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HENRY KING

Ian Holloway QC

In his work, *The Poet at the Breakfast Table*, the great poet and scholar of medicine, Oliver Wendell Holmes, Sr. said that “it is the province of knowledge to speak and it is the privilege of wisdom to listen.”¹ For all of us who are interested in the rule of law, it was our privilege—our *very great* privilege—to have been able to listen and learn from Henry King for so long.

It is now more than six decades since he first emerged on the stage of international jurisprudence in the rubble of Nuremburg, and through his life’s work since, we have been the beneficiaries of a wealth of knowledge which has not only taught us much about the rule of law, but also much about ourselves and about our societies.

Henry King was a graduate of Yale College and Yale Law School, and he began his working life in the conventional private practice of law in New York City. But it was in Nuremburg that his life—as he put it himself—was given a moral focus. Fortunate, indeed, we are that this was the case, for from our perspective, it is no exaggeration to say that Professor King’s work in Nuremburg in 1946 and 1947 represented a significant contribution to our present-day understanding of international human rights law. The link, which he helped to draw in his prosecution of Field Marshal Milch, between economic exploitation and the violation of human rights norms, represented a major breakthrough in our understanding of the notion of responsibility—and culpability—for human rights abuse.

In this sense, Henry King’s great service as a comparative lawyer was to remind us that the rule of law is not a monolith. Nor does it wear nationalistic clothing. It is neither American nor the preserve of the English-speaking common-law world. On the contrary, it

¹ OLIVER WENDELL HOLMES, SR., *THE POET AT THE BREAKFAST TABLE* 310 (Boston, Houghton, Mifflin & Co. 1884) (1872).

represents the collective aspiration of humanitarian-minded people everywhere for a means of living in peace and harmony.

It was in 1980—following a professional career which by that stage had already extended more than thirty-five years!—that Professor King joined the Faculty of Law at Case Western Reserve University. It was at this point that a more parochial indebtedness on our part in Canada to him began, as from the beginning, Professor King assumed a leadership role in the Canada-United States Law Institute. Founded in 1976 as a joint venture between the University of Western Ontario and Case Western Reserve University, the Institute's objective is to promote dialogue on legal issues of common interest between the two countries.

That this objective continues to be met is due more than anything to the energy and sustained vision of Henry King. It was he who convened the Institute's annual conference, which is one of those occasions which features often in rhetoric but seldom in fact, where one gathers together, not only with other scholars, but also with businesspeople, lawyers, public servants and politicians, to debate and explore matters of common concern. Indeed, I would hazard to say that the Canada-U.S. Law Institute annual conference does more to enable harmonious Canadian-American relations, at least in the legal community, than almost anything else in which Canadians regularly take part.

In Canada, we shall miss Henry King a great deal. But his legacy of open-mindedness and scholarly wisdom will not soon be forgotten. *Finis coronat opus!*