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Reflections

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American Society of International Law

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REFLECTIONS

The American Society of International Law Committee recommended that the Manley O. Hudson Medal be awarded to Professor Eric Stein for his lifetime of significant contributions to international and comparative law. Stein, the Hessel E. Yntema Professor of Law, Emeritus, at the University of Michigan Law School, had been an active supporter of ASIL as Honorary Vice President, Counsellor, and Honorary Editor of, and frequent contributor to, the *American Journal of International Law*. His many books and articles established him as a leading thinker and writer on European Community law and on what he described in a famous article as the “Uses, Misuses, and Nonuses of Comparative Law.”

Throughout his long career, Stein helped to build and maintain bridges between the United States and Europe. He was a distinguished representative of the generation of great legal scholars who came to the United States in the 1930s and 1940s to escape fascism and who then made important contributions to their adopted land. A decorated soldier in the American Army during World War II, Stein later served in the U.S. Department of State, advising U.S. delegations to the U.N. General Assembly, the Security Council, and the International Court of Justice and helped to create the International Atomic Energy Agency. During his subsequent academic career, he led in advancing the role of comparative analysis, through influential works examining comparisons between American federalism and the institutions of modern Europe. His article “Assimilation of National Laws as a Function of European Integration” is the most frequently requested article in the *Journal's* archive on JSTOR.

—American Society of International Law Newsletter, October/December 2010
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Eric’s intellectual influence on me runs far deeper than geography. As a range of policy issues, I have always loved economics. As an intellectual discipline, however, I have sometimes found economics wanting. It can place too much value on being right in the small, and not enough on bearing wisdom in the large. Fortunately, I was exposed to Eric early in my career, and that exposure accounts for my long-standing conviction that wisdom and knowledge trump mechanical virtuosity and elegant logic. Whenever I conversed with Eric, I realized that my training in economics was akin to learning how to play piano scales beautifully, while my time with Eric was like learning how to understand and perform a deep and richly textured sonata.

Eric was also important to me in another way. For along with his wisdom came a generosity and modesty that defined for me how a professor should carry himself. In my world, at least, there aren’t many individuals

who, in addition to being envied, are loved, admired, and respected. Eric was. Very few of his senior colleagues could claim the myriad and diversity of young faculty that clamored to spend private time with Eric.

—William James Adams
Arthur F. Thurnau Professor, Department of Economics
University of Michigan

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I would like to share my joy, pride, and feelings of responsibility to have joined this German Federal Constitutional Court as a justice for twelve years—and I promise that the ideas Eric brought to the world will not be lost in this wonderful building, where three Michigan people are striving towards good judgment.

—Professor Dr. Susanne Baer, LL.M.'93
Justice at the Federal Constitutional Court (First Senate)
Karlsruhe, Germany

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Eric Stein's life embodied everything civilized society strives for. He worked ceaselessly for laws and policies whose purpose and function would be to unite peoples and nations. Eric applied that spirit in his personal and professional life as well. He was sensitive and cultured. Nothing was separate and discrete with Eric; it was all part of a whole and integrated existence, and that made him the most natural and best mentor and friend you could ever have.

—Lee C. Bollinger
President, Columbia University

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Eric has not been on the bridge. He has *been* the bridge. He had sensitive antennae that allowed him to pick up whatever on either shore of the Atlantic could lead to misunderstandings. And he was able to act upon that discretely and efficiently. Here is an illustrative episode: I do not recall when exactly it took place, but I infer from the sensitivity of the matter that it must have been during the Vietnam War. The European edition of the *Herald Tribune* had published a short article on a research contract concluded by the Pentagon with the University of Michigan. The very next day Michel Gaudet, Director General of the European Commission Legal Service, circulated a note to all commission lawyers, and, very probably, more widely to European Commissioners and their staffs. It stated approximately: Professor

Stein drew my attention to the fact that the Pentagon contracts referred to by yesterday's *Herald Tribune* were concluded with Michigan University and not with the University of Michigan.

