormous personal indebtedness and gratitude to Jack, for being there in my time of stress and for being the kind of man he was — not because the debt or gratitude is important to anyone but me, but because their origin may suggest the essence of his nature.

The late 1960s and early 1970s were a time of turmoil at Harvard as at other colleges and universities: student strikes, demonstrations, riots in Harvard Square, the occupation of buildings, even a march to burn down Shannon Hall, the home of the ROTC programs. After

* Carl M. Loeb University Professor, Emeritus, Harvard Law School.

a time it fell to my lot to try to preserve the fabric of the University by dealing with such incidents, their immediate causes and consequences. Out of the blur of memory today, as out of the turmoil and tension of emotion at that time, stands the central fact that whenever I retreated to the little suite of offices on the second floor of the ILS Building, either to get away from it all or to reflect about an approaching crisis, Jack Dawson was always there with a broad shoulder to cry on and to lean on, a source both of comfort and of strength.

When I retreated to the suite, shocked and badly shaken by the realization that the fire at old Lawrence Hall might not have happened and a wall might not have fallen on the firefighters if I had not refrained from using the police to evict the street people sleeping there, because I feared that it would start another riot or lead to the seizure of an important building — when such things happened, there as always, a few steps down the hall, was Jack, ready to listen, understanding, quieting, and unshakeable. When the question was whether, despite Kent State, to ask the Governor to have the National Guard at the Armory because thousands of demonstrators were reported ready to march from a giant peace rally on Soldiers Field to burn Shannon Hall, then too Jack was there, ready to talk it out calmly, understandingly, in a way that not only brought wisdom to bear but also transferred the strength to decide and live with the decision.

The help, the comfort, and the strength were all the more valuable because, though always available, they were never intrusive. “Available” is too passive a word. My wife has at least one note of reassurance and encouragement that Jack quietly left on my desk after a bad few days or at an unusually rough time.

Would it help to portray the quality of the man for me to list the descriptive nouns and adjectives that enabled me to turn to Jack and make the memory of his helpful friendship so enduring? Sensitivity, caring, quiet strength, the ability to listen and give another comfort, and to rebuild another’s confidence without making an effusive fuss about it — all those and other qualities were Jack’s. But the whole of an individual, especially the whole of a true friend in time of need, is much greater than the sum of the parts. It is Jack’s capacity for that kind of true friendship that each of us, in his or her own way, will always and most thankfully remember.

That and Jack’s abiding faith in the idea of a university, in the impartial, disinterested search for something closer to the ideal body of law best suited to human needs under current circumstances — more broadly and in old-fashioned words, in the search for truth, in the ways of reason, civility, and mutual tolerance and respect for the opposing views held by others, provided only that the others pursued the search in like spirit. One of the bonds drawing Jack and me together during the times of which I have spoken was surely our

common conviction, first, of the importance of preserving the fabric of the university against destruction by disruptive dissidents, and, second, of the need to preserve it by the methods of university men and women, if at all possible, without resort to police forces or other physical power.

Jack's belief in the ideals of the university and his example obviously have longer and broader significance, especially for an era in which many disciplines seem increasingly infected by the politicization of scholarship and knowledge. Neil Staebler spoke of Jack's contributions to the public good in the realm of government and politics. Many of you will recall his passionate feelings. A friend and colleague on the faculty of the Boston University Law School, where Jack taught after retirement by Harvard, remarked on those passionate feelings a few days ago, and then went on to speak of Jack's extraordinary ability to put partisanship aside and proceed with passion only for the disinterested and reasoned pursuit of understanding. His example inspired both colleagues and students, and also students who would become colleagues thinking of Jack. Judge Learned Hand once paid the highest possible tribute to his teachers at Harvard College:

I sat under men . . . who believed that the pursuit of knowledge was enough to absorb all their powers and more. They taught me, not by precept, but by example, that nothing is more commendable, and more fair than a man should lay aside all else and seek truth; not to preach what he might find; and surely not to try to make his views prevail; but to find his satisfaction in the search itself.

We are not thinking of a bloodless man shutting himself off in the cloisters from the life about him. Nevertheless, I can think of no one whose teaching was more deserving of the Judge's encomium, or who taught better, "by example."

