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## In Tribute

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# In Tribute

By RICHARD M. BUXBAUM\*

What a wonderful gift is the combination of longevity and productivity, and how much are we the beneficiaries of Stefan Albrecht Riesenfeld's possession thereof. Consider: A published output that already spans well over two-thirds of a century; a teaching record that could count the grandchildren of his first students among his current ones; public service that ranges from reform proposals of the German Civil Code in the days of the Weimar Republic through participation in the drafting of Germany's Basic Law in the early days of the Allied Occupation regime to our own Bankruptcy Commission's second reform effort today. And a range of interests that would put a polymath to shame—legal history, comparative law and European Community law, public international law, creditors' remedies and bankruptcy, property law, commercial law.

Steve Riesenfeld has written a storehouse of books and articles by writing first (and usually final) drafts with a pen on lined paper, bent close to the page and gnawing his knuckles. He goes to the shelves and the locked cage himself, finds everything, and remembers everything he has found, including where he found it. His research assistants—groupies, really (I was one of the first, in 1952)—learn more by following him on these rounds than they do writing drafts for other, more passive employers. Secondary citations do not substitute for primary ones, nor translations for their original versions—no matter the language.

Students remember Steve's classroom and seminar comments more clearly than those they heard at their mothers' knees (some of his could be printed here). Decades after their recipients' graduation, these "aphorisms" remain the subject of heated and contradictory exegeses at well-lubricated alumni gatherings. Steve's colleagues at Boalt and Hastings, at the gatherings of the American Society of Comparative Law and its International Law counterpart, at the Max-Planck-Institute in Hamburg gather and treasure his witticisms (who

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can forget the Chancellor's Indiscretionary Fund). In the days when Boalt's Third-Year Class Revue was ambitious enough to put its producers in serious risk of still flunking out, the bid to play Riesenfeld was fiercely contested and the results worth it (who can forget David Hayden in his Viking costume).

Stefan Albrecht Riesenfeld was born on June 8, 1908 in Breslau, Germany, one of the twin sons of an academic father who was killed in the First World War. He studied at the renowned university there, now the University of Wroclaw, Poland, which proudly fêted him on his first postwar return to his birthplace in the late 1970s. Following his state examination, he presented a doctoral dissertation on the law of mutual insurance companies, for which he received his Dr. Jur. summa cum laude in 1930. The dissertation was published in 1932 (and it was not his first publication) in a famous series of legal texts edited by Berlin's Arthur Nussbaum.<sup>1</sup> During these late Weimar years Stefan Riesenfeld practiced with a Berlin commercial firm and became a research associate of the famous Kaiser-Wilhelm-Institut, founded by Ernst Rabel. Both mentors were able to emigrate in time, Nussbaum to Columbia and Rabel to Michigan, though neither regained the position or respect they commanded in those years; in that context their age worked against them as Steve's worked for him.

After an academic stint at Milano, where he earned the Dott. in Giur. in 1934 and where he had met Boalt Hall's famous "Captain" Kidd,<sup>2</sup> Stefan Riesenfeld received an invitation from then-Dean Dickinson to become a research associate in California, an invitation the onset of the Third Reich regime the year before made it easy to accept. Young and energetic enough to wave aside the obvious handicaps, he asked for and received permission to enroll at Boalt while earning his living in comparative legal research, and graduated in 1937 with distinction as a member of a distinguished class, one which includes his lifelong friend and colleague, Richard W. Jennings. Both delight in recalling the comment of their distinguished teacher and later colleague, Barbara Nachtrieb Armstrong, who, advised by Steve of his desire to become a law professor, exclaimed, "That's ridiculous, Mr. Riesenfeld; you don't know any English and you don't know any

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1. DAS PROBLEM DES GEMISCHTEN RECHTSVERHÄLTNISSIS IM KÖRPERSCHAFTSRECHT UNTER BESONDERER BERÜCKSICHTIGUNG DER VERSICHERUNGSVEREINE AUF GEGENSEITIGKEIT (Arthur Nussbaum ed., 1932).

2. The Boalt Hall library's copy of the mentioned book was Kidd's; it is inscribed to him by Steve, who added the date and place, Milano.

law!" That Heratian lapse did not spoil the close relationship they had over the many decades during which she was proved wrong.

Then followed graduate study at Harvard, leading to the J.S.D. in 1940 and a major book on fisheries regimes in public international law,<sup>3</sup> and a beginning on an academic career at the University of Minnesota, where Stefan Riesenfeld taught while simultaneously earning an undergraduate degree in engineering. Voluntary enlistment in the U.S. Navy and an extended tour of duty on an LST in the South Pacific followed—the source of some of Steve's choicest anecdotes, and why not, with a Harvard Law graduate as the vessel's commander.

On his return to teaching in Minnesota in 1946, Steve met and married the indomitable Phyllis Thorgrimson, whose Icelandic heritage and excellent choice of grandparents well prepared her for life with a husband who would never be mistaken for a bank clerk. They have two sons, Peter and Stefan, both scientists, and three grandchildren, and a warm and inviting house, whose giant mutant indoor rubber trees and luxuriant garden, both tended by Steve, has always welcomed their visitors.

In 1952 Stefan Riesenfeld accepted a call to Boalt Hall and the rest is California history, known to most of the readers of this journal, though perhaps the fact that the U.S. Department of State, which appointed him to an unusual two-year position as Counselor for Public International Law, twice has engaged him to argue major cases before the International Court of Justice in the Hague should be given special mention.<sup>4</sup> He suffered mandatory retirement at Berkeley in 1976 and was promptly appointed to the Hastings faculty, though I am proud to record that he also has enjoyed continuous annual re-appointments at Boalt to this day. At the age of eighty-eight he teaches full-time and carries on a full research mission.

This is not Steve's first *festschrift*<sup>5</sup> and we trust it will not be his last. The Hastings International and Comparative Law Review hon-

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3. STEFAN A. RIESENFELD, PROTECTION OF COASTAL FISHERIES UNDER INTERNATIONAL LAW (1942).

4. Delimitation of the Maritime Boundary in the Gulf of Maine Area (Can. v. U.S.), 1984 I.C.J. 246; Military and Paramilitary Activities (Nicar. v. U.S.), 1984 I.C.J. 392. Professor Riesenfeld was also an active consultant in *Electronica Sicula S.p.A. (ELST)* (U.S. v. Italy), 1989 I.C.J. 15.

5. Stefan A. Riesenfeld, 63 CAL. L. REV. 1381-1609 (1975); IUS INTER NATIONES: FESTSCHRIFT FÜR STEFAN RIESENFELD (Jayme et al. eds., 1983). See also the collective tribute including Professor Riesenfeld in *U.S. Law in an Era of Democratization*, 38 AM. J. COMP. L. i (Supp. 1990), and his role as both subject and author in *DER EINFLUSS DEUTSCHER EMIGRANTEN AUF DIE RECHTSENTWICKLUNG IN USA UND DEUTSCHLAND* (1994).

ors itself and its school as much as it does Professor Stefan Albrecht Riesenfeld by joining its predecessors in what shows every indication of becoming a tradition.

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And, from an earlier day, see his starring role in Eugene B. Morosoli, Book Review, 43 CAL. L. REV. 369, 373 (1955) (cartoon).