

1996

## Leonard J. Theberge Award for Private International Law: E. Allan Farnsworth

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### Recommended Citation

*Leonard J. Theberge Award for Private International Law: E. Allan Farnsworth*, 30 INT'L L. 711 (1996)  
<https://scholar.smu.edu/til/vol30/iss4/2>

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## AWARD

### **Leonard J. Theberge Award for Private International Law: E. Allan Farnsworth**

E. Allan Farnsworth, Alfred McCormack Professor of Law at Columbia University, received the 1996 Leonard J. Theberge Award for Private International Law at the annual meeting of the American Bar Association in Orlando, Florida, on August 2, 1996.

#### **The Leonard J. Theberge Award for Private International Law**

In the summer of 1982, the Board of Governors of the American Bar Association approved the proposal of the Section of International Law and Practice to present annually "a medal . . . to the individual judged by the Section to have performed distinguished services in the field of private international law." The award "would serve to recognize the ever growing importance of the private international law field." Recipients are selected "on the basis of long-standing contributions to the development of private international law through active participation in the formulation of international agreements or otherwise developing public understanding in this area." Candidates for the award are nominated by the Section's Private International Law Committee and selected by the Council of the Section. By resolution of the Council, the Award was named in memory of Leonard J. Theberge, chair of the Section in 1979-80.

The first recipient of the award in 1983 was Philip Werner Amram, and successive recipients are Ambassador Richard D. Kearney, Professor Willis L.M. Reese, Professor John O. Honnold, Peter H. Pfund, Sir Joseph Gold, Monroe Leigh, Lester Nurick, and Professor Louis B. Sohn.

### **E. Allan Farnsworth**

E. Allan Farnsworth is the Alfred McCormack Professor of Law at Columbia University. He received his B.S. from the University of Michigan in 1948, an M.A. from Yale University in 1949, and a J.D. from Columbia University, where he was the editor of the *Columbia Law Review*, in 1952. He joined the Columbia faculty in 1954. He has taught also at the Universities of Paris, Istanbul, and Dakar, and in the United States at the law schools of Chicago, Harvard, Miami, Michigan, and Stetson. From 1971 to 1980, Professor Farnsworth served as Reporter for the *Restatement of the Law, Second, on Contracts*. In 1979-80 he served as U.S. Representative and in other capacities with the United Nations Commission on International Trade Law (UNCITRAL) and represented the United States at diplomatic conferences on international agency in Bucharest and Geneva and on international sales in Vienna. Since 1979 he has served as a member of the Governing Council of the International Institute for the Unification of Private Law (UNIDROIT) in Rome, and since 1985 as a member of the U.S. Secretary of State's Advisory Committee on Private International Law. Professor Farnsworth's numerous publications include: *Farnsworth on Contracts; An Introduction to the Legal System of the United States* (translated into nine languages); *Contract Law in the USSR and the United States: History and General Concept* (with Viktor P. Mazolin); *United States Contract Law; Cases and Materials on Contracts* (with William F. Young); *Cases and Materials on Commercial Law* (with John O. Honnold, Steven L. Harris, Charles W. Mooney, Jr., and Curtis R. Reitz); and *Cases and Materials on Negotiable Instruments*.

### **Letter from Peter H. Pfund, Assistant Legal Adviser for Private International Law, U.S. Department of State**

I was delighted to hear that the Section of International Law and Practice of the American Bar Association has decided to name Allan Farnsworth as this year's recipient of the Leonard J. Theberge Prize for Private International Law.

Allan has for many years been a stalwart supporter of the international process of private law unification and an important player in that process for the United States. With John Honnold, Allan was co-delegate of the United States to the 1980 United Nations Conference in Vienna at which the final text of the 1980 U.N. Convention on Contracts for the International Sale of Goods was adopted. This Convention, the culmination of 50 years of international effort, sets out basic contract and sales law for the most fundamental legal transaction underlying all international trade—the international sales contract. The United States is party to that Convention along with 44 other countries. The Convention has applied to countless international sales transactions since it came into force on January 1, 1988.