*Matthew Dawson**

We have now heard from four of my grandfather's closest friends and colleagues. They have attested to what a fine scholar and professor he was. You may be surprised to hear that many of these accomplishments I am hearing for the first time right now. This makes sense, though; after all, my grandfather was certainly not one to boast about things. In fact, I can't remember a time when he actually described any of his accomplishments to me in particular. Rather, what I did know about his other life, I learned second-hand either from my grandmother or from other relatives. To the grand-

* Grandson of John Philip Dawson.

children, then, Grandfather's role was not as a scholar and professor, but rather as a grandfather, the central figure of the family.

Last night, some of the grandchildren gathered around and tried to recollect some of the memories we had of Grandfather. We found that our fondest memories were all of Peacham, Vermont, the family's summer house. This seems fitting; after all, Grandfather was the one who purchased the land for the family some fifty years ago and from that time, worked the land to improve the property. He split wood and gardened and built stone walls of which a stonemason would be proud. So, we grandchildren all have our personal memories of Grandfather in Peacham, whether they be baseball games, frisbee, golf, or my personal favorite, games of Hearts late in the evening.

Two recollections spring to mind in particular. The first was a birthday party we threw for a brother of mine, fifteen or twenty years ago. It had been a long day. The family was still gathered around the lawn in Peacham. Suddenly, an impromptu parade sprung up. My father was in the lead playing his bassoon, and behind him trailed my generation. We were all quite young then, as we banged away on pots and pans creating some kind of music. Then in the back, following us, came Grandfather. He carried this large brass tabletop about five feet across. He was holding it vertically and banging on it like some great ceremonial gong. These are the sorts of memories we have of Grandfather.

A second recollection was only a couple of years ago. My younger brother, who is quite a musician, took his trumpet up into the hills on our property and he played his music from there down to us on the lawn. I can remember, as the music came over the hills, looking at my grandfather who was absolutely transported by this music, he found it so beautiful. He had a particular way of bringing out the best in everyone by appreciating that which really is fine and beautiful.

Over the years, the grandchildren grew up and moved away from Peacham and Cambridge. Somehow this wasn't all that bad, though; it was enough to know that he was there. Simply by living, Grandfather continued to bind the family together. He was such a stable figure for us all, a constant in our lives. Now he is gone and we mourn for him. I wish I were more poetic, for then I could express more deeply the love his grandchildren felt for him.

APPENDIX

THE WRITINGS OF JOHN PHILIP DAWSON*

BOOKS

- CASES ON REMEDIES (1939) (with E. Durfee).
 UNJUST ENRICHMENT: A COMPARATIVE ANALYSIS (1951).
 CASES ON RESTITUTION: A FURTHER REVISION OF DURFEE AND DAWSON, CASES ON REMEDIES II (1958) (with G. Palmer).
 CASES AND MATERIALS ON CONTRACTS AND CONTRACT REMEDIES (1959) (with W. Harvey).
 A HISTORY OF LAY JUDGES (1960).
 THE ORACLES OF THE LAW (1968).
 CASES ON RESTITUTION (2d ed. 1969) (with G. Palmer).
 CASES AND MATERIALS ON CONTRACTS AND CONTRACT REMEDIES (2d ed. 1969) (with W. Harvey).
 CASES AND COMMENT ON CONTRACTS (3d ed. 1977) (with W. Harvey).
 GIFTS AND PROMISES: CONTINENTAL AND AMERICAN LAW COMPARED (1980).
 CASES AND COMMENT ON CONTRACTS (4th ed. 1982) (with W. Harvey & S. Henderson).

ARTICLES, PAPERS, AND BOOK REVIEWS

- Effects of Inflation on Private Contracts: Germany, 1914-1924*, 33 MICH. L. REV. 171 (1934).
Office of the Friend of the Court: Its Function in Divorce Proceedings, 6 DET. L. REV. 23 (1935) (with F. Cooper).
Contracting by Reference to Price Indices, 33 MICH. L. REV. 685 (1935) (with J. Coultrap).
The Effect of Inflation on Private Contracts: The United States, 1861-1879, 33 MICH. L. REV. 706 (1935) (with F. Cooper).
Estoppel and Statutes of Limitation, 34 MICH. L. REV. 1 (1935).
 Book Review, 35 COLUM. L. REV. 1331 (1935) (reviewing M. GAETANO DE ROSSI, IL CONTEMPT OF COURT E LA SPECIFIC PERFORMANCE NEL DIRITTO INGLESE).
Mistake and Statutes of Limitation, 20 MINN. L. REV. 481 (1936).
Economic Duress and the Fair Exchange in French and German Law (pts. 1 & 2), 11 TUL. L. REV. 345 (1937), 12 TUL. L. REV. 42 (1937).
 Book Review, 31 ILL. L. REV. 703 (1937) (reviewing INTRODUCTORY SURVEY OF THE SOURCES AND LITERATURE OF SCOTS LAW).
 Book Review, 49 YALE L.J. 162 (1939) (reviewing A. NUSSBAUM, MONEY IN THE LAW).
 Book Review, 14 TUL. L. REV. 152 (1939) (reviewing Z. CHAFEE, JR., CASES ON EQUITABLE REMEDIES).
Problems in Restitution, in UNIV. OF MICH. L. SCH., PROCEEDINGS OF THE SECOND ANNUAL LAW INSTITUTE 1 (1940).
Codification of the French Customs, 38 MICH. L. REV. 765 (1940).
Coke and Ellesmere Disinterred: An Attack on the Chancery in 1616, 36 ILL. L. REV. 127 (1941).

