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# In Honor of Julius Stone

By LEO KANOWITZ\*

In September 1985, the world of legal education lost an intellectual giant when Professor Julius Stone, beloved to Hastings students and faculty alike, died in Sydney, Australia. To honor his memory and achievements, the editors of *The Hastings Law Journal* have dedicated this issue.

Because Julius held appointments as Distinguished Professor of Jurisprudence and International Law at Hastings and as Professor of Law at the University of New South Wales in Sydney, he was with us only one semester every other year. Despite its intermittent character, his presence profoundly affected the quality of life and discourse at Hastings. With his keen intellect, he often helped his colleagues solve complex legal problems, whether they involved sophisticated questions of international relations, the proper function of judges, or more mundane matters. His presence was a constant reminder that a major reason most of us had chosen academic life was the opportunity it provided to exchange ideas with intelligent colleagues who shared similar interests.

A true Renaissance man, Julius Stone lived the life of the mind with passion and commitment until the very end. Shortly before he died at the age of seventy-eight, Julius completed his last book. His thirty-four published books and over one hundred articles, primarily in the fields of jurisprudence and international law, reflected his profound knowledge of Anglo-American legal principles. Judges, lawyers, law professors, and statesmen throughout the world have looked upon his work as a monumental contribution to the literature of the law.

Lord Denning, the great English judge, recently described Julius Stone as "one of the most distinguished jurists of our time."<sup>1</sup> As early as 1956, when Julius' *Legal Controls of International Conflict—A Treatise on the Dynamics of Disputes—and War—Law* received the Annual

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1. Radio interview with Lord Denning by Gary Sturgis, ABC National Radio, Australia (1985) (copy of tape on file with *The Hastings Law Journal*) [hereinafter cited as Radio interview].

Award of the American Society of International Law, the Society described him as one of the outstanding lawyers of his day. His book, *Province and Function of Law: Law as Logic, Justice, and Social Control* (1947), which received the Decennial Award of the Royal Society of Arts and Sciences in London in 1964, was described by the English *Law Quarterly Review* as "a mighty work, a massive landmark of twentieth century legal and sociological learning."<sup>2</sup>

In the year of his death, 1985, Julius again won the award of the American Society of International Law for "the most scholarly book of the year in the field of international law"<sup>3</sup> for his book, *Visions of World Order: Between State Power and Human Justice* (1984). Among his more recent major books were *Legal System and Lawyers' Reasonings* (1964), *Human Law and Human Justice* (1965), *Social Dimensions of Law and Justice* (1966), *Of Law and Nations: Between Power Politics and Human Hopes* (1974), and *Conflict Through Consensus: United Nations Approaches to Aggression* (1977). In *Quest for Survival: The Role of Law and Foreign Policy* (1961), which reprinted his radio lectures of 1961, Julius made an early proposal for what later became the "hot line" between Washington and Moscow. His last book, *Precedent and Law: Dynamics of Common Law Growth*, was published in 1985.

The prominence he achieved as a teacher and scholar of the law had not come easily to Julius. Born to Lithuanian Jewish parents in Leeds, England, his early years were marked by extreme poverty. His father was illiterate, and his mother died when he was three years old. Although his father remarried, Julius later indicated that he had had "no motherly upbringing and very little of a family childhood."<sup>4</sup>

Despite such hardships, he was the first boy from his slum primary school to go to high school. Encouraged by two masters there who greatly influenced his future career, he excelled in his studies, winning a state scholarship to Oxford, one of only twenty awarded each year to enable poor, bright British students to attend either Oxford or Cambridge.

At Oxford, Julius often encountered class-based snobbism and rabid anti-Semitism. Originally specializing in history, he parted company with his tutor, who was preoccupied with kings, nobles, and famous battles, in contrast to his own interest in the experience of the common people as the key to understanding history. When the tutor suggested that

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2. Campbell, Book Review, 63 LAW Q. REV. 519, 525 (1947).

3. Radio interview, *supra* note 1.

4. Humphrey, *Laying Down the Law on Tablets of Stone . . .*, WELKEND AUSTI. MAG., Jan. 7, 1984.

Julius try some other field, possibly law, Julius accepted the invitation and embarked upon the study of jurisprudence, which, along with international law and other subjects, he pursued to the end of his life.

Julius graduated from Exeter College, Oxford, with a B.A. in Jurisprudence and the B.C.L. in 1928-1929. He was admitted to practice in the United Kingdom in 1930, in New Zealand in 1938, and in Australia in 1944. He also held the degrees of D.C.L. (Oxford), LL.M. (Leeds), S.J.D. (Harvard), and LL.D. (Leeds, *honoris causa*). In 1972, he was awarded the Order of the British Empire for services to legal education. Entering Harvard Law School as a Rockefeller Fellow in the Social Sciences, he served as an Assistant Professor of Law between 1932 and 1936. There he studied under and taught courses in jurisprudence with Roscoe Pound, conflict of laws with Joseph Beale, and international law with Manley O. Hudson. He also studied with E.M. Morgan, Felix Frankfurter, and others. During this period, he was one of the founding faculty of the Fletcher School of Law and Diplomacy and published works on jurisprudence, international law, and the American and English laws of evidence. He spent some years teaching law in England and in New Zealand, and he served as dean of the law school at the University of Auckland. In 1942, he accepted the Challis Chair of Jurisprudence and International Law at the University of Sydney. He occupied that position for thirty years, also serving as dean of the School of Jurisprudence until he retired and assumed his posts at the University of New South Wales and at the University of California, Hastings College of the Law. He frequently taught as a visiting professor at distinguished universities in India, Israel, and the United States.

