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Article 1

Ludwik A. Teclaff (1918 – 2003) A Tribute

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Abstract

On May 29, 2003, Professor Ludwik A. Teclaff died in his 85th year at his retirement home in St. Petersburg, Florida. Ludwik Teclaff, was a scholar, a patriot, a warrior and a man of faith. He was born in Czestochowa, Poland on November 14, 1918, just before Poland emerged as a newly independent Nation. In 1959 Dr. Teclaff joined the Fordham University School of Law Library, becoming Librarian of the Law School in 1962. During his twenty-four years as Librarian, Dr. Teclaff made the changes in technology and administration that would put Fordham's law library in the front rank of university law libraries. In 1963, Dr. Teclaff was appointed to the Faculty of Law as Assistant Professor of Law, Associate Professor in 1966, and Professor of Law in 1968. During his twenty-six years as a member of the law faculty, Professor Teclaff taught Public International Law, Environmental Law, The Law of the Sea, and Jurisprudence.

LUDWIK A. TECLAFF
(1918 – 2003)
A TRIBUTE*

*Joseph C. Sweeney***

On May 29, 2003, Professor Ludwik A. Teclaff died in his 85th year at his retirement home in St. Petersburg, Florida. This summer he was buried in a free and independent Poland, the homeland from which he had to flee in a time of Nazi and later Communist oppression. But Poland is now a free Nation, and a newly joined member of the European Union (May 1, 2004). A free and independent Poland was something for which Ludwik Teclaff yearned and prayed during the forty-five years of Communist oppression. The absurdities of life under communism spurred him to undertake an historical analysis of repressive regimes.¹

Our colleague, Ludwik Teclaff, was a scholar, a patriot, a warrior and a man of faith. He was born in Czestochowa, Poland on November 14, 1918, just before Poland emerged as a newly independent Nation. The rebirth of Poland was the result of the First World War: Germany's defeat and the collapse of Tsarist Russia. Czestochowa had long been a place of pilgrimage for Catholic faithful because of a 1500-year old image of the Mother of God known as the Black Madonna, venerated as a symbol of Polish nationality. Polish Nationality, Catholic faith, American freedom, and a love of the law were crucial elements in his long life.

In 1936 Ludwik Teclaff graduated from the Henryk Sienkiewicz Gymnasium, a preparatory school named after the author of *Quo Vadis*, in Czestochowa. He then entered the Law School of the University of Warsaw.

In September 1939, while Ludwik Teclaff was studying in the Law School, Hitler invaded Poland and began the Second World War. Poland was unable to resist the combined attacks by

* This Tribute was delivered at the Memorial Mass for Professor Teclaff at Fordham University on September 8, 2003.

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1. See LUDWIK TECLAFF, *THE ECONOMIC ROOTS OF OPPRESSION* (1984).

the Nazis and Soviets, and the Polish Army collapsed after four weeks of *blitzkrieg*. As a result, the Polish government fled to France. Many Polish citizens were imprisoned and murdered by their captors, but Teclaff and some colleagues were able to escape through Czechoslovakia, Bulgaria, Yugoslavia, and Italy to France where they joined a regrouped Polish army. This would not be the end of their wartime odyssey as the Polish government and its army had to flee ahead of the Nazi invasion of France in June, 1940. Leaving France through Bordeaux, the Polish Government-in-Exile established itself in London with the aid of its British ally. Teclaff went to Scotland with his regiment where he learned to drive a tank.

After three years military service the Polish Government-in-Exile sent Teclaff to Oxford to complete his legal education, awaiting the liberation of Poland. Teclaff received his law degree (Magister Juris) in 1944 and he entered the diplomatic service of the Polish Government-in-Exile, serving as an attaché in the Embassy in London in 1945. The future of that government became uncertain as the Soviet army brought a Communist government to Poland in its wake, administering those parts of Poland freed from Nazi control. This resulted in a division of Poles between the Soviet-backed regime in Poland and the Polish Government-in-Exile in London. The United Kingdom and the United States supported the London government but eventually withdrew that support when it became obvious that the Soviets would not withdraw. Teclaff's work for the London government earned him the Cross of the Order of Polonia Restituta in 1952, but prevented his return to his Polish homeland for another twenty years.

The Republic of Ireland continued to recognize the London Polish Government-in-Exile, and Teclaff served that government as Vice Consul and then Consul in Dublin, from 1946 to 1952 — during which time he met and married his wife, Eileen, a marriage of love and devotion that lasted more than fifty years. During those years they often collaborated in his legal writings.

Eight years in the diplomatic corps served as a thorough preparation for his subsequent research and teaching in international law, his primary intellectual focus for more than the next forty-five years. At the age of eighty, he published an Article en-

titled, *Protecting Abyssal Species in the Law of the Sea*.²

Ludwik and Eileen Teclaff came to New York in 1952 where he pursued his studies in library administration, earning a M.L.S. from Columbia in 1954 and in international law, earning a LL.M. from New York University in 1961, and a J.S.D. from New York University in 1965.