* The Review is grateful to the reference staff of the Harvard Law School Library for preparing this bibliography.

- Economic Duress — An Essay in Perspective*, 45 MICH. L. REV. 253 (1947).
Duress Through Civil Litigation (pts. 1 & 2), 45 MICH. L. REV. 571, 679 (1947).
Privy Council and Private Law in the Tudor and Stuart Periods (pts. 1 & 2), 48 MICH. L. REV. 393, 627 (1950).
Homer F. Carey and His Writings in the Field of Equity, 45 ILL. L. REV. 711 (1951).
 Book Review, 38 CORNELL L.Q. 634 (1953) (reviewing H. LAUBE, *CASES ON QUASI-CONTRACTS*).
 Book Review, 6 J. LEGAL EDUC. 405 (1954) (reviewing F. KESSLER & M. SHARP, *CONTRACTS: CASES AND MATERIALS*).
 Book Review, 3 U. CHI. L. SCH. REC. 19 (1954) (reviewing F. KESSLER & M. SHARP, *CONTRACTS: CASES AND MATERIALS*).
Restitution or Damages?, 20 OHIO ST. L.J. 175 (1959).
Specific Performance in France and Germany, 57 MICH. L. REV. 495 (1959).
 Book Review, 58 MICH. L. REV. 615 (1960) (reviewing F. COOPER, *LIVING THE LAW*).
Negotiorum Gestio: The Altruistic Intermeddler (pts. 1 & 2), 74 HARV. L. REV. 817, 1073 (1961).
A Symposium on Restitution: Foreword, 19 VAND. L. REV. 1019 (1966).
 Book Review, 10 AM. J. LEGAL HIST. 82 (1966) (reviewing LORD NOTTINGHAM'S 'MANUAL OF CHANCERY PRACTICE' AND 'PROLEGOMENA OF CHANCERY AND EQUITY' (D. Yale ed.)).
The Harvard Collection of Foreign Law: Changing Dimensions of Legal Study, 16 HARV. LIBR. BULL. 101 (1968).
Indirect Enrichment, in 2 IUS PRIVATUM GENTIUM 789 (1969).
 Book Review, 85 HARV. L. REV. 520 (1971) (reviewing C. FIFOOT, *FREDERIC MAITLAND: A LIFE*).
The Functions of the Judge, in TALKS ON AMERICAN LAW: VOICE OF AMERICA FORUM LECTURES 19 (1972).
The Self-Serving Intermeddler, 87 HARV. L. REV. 1409 (1974).
Lawyers and Involuntary Clients: Attorney Fees from Funds, 87 HARV. L. REV. 1597 (1974).
Lawyers and Involuntary Clients in Public Interest Litigation, 88 HARV. L. REV. 849 (1975).
General Clauses, Viewed from a Distance, in 41 LABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 441 (1977).
Erasable Enrichment in German Law, 61 B.U.L. REV. 271 (1981).
Restitution Without Enrichment, 61 B.U.L. REV. 563 (1981).
Judicial Revision of Frustrated Contracts, 27 JURID. REV. 86 (1982).
 Book Review, 49 U. CHI. L. REV. 595 (1982) (reviewing A. WATSON, *THE MAKING OF THE CIVIL LAW*).
Legal Realism and Legal Scholarship, 33 J. LEGAL EDUC. 406 (1983).
Judicial Revision of Frustrated Contracts: Germany, 63 B.U.L. REV. 1039 (1983).
Judicial Revision of Frustrated Contracts: The United States, 64 B.U.L. REV. 1 (1984).