PART TWO

FIELD-SPECIFIC APPLICATIONS
INTRODUCTION
MEMORIES OF THOMAS WÄLDE

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It is always a shock to a teacher when one of his students predeceases him. It seems to be an inversion of the natural order of things. That is particularly true of the death of Thomas Wälde who was so very alive, vigorous and, at least from this octogenarian’s perspective, so very young at 59. Ironically, at the time of his accident, Thomas was engaged in—along with many other projects—organizing a Festschrift in my honor.

Thomas was a student at the Harvard Law School in the academic year 1972–1973 and continued his research here for another year. He was rather younger than the typical German LL.M. student just completing his or her First State Examination. But he was already independent and inquisitive. He was also unique in my experience of graduate students in that we wound up writing an article together. Its subject was the *societas europaea*, a supranational form of incorporation designed to increase the mobility of enterprises throughout the European Common Market. It seemed at the time to be the coming thing but various developments derailed it so that it did not come into being until twenty-first century.

After graduation Thomas kept in touch with his friends at the Harvard Law School and with the institution. He was concerned when in the last few years Harvard lost two of its established international law professors to retirement and another two to the lures of other institutions. It disturbed him that they were replaced by two very junior assistant professors and by a more senior teacher whose widely publicized position is that international law is an epiphenomenon of the interplay of State interests and plays no independent role in international affairs. Thomas felt that this undercut the claims of Harvard to have a global law school.

After Harvard, Thomas did not return to the German academic environment, finding it too confining and abstracted from reality. Instead he headed into the world of intergovernmental organizations concerned with international investment. This brought him into association with the United Nations, particularly the Centre on Transnational Corporations (CTC). In

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