THE DRAGON TAMER OF INTERNATIONAL SALES LAW: A TRIBUTE TO PROFESSOR ALBERT H. KRITZER

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“There is no such thing as a new idea. It is impossible. We simply take a lot of old ideas and put them into a sort of mental kaleidoscope. We give them a turn and they make new and curious combinations. We keep on turning and making new combinations indefinitely; but they are the same old pieces of colored glass that have been in use through all the ages”

– Mark Twain

I have some reservations about Mark Twain’s observation having worked with Professor Albert H. Kritzer in the era of globalisation during the dawn of a new technological revolution. As creator and architect of the database for the UN Convention on the International Sale of Goods (CISG Database2) Professor Kritzer offered an endless stream of newness in the fields of global sales law and technology. His ideas always led to action and that action has left the international sales law community the gift of his global jurisconsultorium. With tremendous humility, this Tribute hopes to capture some of the essence of a dear friend and mentor who left a profound impact on the global sales law community.

Born April 21, 1928 in Brooklyn, NY, Professor Kritzer graduated from the College of William and Mary in 1948 with a BA in Economics and earned a JD with distinction (Phi Kappa Phi, Order of the Coif) at Cornell Law School in 1951. He was admitted to the New York Bar (1951) and Bar of the US Supreme Court (1955) and began his legal practice as a Judge Advocate, serving the US Air Force in Japan after the Korean War. He then practiced law with Donovan, Leisure, Newton & Irvine in New York City. Subsequently, in a span stretching 24 years, he was counsel to General Electric. After leaving General Electric, he published the “Guide to Practical Applications of the United Nations Convention on Contracts for the International Sale of Goods.” In 1991, Professor Kritzer joined Pace Law School, subsequently establishing the Pace Institute of International Commercial Law with Professors Willem Vis and Eric Bergsten and becoming its Executive Secretary.

Over the next twenty years Professor Kritzer tirelessly volunteered his time to collect and perfect the dissemination of information on international sales law. He published

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1 Paine, A. B. and Twain, M., A Biography: The Personal and Literary Life of Samuel Langhorne Clemens 1343, 1912, Harper and Brothers, USA.

a successful multi-volume International Contract Law Manual (which has been recently updated), however, he was later drawn to the Internet as it provided an endless stream of ‘paper’, without any limitation. He thought the Internet promoted collegiality and encouraged the sharing of information better than any other method in the past. He used the Internet to create a CISG Database building on his Manual. The CISG Database was also inspired by the creation of the Vis Moot. Professor Kritzer learned that there was an uneven distribution of research materials at the law schools participating in the Moot and a lack of resources at some schools to purchase the materials. Acknowledging that this problem not only existed amongst Moot teams, but also reflected the dichotomy between the developing and developed world, Professor Kritzer created a free Internet site to promote uniform understanding and application of international sales law. Since its inception, and in contrast to the rest of the online legal publishing community, Professor Kritzer adamantly protected free unlimited access to his Database.

The essence of Professor Kritzer’s work included sharing information and inspiring people to become involved in the promotion and understanding of international sales law. When I was a student at Pace Law School in 1997 I initially wanted to pursue a career in environmental law. After joining the Vis team and visiting Professor Kritzer’s office, as it housed all the CISG books, his energy and ideas hooked me on international sales law and arbitration. As one of his “adopted children” I remained involved in the Institute for the next 13 years listening to his decades of experience and absorbing his influence on the world. This influence was larger than the sum of its parts and too big to capture in a tribute. His enthusiasm and energy has sparked inspiration and hard work equally among students, academics and practitioners from all parts of the world. In fact, a colleague of mine astutely observed that “there are two kinds of people in the world: those who work for Al Kritzer and those who will work for Al Kritzer.”

The beacon of Professor Kritzer’s work is his CISG Database. The database receives over 2 million "internet hits" per month and consistently ranks No. 1 in a Google search for "International Commercial Law." It is the most comprehensive database on the subject, including multiple language versions of the CISG, over 2,400 CISG cases, 1,500 case translations, 9,000 bibliography entries, an electronic library of over 1,000 full-texts of books and commentaries on the CISG and related subjects. The amount of time, energy and partnership building it takes to collect and organise materials from around the world cannot be overstated.

Professor Kritzer’s scholarship did not end with the Database. He has mentored hundreds of students from around the world, reviewing dissertations, articles and books – providing immediate detailed substantive feedback in such short timeframes that students were encouraged to become more engaged in the subject.

