

Obituary – Peter H. Schlechtriem

We have the sad obligation to announce the death of Prof. Dr. iur Dres. h.c. Peter Schlechtriem M.C.L., who died on 23 April 2007 at the age of 74. His death is a great loss for the international legal community and for the Advisory Board of the European Journal of Law Reform. Schlechtriem was a preeminent scholar of German private law but, even more significantly, he was a driving force behind the international harmonization and unification of private law and an influential teacher for generations of comparative legal scholars.

Born on 2 March 1933 in Jena (Germany), Peter Schlechtriem studied law in Hamburg. After the first and second state examination, he undertook doctoral studies in Freiburg with Prof. Horst Müller and became an assistant to Prof. Ernst von Caemmerer. He then obtained a Master of Comparative Law (M.C.L.) degree from the University of Chicago Law School and finally completed his habilitation under the supervision of Prof. von Caemmerer with a comparative topic about competing claims arising from contracts and torts. This resulted in multiple offers and Schlechtriem picked the law school in Heidelberg, where he taught from 1971 to 1977 and directed the Institute for Foreign and International Private Law. In 1977, he accepted an offer from the law school at Freiburg and became successor to his great teacher Ernst von Caemmerer. He stayed in Freiburg as director of the Institute for Foreign and International Private Law until his retirement in 2000, turning down an offer from Vienna in 1984, but accepting multiple invitations as visiting professor all over the world. Prof. Schlechtriem was awarded honorary doctorates by the University of Basel (Switzerland) and by Tartu University (Estonia).

Prof. Schlechtriem's work was centered around the law of obligations and – in addition to the German "*Schuldrecht*" – in particular the comparative approach to, and the international harmonization and unification of this field of law. His textbooks on the German law of obligations (*Schuldrecht Allgemeiner Teil*; and *Schuldrecht Besonderer Teil*) have had and continue to have a significant influence on the development of German law and have opened the eyes of tens of thousands of readers to the fundamental structures underlying the law of obligations and an approach to juridical science that is focused on practical interests and claims.

The name Peter Schlechtriem, moreover, is inextricably linked to the United Nations Convention on the International Sale of Goods (CISG). At the Vienna Conference, he was the academic member of the German delegation. The leading international commentary on the CISG bears his name. His textbook on the CISG is the international standard and has been translated into many languages. The current fourth edition was still done entirely by him and he was able to see it published shortly before his death. Like no other, Peter Schlechtriem thus contributed not only to the international harmonization and unification of private law but to the uniform interpretation and application of the CISG.

Another area of particular merit is Schlechtriem's work on unjust enrichment. In many articles, in his chapter in the Jauernig Commentary, in his volume *Restitution – Unjust Enrichment and Negotiorum Gestio* in the International

Encyclopedia of Comparative Law, and in two excellent books on restitution and unjust enrichment, Peter Schlechtriem's meticulous comparative work succeeded in peeling off layers of rather obfuscating national doctrine to show the common threads in different legal systems and opening new avenues for understanding and cooperation.

Last but not least, Peter Schlechtriem promoted the international harmonization and unification of law through his contribution to numerous national and international commissions and institutions. A few examples shall suffice to illustrate his significant influence. He was a member of the UNIDROIT Working Group, the Study Group for a European Civil Code, and the CISG Advisory Council. The latter, in particular, was shaped in many ways under his chairmanship in the initial years. Many countries, from Eastern Europe to the United States of America, sought his counsel in projects dealing with the reform of private law.

Peter Schlechtriem's scientific work but also his personality and charisma earned him many recognitions and lasting friendships. Both the *liber amicorum* presented to him by his friends and colleagues on his 65th birthday and even more so the one presented to him on his 70th birthday are not only representative of the state of the art but also a who-is-who in international and comparative private law.

His retirement in 2000 only meant that his students no longer enjoyed his classes on a regular semester schedule. Schlechtriem continued his work unrelented and several important articles are now being published posthumously. Right up until his death, he was available for meetings with colleagues and students and freely gave his advice on a wide range of academic and personal questions. Our sadness about his death is accompanied by the assurance that his scientific oeuvre will live on and that the way he personally touched so many of us who had the privilege of walking with him for a while will secure his influence for generations.

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