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## Tribute to Eric Stein

Bruno Simma

University of Michigan Law School, [simmab@umich.edu](mailto:simmab@umich.edu)

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## TRIBUTE TO ERIC STEIN

*Bruno Simma\**

My first encounter with Eric dates back forty years. In 1971 he taught a course at the Hague Academy of International Law.<sup>1</sup> At that time, I was an assistant lecturer at the University of Innsbruck, had just submitted my *Habilitationsschrift* to the Law Faculty there, and, while waiting for my *venia legendi* to come forward, I wanted to spend a few weeks at what was—and probably still is—the most exciting place for young international law scholars to get together with hundreds of like-minded individuals and some of the most inspiring teachers worldwide. Eric certainly lived up to my expectation of what a leading American law professor would be like: His lectures were sharp and challenging, as was the entire man. I remember him as prim in his appearance, crystal clear in the presentation of his subject, but what I also remember (and what in retrospect, having known Eric and his gentle, Old Worldish manners for decades, I find surprising) is that in the afternoon seminars accompanying his lectures he struck me as extremely tough in his attempt to employ what I later got to know as the Socratic method vis-à-vis an international student population more used to looking up in awe at the great figures in the field and not daring to say a word.<sup>2</sup> Well, I did not let myself be intimidated; I took the floor a couple of times and must at least have made the impression of not being too shy to survive intellectual slugouts at U.S. law schools, because at the end of one session Eric called me to the podium, inquired who I was and where I came from, and then invited me to apply for admission to the LL.M. program at Michigan.<sup>3</sup> I intended to follow this up after completing my *Habilitation* procedure, but immediately after I had done so I was offered the Chair of International Law at the University of Munich, and so I wrote to Eric begging him to understand my career choice, which he generously did.

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\* Judge, International Court of Justice; William W. Cook Global Law Professor, University of Michigan Law School.

1. Eric Stein, *Impact of New Weapons Technology on International Law: Selected Aspects*, 133 RECUEIL DES COURS [COLLECTED COURSES] OF THE HAGUE ACADEMY OF INTERNATIONAL LAW (1971-II) at 223.

2. I remember that during one of these seminars the discussion turned to environmental issues, more particularly transfrontier pollution, and then got stuck over Eric's question about where precisely international law stood on these matters. Finally, somebody mentioned that there was a student present in the hall who was just completing a doctoral dissertation on the subject, and, after a while, a young man rather hesitatingly came up to the lectern. Eric was able to get a few sentences out of him that helped our discussion along. The shy young scholar turned out to be Pierre-Marie Dupuy, today one of the leading French international lawyers and a visiting professor at Michigan Law School on several occasions.

3. For a description of our first encounter by Eric himself, see Eric Stein, *Bruno Simma, the Positivist?*, in FROM BILATERALISM TO COMMUNITY INTEREST: ESSAYS IN HONOR OF JUDGE BRUNO SIMMA 19, 30–31 (Ulrich Fastenrath et al. eds., 2011).

Thirteen years passed before I saw Eric again. It must have been in 1983 or 1984 that Eric spent a year as a Fellow of the *Wissenschaftskolleg* in Berlin. We met there as judges in the German finals of the Philip C. Jessup Moot Court Competition, and I invited Eric to deliver a lecture in Munich. Over dinner I must have mentioned that I had a Sabbatical coming up, because Eric suggested not only that I should spend it in Ann Arbor, but also that I should teach a seminar while doing so in order to get involved in the life of the Law School and meet faculty instead of rotting away in a closet in the Legal Research building (not Eric's words!). This was duly arranged, and in the fall of 1986, I arrived at the Law School, which had provided Maynard House as my place to stay. I had hardly set foot in my apartment when the Steins appeared, with their car (already then driven by Ginny, whom I met for the first time on that occasion) stacked up to the roof with all kinds of household items, a bedspread, and a TV set. I remember that I felt—and the two made me feel—like a son of theirs, and this feeling has persisted over a quarter of a century.

I then set out to teach my seminar, devoted to the international protection of human rights and attended by a lively group of students of the usual kind, so to speak, with one exception. After the first couple of weeks, I noticed a somewhat older person quietly sitting in and observing how I carried on. It turned out to be Professor Alex Aleinikoff, who must then have given a favorable report to his colleagues, because the next thing I knew I was invited to make a presentation to the faculty on a Friday afternoon—which at that time meant giving a job talk. However, I was not aware of that, which probably helped because all of that led to my getting an offer to join the faculty, ultimately taking the form of a joint appointment between Michigan and Munich. Eric never spoke about his role in this story and I never asked him, but I would be very surprised indeed if he had not been instrumental in drawing the attention of his colleagues to the visitor from Germany, speaking out in my favor in the relevant committee and faculty meetings and helping to overcome opposition.

A visitor from Germany. This leads me to an observation on what for me is the most noteworthy of Eric's many admirable character traits: a man, who as a young soldier in the Czechoslovakian Army, barely escaped from what certainly would have been his violent end at the hands of the Nazi invaders of his home country and who had to find out that he had lost several members of his family in the Holocaust, later turns into a father figure, and made Ann Arbor a home for so many German scholars (and, of course, for students and young academics from many countries, but particularly Germany). Their names would fill a long list indeed. I remember numerous conversations in which Eric surprised me by being perfectly up-to-date on the current whereabouts of many prominent German legal figures, both in academia and in practice, and then told me that they all had come to Michigan at one time or another and since then had remained friends with the Law School community, and particularly with Eric and Ginny. Thus, Eric was not only a pioneer in U.S. scholarship on the emergence of a united Europe; the

Steins added deeds to words and virtually established their own U.S.-European/German friendship society, as it were. When I heard about Eric's passing away, I wrote to the Law School that Eric was for me one of the few people you meet in life who help you believe in the good in human beings.

Eric was certainly a father figure for me. He accompanied my career in academia and practice with good advice, explicit in praise and subtle, but clear, in criticism, while I enjoyed reporting my achievements and receiving his recognition of them. In this regard, I see myself as a pupil of Eric. In what turned out to be his second-to-last publication, in the *Festschrift* I had the great honor to receive recently,<sup>4</sup> he subjected my academic work to a scrutiny that was as well meaning as it was thorough; it made me feel like being x-rayed in one of these airport security scanners of the last generation and I realized that, intellectually, Eric knew me better than I knew myself. I am sure that I would have made him happier if I had been able to muster more than just due professional respect for the project of European unification. But I must say that despite the focus of his work having been on European Community and European Union law for decades, Eric never lost his interest in developments in international and United Nations law. It was particularly the latter that he had been specializing in during his years in the State Department, in what must have been a wonderful time for somebody in his position: a guaranteed majority for the United States in the General Assembly and only one other power to really reckon with in the organization. But Eric did not lose faith in the United Nations after its dramatic transformation away from Western dominance. Whenever he spoke up or wrote about developments at the world organization, he did so with a lot of good will and remained fair and balanced (even though I won't blame him for resettling in the Trans-Atlantic and European law world).

In sum then, I have lost a fatherly friend in Eric. I have lost one of my masters and a role model. I owe Eric so much and I am deeply grateful to him. During the long time of our friendship, I learned so much from him and profited from his advice, and this will not be lost. Eric loved Michigan, he infected me with this love and this gives me the opportunity to pay back what I received.

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4. Cf. *id.*