In 1959 Dr. Teclaff joined the Fordham University School of Law Library, becoming Librarian of the Law School in 1962. During his twenty-four years as Librarian, Dr. Teclaff made the changes in technology and administration that would put Fordham's law library in the front rank of university law libraries.

In 1963, Dr. Teclaff was appointed to the Faculty of Law as Assistant Professor of Law, Associate Professor in 1966, and Professor of Law in 1968. During his twenty-six years as a member of the law faculty, Professor Teclaff taught Public International Law, Environmental Law, The Law of the Sea, and Jurisprudence. His studies in Water Law, the law of rivers and river basins, were world famous and recognized by the United Nations, the United States, and other governments such as Argentina, Finland, and Mexico. His researches in this area were published in four books: *International Groundwater Law* (Ludwik A. Teclaff & Albert E. Utton, 1981), *Water Law in Historical Perspective* (1985), *Water in a Developing World: the Management of a Critical Resource* (Ludwik A. Teclaff & Albert E. Utton, 1978), and *The River Basin in History and Law* (1967). He also edited three books³ and wrote thirty-three law review articles⁴, seventeen

2. 8 FORDHAM ENVTL. L.J. 251 (1996-1997).

3. See INTERNATIONAL ENVIRONMENTAL LAW (Ludwik Teclaff & Albert E. Utton eds., 1974); ABSTRACTION AND USE OF WATER: A COMPARISON OF LEGAL REGIMES (Ludwik Teclaff ed., 1972); TRANSBOUNDARY RESOURCES LAW (Ludwik Teclaff & Albert E. Utton eds. 1987).

4. *Protecting Abyssal Species in the Law of the Sea*, 8 FORDHAM ENVTL. L.J. 251 (1997); *Evolution of the River Basin Concept in National and International Water Law*, 36 NATURAL RESOURCES J. 359 (1996); *Beyond Restoration — The Case of Ecocide*, 34 NATURAL RESOURCES J. 933 (1944); Ludwik Teclaff & Eileen Teclaff, *Restoring River and Lake Basin Ecosystems*, 34 NATURAL RESOURCES J. 905 (1994); *Fiat or Custom: The Checkered Development of International Water Law*, 31 NATURAL RESOURCES J. 45 (1991); Ludwik Teclaff & Albert Utton, *International Law of the Hydrological Cycle*, 21 NATURAL RESOURCES J. 1 (1991); *River Basin Concept and Global Climate Change*, 8 PACE ENVTL. L. REV. 355 (1991); Ludwik Teclaff & Eileen Teclaff, *Transfers of Pollution and the Marine Environment Conventions*, 31 NATURAL RESOURCES J. 187-211 (1991); *Treaty Practice Relating to Transboundary Flooding*, 31 NATURAL RESOURCES J. 109 (1991); *International Control of Cross-Media Pollution — An Ecosystem Approach*, 31 NATURAL RESOURCES J. 21 (1987); Ludwik Teclaff & Eileen Teclaff, *Transboundary Toxic Pollution and the Drainage Basin Concept*, 25

book reviews⁵, and thirteen chapters in as many treatises.⁶ All of

NATURAL RESOURCES J. 589 (1985); Ludwik Teclaff & Joseph C. Sweeney, *Control of Vessel Pollution and Liability Regimes under International Law and the Law of the United States of America*, IL DIRITTO MARITTIMO 469 (1983); *Principles for Transboundary Groundwater Pollution Control*, 22 NATURAL RESOURCES J. 1065 (1982); Ludwik Teclaff & Gerald T. McLaughlin, *Iranian Hostage Agreements: A Legal Analysis*, 4 FORDHAM INT'L L.J. 223 (1981); *An International Comparison of Trends in Water Resources Management*, 7 ECOLOGY L.Q. 881 (1979); Ludwik Teclaff & Eileen Teclaff, *Transboundary Ground Water Pollution: Survey and Trends in Treaty Law*, 19 NATURAL RESOURCES J. 629 (1997); *Emerging Legal Concepts in the Harmonization of Water Resources Development and Environmental Protection*, 11 ANNALES JURIS AQUARAM 1023 (1976); *Harmonizing Water Resources Development and Use with Environmental Protection in Municipal and International Law*, 16 NATURAL RESOURCES J. 807 (1976); *Influence of Recent Trends in Water Legislation on the Structure and Functions of Water Administration*, 9 LAND & WATER L. REV. 1 (1974); *Impact of Environmental Concern on the Development of International Law*, 13 NATURAL RESOURCES J. 357; *International Law and the Protection of the Oceans from Pollution*, 40 FORDHAM L. REV. 529 (1972); *Saving the Land-Water Edge Form Recreation for Recreation*, 14 ARIZ. L. REV. 39 (1972); *What You've Always Wanted to Know About Riparian Rights, But Were Afraid to Ask*, 12 NATURAL RESOURCES J. 30 (1972); *Coastal Zone — Control Over Encroachments into the Tidewaters*, 1 J. MARITIME L. & COM. 241 (1970); *Jurisdiction Over Offshore Fisheries — How Far Into the High Seas?*, 35 FORDHAM L. REV. 409 (1967); *Droit Communautaire et Droit National*, 14 CENTRAL EUROPEAN FEDERALIST 36 (1966); *Fluvial Regime of the Oder River*, 41 UNIV. OF DETROIT L.J. 95 (1963); *United States River Treaties*, 31 FORDHAM L. REV. 697 (1963); *Private Water Rights in France and in the Eastern United States*, 11 AM. J. COMP. L. 560 (1962); *Shrinking the High Sea by Technical Methods — From the 1930 Hague Conference to the 1958 Geneva Conference*, 39 UNIV. OF DETROIT L.J. 660 (1962); *Review of Space Law Literature and Activities*, 54 L. LIB. J. 208 (1961).