True to his nature, he created opportunities for students to get further involved. Many scholars had their start by submitting their essay in the Clive Schmithoff Essay Competition. Hundreds have participated in the case translation program, a.k.a. “the
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Dragon Taming Program.” Students were encouraged to “tame the dragons of international sales law” by translating cases from their home jurisdictions. This program, in particular, created a path for the world to access the largest collection of CIETAC arbitration awards and commenced an on-going study by the Institute of these awards.

Given the international nature of the Database, Professor Kritzer was also a pioneer in the development of techniques to collect legal materials from around the world. One such technique was the creation of the Autonomous Network of CISG Websites. These websites not only collected information on international sales law, but in certain instances were also part of political efforts to have new countries adopt the CISG.

He would regularly write his colleagues informing them of new cases and encouraged further analysis of issues raised. Sometimes he would simply write to congratulate them on a new work or mention an interesting article he had read. He generated ideas such as the CISG Advisory Council and a pre-Vis Moot for Middle Eastern states. When I asked Elizabeth Opie – former Editor-in-Chief of the Vindobona Journal and a good friend of Professor Kritzer – about his contribution to the Journal, she stated:

Albert Kritzer was a professor at Pace University when I met him. He had also been General Counsel at GE, and had written many leading text books on international trade. Over the next several years, I also happened to know Al as a friend, mentor, global networker, global teacher, DG coffee drinker, and inspiration. An ideas man, happy to explore and remove boundaries in his gentlemanly way. Someone who helped make things happen, for shared benefit, for organisations from the MAA to UNCITRAL to Universities around the world; for people from upcoming scholars deserving of recognition to world-renowned academics and practitioners. He was a provider of opportunities through bringing people together – the rest was up to you.

Al was a member of the Board of Advisors for the Vindobona Journal since its inception in 1999 (that is, since VJ Edition 3). He assisted in sourcing material from around the world, recognising the broad audience of the journal and its great potential to serve as an education tool and experimental thought-leader platform. He would often share his musings on how the journal could further develop. Many musings 😊 - he just knew so much and so many!.

Often more like a grandfather than a mentor, Al would share wisdom with each Editor in Chief – available online and so much of the time. Always a voice of reason, always generous, always challenging and pushing for more and better. And, sometimes, rewarding with a cyber rose - for the female editors, at least, which was sent via email like this: --------<----<---@.

Memories of Al conjure a smile. I feel honoured to have been Editor in Chief of the VJ, and privileged to have served during his watch.

No good deed goes unrewarded and Professor Kritzer’s work was no exception. In
1998, he received the Award for Distinction in International Affairs from the New York State Bar Association. The International Association of Law Libraries recognized the CISG website with its first annual award for non-commercial pursuits in 2002. In 2008, the Festschrift “Sharing International Commercial Law across National Boundaries” was published in honor of Albert Kritzer on the occasion of his eightieth birthday. Although Professor Kritzer was notorious for always giving the “credit” to others, he was indeed proud to receive these distinguished nods of acknowledgement from his colleagues in the international community. He felt blessed to be working on something he was deeply passionate about. Professor Kritzer was keenly aware that “if goods don’t cross borders, soldiers will” and dedicated seven days of his week to easing the gateway for goods to move globally. Professor Kritzer was scheduled to receive the 2010 Arab Conference for Commercial & Maritime Law Career Achievement Award only days after his passing.

Professor Kritzer stated that “[s]ince I first began devoting my professional life to support academic activity, I have seen the concept of globalized [sic] law gain a strong foothold. I have seen the theoretic or academic appreciation of what shared laws can accomplish in the pursuit of globalized [sic] trade. And I have seen these laws grow in number and in membership among states. But I have yet to see a larger-scale appreciation from those whom it really benefits: the commercial lawyers representing clients who may find a benefit in the utilization [sic] of these rules. I am hopeful that [this book] can give practicing attorneys, judges and arbitrators a better insight into how to utilize [sic] their most precious gift – the global jurisconsultorium.” Fortunately, Professor Kritzer has left a Database and a legacy to allow this next dragon to be tamed.

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4 Kritzer, A. H., Foreword, in Uniform Application of International Sales Law: Understanding Uniformity, The Global Jurisconsultorium and Examination and Notification Provisions of the CISG, 2007, Camilla Baasch Andersen. Although Professor Kritzer was referring to his dear friend’s book on the subject, there is no doubt his comments can equally apply to his CISG Database.