Joseph Laufer: In Appreciation

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A TRIBUTE TO JOSEPH LAUFER

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Jewish tradition teaches the importance of derekh eretz,\(^1\) that conduct which is right and fitting towards people,\(^2\) suggesting that these rules of proper deportment preceded by twenty-six generations the giving of the Torah at Sinai. Indeed, the rabbis have prized this character attribute above many, observing that it is a necessary attribute for personal salvation.\(^3\)

More than most of his contemporaries, Joe Laufer possesses those "traditions of civility" \(^4\) the rabbis wished to evoke by praising the importance of "curtesie" and manners in the social context. Perhaps it was his youth as a "southerner" from Stuttgart, his native city, a town which, before the Nazi period, bespoke civility; perhaps his extensive \(\text{wanderjahre}\) after Hitler's ascent to power—from Germany to Israel and thence to America—where he took the alien soil of Durham, North Carolina and made it his own. We need not assiduously trace these roots to appreciate this essential trait of his character.

I know Joe only from his later years—but even then, I felt the mark of civility with which he graced Buffalo and her law school. The student teas—wherein he and his gracious wife, Lily, held court to a generation of budding Buffalo lawyers—were, of course, legend on my arrival. His warmth and graciousness in making my wife and myself, then visitors to Buffalo, comfortable in our new home were indicative of a thematic quality in his relations with colleagues, students and friends.

Joe always hewed to standards—benchmarks of his own making surely, but benchmarks informed by the high culture of the communities in which he lived. At the law school, he stood for traditional values in legal education, not for their own sake, but

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1. \(\text{Avot} 3:21. \) \(\text{See Cohen, Law and Ethics in Light of the Jewish Tradition, in Law and Tradition in Judaism 182, 183 n.9 (1969).}\)

2. \(\text{R. Judah Loew ben Bezalel (Maharal of Prague), Netivot Olam bk. 2, § 33 (Netiv Derekh Eretz) ch. 1, at 249 (London 1961) (Hebrew).}\)

3. \(\text{Leviticus Rabba 9:3.}\)

because he felt that the values of case analysis, training in rhetoric and argumentation, and the close study of texts fostered rigor and high standards in the profession. Many of our colleagues surrendered to the enthusiasms of the moment, yet in all the ferment of the American cultural revolution, Joe held steady—teaching and training as he knew best, producing students of character and quality.

Too often, the concern for rigor leaves one without sympathy for those who fail to master the course. For Joe, high personal and educational standards never blunted those humane qualities of personal empathy and identification with students in trouble. He was founder and legman of the school’s minority tutoring program. He took the job on, at great personal sacrifice, because he knew that it would take individual attention with each student to carry it off. “A young man,” he told me, “must think of his career; I can afford the time it takes to make the venture work.”

Essentially a man of the Aufklaerung, he sensed the adumbration of the jackboot behind the romantic (indeed he might have said anarchic) politics of the New Left. Obeisance to the volk was not unique to the creative anarchy of the counterculture; the connections between German romanticism and Hitler have been well described by scholars and all too sadly experienced by survivors. In the face of campus rebellions then, he moved, it is fair to say, steadily rightward, opting for the safety of order against the inchoate potentialities of cultural ferment. For his stance against what he concerned to be student excess, Joe fell out of favor among some. What must be remembered is that he took the student riots of the 1960’s as a personal loss—a failure of those gossamer strands of civility and deportment that bound together all—teachers and students—engaged in the academic enterprise.

Still Joe was a Stuttgarter—and more pointedly a Stuttgarter shaped by Weimar culture with its habit of irreverence, its skepticism and its openness to modernity. What Joe drew from the Weimar spirit perhaps was a sense of the importance of style and of zest in shaping one’s life. He was courteous, as well as generous, to a fault; appreciative of not only the bon mot but the mot juste;

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(his terse yet dignified style can be seen in his writings where he took a foreign tongue and made it his own) a homo ludens (as his frisbee exploits intimate) as well as a teacher and scholar.

Earlier than many of his contemporaries, Joe understood the long night that would befall Germany with the rise of Hitler. The very day Hitler formed a government, he resigned as Referendar\(^7\) from the Wuerttenberg Ministry of Justice (even as the Minister personally urged him to wait out the storm). His resignation took effect shortly before Hitler’s April 1933 purge of the civil service, leaving him with the dubious distinction of having resigned his work as a government attorney before he could be fired.

“Law is not a commodity easy to export”\(^9\) as many emigrés have pointed out. In Palestine, Joe tilled the soil and worked in a ceramic factory. Still, law attracted him, and when the British Government in Palestine would not recognize his German law degree, he came to America to study law at Duke.

From here the tale is one we know far better. Brilliant law student; war years spent with the Department of Justice; a stint in government service (where his band of colleagues in the postwar Justice Department included such remarkable attorneys as Hon. Marvin Frankel, Ralph Spritzer, Joseph Bishop and Robert


8. The title Referendar was bestowed upon one who had studied three years in a German university and passed a state examination. The Referendar had to undergo three years of apprenticeship and pass a second examination before final admission to the Bar. See Von Waldheim, The Student of Law in Germany: A New Aspect of His Training and Social Position, 7 N.Y.U.L.Q. 484 (1929).

9. L. Fermi, Illustrious Immigrants: The Intellectual Migration from Europe, 1930-41, at 79 (1971); the special difficulties faced by lawyer refugees are described in M. Davie, Refugees in America 287-99 (1947).
McKay); five years at the Harvard Law School setting up its cooperative research program with Israel designed to assist the new State in its efforts to enact modern legislation; and thence to Buffalo where for more than twenty years he impressed his character on a generation of the Buffalo Bar.

One cannot adequately write of Joe without referring to a lifelong concern of his, one to which he has devoted himself in retirement—the welfare of the State of Israel. Unlike many academics of his generation, Joe threw himself actively into Jewish affairs both at home and abroad. In Buffalo, he served as Vice-President of the Buffalo Jewish Federation. As Director of the Harvard-Israel Cooperative Legislative Research Project, he schooled Israeli lawyers in American law and worked on the codification of Israel’s Code of Evidence and Law of Succession. His house in Buffalo was (like his residence in Boston) a local focal point for Jewish, particularly Israeli, affairs. Indeed, his main enterprises in “retirement” (the academic appellation can in no way describe his rich and varied life in Florida) have been the chair of Sarasota’s Jewish Community Relations Council and the reorganization and revitalization of Jewish philanthropic activity in West Florida.

With an affection born of respect, Joe’s torts students named him “the silver fox.” And indeed his canny intellect was often cloaked by an innate courtesy. He was one of those in whom his fellow creatures take delight. All of us in Buffalo have lost by his retirement in Florida. Still, we can rejoice in his homecomings.

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