

DAVID F. CAVERS

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I had the great fortune to consult with David Cavers in 1946 on my first substantial written work on law—a draft law review note on choice of law in nationwide defamation and invasion of privacy, prepared during my second year of law school. Some forty years later I was able to encourage and modestly assist him in the publication of his last book. It was only natural that in 1946, in response to my draft, his face lit up and the questions came in a steady insistent stream. I must add that in annotating his own essays for the 1985 book, *The Choice of Law*, his questions were just as frequent and insistent. In the intervening years, I came to know David Cavers well, both as a friend and colleague and by his works.

David Cavers became a master of his chosen field, the conflict of laws, and he played a key role in transforming that field. These accomplishments are notable in themselves. But his activities and his influence went far beyond his principal area of academic study. His range of interests seems to have had no limits. At Duke, he established a wholly novel type of law review, *Law and Contemporary Problems*, whose value is shown by its having continued to this day. At Harvard, he sought to broaden and humanize first-year instruction by introducing a program by which Teaching Fellows taught students in small groups. We are still struggling to realize that dream. At the same time, he played a major part in launching a massive Program on International Legal Studies, which became a model for schools across the country.

As Associate Dean, he had responsibility for strengthening research and scholarship, and he sought to persuade the faculty that programmatic and institutionally sponsored research projects would be valuable vehicles. Here, he was blocked by cautious, perhaps overly cautious, colleagues. It was characteristic of David Cavers that he then devised a research leave program intended to encourage research by individual professors, and this program has become a major feature of scholarly work at the school. Shortly thereafter, he proposed that law school education be organized in a year-round trimester program lasting two calendar years. In a carefully written article, he described just how the plan would affect students, faculty, administration, student organizations, and so on.

He took emeritus status at age sixty-six and promptly embarked on a full-time schedule of work at many law schools and with organizations such as the American Bar Foundation, the American Association of Law Schools, and the

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American Bar Association. I could cite many more examples of his fertile mind, which again and again has challenged the traditional and the obvious and has broken through to mark out new paths in the law and in legal education.

Many reformers can tell you what they think is wrong with the established order and can point in the general direction of the promised land, and their contribution stops there. In Cavers' assault on traditional conflicts doctrine, he found himself in this situation for about ten to fifteen years, following his seminal and iconoclastic piece in 1933. He recognized that his ideas were useful but incomplete and unsatisfactory. In delivering the Cooley Lectures at Michigan in 1964, he began to develop affirmative ideas described by him as "principles of preference," which brought some measure of the coherence he had long sought. Here he reflected a tension that existed all of his life. On the one hand, he had a sense of craft that required elements of order: Language should be used to clarify what we think, to express our thoughts sparingly, and to highlight what is important in what we write and say; at a deeper level, we should seek to move others by the force of our affirmative ideas. But on the other hand, David Cavers was never truly satisfied with what he or others had accomplished. He was anxious to revise what he had recently written in conflicts. And when his colleagues or the school administration finally caught up with one of his recent innovative ideas, he was by then busily engaged in formulating proposals for additional changes in legal thought.

One recalls his quiet and calm manner, his gentle treatment of others, and a tone of voice so low that at times you strained to hear and understand him. But along with these qualities were the probing mind, the penetrating questions, and the search for greater understanding and new ideas. During recent years, he dealt with the difficulties of illness with quiet dignity and a determination to continue his work for as long as he could.

Ultimately, one's most enduring impact is on other people. Through his scholarship and his activities, and by the example he has set, that impact is a cause for celebration.