

2000

## Presentation of the First Stefan A. Riesenfeld Symposium Lecture and Memorial Award

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# Presentation of the First Stefan A. Riesenfeld Symposium Lecture and Memorial Award

## I.

### INTRODUCTION OF THE

#### 2000 STEFAN A. RIESENFELD MEMORIAL AWARD

by Lauren Gerber, Editor-in-Chief, Berkeley Journal of International Law

I would like to begin by thanking the individuals who made this symposium and this award a reality. Our deepest gratitude to Ambassador Sacirbey. I would like to thank Damir Arnaut, the Journal's incoming Symposium Director, who first envisioned a Riesenfeld Memorial Award to be given by the Journal to one outstanding scholar or practitioner in the field of international law each year. Damir has devoted countless hours to this end, and we are proud to be able to present the first Riesenfeld award tonight at the Journal's first symposium since Professor Riesenfeld's death last year. Thank you also to the faculty members who expressed such heartfelt enthusiasm to the idea of paying tribute to the memory of Professor Riesenfeld in this way. Professors Harry Scheiber, David Caron, John Yoo, Dean Herma Hill Kay, and Louise Epstein, were all eager to help in any way they could, and their support and guidance made this award possible. Finally, thank you to Mrs. Riesenfeld who is here with us tonight as we pay tribute to her husband.

Professor Riesenfeld left an indelible imprint in the minds and hearts of all at Boalt who knew him as a professor, mentor and colleague. In his more than fifty years at Boalt Hall, first as a student and then as a professor, Professor Riesenfeld had a profound influence on this institution. Generations of Boalt graduates, including many of our current professors, studied under him. In the fields of international and comparative law in particular, Professor Riesenfeld helped Boalt Hall achieve worldwide recognition. Professor Riesenfeld's scholarship was both prolific and diverse. Professor Riesenfeld wrote over forty books and well over 100 articles on topics ranging from protection of coastal fisheries under international law to the power of Congress and the President in international relations, to anti-trust law in the European Economic Community.

Unfortunately, for those he left behind, the one piece Professor Riesenfeld failed to write was an autobiography. Professor Riesenfeld's life was as extraordinary as was his publishing output. Professor Riesenfeld escaped Nazi Germany in 1934 at the age of twenty-six and came to Boalt Hall as a research assistant for then-Dean Edwin Dickenson. Although upon his arrival he did not speak English, Professor Riesenfeld mastered the language in time to graduate from Boalt with distinction only three years later, all the while having earned a

living through his research for Dean Dickenson. Following graduation, Professor Riesenfeld earned his J.S.D. at Harvard and then began a teaching career at the University of Minnesota, where he met and married Phyllis Thorgenson, and as I mentioned earlier, we are honored to have her with us here tonight. While teaching law and publishing the first of his numerous, profoundly influential legal works, Professor Riesenfeld earned an undergraduate degree in engineering and then voluntarily enlisted in the U.S. Navy during WWII. In 1952, Professor Riesenfeld and his family moved to Berkeley where he began teaching at Boalt Hall. His career at Boalt lasted until his death. Professor Riesenfeld taught at Boalt Hall for forty-six years, avoiding mandatory retirement through continuous annual reappointment. Professor Riesenfeld's other countless accomplishments include a teaching post at Hastings College of Law, a post as Counselor for Public International Law at the U.S. Department of State under President Carter, and two appearances before the International Court of Justice in the Hague. This year's symposium addresses a topic with which Professor Riesenfeld was particularly familiar both personally and as a scholar. It is with utmost pride that the Berkeley Journal of International Law establishes the Stefan A. Riesenfeld Memorial Award in his memory.

At this time it is my privilege to introduce to you the presenter of the first Stefan A. Riesenfeld Memorial Award. Professor Harry Scheiber is a particularly appropriate person for this task as he is the Stefan A. Riesenfeld Professor of Law in History at Boalt Hall. Professor Scheiber joined the Boalt faculty in 1980. He has held Guggenheim, Rockefeller, American Council of Learned Societies, National Endowment for the Humanities, and Social Science Research Council Fellowships. He was a distinguished Fulbright lecturer in Australia and has been President of the Agricultural History Society, the Council for Research and Economic History, and the ACLU of New Hampshire. From 1994-95, he served as Chair of the UC Berkeley Academic Senate, and in 1998, he received an Honorary Doctorate of Laws from Uppsala University in Sweden. He was elected in 1999 an Honorary Fellow at the American Society for Legal History. I present to you Professor Scheiber.

## II.

### PRESENTATION OF THE

#### 2000 STEFAN A. RIESENFELD MEMORIAL AWARD

by Professor Harry Scheiber, Boalt Hall, UC Berkeley

Thank you. Your Excellency, thank you for a very moving and wonderful presentation. Mrs. Riesenfeld, it is especially wonderful to see you here joining these familiar surroundings with your old friends and with so many students to whom your husband was so important. It is a great honor for me in my life to have been named to the Riesenfeld professorship. Steve was a mentor of mine from the day I arrived at Boalt like so many, literally hundreds of others, on the faculties of American institutions and in the law firms, and in government. He was someone who was always available to advise and to help. And his wisdom was extraordinary. It is a wonderful thing that the students have done to organ-

ize this; Ms. Gerber, Damir and others who have worked so hard to honor his memory in this very, very appropriate way. They really are owed great thanks. And, I'd just like to ask once more that they be appreciated for all they've done here to make this possible. Please applaud them.