5. Book Review, 80 AM. J. INT'L L. 775 (1986) (reviewing MAGISTALA WODNA, *BALTYKA-MORZE CZARNE*); Book Review, 79 AM. J. INT'L L. 811 (1985) (reviewing UNITED NATIONS, *EXPERIENCES IN THE DEVELOPMENT AND MANAGEMENT OF INTERNATIONAL RIVER AND LAKE BASINS* (1983)); Book Review, 12 INT'L J. LEGAL INFO. 266 (1984) (reviewing JOHAN G. LAMMERS, *POLLUTION OF INTERNATIONAL WATERCOURSES: A SEARCH FOR SUBSTANTIVE RULES AND PRINCIPLES OF LAW* (1984)); Book Review, 78 AM. J. INT'L L. 280 (1984) (reviewing RALPH ZAKLIN ET AL., *THE LEGAL REGIME OF INTERNATIONAL RIVERS AND LAKES* (1981)); Book Review, 10 INT'L J. LEGAL INFO. 246 (1982) (reviewing JULIO C. CUETO-RUA, *JUDICIAL METHODS OF INTERPRETATION OF THE LAW* (1981)); Book Review, 9 INT'L J. LEGAL INFO. 282 (1981) (reviewing EDGAR GOLD, *THE EVOLUTION OF INTERNATIONAL MARINE POLICY AND SHIPPING LAW* (1981)); Book Review, 20 NATURAL RESOURCES J. 953 (1980) (reviewing R. M'GONIGLE & MARK ZACHER, *POLLUTION, POLITICS, AND INTERNATIONAL LAW* (1979)); Book Review, 74 AM. J. INT'L L. 489 (1980) (reviewing KAROL WOLFFE, *MIEDZYNARODOWE PRAWO SRODOWISKA*); Book Review, 73 AM. J. INT'L L. 729 (1979) (reviewing THEAURUS ACROASIIUM, *VIII THE LAW OF THE SEA*); Book Review, 19 NATURAL RESOURCES J. 1002 (reviewing A.L. LEVIN, *PROTECTING HUMAN ENVIRONMENT: PROCEDURES AND PRINCIPLES FOR PREVENTING AND RESOLVING INTERNATIONAL CONTROVERSIES* (1977)); Book Review, 70 L. LIB. J. 381 (1977) (reviewing EUROPEAN ASSOCIATION FOR LEGAL AND FISCAL STUDIES, *BRANCHES AND SUBSIDIARIES IN THE EUROPEAN COMMON MARKET: LEGAL AND TAX ASPECTS* (1976)); Book Review, 69 AM. J. INT'L L. 696 (1975) (reviewing *INTERNATIONAL LAW IN THE WESTERN HEMISPHERE* (Nigel S. Rodley & C. Neale Ronning eds., 1971)); Book Review, 14 NATURAL RESOURCES J. 578 (reviewing DANTE A. CAPONERA, *WATER LAWS IN MOSLEM COUNTRIES* (1974)); Book Review, 61 L. LIB. J. 180 (1968) (reviewing D.W. BOWETT, *LAW OF THE SEA* (1967)); Book

these were in English, but he also published works in Polish.

His course in Environmental Law was one of the first in the Nation, greatly enhanced by his attendance as a United Nations expert at the famous 1972 Stockholm Conference on Protection of the Worldwide Environment. Students in his Environmental Law course started the Environmental Law Newsletter, the predecessor of our present *Fordham Environmental Law Journal*.

