Jost Delbrück: a Reflection

Alfred C. Aman
Indiana University Maurer School of Law, aaman@indiana.edu

Follow this and additional works at: https://www.repository.law.indiana.edu/facpub
Part of the International Law Commons, Legal Biography Commons, Legal Education Commons, and the Legal Profession Commons

Recommended Citation

This Article is brought to you for free and open access by the Faculty Scholarship at Digital Repository @ Maurer Law. It has been accepted for inclusion in Articles by Maurer Faculty by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact kdcogswe@indiana.edu.
Jost Delbrück: A Reflection

ALFRED C. AMAN, JR.*

Globalization is to serve the common good of humankind

Jost Delbrück

I met Jost Delbrück in 1991 when I first came to the Indiana University (IU) Maurer School of Law as Dean. Even before moving to Bloomington to start my new position, I knew of Jost from my new colleagues, not only as an eminent international law scholar but also as an adopted ‘Hoosier’ (the local term for the Indiana-born). Jost had been a regular visitor to the law school since 1989, becoming a permanent visiting professor in 1991 until his retirement from IU in 2003. He and his wife Gesa spent every fall semester in Bloomington. Their arrival always made the opening of the school year a welcome and festive occasion.

Jost’s history in Bloomington was far longer than my own. He earned his LL.M. degree from IU in 1960, and he became one of the university’s most prominent graduates. He was inducted into the Law School’s Academy of Law Alumni Fellows in 1992, and awarded an honorary degree by IU in 2002. On that occasion, a University news reporter quoted him as saying that his student years in Bloomington had made ‘a fundamental imprint on all my life’. Jost in turn left a fundamental imprint on our law school and the school community.

Luckily for us, Jost honored us for many years with his graceful collegiality and brilliant intellect. To join Jost in conversation was to delight in his willingness to engage on all kinds of issues. He was at the peak of his career, recently rector of his university and active in litigation of international legal disputes; he was also director of the International Law Institute at Kiel. Our conversations ranged from day-to-day law school matters to the politics of our times. As a former university administrator, he never gave advice to this novice dean, but spoke with unfailing wisdom from a deep fund of experience. On less local matters, he was keenly alert to the tectonics of the then-emergent global era and the changes that resulted in Germany’s unification and the transformation of Europe. His knowledge of the European Union was profound. My own understanding of these developments remains strongly shaped by my conversations with Jost.

Jost was an extraordinary colleague and friend to many of our faculty, and he seemed to especially enjoy mentoring (though he might not have used that word) those just starting out. Needless to say, he was universally respected within the law school for his expertise in international law, but he was also esteemed for his gifts as a teacher. He readily confessed to his

* Alfred C. Aman, Jr. came to the Indiana University Maurer School of Law in 1991 as its dean. He became the Faculty Editor of the Indiana Journal of Global Legal Studies in 1993. He was dean until 2002. He continued as a member of the law faculty as the Roscoe C. O’Byrne Professor of Law until his retirement in 2020. He continues to be the Faculty Editor of the Global Journal as well as in engaging in several on-going writing projects. He is now the Roscoe C. O’Byrne Professor of Law, emeritus.
love of teaching, and his tireless generosity to our students richly benefitted them, and all of us. His commitment to teaching was formed during his own years as a student and academic research fellow in the early 1960s. Speaking with a local reporter many years later, he said that ‘at that time I was very interested in the Cold War and detente talks, and the very profound questions raised about peace: Is it a political order or a legal one? But the only real strategic decision I made was that I wanted to teach. I knew that I wanted to work with young people. Teaching was a mission. I loved it, and I still do.’

Jost taught courses and seminars on international and transnational law, as well as European Community law, for the law school. I was privileged to witness Jost engaged in that mission over the course of our years together in Bloomington. We taught a joint course in most of the semesters when he was in residence – Jost focusing on the impact of globalisation on international law, and my own part focusing on the globalisation of domestic law. Jost’s partnership in those settings was deeply influential on my own thinking – not only for the substance of curriculum, but also for the creativity and intellectual joie de vivre that Jost brought to the planning and to every course meeting. Open minded, imaginative, experienced, informed, and always ready to think ‘outside the box’, Jost was an ideal partner. We offered a version of the course at his own institute in Kiel during my month-long stay at the university in 1998 – the source of many warm personal memories, including the chance to witness the inspiration his students so evidently drew from their exchanges with him.