—Jacques Bourgeois
Professor at the College of Europe

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Eric Stein's work has been marked throughout by humanity, insight, and careful craftsmanship. His scholarship and achievements in the law have been recognized by many awards and honorary degrees. However, his greatest testimonial may be the respect and affection accorded to him by generations of law students, scholars, statesmen, and diplomats on both sides of the Atlantic.

—David D. Caron
President, American Society of International Law
C. William Maxeiner Distinguished Professor of Law,
University of California, Berkeley
Co-Director, Miller Institute on Global Challenges and the Law
Co-Director, The Law of the Sea Institute

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We rejoice in the life Eric had. He was truly a "man for all seasons" who influenced history in Europe and in the United States. He was also a man who was extraordinarily generous and outgoing—a friend for all.

—Roger C. Cramton
Robert S. Stevens Professor Emeritus of Law
Cornell University

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I felt very close to Eric, not only because he was of Czech origin and studied in Prague at the same law school I attended more than sixty years later, but also because he did so much to let us understand the project of peaceful integration in Europe. He was a superb mentor and was extremely supportive in my career.

—Tomas Dumbrovsky, J.D. and M.A., Prague; LL.M., Yale
Visiting Researcher at the University of Michigan Law School, 2007–08
Assistant Professor in Prague

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Eric represented to me this great Law School more than anybody else, probably because he was faithful to Ann Arbor for more than half a century. Eric incarnates for me the Law Quadrangle.

I will never forget a couple of days at the Ford Foundation's magnificent villa at Lake Como, where Eric told me about his seminal paper on the leading figures who shaped, with the active assistance of the Court of Justice, the fundamental constitutional principles of what was, in those days, still European Economic Community law. I was fascinated by Eric's capacity to link the personal contributions of a few key players to the emergence of the Community's constitutional legal order, which he saw much clearer than we few insiders and the largely skeptical group of outside observers. Ever since, I have read Eric's books and articles with curiosity and great personal benefit.

There will be many legal authorities who praise Eric's extraordinary qualities as a lawyer. I would like to join them wholeheartedly, thinking in particular of Eric's insights as a lawyer fully trained in Europe and only later acquiring the additional tools that the most elaborate constitutional legal system, the United States, provides. This combination of civil law training and common law practice has produced outstanding results, not only in the United States but also in the United Kingdom. It is sad to see these bridges between continental Europe and common law countries becoming rarer and rarer.

—Claus-Dieter Ehlermann
Senior Counsel, WilmerHale

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Our paths crossed only occasionally, but when they did—such as at the Villa Serbelloni in years past—I enormously enjoyed the occasion. Whether face to face, or in print, I always so much admired Eric. He was the scholar of E.U. law in the States, and his reputation was vast and well deserved.

—Rosalyn Higgins
President of the British Institute of International and Comparative Law
President of the International Court of Justice, 2006–09

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I was always moved by Eric's extraordinary graciousness: a kindness, an interest, an investment in the so many people he interacted with and led. This, perhaps, was his greatest "teaching": that one can be an intellectual powerhouse, and achieve fame of wide following, and yet be so embracing of all kinds of humanity, from professors to paupers.

—Nicholas Calcina Howson
Professor of Law
University of Michigan Law School

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The life and work of Professor Stein were an inspiration that contributed to the international order both through the United Nations and the European Economic Community. His legal scholarship chronicled those unfolding developments from their postwar beginnings until the present day. His major contributions helped to place the study of international and comparative law at the University of Michigan at the forefront of the discipline.

I was proud to have been his student and so pleased to have renewed a close friendship these last few years. Condolences for all of us on the loss of such a vibrant man and such an agile, insightful mind.

—Jon Henry Kouba '65
Attorney at Law
San Francisco

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I am sure I am only one amongst the legions of scholars whom Eric inspired with both his life and work. As it happens, I have just completed the reading list for one of my courses and have included one of his old articles. After so many years, his clarity of style, lightness of touch and erudition are still admired by scholars and students alike.