Dr. Teclaff also served as an advisor to the *Fordham International Law Journal*. When he became Professor Emeritus in 1989, that achievement was recognized at the Annual Dinner of the *Fordham International Law Journal* when a hundred voices greeted him with, "JESZCZE POLSKA NIE ZGINELA" ["Poland is not yet lost!"], the cry of nineteenth century Polish patriots.

Those are the facts about Dr. Teclaff's life, but they hardly describe the scholar, patriot, warrior or man of faith described in the introduction.

Review, 91 L. LIB. J. 3115 (1968) (reviewing NORMAN DORSEN, *FRONTIERS OF CIVIL LIBERTIES* (1968)); Book Review, 61 L. LIB. J. 334 (1968) (reviewing WILLIAM BUTLER, *LAW OF SOVIET TERRITORIAL WATERS: A CASE STUDY OF MARITIME LEGISLATION AND PRACTICE* (1967)); Book Review, 36 FORDHAM L. REV. 817 (1968) (reviewing LEWIS M. ALEXANDER, *LAW OF THE SEA: OFFSHORE BOUNDARIES AND ZONES* (1967)).

6. Ludwik A. Teclaff & Eileen Teclaff, *Transboundary Ground Water Pollution*, in *INTERNATIONAL GROUNDWATER LAW* (Ludwik Teclaff & Albert E. Utton eds., 1981); *Controlling Operational Oil Pollution from Ships*, in *INTERNATIONAL REGULATION OF MARITIME TRANSPORTATION* 477-522 (Joseph C. Sweeney ed., 1978); *Emerging Legal Concepts in the Harmonization of Water Resource Development and Environmental Protection*, in *ANNALES JURIS AQUARIUM II* (1976); *Legal and Administrative Control of the Impact of River Basin Development on the Environment, and Environmental Implications of River Basin Development, Including Water Quality Management*, 11 *RIVER BASIN DEVELOPMENT, POLICIES AND PLANNING* 162-67 (1976); *Environmental Implications of River Basin Development, Including Water Quality Management*, in *RIVER BASIN DEVELOPMENT, POLICIES AND PLANNING: PROCEEDINGS OF THE U.N. INTERREGIONAL SEMINAR ON RIVER BASIN AND INTERBASIN DEVELOPMENT II* (1976); *Impact of Environmental Concern on the Development of International Law*, in *INTERNATIONAL ENVIRONMENTAL LAW* (Ludwik Teclaff & Albert E. Utton compilers, 1974); *INTERNATIONAL LAW AND PROTECTION OF THE OCEANS FROM POLLUTION IN INTERNATIONAL ENVIRONMENTAL LAW* (Ludwik Teclaff & Albert E. Hutton eds. 1974); *Role of the Executive Branch in Protection of the Environment in the United States*, in *LAW IN THE UNITED STATES OF AMERICA IN SOCIAL AND TECHNOLOGICAL REVOLUTION* 513-41 (John N. Hazard & Wenceslas J. Wagner eds., 1974); Ludwik Teclaff & Eileen Teclaff, *History of Water Development and Environmental Quality*, in *ENVIRONMENTAL QUALITY AND WATER DEVELOPMENT* 26-77 (C.R. Goldman ed., 1973); *History of Water Development and Environmental Quality*, in *REPORT TO THE NATIONAL WATER COMMISSION* (1971); *River Basin and Beyond - Changing Concepts in U.S. Water Resources Development*, in *ANNALES JURIS AQUARAM I* (1968); Ludwik Teclaff & Eileen Teclaff, *Selected Bibliography on Legal and Related Aspects of the Use and Development of the Waters of International River Basins*, in *LAW OF INTERNATIONAL DRAINAGE BASINS* 609-778 (1967).

He was a careful scholar who encouraged his students in countless ways. As Librarian he was a great lover of books and a faithful comrade to his faculty colleagues; always able to find some place in the budget for that new, expensive treatise demanded by a faculty member. In his own way he continued to be the faithful warrior of Free Poland long after that cause was lost. The traditional values of religion, family, home, law, and justice were part of his being in an age that ridicules them.

It is fitting to end our thought with John Bunyan's seventeenth century farewell to the Pilgrim Warrior in *The Pilgrim's Progress*.

My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him who earns them. My marks and scars I carry with me to be a witness for me that I have fought His battles who now will be my Rewarder. I have fought a good fight, I have finished my course, I have kept the faith Thanks be to God which giveth us the victory through Our Lord Jesus Christ.

So [the warrior] . . . passed over, and all the trumpets sounded for him on the other side.⁷

7. JOHN BUNYAN, *THE PILGRIM'S PROGRESS* 426-27 (David Bogue ed. 1858) (1678); JOHN BUNYAN, *PILGRIM'S PROGRESS: IN TODAY'S ENGLISH* 254-55 (retold by James H. Thomas 1964) (1678).