

Fall 2007

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### Recommended Citation

Michel Rosenfeld, Dedication: A Man For the Century: A Tribute to Dean Fred F. Herzog on His One Hundredth Birthday, 41 J. Marshall L. Rev. xxii (2007)

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# A MAN FOR THE CENTURY: A TRIBUTE TO DEAN FRED F. HERZOG ON HIS ONE HUNDREDTH BIRTHDAY

BY MICHEL ROSENFELD\*

Dean Fred Herzog is truly a man for the century: a symbol of what was best in humanity for the twentieth century, that most in human of centuries; and an outstanding source of hope and inspiration for the young century that has seen his centenary. His long life has been exemplary and he has lived a tale that is at once sobering and highly inspiring. At a young age, he seemed to have it all, including a coveted lifetime appointment as a federal judge in Austria, a country of paramount culture and art, including legal culture, the home of the twentieth century greatest legal theorist, Hans Kelsen (who like Fred Herzog would also have to flee and obtain refuge in the United States).

This all ended abruptly on the day after the Nazis marched to Austria. On March 13, 1938, the thirty-year-old Judge Herzog received a letter in the mail announcing the termination of his lifetime appointment with these terse words: "Upon direction of the High Court, you are suspended . . . because you are a Jew."<sup>1</sup> Many lesser men would have been broken or permanently embittered. But not Fred Herzog who would end up in the American heartland, the cornfields of Iowa – via a detour that took him from Vienna to Stockholm and to New York. In Iowa, Fred Herzog went to law school for the second time, became an American lawyer and settled in the Midwest, spending the past sixty years in Chicago, a city with which he has developed profound ties and of which he soon became, and has continued being during his more than six decades there, an exemplary citizen of extraordinary achievements in many different sectors of the community. One of Fred Herzog's most remarkable characteristics has been his ability to become a completely integrated and thoroughly immersed Chicagoan – as attested by his fierce loyalty to the White Sox – without losing a single ounce of his exquisite Viennese charm or faltering in his devotion to that

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1. Tom McNamee, *Hitler's Loss - Our Gain*, CHI. SUN-TIMES, Sept. 3, 2007, at 12.

city's art and culture. This ability to synthesize the best of the worlds that he has experienced have led Fred Herzog to become at once a wholesome, warm, approachable, caring human being with utmost integrity and a formidable indefatigable leader with a rare mix of boundless erudition and impeccable common sense and practical wisdom. Throughout his life, Fred Herzog has been a doer, a builder and a conciliator as he has transformed institutions carrying them to new heights through his exemplary leadership and in so doing he has regularly won the hearts of countless professional and institutional colleagues.

Fred Herzog is my cousin. He is the first cousin of my late grandmother, Violette Herzog, who was born like him in 1907. My grandmother came from the Hungarian branch of the family, and she and Fred got along splendidly as the heirs of an illustrious Jewish Austro-Hungarian family. My great-grandfather was an industrialist and leader of the Jewish community in Budapest, Fred's father the Rabbi of Gratz and a foremost scholar of Semitic languages who ended his career as a professor at Oxford.

I met Fred in 1971 when I came to Chicago to attend law school at Northwestern University. He was then the Dean at Chicago-Kent and soon he became first Assistant Attorney General of Illinois, but in spite of his extremely demanding schedule he welcomed me in his home and provided throughout my law school years both a warm family atmosphere in what was for me an entirely new environment and gentle but rigorous professional mentoring which proved invaluable to the recently exiled graduate student in philosophy tentatively and apprehensively feeling his way in the daunting and mysterious realm of law. Together with his beloved wife Betty, of blessed memory, and their two sons, Fred hosted me every Sunday. The atmosphere was jovial and *gemütlich*, and the conversation, always lively, shifted from law to culture, art, politics, sports, etc. Fred's erudition spanned across all subjects, and he seamlessly combined, as he still does, his Viennese and his Chicagoan perspectives.

