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import, such as the impact of forfeiture of a security bond covering exports in the face of the allegation by the exporter that the forfeiture infringed his basic rights protected by his national constitution. The accuracy, documentation and depth of the work are truly astounding.

Riesenfeld's role as a teacher in the regional law field has been equally impressive. In the early years he developed his own original materials for the Berkeley "Summer Workshops." In later years he offered a regular course in the field. Recently it has been the privilege of this writer to share with him the responsibility for teaching a course in Common Market Law. From the very outset the students were captivated by his warmth and understanding and impressed by his mastery of the subject matter, minute preparation, impeccable and exacting scholarly integrity and, last but not least, his irresistible humor.

This modest tribute to a dear friend and scholar of a renaissance range of interests concerns only one aspect of an immensely productive life. There is every reason to expect that the years of "retirement"—an obvious misnomer in Riesenfeld's case—will bring forth a new harvest of imaginative scholarly work.

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STEFAN RIESENFELD AS HISTORIAN

Robert Brentano†

Most readers of this issue will know Stefan Riesenfeld primarily as a student and teacher of contemporary, or nearly contemporary, law. Allusion and resonance undoubtedly will have made them aware of his knowledge of and interest in the distant past, its law, and its ideas about law. They would, however, be unlikely to guess the depth and breadth and longevity of his learning, its perimeter (if that can in fact be found), or his "professionalism" as an historian of medieval law.

I myself got to know Stefan Riesenfeld from the other direction. I met him immediately upon my coming to Berkeley to teach, in 1952, when, for a week or two, we both happened to be staying at the Faculty Club. Knowing him in this way I was doubly deluded. Of the intellectual tenor of Berkeley I had previously been completely ignorant;
I knew only that it was a place in which, at different times, two eminent medievalists W.A. Morris (of the English sheriff) and Ernst Kantorowicz had taught. Meeting Riesenfeld daily at breakfast (with people like Roy Smith who talked off-handedly of writing Latin sonnets on Tamalpais) gave me an impossibly unrealistic view of a university full of wittily and lightly carried dearning. It also made me continue to believe that Riesenfeld (whom I had only thought of before as a writer of historical reviews) was a professional medievalist pure and simple, although admittedly one of unusual scope. (And still in his presence both delusions tend to persist.) Not until some time later, when, one night, I met him coming back on a late train from San Francisco, where he had been acting as a consultant in connection with a substance which had not been invented, nor its sort of distribution and control imagined, in the Middle Ages, was I forced to face his legal modernity. It seems to me important in understanding and appreciating Riesenfeld's scholarship to realize that there is nothing about his thought or writing, when he is being a medievalist, that distinguishes him from historians completely devoted to the field.

The sort of historian Riesenfeld is, and has been, is nicely caught in the microcosm of a review of Max Radin's Handbook of Anglo-American Legal History which he wrote for the California Law Review almost 40 years ago.\(^2\) It begins, in a style that must be familiar to Riesenfeld's students, by stating precisely what the job of a book that will be used as a textbook is. It ought to "fulfill three tasks:"

First, it should give the student a clear, readable, and well-balanced description of the matter dealt with; second, it should stimulate the interest of the student to go outside its content and should be a guide in the labyrinth of literature and sources; and third, it should add new material, clarify doubtful points and raise doubts with respect to traditional but badly founded doctrines.\(^3\)

Clarity in beginning, precision, charting the course are characteristic of Riesenfeld; as he wrote later, in 1950, in the first sentence of his review, for the American Historical Review, of Legal Philosophy from Plato to Hegel by Huntington Cairns, "For a full appraisal of the virtues and accomplishments of the present volume a clear understanding of its scope and goal is indispensable." But Riesenfeld's clarity is not overly protective; he presses his auditor, as he praised Radin for pressing his reader, to "take a look into Bracton or Coke or read some of the cases in the old reports to get a first hand impression, in spite of Latin or Norman French."\(^4\)

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3. \(\text{Id.}\)
4. Riesenfeld, \textit{supra} note 1, at 569; Riesenfeld, \textit{supra} note 2, at 383.
Riesenfeld demands a history of the law that takes into account both basic legal philosophy and the nature of surrounding society. He wants, to return to the words of the Radin review, both to find "the fundamental notions by which" law "was animated" and to watch the legal system governing "the social and economic life" of the people. Of the Radin book he said that "the most original and most brilliant part" was to be found in those chapters in which one sees the "conscious and insistent presentation of the common law and its institutions as offspring of feudal ideas and feudal notions." The Riesenfeld caught in and predicated by the Radin review plans and writes clearly, pushes into difficult and challenging sources, refuses to separate law from society, and considers legal philosophy a part of legal history.

The "Radin" Riesenfeld also (and this is a hallmark of the man as an historian) demanded that the history of Anglo-American law be comparative history: "its rules and institutions can be understood in their full import only if considered in connection with the contemporaneous continental development." Riesenfeld wanted "a comparative basis" for Anglo-American legal history, "many obscure problems" of which could "thus receive new light"—although, "of course, one must be careful not to exaggerate the similarity." He cited recent work by the historians Besnier and Mitteis. He exhorted; he also warned, in a pattern that Riesenfeld students in quite distant fields may recognize: "Wohlhaupter's attempts in this respect [to investigate the connection between the _aequitas canonica_ and English chancellors' practice] have unfortunately escaped the attention of English legal historians so far."

Riesenfeld's legal historians are not just those who teach in faculties of law. They are the full cast of historians who touch matters which touch the law, everyone worth reading (if some only to refute and some, like Kienast, also to review). His is the full panoply of history. He is in this fully a descendant of Maitland's, although no descendant was ever less imprisoned by his ancestor's interpretations. The neat microcosm of the Radin review, because of its scope, cannot expose at all fully the depth of Riesenfeld's knowledge of sources (the seemingly memorized Selden Society) or the breadth that was already apparent in 1939 in his review of Adrian Morey's _Bartholomew of Exeter_ with its concern for penitential literature. It cannot quite suggest the quick movement together of ideas and multiple, perfectly citable sources, as Riesenfeld, in ten words and a laugh, in casual conversation, can cogently criticize a theory, for example, about the origins of hereditary tenure. And one can only understand his "twinge of regret about"

5. Riesenfeld, _supra_ note 2, at 383-84.