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Professor Edwin W. Briggs

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IN MEMORIAM

Edwin W. Briggs

1904-1989

A prophet is not without honour, save in
hys awne countre, and amonge his awne kynne.
— T. Matthew, *The Byble* tr. 1534, xiii, 57.

It is fitting that Ed Briggs is honored in the *Law Review* which was so much his own creation. His chosen field of expertise was Conflict of Laws, involving the problem in interstate or international transactions of which state's or nation's law should control. Probably he chose this field because from the 1930s to the 1950s the United States Supreme Court found constitutional problems of full faith and credit, due process, and equal protection in many lower court decisions involving this "choice of law" problem. Therefore, Conflict of Laws received a great amount of attention in the U.S. Supreme Court and among legal scholars.

Montanans were generally unaware of the controversies and the competition among legal theories in Ed's field because of the remoteness of Montana and the local sparseness of the types of transactions with which Ed was dealing. For that reason Ed's work and contributions to the field of Conflicts were given little credit and scant notice in his own community. In the industrial states and nations, however, and among leading legal scholars, there was great interest in and awareness of the importance of the field of Conflict of Laws. There was an equal awareness of Ed Briggs and his contributions which, by resolving many of the problems, also reduced the prominence and visibility of that field of law.

Ed's career in the field commenced with his study toward a Master of Laws degree awarded to him by Harvard Law School in 1939. It flowered in several of his publications which reflect what Briggs called "A General Theory for Conflicts Based on a Genuine Sociology of Law." This "General Theory" was largely developed while he was a Senior Research Fellow at the University of Michigan in 1957. The Michigan Law School made him their first Edson R. Sunderland Senior Research Fellow.

Ed's was an uncompromising intellect. It led him into profound disagreement with some of the analyses and theories of such prestigious scholars as former Harvard Law School Dean and United States Solicitor General Erwin N. Griswold, Berkeley's Albert Ehrenzweig, Chicago's Brainerd Currie, and their followers. Though respectful, Briggs never

bowed to prestige, power or authority. He required convincing reason and evidence. His own thoughts were published in national law journals, including those of Harvard, Yale, Columbia, Southern California, U.C.L.A., Minnesota and Vanderbilt. He had numerous articles on a broad range of subjects in the *Montana Law Review*.¹ A paper he delivered before the American Association of Law Schools in New York City in 1954 was elaborated on and published concurrently in 1955 in the *Minnesota Law Review* and the *International and Comparative Law Review Quarterly* in England.²

Although he disagreed with some of the most noted scholars in the United States, his work, theories, and analyses were accepted and adopted by the English authorities Dicey and Morris in their *Conflict of Laws*, and by Canada's Falconbridge in his *Essays on the Conflict of Laws*. Recognition of his work culminated with the vindication and adoption of Briggs' views in the United States in the *Restatement (Second) of the Conflict of Laws*, published by the American Law Institute. If his earlier role had been that of a voice crying in the wilderness, it changed then to that of a major prophet.

The persistence and inquiry which brought Ed Briggs national and international recognition were a part of his routine and daily life serving on the school board, University committees, his church, and the law school faculty. He would not pass over an item, whether in a formal meeting or a conversation, without an understanding and an honest agreement or disagreement. He never acted merely to please the group, to curry favor, or to cover or avoid an issue. Sometimes this characteristic was frustrating to colleagues, especially after 5:00 p.m.. His standards were so high, and his courage so impelling, that he was willing to appear idiosyncratic, picky, and alone in demanding to understand. The faculty still misses that honest persistence.

In his personal life Ed was a devoted family man. He and his wife Bonnie had four children. He is survived by Bonnie, his three sons, Dr. Edwin Manley Briggs, Samuel Thomas Briggs, and Charles Wesley Briggs; twelve grandchildren and two great grandchildren. He was preceded in death by a daughter, Beth Briggs Sandwick.

Honoring Professor Briggs' service to the Law School from 1936 to 1971, upon his retirement, the Montana Board of Regents by resolution said:

As a scholar, Professor Briggs pioneered in advancing the frontiers of knowledge and achieved national and international recognition. As a teacher, he projected a commitment to thoroughness and excellence and a concern for the resolution of problems with which the law must deal. As a counsellor he emphasized the primacy of professional responsibility

1. For a biography of Professor Briggs' *Montana Law Review* publications see the Cumulative Index, this issue.

2. Briggs, *Need for the "Legislative Jurisdiction Principle" in a Policy Centered Conflict of Laws*, 39 MINN. L. REV. 517 (1955); and also at 4 INT'L & COMP. L.Q. 329 (1955).

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and the leadership roles that have been the tradition of the law. As a friend he has been compassionate—not condescending, dedicated—not detracting The individuals and the institutions that have been touched by Professor Briggs have been enriched by the experience. In truth, he has embellished the escutcheon of his profession—lawyer, teacher, service to others.

—Al Stone and Larry Elison