I owe Fred many debts, but the greatest one stems from the decisive role he played in my becoming a legal academic. In spite of my great love for scholarship, a few years after graduating law school, I was a practicing attorney in a large firm and I hesitated to make the transition to teaching. Thanks to Fred's wise counsel, active encouragement and persuasive engagement, based as much on his own profound commitment to scholarship as on his keen insight on what would be best for me, I decided to take the plunge. Having thoroughly enjoyed a quarter of a century of law teaching, I can unequivocally say now that switching from law practice to law teaching was one of the best decisions I made.

In his long life, Fred Herzog has numerous impressive achievements, any one of which would have sufficed to secure a

full and fulfilling life for an ambitious highly motivated person. Besides being a judge, Fred Herzog has been a practicing public attorney, a legal editor, a teacher and a law school dean. He has also been able to shine as a talented musician who sang in the symphony chorus in Austria as well as opera on the radio in the United States. As a dean, Fred Herzog not only led two law schools well beyond their apparent potential when he took over the job, but he did so earning the respect, admiration and friendship of everyone with whom he came into contact. When I came to the celebration of "Dean Herzog" on the occasion of his one hundredth birthday at The John Marshall Law School, I was struck at the depth of love, admiration, friendship and respect of the faculty, a large number of whom he had personally hired, and everyone on the staff has toward him. As everyone acknowledges, Fred Herzog, in his memorable deanship, which included a brief return engagement when he was well into his eighties, transformed John Marshall from a modest institution into a fully accredited and thriving law school with an energetic faculty mainly handpicked by him devoted to teaching and scholarship, a vibrant and diverse student body and an excellent academic and professional atmosphere. And in his unbinding spirit of excellence and caring, when he became former dean, Fred Herzog continued to cast a watchful eye on his creation until the ripe young age of ninety-nine, when "Dean Herzog" decided to give up his office at the Law School.

I am amazed when I think that my cousin Fred, even factoring in that he has been blessed with a long life and an unfaltering sharp intellect extending into the second century of life, besides being a judge, a scholar, an opera singer, a legendary law school dean at two institutions, etc., has also been a pioneer in the field of environmental litigation, which may have been barely perceptible when Fred took it on, but today environmental litigation has certainly risen to become one of the most important in terms of our planet's very survival. Among all of his many other outstanding qualities, Fred has also been a man of extraordinary foresight and public vision.

It is impossible to do justice to Fred and his long list of breathtaking achievements in any short tribute such as this one. Accordingly, I close with two short reminiscences (recounted by him on distinct occasions) that together provide a sense of the man, his experience and spirit, and his exemplary stature for all of us to behold. When Fred was an adolescent, he used to regularly visit his family the Sigmund Freud household. Freud himself, in a statement much remembered and revered in the family, complimented Fred on his beautiful baritone voice. This evokes a picture of Fred as a most advantaged gifted youth easily mixing in with the highest circles of society and culture in the legendary

Vienna in the era preceding World War Two. The second reminiscence comes from later much darker years after the Nazis shattered the world of Fred's youth, where he had been so privileged and at a very early age unusually accomplished and successful. As Fred was sailing on a crowded ship, lacking many of the basic conveniences, on his way to American shores to escape for good the Nazi persecution of the Jews, he found himself next to a man he vaguely recognized. After some reflection, Fred realized that the man in question was someone he had condemned to a six-month jail sentence in his days as an Austrian judge. Now the two stood side by side, escaping together from an unspeakable evil that had fatefully cast the brilliant young judge and the petty criminal as despoiled fellow travelers. Fred recounted the irony of this encounter with a spark in his eye at the John Marshall dinner held on his one hundredth birthday.

What these two brief slices out of Fred's rich life attest to are to the highs and lows of the human condition, particularly as these were greatly exacerbated in the turbulent century in which Fred has spent the great majority of his long years. What Fred's life exemplifies, above all, for all of us, is that the spirit and tenets of humanism can endure and eventually prevail if pursued with passion and integrity, even in the face of unspeakable evil. Fred Herzog is a great humanist, an inspiring example to all. As he enters his second century, his body may be a little more bent frail, but his irrepressible humanism soars as high as ever.<sup>2</sup>

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2. Dean Herzog passed away on Friday March 21, 2008. The John Marshall Law School community experienced a profound loss with his passing.