On curricular matters at our law school – especially those having to do with the development of a global curriculum and the future of law in the context of globalisation – Jost’s contributions were significant. In 1991, we opened discussions with the goal of developing a new journal. At that point, we had only one law review at our law school and believed the addition of an international journal of some sort would be most appropriate, given the history of the school and the concentration of international studies on the campus at large. There was no question that many excellent international law journals were already in existence. Jost encouraged us to contribute something new to the field by recognising the emerging international law literature, as well as new scholarly directions in many academic disciplines marking the dawning of a new global age. In 1991, the word ‘globalisation’ was not yet in common parlance, but Jost’s innovative approach to international law easily encompassed a global approach, highlighting the interactivity and synergy of legal systems, and transforming our understanding of law and legal processes. For him, international law always was more than the law of States; it also involved connections across legal orders in various States and at various domestic levels – local, state and federal. Indeed, domestic law could and often was a major part of the transnational world unfolding then and now.

The result of these conversations was the Indiana Journal of Global Legal Studies, an international and interdisciplinary peer reviewed student/faculty journal now in its 28th year of publication. Jost’s influence is evident in the journal’s original mission statement, excerpted here:

Globalization’ means different things in different contexts, and we offer this journal as a forum for communication and exchange among the many research agendas that now involve this concept. In our view, ‘globalization’ refers to complex, dynamic legal and social processes; it is not – or at least not necessarily – a synonym for ‘universality’ or ‘homogeneity’. Nor is ‘global’ necessarily a synonym for ‘world-wide’. Global processes can be intensely local or regional [...] 1

Jost contributed to this journal in many ways, including several important articles. The first of these appeared in the inaugural issue, published in 1993, on the theme of the Globalisation of Law, Politics, and Markets. Jost wrote the lead article – a keynote of sorts – for that issue. Jost’s initial discussion of internationalisation, as contrasted with globalisation, is most instructive, as he articulated and then drew upon some of the fundamental differences between the two concepts:

For more than a century an increasing number of domestic or national matters have become ‘internationalized’, i.e., made the subject of bi- or multilateral cooperation, mostly in an institutionalized framework, a process which, in a wider sense, could be called internationalization. In the more recent past, however, the term globalization has entered into the vocabulary of scholars as well as political practitioners. Although it seems, at times, as if the new term is rather carelessly used as a trendy synonym for the word ‘internationalization’, such interpretation of the term ‘globalization’ would fall short of its distinct meaning.²

He went on to raise important examples, ultimately turning to the stakes in understanding globalisation in relation to international and domestic law problems:

[A]t least ideally, globalization is to serve the common good of humankind, e.g., the preservation of a viable environment or the provision of general economic and social welfare. In this sense, globalization is a normative concept since it is related to a value judgment, i.e., that the common good is to be served by measures that are to be subsumed under the notion of globalization.³

The idea of focusing on the common good of humankind was an important lodestar for us then, and remains so today.

My admiration for Jost as a lawyer, teacher, and scholar was just part of the pleasure of knowing him; he was also a gracious host and cherished guest, along with Gesa. Jost and Gesa together formed indelible threads in the fabric of our school’s community. Personally, I can say that their enjoyment of the natural beauty around Bloomington and other special places in Indiana, as well as the cultural offerings of Chicago, continues to color brightly my Easterner’s sense of the Midwest, and the memory of their generous hospitality in Kiel remains vivid, all these years later.

No doubt everyone at the Law School who knew Jost would have more to add by way of affectionate tribute. Jost was an exceptional scholar and teacher, and a wonderful colleague and friend. I know I write for so many other faculty and students who knew him at IU when I say we all feel most fortunate to have known and worked with him. His legacy at the school continues, as we strive to continue the journey he shared with us, aimed at advancing the common interests of humankind – to borrow his words once more.

---

³ Ibid., at 11.