—Panos Koutrakos
Professor of European Union Law
Jean Monnet Chair in European Law
University of Bristol Law School

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Professor Stein was a great man who even after 1989 contributed to democratic changes in the former Czechoslovakia and to the legal education of a new generation of Czech and Slovak lawyers.

—Dr. Peter Kresák, Ph.D.
Head of National Office
UNHCR National Office in the Slovak Republic

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Eric was in so many ways a most remarkable person. Not only did he teach us the law, but he formed our personalities in so many respects. We, his students and friends, saw in him the incarnation of what is good and

kind, and we owe him our gratitude for the careers that we were able to make later on in our lives. This is certainly true for me, but I know for so many others as well.

—Hans Christian Krüger
Deputy Secretary-General (1997–2002) of the Council of Europe, Strasbourg, France
Secretary to the European Commission of Human Rights (1976–1997)
of the Council of Europe

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There has never been a day when Eric was far from my thoughts. Few people have had so deep an influence on the life that I have chosen, or the person that I am.

Eric taught me international law, and honored me with the opportunity to serve as his research assistant (I did research about the Compact Clause of the U.S. Constitution for him in connection with the U.S.-Europe book). That was when he introduced me to the word “transnational”—a word that came to mark two of the most important projects in my career (the mandatory transnational law course at Michigan Law, and the Peking University School of Transnational Law here in China).

But Eric taught me so much more. By the example of his work, he led me to believe that individual people could make a difference to the project of strengthening the legal structures of mutual understanding that reach across national borders. Eric was never dreamy-eyed about this. He was always analytical, always alert to the challenges, the complexities, and the problems. At the same time, he put forth the effort and showed that one person could make a difference.

Eric’s influence on me was not only on the professional side; he taught me how to act as a person. When I joined the Michigan faculty after having been a student there, some of the adjustments were easy, and some were difficult. But one of the biggest challenges was learning to call Eric “Eric.” For weeks, even months after I joined the faculty, I would greet him with the words, “Hello, Professor Stein.” And always his response was “It’s Eric now.” Still I could not bring myself to call him by his first name. And then one day he said kindly, but very firmly, “Jeff, I need you to stop calling me Professor Stein and to start calling me Eric. We are colleagues now, and colleagues should not use titles. If you call me ‘Professor Stein’ I am going to have to ignore you!” That was enough to help me across that hurdle. And it taught me a lesson about working with others that I have tried my best to emulate.

You were a great man, Eric Stein. Knowing you was one of the great blessings in my life.

—Jeffrey S. Lehman
Chancellor and Founding Dean, Peking University School of Transnational Law;
Former Dean, University of Michigan Law School

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Eric was always an example to me, because of his past in the old Europe and his expertise on the new one. Thanks to his personal experience, among many other reasons, he understood better than anyone else what the European Union and the European law meant for our continent. He saw that it goes far beyond rules and institutions: what counts, I believe, is the spirit and ideals they represent. Eric was ideally situated to understand this. He will remain an inspiration and example for all of us who are interested in the future.

—Pierre Mathijsen
Professor of European Law
Vrije Universiteit, Brussels

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Eric was, as you know, beloved, respected, and held in awe, unto the end. He made a point of engaging with everyone's work, and I was always moved that he took such interest in my whacko stuff, offering me better examples for the points I was trying to make than those I had come up with. He had more than the advantage of having lived longer; his advantage was that he had lived deeper, and had so much more *serious* experience to draw on.

What I found especially moving in the past couple of years was the poetry he would send me, written on small pieces of paper, which magically captured a particular sentiment with understated wit, with acute simplicity. One triplet in especial I have by heart because I loved it so much:

All is well In heaven and hell
And on the Earth as well?

That expresses a kind of amiable pessimism, in which both heaven and hell benefit by having rather strict orders, and Earth, well, Earth is a mess. But how brilliantly he mixes irony, pessimism, sweetness of soul, and insight.

Eric set an example for all of us; even if our genes should not be as obliging as his, his will be a performance few will find ourselves with the character and will to pretend to. His death is also for me not a cause for mourning, but a time for feeling blessed for having seen in the flesh a life so well lived.

