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# In Memoriam: Eberhard Menzel

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## In Memoriam Eberhard Menzel

Eberhard Menzel, professor of constitutional and international law and former director of the Institute for International Law at Kiel University, passed away after long illness on June 1, 1979 at the age of 68.

Since 1955 Menzel taught the subjects constitutional law, international law, and political theory at Christian-Albrechts-Universität and directed the Institute for International Law until illness compelled him to withdraw from his academic work in 1973. His academic career began while he was a student of Friedrich Giese in Frankfurt. Here he earned his doctorate with a fundamental thesis on "The English Theory of the Essence of the International Law Norm". Following temporary practical court work as *Justizassessor* and further extensive research papers, — interrupted by military service in 1940 — Eberhard Menzel finished his *Habilitation* in the field of public law in 1943.

Upon his return from an American prisoner of war camp in 1947, he took up his work again at the Research Center for International Law and Foreign Public Law in Hamburg. After his appointment to a professorship in Hamburg in July, 1952, he received tenure at Kiel University in the spring of 1955. Here Eberhard Menzel could develop his constitutional law and international law interests excellently. After only a few years of work at Kiel he finished his widely respected treatise on international law in 1962. The academic work of Eberhard Menzel covers an abundance of subjects of partly fundamental importance and partly current interest, such as the report before the German Association of Public Law Teachers in 1953 concerning the foreign affairs power, the commentary on the articles of the Basic Law with reference to international law, and his numerous works which foresaw the current problems in the new law of the sea and the relationship of national and international administration.

In the area of constitutional law, Eberhard Menzel strongly took position on a variety of topical questions, such as the problem of reorganization of the civil service, the emergency provisions in the Basic Law, the control of public finances and legal questions of higher education. Characteristic of his work is on the one hand his critical acumen in analysis, including the sociopolitical environment and on the other hand his creative, careful outline of possible new solutions.

These elements characterize finally a further emphasis in Eberhard Menzel's research — the occupation with the German Question and *Ostpolitik*. Critical in his analysis of the existing international law, constitutional law and political dogmas and taboos of official policy concerning Germany and the relations with its neighbours to the East, he made himself an advocate of a policy of European security and cooperation, the nucleus of which consisted in the confirmation of Germany as a partner and good neighbour. In the *Festschrift* by his students and colleagues honoring Menzel on his 65th birthday it is justly said that he has participated in the discussion of his time in a way which corresponds to his entire being: "Extremely critical towards the inside and protective towards the outside".

A large number of students, doctoral candidates and research assistants received manifold stimuli from his world-open, interested function as a teacher. Beyond that, he dedicated his entire energy to the Institute for International Law, the respect of which he knew to expand at home and abroad according to the tradition set by Theodor Niemeyer, Walter Schücking and Hermann von Mangoldt.

His close association with international law practice and foreign politics became manifest in the years of his successful international law training of foreign service candidates and in his participation in many international conferences, including those of the Pugwash Movement, to which he had a strong allegiance because of its peace-oriented goals. A highpoint of the combination of research and practical work was his participation as adviser for the German agents in the North Sea Continental Shelf Case at the International Court of Justice in 1968.

The German Yearbook of International Law is deeply indebted to Eberhard Menzel who dedicated to it so much of his energy and idealism during his years as a co-editor and editor until 1973. We have lost a profiled, scholarly personality, whose richness of ideas, constant readiness to step in and help, and tireless efforts beyond expectation will always remain a model for his students and colleagues.

Jost Delbrück

Wilfried Fiedler

Wilhelm A. Kewenig