AUSTRALIAN LAW JOURNAL

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EAUNCH OF APPEAL FOR JULIUS STONE SCHOLARSHIP

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The meeting of the International Law Association (ILA) at Broadbeach, Queesland, in August 1990 brought to Australia some of the leading experts in international law. They included some who preside in or are engaged as counsel before the International Court of Justice and other international tribunals as well as academic scholars, expert in developments of international law.

In conjunction with the international meeting, the Australian Branch of the ILA convened a seminar in Sydney on selected issues of international law. Speakers included Professor Ian Brownlie QC, Chichele Professor of Public International Law in the University of Oxford, Professor David Williams, Vice Chancellor of the University of Cambridge and Professor James Crawford, Dean of the Faculty of Law, the University of Sydney. Senior officers of the Australian Departments of Foreign Affairs and Trade and of the Attorney General also contributed to the programme. The morning session was chaired by Sir Laurence Street, former Chief Justice of New South Wales and newly elected President of the International Law Association. The afternoon session was chaired by Justice Michael Kirby, President of the New South Wales Court of Appeal.

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At the close of the afternoon session which included discussion of the international aspects of the protection of state secrets following the <u>Spycatcher</u> litigation (see <u>Attorney General for the United Kingdom v Heinemann</u> <u>Publishers Australia Pty Limited</u> (1988) 165 CLR 30; (1987) 10 NSWLR 86) a reception was held to launch an appeal to provide funds for the Julius Stone Memorial Postgraduate Scholarships in Law. These scholarships are to be offered by the University of New South Wales in memory of Professor Stone who spent thirteen happy and productive years in the Law School of that University.

In the presence of many distinguished overseas experts in international law, as well as many former pupils of Professor Stone and members of his family, the appeal for funds to support the scholarships was launched. Amongst those present, or who sent apologies, were many of the former pupils of Professor Stone, some of whom contributed to the Festschrift in his honour published shortly before his death. See <u>Legal Change, Essays in Honour of Julius Stone</u>, Butterworths, 1983.

Professor Ivan Shearer speaking for the Law School of the University of New South Wales and the Committee recalled the very great influence which Julius Stone had on him and other law teachers in the then infant law school of the University of New South Wales. He said that one of the objectives of the Julius Stone scholarships was to supplement Postgraduate research awards and so to help prepare the next generation of law teachers. The aim would be to supplement funds for research and travel, and to provide other material support. In this practical way, it was hoped that the contributions of Professor Stone to legal scholarship in Australia would be perpetuated.

The Acting Vice Chancellor of the University of New South Wales, Professor Jarlath Ronayne referred to the highly productive years which Julius Stone spent as Challis Professor of Jurisprudence and International Law at the University of Sydney between 1942 and 1972. He said that the University of New South Wales had been fortunate to be able to take advantage of the experience of a scholar of such distinction when setting up its own law school. Professor Ronayne paid tribute to the Julius Stone Memorial Committee which is made up of many distinguished former pupils of Professor Stone and other long time associates. He announced а substantial contribution by the University to the establishment of the fund to inaugurate the scholarships.

These remarks were followed by a tribute to Professor Stone offered by Justice Michael Kirby. He described the tripartite division of Stone's professional career. The first stage began with his education at the Universities of Leeds, Oxford and Harvard. The second stage saw the years at the Law School at the University of Sydney. Not only did Stone accept a busy teaching load. He also wrote a large number of leading texts and engaged in many public activities. His <u>Province and Function of Law</u> published in 1946 was the outstanding work of jurisprudence published in Australia. Justice Kirby noted that, for its time, it was

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most forward looking. It foresaw the changes in statutory interpretation, administrative law, the secularisation of divorce law, the development of pluralism in society with anti-discrimination legislation, attitudes new to tax avoidance and the foundation of law reform commissions. The book also foresaw the great impact of technology upon society and its laws. Stone's own great teacher, Dean Roscoe Pound of the Harvard Law School had paid a handsome tribute to the book at the time of its publication, boasting that he had even read every footnote. Because of Professor Stone's propensity to commit much detail to footnotes this was, Justice Kirby said, no mean achievement for an old man. Other books by Julius Stone were mentioned, including Legal Controls of International Conflict (1954) Aggression and World Order (1958) and <u>Ouest for Survival</u> (1961). Between 1964 and 1966 Stone wrote the trilogy of successor volumes to Province and Function.

Justice Kirby quoted from the tribute paid to Professor Stone in 1967 by Sir Bernard Sugerman. Sugerman had noted the influence of law teachers on the next generation of lawyers, recording that the answers which judges and lawyers give to difficult problems "may be dictated by many voices. But we may be sure that amongst the most clamant, though usually unrecognised and unacknowledged, is the jurisprudence we have been taught in our youth". Justice Kirby said that the real influence of Professor Julius Stone upon the law and legal institutions of Australia was only now being felt in full measure.

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Justice Kirby also paid tribute to the University of New South Wales for the recognition which it had given to Julius Stone and the opportunity it provided to him to continue his research and writing. He noted the presence at the function of Mrs Reca Stone, the children of Professor Stone, Jonathan and Eleanor and other members of his family. He also paid special tribute to Miss Zena Sachs who was for many decades Stone's most constant research assistant and Justice Kirby reported tributes which he had colleague. received from Dean Erwin Griswold, former Dean of the Law School of Harvard University and Professor Edward McWhinney. The latter, who was presenting the annual lectures to the Haque Academy of International Law had written that Stone's earlier series on the sociology of law as applied to international law were still regarded as "definitive". Stone's constructive yet optimistic view of international law had provided a useful corrective to the unrealistic expectations of some legal writers in the years following the establishment of the United Nations Organization. Both in jurisprudence and international law, Julius Stone was a towering figure.

The purpose of the Julius Stone scholarships is to provide for postgraduate research tenable at the University of New South Wales Law School. Former students and admirers of Julius Stone may contribute to the fund which establishes the scholarships. They may do so by writing to Professor Ivan Shearer, Julius Stone Memorial Committee, Law School, University of New South Wales, PO Box 1, Kensington, NSW, 2033, Australia.

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