

3. PROF. RÜDIGER SCHLEICHER

After Prof. Oppikofer's return to Switzerland, the work at the Institute initially could not be continued as it had been. Apparently, Prof. Oppikofer's decision to leave Germany had been made in such a hurry that he was not able to provide for a regular successor - particularly because it was wartime. So, the office of the director of the Institute remained vacant for some time. The change in staff was soon followed by a change in location: on April 1, 1940, the Institute of Air Law was moved from Leipzig to Berlin.

Although the Institute was associated with the University, it was seated in the building of the Academy of German Law at the Leipziger Platz. Honorary Prof. Dr. Rüdiger Schleicher, who had been a Superior Counsellor in the Ministry for Aviation of the Reich, was entrusted with the direction of the Institute and the office of the editor of the "Archives of Air Law".

In the first issue of the "Archives of Air Law" in 1940, in keeping with his predecessors, Prof. Schleicher spoke in favour of the "obligation to deepen our knowledge of the manifold problems of air law through research work". He went on:

"That the Institute was moved to the seat of the headquarters of German aviation stresses the fact that the research done at the Institute shall serve present-day purposes of aviation to a higher degree than before....

As before, the attention of the Institute will be devoted equally to the law of air traffic and the law of air warfare. Herein, the Institute shall investigate the development of German as well as international law and foreign legislation. "

The question that comes to mind is whether a "spirit of true scholarly work" was able to exist in World War II in the immediate vicinity of the Headquarters of aviation of the Reich. There can be no doubt that some aspects of air law belong to those critical legal areas which are liable to provoke political or ideological controversies - all the more in a country centrally involved in war.

The academic value of the research in air law done in Germany during war and under a National Socialist government cannot be examined more closely here. Evidently, there are individual statements and opinions from this time period which exhibit a lack of scholarly impartiality, critical distance, and political neutrality. On the other hand, the involvement of people like Prof. Otto Riese and Prof. Oppikofer ensured that the research done in the Institute and the con-

tents of its journalistic vehicle (the “Archives of Air Law”), down to the final issue in summer 1943, are of great interest to legal research even today. Prof. Riese's courageous acknowledgement of Dr. Reinhold Richter as a scholar of great merit and influence in the field of private air law in an issue of the “Archives of Air Law” in 1936 bears witness to the academic independence extant in the Institute: a year earlier, in 1935, Dr. Richter had been removed for ethnic reasons



3. Prof. Dr. Rüdiger Schleicher (1895 - 1945), from 1940 - 1944 the third director of the Institute of Air Law

from his office of ministerial director in the Ministry of Justice of the Reich and was presumably then murdered.

Finally, not only the “Archives of Air Law” but also research and teaching at the Institute had to be halted due to the disastrous effects of the war, particularly in Berlin. The effects could not even be muted by storing the library and the archives of the Institute in the air-raid shelter of the Chancellery of the Reich. The

library was lost altogether - it is not known whether they were destroyed by bombs and fires or whether they were taken by the various occupation forces.

Dr. Schleicher, who overtly rejected Nazism, was arrested on October 1, 1944, and sentenced to death on February 2, 1945, by the People's Court of Justice with other participants in the events of July 20, 1944. He had admitted having cognisance of this conspiracy against Hitler and having participated in deliberations about the establishment of a new legal regime after the putsch. His fate was a particularly tragic one: in the night of April 22, 1945, at the age of fifty, he was shot from behind by the SS while he was being transported to another prison.

Dr. Hans John, his last assistant at the Institute of Air Law, suffered the same fate. He was only thirty-three years old.

Apart from his numerous publications and here especially his doctoral thesis "Internationales Luftfahrtrecht" (International Air Law, Tübingen, 1924), Prof. Schleicher raised himself a lasting academic monument through his "Kommentar zum deutschen Luftverkehrsgesetz" (Commentary on the German Aviation Act), which was published in 1933 and revised in 1940.