Allan was our delegate to the preparation by the International Institute for Unification of Private Law (UNIDROIT) and the final negotiations and approval

in Geneva of the 1983 UNIDROIT Convention on Agency in the International Sale of Goods. He played an important role in the preparation of the UNIDROIT Principles of International Commercial Contracts—increasingly used in international contracts and in international arbitration. Allan has been the member from the United States Governing Council of UNIDROIT since 1978, and has represented the Association of American Law Schools on the Secretary of State's Advisory Committee on Private International Law. For many years, Allan was a member of the U.S. delegation to the plenary sessions of the U.N. Commission on International Trade Law (UNCITRAL) and the work of its working groups on several different projects.

Throughout all of Allan's functions related to private international law, he has been the source of wise counsel and sophisticated insights to the Department of State, a very effective representative of and negotiator for the United States in international conferences and meetings, and a highly respected colleague to his counterparts from other countries and to the beneficiaries in the United States of his efforts and advice.

Allan has also not neglected the lighter side of private law unification—for example organizing an expedition by certain delegates willing to play hooky during the 1983 Agency Conference in Geneva for a superb gourmet lunch at Freddie Girardet's outside of Lausanne. To ensure that the U.S. delegation did not miss out on any action in the conference room, Allan, in a demonstration of his tactical skills, took along the chairman of the substantive committee so that the afternoon session could not begin before our return to Geneva!

Allan did much to introduce me to the methods and processes of private law unification at the international level, and I have always been very grateful to him for the insights he shared with me. I join his many friends and admirers in congratulating Allan for the Department and on my own behalf for this recognition of his contributions to the international process and to effective U.S. participation in that process.

June 18, 1996

### **Letter from Malcolm Evans, Secretary-General of the International Institute for the Unification of Private Law**

The association between Allan Farnsworth and the International Institute for the Unification of Private Law (Unidroit) is a long one. I have it on record from Allan himself that his first visit to the Rome Institute as a young professor dates back to the early nineteen-sixties. Although it may well be overstating the case to speak of this initial impact as having been the beginning of "a fatal attraction," the fact remains that already as from 1967 he was back in Rome in his personal capacity as a member of the Unidroit Study Group for the preparation of a draft Uniform Law on the Conditions of Validity of Contracts for the International Sale of Goods.

In 1970, the same year in which he was appointed U.S. representative to the United Nations Commission on International Trade Law (UNCITRAL), Allan took his seat for the first time as an official delegate on a Unidroit Committee of Governmental Experts. This Committee was responsible for what was ultimately to become the 1983 Geneva Convention on Agency in the International Sale of Goods and much of the credit for bringing to a successful conclusion the diplomatic Conference which was the adoption of that Convention must go to Allan Farnsworth's outstanding chairmanship of the Drafting Committee.

When Ambassador Richard Kearney ultimately succeeded in 1964 in securing United States membership of Unidroit and of the Hague Conference on Private International Law it was natural that it was he [who] should be appointed as U.S. member of the Unidroit Governing Council. It was however equally inevitable that following his retirement in 1978 his designated successor should have been Allan Farnsworth, bringing with him his wealth of knowledge of contract law and his wide experience in the negotiation of international private law Conventions.

Allan has now been a member of the Unidroit Governing Council for close on 20 years and few of its members have shown the same degree of unstinting commitment in their efforts to promote the cause of the Institute and of the unification of uniform law in general. His interventions in Council sessions, characterised by his customary brevity and wit, are always a source of refreshment and his capacity to come up with apparently obvious compromise proposals at difficult moments (proposals which had however failed to occur to anyone else) seems unflinching.

One further specific aspect of Allan's contribution to Unidroit which must not be passed over is the vital part he played both as a member and as the Chairman of the Drafting Committee of the working group which drew up the UNIDROIT Principles of International Commercial Contracts, which will no doubt be seen in the future as one of the most significant projects ever brought to fruition by the Institute.

Tribute to Allan Farnsworth's major contribution to scholarship in his own country will be paid by many of those at the ceremony which will see the conferring on him of the Leonard J. Theberge Prize for Private International Law. Nothing would have given me greater pleasure than to participate in those celebrations personally, but I can assure all those who will be present not only of my own heartiest congratulations and warmest expression of affection and esteem to Allan but also those of his many friends in Unidroit.

Rome, 25 July 1996