Professor Riesenfeld loved nothing more than students who brought energy and thoughtfulness, and zip to a project with some intellectual content. He would have appreciated this moment. The award to be given tonight is a surprise to the recipient. Normally, an award of this kind is announced in advance to the recipient so that he or she has time to absorb it and to prepare a few remarks. But, for reasons that will become obvious, this was not done. I'm going to give a long introduction to this person so that he can recover from the shock and the pleasure, I am sure of this.

Professor Riesenfeld's ideals and values are cited here and the students have said that this award is given to someone who represents those ideals and values. When you think about it, Steve had an intellectual toughness that was just remarkable, phenomenal. His analytical powers were just beyond belief. I know there are others in academic life, in diplomacy, and in other realms of life who have similar qualities; but, he did to the enormous range of subject matter in which he was profoundly learned. His erudition was just remarkable, and I know literally of no one, who matches that, at least, in our field. And then again, he linked it to a commitment to humane values which was as profound as could be and which he conveyed in his unique way to his students, his friends, and his colleagues. I don't know how anyone can match all that.

We do have an awardee tonight whose own values do reflect those of Professor Riesenfeld whose qualities of intellect linked with humane concerns, devotion to teaching, devotion to the law, and intellectual distinction do speak to the terms of this award very eloquently. I'll say a few more words, but let me just say that this first Stefan A. Riesenfeld Memorial Award goes to Professor David Caron.

Professor Caron is a dear friend and I really want to ask you to take a few minutes to share with me something about David's background, which you may not know. I'm sure that nothing would have pleased Professor Riesenfeld more than to have David as the first recipient because in every way, he was confident that Professor Caron would fulfill the tremendous promise that he showed when he was a student of Professor Riesenfeld's at Boalt. Before coming to Boalt, coming out of as he mentioned today, a French Canadian background out of New England, he graduated from the Coast Guard Academy with high honors in physics and political science. He was then, as he is now, a great leader of his peers, and was commander of the corps of cadets there. And, he served with distinction in the U.S. Coast Guard as a regular officer as Professor Riesenfeld served in WWII in the maritime services, in that case the Navy.

After service in the Coast Guard in which he did environmental work, which of course relates to his later career, he decided to pursue a different course and resigned from the rank of Lieutenant and was named a Fulbright Scholar to the United Kingdom and earned a Master's Degree in Marine Law

and Policy at the University of Wales. He then studied law at Berkeley, graduated Order of the Coif, and was co-recipient of the Stellan Merin Prize for outstanding student scholarship here. Perhaps most important of all, he was research assistant and teaching assistant to Professor Riesenfeld and like Dean Dwyer, he was Editor-in-Chief of the Ecology Law Quarterly. Following which, Professor Caron served in the Hague as a judicial clerk in the Iran U.S. Claims Tribunal and at Leiden University he received a Doctorate in Law at the time, also receiving a certificate from the Hague Academy of International Law, a very significant honor. Only twenty-five Americans had received that. He served at the Max Planck Institute as a Senior Research Fellow, another mark of great distinction for a young scholar. And went on to practice in the San Francisco firm of Pillsbury, Madison, and Sutro and then came to the Boalt law faculty in the Fall 1987. Since coming to Boalt, David has been a Visiting Professor at Cornell. He served as Director of Studies and Research at the Hague Academy. Very importantly, he received the Deak Prize of the American Society of International Law for Outstanding Scholarship bringing great honor upon himself as he did upon our school.

He has shown scope in a way that Professor Riesenfeld admired, that the rest of us look at with some awe, with regard to the very many different aspects of international law and organization that he examines. Like Professor Riesenfeld, he has a deep commitment to international legal institutions and to the United Nations. I think Ambassador, you would appreciate the way he has looked at the United Nations critically and the Security Council critically. He has also served in recent years on the Precedents Commission as a Commissioner of the United States, a Commissioner to the UN, on precedents with relation to the war in the Gulf. A very important kind of service and very taxing.

Professor Riesenfeld's last public appearance except for in his classroom was at a conference which we held at Berkeley on the Law of the Sea in November of 1998 and he spoke of his activities on behalf of the United States government which he loved and served nobly. And, one got the sense, though he didn't speak of it, of the tremendous taxing physical demands that this kind of service makes and of course the same has been true of the kind of service that Professor Caron has been active in. He brings a knowledge of science to environmental law giving it a very special kind of character. Like Professor Riesenfeld, he is pretty much as much at home in Europe as he is in the U.S. He's traveled in the Pacific and been an advisor in the Pacific. And like Professor Riesenfeld, he has served as a counselor on public international law to the State Department's Legal Counsel. So, one could go on. I've co-taught with Professor Caron and engaged with him in both national and California policy advising and activities and interaction. There is no end to what one could say to his achievements at this stage of his career—just extraordinary. Making it especially appropriate on all counts then that he should be the first one to whom this award is given setting a very high standard for future awardees.