

January 1997

## Remarks on the Passing of Howard Taubenfeld

Peter Winship  
*SMU School of Law*

---

### Recommended Citation

Peter Winship, *Remarks on the Passing of Howard Taubenfeld*, 50 SMU L. REV. 7 (1997)  
<https://scholar.smu.edu/smulr/vol50/iss1/4>

This Tribute is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in SMU Law Review by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

# REMARKS ON THE PASSING OF HOWARD TAUBENFELD\*

*Peter Winship*

When Rita Taubenfeld asked if I would say a few words about Howard at his memorial service, I immediately thought of a poem that I had read fifteen years ago. The poem describes a singular custom of an isolated tribe in Papua New Guinea. On the death of a member of the tribe, the elders choose a word and forbid use of that word ever again. The tribe's vocabulary becomes more and more impoverished and this happens at the same time that the tribe itself is dwindling in numbers as "civilization" encroaches. The poem suggests some link between the disappearance of words and the disappearance of the tribe itself. The reader is left with haunting questions: Does a community die when it no longer has a distinct language? What is the relation between spoken words and the silence of death? How should one honor the dead?

Howard, who was a lover both of words and good stories, would have appreciated my poem. Indeed, after I had accepted Rita's invitation, I found myself in imaginary conversations with him. I would bump into him at the law school mailboxes or in the hall outside my office or in the parking lot, I would tell him about the poem, and off our imaginary conversation would go. Each time, of course, the conversation would head off in a different direction, just as our many real conversations had done. I would learn that he himself had visited this very tribe on one of his many trips abroad, or that he had represented the tribe before the United Nations Commission on Human Rights, or that he was a close friend of a World Court justice who had heard an appeal in a case that raised similar questions. We would then talk about how travel enriches vocabulary and the very thought processes, or what rights ethnic groups might have, or how to vindicate these rights. And as these conversations whirled around in my head it suddenly came to me that what I needed to do to honor Howard was not to retire a word from our vocabulary but to *add* a word.

Once I reached this conclusion, forging a new word was easy. The word that I offer is not an elegant word—there are two hyphens—but it is clear, straightforward, and useful. I think Howard would approve. The word is "uncle-in-law." It should suggest a quasi-familial relation between an older, more experienced person and younger, less experienced persons. The relation not being one of blood or involving paternal au-

---

\* This tribute was originally delivered by the author at a memorial service honoring Howard Taubenfeld held at Southern Methodist University in March 1996.

thority allows a more relaxed give-and-take that permits one generation to hand on its experience to the next. That there is a pun with the word "law" is, of course, an added bonus.

Certainly Howard was *my* uncle-in-law. Twenty years ago when I chose to join the North American academic tribe, I had to go through the initiation ritual for tenure. My elders examined the entrails of my writings; some visited my classes; and several even took copious notes. But no one said anything to me. With the paranoia of the uninitiated, I grew more and more desperate and I finally visited Howard, who had just returned from a sabbatical in Geneva. I have no memory of what he said to me. I do remember that I left his office more calm than when I went in. But what I remember vividly is that several days later Howard invited me and my family to join him and Rita on a trip to the "First Monday" flea market at Canton. So off we went in one of those large American cars Howard loved to drive in search of a Texas my family had not yet discovered. Howard and Rita were fearless. They spoke with the natives; they poked and prodded the merchandise; they bargained. Howard was in his element: for practically every object we saw he had an anecdote. I now remember this trip as the first of the long, meandering conversations that I had with Howard. And, in retrospect, the trip itself was a parable: Howard was showing me that there was a life outside the academic confines of the law school and its rituals.

Which is not to say that Howard was not a full participant in the life of the law both at SMU law school and in the larger community. He placed a high value on professional skills, as students who have stood before their peers in his first year Property class can attest. His own advocacy skills were honed not only in the classroom but also in his running guerrilla actions against bureaucracy, whether found in the law school, in the local telephone company, or in the U.S. State Department. That telephone books now list the names of both spouses can be attributed in great part to Howard's skill and persistence.

Howard's professional interests were many and varied. More formal memorials will record how he made his academic reputation with his 1959 study of *Controls for Outer Space*, and how his later research led him to weather modification, race and law in South Africa, and the status of women in international law. There will be references to his innovative seminars on law and ethics and law, science, and technology. The memorials will also note that, with Rita, he was at work on a study of democracy and multiethnic societies when he died.

Important as these professional contributions are, however, many of us will remember him for his warm personality, his curiosity, and the equanimity with which he viewed the entertaining foibles of humanity.