

PREFACE

IN HONOUR OF ROBERTO  
MACLEAN—A MAN OF ALL REASON

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It is indeed an honour to participate in this Festschrift on the occasion of the 75<sup>th</sup> birthday of the Honorable Roberto MacLean, whom I am proud to claim as a friend and colleague. His professional accomplishments astound and abound. He is of course a leading Latin American scholar in comparative law, private international law, and law and development. But his professional life is not merely one of ideas, but also of activity and accomplishment. Roberto has international, regional and national experience as a judge, policymaker, arbitrator, banker, judicial reform specialist, and legal educator. He has served his native Peru as Supreme Court Justice, as Vice-President and General Counsel to its Central Reserve Bank, as Ambassador to the United States, and as dean of its leading law school, to note a few highlights. Along the way, Roberto has lectured and taught on every continent and in too many countries to count.

Upon meeting Roberto MacLean, one is immediately taken by the sparkle in his eye, his affability and friendliness and his total lack of pretension. He is the kind of man who never makes a poor first impression. But for someone of his accomplishments and stature, such genuineness is not what one expects. I was fortunate enough to first meet Roberto over 20 years ago when he initially came to lecture at Southern Methodist University, and as I learned, first impressions are not deceiving where Roberto is concerned. He is totally without guile and completely honest and forthright. He is as comfortable speaking to a clerk as to a head of state and has the unique ability to make each feel equally important.

One suspects, of course, that Roberto's family, led by his supportive wife Renee and his accomplished children, have had something to do with keeping Roberto so humble. Roberto is, first and foremost, devoted to his family and Renee has been his life partner every step of the way. It is

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perhaps the grounding that his family provides that enables Roberto to so enjoy life. Roberto loves a good meal and a fine bottle of wine and breaking bread with Roberto is one of life's real pleasures. One can expect the dinner conversation to range from religion to art to literature to language to politics almost seamlessly. (As a devoted Catholic, Roberto is remarkably knowledgeable about and interested in other religions.)

One simply cannot mistake Roberto's striking intellectual energy and curiosity. The world of ideas excites him and motivates him. As I mentioned, however, Roberto is that all too rare intellectual who seeks primarily to apply the world of ideas (his and others) to solve real world problems. Of course, Roberto has rarely had the luxury of being a full-time academic. In some ways that is too bad because an academic career might have enabled Roberto to support his family while providing more time for him to develop and put his ideas on judicial reform and economic development to work. Instead, Roberto has by necessity, as is all too typical in Latin America and many other parts of the world, served mostly as a part-time academic and a full-time lawyer, banker, judge, and statesman.

Through it all, Roberto has been a vocal opponent of judicial and political corruption and of government bureaucratization. To him government power and authority should be used judiciously, fairly, and transparently. I'll never forget hearing Roberto speak on Lima's controlling informal economy, operating entirely outside of the government bureaucracy, only because of the government's avarice and incompetence. Roberto's way is to persuade by reason, logic, underscored by his deep-seated belief in doing what is right and fair to others. As a result, he has spent much of his career in Peru and Latin America attempting to convince governments to serve the people by eliminating the abuse of power, as well as needless bureaucracy, graft, and corruption.

Roberto believes fervently in democracy as a vehicle to serve the people, not subjugate them. He is also a man of principle, as he displayed to the world on 22 April 1992. That was the day Roberto resigned as Peruvian Ambassador to the United States in protest of his country's President Alberto Fujimori's assumption of near dictatorial powers earlier that month.

That difficult time has not deterred the indefatigable Roberto MacLean from his lifetime pursuit of justice and fairness. Happily for the human race, Roberto today retains his remarkable intellectual and physical vigour and his devotion to judicial reform and to the economic development of the third world. He is able to tackle serious topics without taking himself too seriously and without losing that twinkle in his eye. So here is to Roberto MacLean. Long may you continue to make our world a better place and make better people of those who are fortunate enough to call you friend.