Despite the brilliance of his writings and achievements, Julius harbored no exaggerated notions about himself. In 1984, *The Weekend Australian Magazine* published an article about Julius Stone in which he commented:

I've never seen myself, nor do I see myself to this day, as any way outstanding in intelligence. I'm not being modest, but I think that what distinguishes me from others is my capacity for work.

If you exercise the mind, especially during the young years, the teens and the 20s, to its maximum, you exceed what all your contemporaries are doing and even if you have a perfectly ordinary intelligence you are bound to come out somewhere towards the front.<sup>5</sup>

Elsewhere in that same interview, Julius elaborated on this theme:

People ask me why I keep on working at this pace, but I do it because I love it. I'd be miserable without it now. I think we, and I

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5. *Id.*

include the doctors and the psychologists, have been degrading devotion by making a capacity for work into something called "a workaholic." It's a crazy notion. If you took it seriously, it would dispose of Michelangelo.<sup>6</sup>

Julius' capacity for work is reflected in the quantity and quality of his scholarly output. He wrote many of his books and articles while he was on visiting status at one "foreign" law school or another. Trying to produce sound, scholarly work, even when one is not moving around, is hard enough, as anyone who has done so can attest. How much more difficult it must have been for Julius, whose well-deserved reputation as a brilliant legal scholar produced frequent geographic dislocations, to do so. Only his extraordinary "capacity for work" could have helped him overcome the logistical problems such moves created.

Julius spent the major part of his academic career in Australia, where he was revered as a national treasure. At the time of his death, many of his former students at the University of Sydney and the University of New South Wales themselves had become outstanding actors in Australia's political, economic, and international affairs. The esteem in which he was held was evident even at his funeral. The funeral parlor, which held four hundred people, was packed, with people spilling out into the streets. Aside from his colleagues, numerous Australian judges, lawyers, students, and government leaders attended. Messages came from the Governor General and other leading political figures. The law schools at both the University of Sydney and the University of New South Wales closed for the day.

Julius could not have achieved his prodigious output without the devotion of his wife, Recca, and their three children, now grown, Eleanor, Michael, and Jonathan. Recca has written that he died at home, "loving and being loved." Perhaps the most moving tribute to Julius at his funeral came from his son, Jonathan, himself a professor in one of the scientific fields at another major Australian university.

Jonathan discerned in his father "a kind of anger, a tough rebellious streak."<sup>7</sup> Commenting on Julius' extraordinary discipline, he observed that Julius

combined his anger and discipline with a commitment to the search for justice, a search which expressed a deep love of and concern for his fellow man. . . . His discipline told him that justice is not necessarily to be found in the roar of the majority, in the slogan of the day, or in the protest of the radical. Justice, in his disciplined analysis, could be at-

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6. *Id.*

7. Eulogy by Jonathan Stone at the funeral of Julius Stone (Sept. 1985) (copy on file with *The Hastings Law Journal*).

tained only from a springboard of knowledge and understanding . . . . He was never therefore comfortable in protest movements, rarely spoke at demonstrations or rallies, was never committed to any political party; yet he cared passionately on the issues which have troubled our society and never lacked the energy or courage to stand up and be counted. His discipline made him a loner, and his lone position meant that he must choose his forum and audience with care and speak to them with rigour and precision, without which he would not have been heard.

His family and close friends will all remember the humanity, love and warmth which bound us to him. What has brought so many of us together today is, it seems to me, something more distinctive: it was my father's ability to combine energy, discipline, and commitment into lasting contributions to legal scholarship, to the Jewish community, to the wider community of Australia, and indeed to the community of nations.<sup>8</sup>

More recently, in December 1985, Australia's Prime Minister, Bob Hawke, delivered the inaugural Reza and Julius Stone Oration to a distinguished audience of over seven hundred people. He stated that Julius "brought to this country, and to the world, an appreciation of the nature of human endeavor, the realisation that the interests on which we base law and justice must be those of all people."<sup>9</sup>

The Australian Prime Minister also made the following observations:

Julius' writings and life work [were] underpinned by a passionate commitment to dialogue, to discussion and to debate. Humanity and vision are perhaps Julius' greatest bequests to us all. Despite the dangerous jungle which he could all too clearly see, Julius was at heart an optimist. He saw humanity as slowly, hesitatingly, beating paths to create small, precious enclaves of justice and peace. He exhorted us not to lose hope, but to fight on to enlarge these enclaves, to broaden what he called "pockets of hope."<sup>10</sup>

The entire Hastings community—faculty, administration, and students—had been eagerly looking forward to having Julius Stone in our midst once more for the spring semester of the 1985-1986 academic year—but fate would have it otherwise.

He will be sorely missed.

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8. *Id.*

9. *Austl. Jewish Times*, Dec. 12, 1985, at 1, col. 1 (address by Prime Minister Bob Hawke at the Reza and Julius Stone Oration).

10. *Id.* at 1, col. 2.

