

## HOW PROFESSOR HAROLD JOSEPH BERMAN BECAME MY TEACHER AND FRIEND

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It was in April 15, 1982, when I first met Professor Harold Joseph Berman and his wife Ruth Harlow Berman at the Constitutional Law Department of the Moscow State University Law Faculty. At that midday, I, like other students, was supposed to attend an obligatory lecture on administrative law. However, I was the head of the “Talks on American Law” for some senior students of law, and I decided to taste a virtual reality of American Law spirit in action, despite the threat to be excluded from the Law Faculty of the MSU.

After a quarter of an hour, Professor Berman’s talk impressed me with its depth and width, and I really recognized that he was the very professor and legal scholar that I thrived to see and hear during two years of my student life. The living form and rich content of his English lecture on unknown American Law was much clearer to me than everyday Russian lectures of many other outstanding local professors. Professor Berman delighted me with his unique manner of explaining extremely difficult legal matters so simply and vividly, and instantly became the highest image of my long-awaited teacher of law. Having finished his lecture, he gave the students and Russian professors a chance to ask him questions about problems of American and Russian law, which, by the way, he knew brilliantly too.

His answers to the students’ questions were quick and concrete. Yet, when I asked him three “childish” questions on the same legal problems in the U.S.S.R. and U.S., he said that he would finish answering on all other questions before he answered my questions. At the end of his lecture, Professor Berman and his wife called me over, and after quick mutual acquaintance, invited me to their residence in the Main Building of Moscow State University for supper.

The first supper of ours was meaty and long, lasting until midnight. For this occasion, Professor Berman’s wife Ruth prepared for us a delicious Caucasian food “shashlyk,” or barbeque. During that evening, we played guitar and many popular Russian and English songs, including many by the Beatles. To my

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surprise, he did not answer my questions during our evening meeting. He said that I myself would find the correct answers to my own questions, since my time had not come yet. At this moment, he seemed to know me better than I knew myself. He looked like a prophet and predicted that I would be his student and friend in future cooperative life. He also said that what he had looked for thirty years among Russian professors and legal scholars, he had unexpectedly found in Armenian-born junior student.

My second meeting with Professor Berman was in November 1982, before the death of former Soviet leader Leonid Brezhnev. Professor Berman left me several of his books in English, such as *The Nature and Functions of Law*. Later, from his office at Harvard Law School, he mailed me copies of *The Sociology of Law* and other books on theory, history, sociology, and psychology of law, as well as many scholarly articles on constitutional law, criminal law, and criminal procedure. He effectively made me an extramural student, studying American law by correspondence course. Our dean of the Department of Theory of State and Law of the Law Faculty, M.N. Marchenko, the ardent communist and now democrat, was extremely confused by this American professor's attention to me and expressed his deep concern on my further study in Moscow State University. He let me know that I had become a target of KGB and should be careful in my future scholarly relations with the American professor.

My third and fourth meetings with Professor Berman were in the Spring of 1983 and 1984, in the Hotels National and Metropol, where, among other books, he gave me the New Testament of the Bible as a gift, with the words: "With Love—H.J.B." When I told him that I did not believe in God, and that I was supposed to take the university curriculum exam on "Scientific Atheism and Communism," Professor Berman, looking at my eyes, answered quietly: "Now, you know not the meaning of my gift, but be sure that after a couple of years you need the Book." Later, in April 1985, I completely understood what Professor Berman meant by saying that to me and, again, he proved his calling to be a prophet: I came up to God and Our Lord and Savior Jesus Christ, on Whom as on the Truth I slowly began to build the proper Theory of Law (*The Spirit of Lawmetry, or the Foundation of Measurology of Law*), the concept of the draft Constitution of the Home of Armenia, and other draft laws.

Before the collapse of the Soviet Union, I met Professor Berman twice in Moscow, in 1985 and 1986. He gave me a signed copy of his newly published book *Law and Revolution: The Formation of the Western Legal Tradition*. At

the time, I was studying in the post-graduate courses of the Institute of State and Law of the Academy of Sciences of the U.S.S.R. Professor Berman told me about his plan to continue the second, third and fourth volumes of his *Law and Revolution*, and I told him of my future dissertation on “Transformation of Jus into Lex: Spiritual, Scholarly and Practical Aspects.” As I remember, he was amazed, and asked me how one might embrace such immense topic.

From 1987 to 1991, we remained in touch by mail. In those letters, I remember Professor Berman’s concern about my parents in revolting Nagorno-Karabakh in February 1988—which marked the beginning of the Soviet Regime falling. He and his family also expressed deep condolences concerning the December 7, 1988 Armenian earthquake, which caused death of twenty-five thousand people.

Our next meeting was on November 15, 1992, in Atlanta, Georgia. He had arranged for me to serve as visiting scholar at Emory University School of Law—this was my first visit to the United States. While at Emory, Professor Berman supervised my constitutional law research until mid-April 1993. I was his guest several times on Thanksgiving, Hanukkah, Christmas, and New Year Holidays and met his son John and daughter Susanna in Pasadena. Professor Berman continued to give me more to read—this time, his recently published book *Faith and Order: The Reconciliation of Law and Religion*, as well as several articles on integrative jurisprudence, which served as the beginning of my latter work, *The Spirit of Lawmetry, or the Foundation of Measurology of Law*.

I set off from my position at Emory with two personal recommendations for my further study and research in European and American institutions. Sadly, I could not use his recommendations for family reasons, but I keep them as something dear to my life. Throughout my friendship with Professor Berman, we were always conveying our best feelings and scholarly thoughts to each other in different branches of law: theory and history, international and constitutional, administrative, civil and criminal law and procedure. Professor Berman use to say that we both look at many legal life subjects in different ways, but in doing so, we raise legal science on a new level as two opposite wings of the same bird.

In the beginning of 2000, I sent Professor Berman the contents of my *Spirit of Lawmetry* and the draft of my monograph *Criminal-Penitentiary Measurology, The Spirit of Russian Law: From “Russkaya Pravda” through the Constitution of the Russia*, as well as some articles on the latest national

legal transformations in the sphere of constitutional law, draft laws on advocacy, procurator's office and criminal procedure law. In 2003, Professor Berman became an honorary member of the Board of Experts of the Russian Federation State Duma's journal *Representative Government*. At the time, I was a special correspondent of this journal, I had occasion to interview Professor Berman on "The Perspectives of World Law Development." After our Moscow meeting in December 2004, we published a Russian translation of his article *World Law: An Ecumenical Jurisprudence of the Holy Spirit*.

Professor Berman's immeasurable contribution to Russian legal education and studies was rewarded in July 2006, when after lecturing at Moscow State University Constitutional Department and for Moscow State Juridical Academy senior students, Professor Berman was awarded the International Medal "For the Sake of Life in the World" by the Russian Parliament. In his brief speech after receiving his medal, Professor Berman said playfully: The first medal I received was the Bronze Star, in wartime in 1945, while serving in the United States Army in the European Theatre of War Operations in Normandy. Now I have received my second medal in Russian land in peacetime. And so I have two medals, for World War and World Peace. The third medal I might receive for World Law."

After publication of my essay *The Russian Language as a Key to Study the Spirit of Russian Law*, Professor Berman proposed to me a joint plan to do a comparative study on the religious dimensions of national legal languages. With his passing, I am left to do this work with his living spirit inside me.

Professor Harold Joseph Berman is a well-known scholar in Russia. He is considered a bright representative of classical and integrative jurisprudence who conveys his creative spirit and knowledge to many students and legal scholar by his peace-bringing activity. We all love him, and he will stay with us with his Great Spirit and fruitful deeds.