—William I. Miller
Thomas G. Long Professor of Law
University of Michigan Law School

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I have only been here for eight years, so I basically only came to know Eric in his nineties(!), but I just wanted to share how much I valued him as a

colleague. Never once did he make me feel over half a century his junior. On the contrary, he took me to lunch, discussed bankruptcy articles (of an international beat), and even sent me memos (“Ericgrams”). In other words, he treated me as an equal—a lesson I will keep to heart as I progress through the senior ranks.

—John A. E. Pottow
Professor of Law
University of Michigan Law School

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When I think of Eric, it brings back many pleasant memories. The week I spent with Eric and Virginia in Beijing almost twenty-five years ago, Eric’s kindness in arranging for me to attend and to receive a scholarship to the University of Michigan, and his care and help when I was studying all did more to change my life for the better than any other experience I have ever had. It was not just what Eric did that was so important to me, it was who he was! I learned so much just from knowing him and having him as a friend. Eric showed me how a very great man, with many important accomplishments, could be kind, gentle, and humble. I came to realize that Eric was the kind of person I would like to be, and the way I now deal with my employees, my business associates, and even my family, is deeply influenced by the integrity and other wonderful characteristics I saw in him. I appreciate the impact Eric had on life and I will continue to try and live my life in the way I saw him live his.

—Li Qian
LL.M. Student of 1986 Class from China

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Eric was such a good mentor to me—one of the most stimulating teachers, a major influence in encouraging me to try teaching, a supportive critic of my scholarship, and a stalwart reference at various points of academic advancement. Among all our many fond memories of Eric, the picture that recurs is of the mischievous smile that would light up Eric’s kindly face when he was recounting a particularly interesting idea. He taught us all what it means to be an intellectual.

—John Reitz
Edward L. Carmody Professor of Law and Director, LL.M. Program and Visiting Scholars
University of Iowa College of Law

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Eric Stein fundamentally influenced my life. That is odd, coming from someone who has not been a colleague of his for over thirty years—and stranger still, from someone whose career developed in a direction quite

different than the one he pointed me toward when we taught together from 1974–1980. But the truth is that I loved and admired him from our first interactions. From the beginning, Eric was a model for me of what a scholar should be. But more important, he was then, and remained for me, the gold standard in terms of all the human qualities I care about most—generosity and kindness, integrity, and of course the ability to laugh.

—Gerald M. Rosberg
Senior Vice President, Planning and Development
The Washington Post Company

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Eric played a unique and essential role in welcoming and helping us when we first came to the University of Michigan, as well as to several generations of young faculty and visiting scholars since. This was a most vital role in addition to the teaching and scholarly function, and a special benefit that made the Law School the extraordinary place it is and has long been.

—Joseph L. Sax
Professor Emeritus of Law
University of California, Berkeley

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Eric became a figure in my life just as I was starting as an international law teacher. He guided my uncertain steps as I tried to introduce my students to the new European community.

—Detlev Vagts
Bemis Professor Emeritus of International Law
Harvard Law School

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Eric was not only a great scholar, a clear-headed observer of the development of international relations, and a genuine original thinker—he was also, in the full meaning of the term, a real human being. Although he never was formally my teacher, I nevertheless consider myself as one of his disciples. I can really say that he influenced my approach to the law and my way of teaching it. He did so not only by reason of his intellectual abilities but also by his personality, the example of probity that he gave to all those around him, and his inquisitive and critical mind. I am proud to have worked with him in class in 1969–1970 and later on his casebook.

—Michel Waelbroeck
Professor Emeritus
Free University of Brussels

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Professor Stein was a mentor of mine forty-five years ago at the Law School. Together with Professor Bishop, he sparked an interest in international law and international legal development that has persisted to this day and has become a substantial part of my life as a Senior Judge on the Second Circuit. In fact, just this past summer I helped organize a conference of Chief Justices for Central and Eastern Europe, which I credit to Professor Stein's influence. He was marvelous teacher and also one of the kindest people I have known.

—Circuit Judge, John M. Walker '66