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In Memoriam

On Dignity and Passion

THOMAS MORAWETZ

These remarks honor the memory of Richard W. Parker, Professor of Law, Director of the Semester in DC Program, and Policy Director of the Center for Energy and Environmental Law at the University of Connecticut School of Law.



On Dignity and Passion

THOMAS MORAWETZ *

Richard W. Parker was my much-valued friend and colleague at the University of Connecticut School of Law for twenty-six years. When he joined the faculty, he had already spent a decade making his mark in environmental law.¹ Much of his professional mission was to demonstrate and argue the need for transnational solutions to environmental concerns. He recognized, earlier than most scholars, that local, regional, and national efforts—while they could achieve some benefit in cleaning our air, water, and land and in conserving resources—had dire limitations.² Even before global warming was widely seen as a problem for the planet, Richard recognized that effective environmental policy involved acknowledging that the fate of the world was at stake.

Law as an academic field is peculiarly biased toward the future; social problems arise, and law is often expected to address them. Some legal academics are historians or philosophers, but even their energies are often directed forward in search of solutions. Environmental law is arguably the field of law in which solutions are most urgently sought and needed.

Richard was professionally and personally in thrall to the future. As a friend, he rarely reflected on his past. One had to know him well to learn that he grew up in a religious family in rural Texas or that he graduated with honors from Princeton after having spent time at the University of Texas and the Air Force Academy.³ He did not reminisce much about his years at

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¹ As an associate at O'Melveny & Myers, Richard co-authored a paper that analyzed and critiqued the "WEPCo" rule and observed that it was a windfall for utility companies. Richard E. Ayres & Richard W. Parker, *The Proposed WEPCo Rule: Making the Problem Fit the Solution*, 22 ENV'T L. REP. NEWS & ANALYSIS 10201 (1992). The Article implied that the Bush administration may have applied pressure to ease regulations on polluters.

² In fact, in *The Case for Environmental Trade Sanctions*, Richard argues for unilateral trade sanctions as a tool to "conserve the global commons." Richard W. Parker, *The Case for Environmental Trade Sanctions*, 7 WIDENER L. SYMP. J. 21, 21 (2001) [hereinafter Parker, *Trade Sanctions*]. This view is quite heterodox and considered aggressive environmentalism. He observes the successful implementation of these sanctions in regard to dolphin hunting in the early 1980s. *Id.* at 22–28.

In *Choosing Norms to Promote Compliance and Effectiveness: The Case for International Environmental Benchmark Standards*, he decries the ineffectiveness of previous international environmental agreements and calls for agreements that incorporate explicit international pollution standards. Richard W. Parker, *Choosing Norms to Promote Compliance and Effectiveness: The Case for International Environmental Benchmark Standards*, in INTERNATIONAL COMPLIANCE WITH NONBINDING ACCORDS 145 (Edith Brown Weiss ed., 1998) [hereinafter Parker, *Benchmark Standards*].

³ Richard mentions in *The Case for Environmental Trade Sanctions* that he was a preacher's son who had strayed from the church. Parker, *Trade Sanctions*, *supra* note 2, at 21.

Oxford as a Rhodes Scholar. He recognized the extent to which his life was self-made, and he did not understate the cultural complexities of some of his choices. But he dwelled in the here and now, sometimes overwhelmed by the responsibilities that his commitments involved.

Richard's friends and colleagues may well differ about how best to represent him. For me, dignity and passion immediately come to mind. These can seem incompatible attributes. Dignity implies restraint and moderation; passion implies the opposite. Richard epitomized both qualities in harmony.

Dignity can seem a superficial quality, one that is associated with a public persona distinct from the so-called or so-imagined *real* person. It can also seem anachronistic, a quality unappreciated in today's world. These ideas may be dissipated if we associate the notion of dignity with congruent notions of honor and mutual respect. Together, they are qualities that need to be part of our identification of contemporary virtues. And they were indelibly the virtues that Richard brought to his academic and professional life.

Richard showed respect for others in distinctive ways. He was an exemplary listener. He encouraged others to debate issues of mutual concern, and he was tenacious in following arguments to whatever resolutions they might yield. He was as respectful and deferential to the views of students as he was to colleagues and other professionals. He was generally open to changing his mind, but *if, and only if*, the evidence and arguments warranted.

If dignity is a quality of public rather than private selves, the cognate qualities of honor and respect thread themselves through both public and private selves. Richard, like many of us, conveyed a separation between his public and private selves. But the separation was in no way a pose or imposture. When we distinguish public and private, we tend to presume that a public self is constructed and that a private self is deeper and more genuine. We think of actors and their roles. With Richard, the opposite seemed closer to the truth. His public roles—as advocate, scholar, and teacher—gave him the opportunities to live out his essence, while cherishing and nurturing his family at the same time.

His public engagement was passionate. He left no doubt that, for him, the fate of the planet was not a vague generalization, not a mere research agenda. He saw environmentalism as a calling, dedicating himself to it for life. He saw social values through the lens of what we collectively owe the planet and future generations. He tried to convey that passion and those values to his colleagues, his students, and through his writings to the world at large.⁴

⁴ A line from his 1998 paper, *Choosing Norms to Promote Compliance and Effectiveness: The Case for International Environmental Benchmark Standards*, stands out: "As the number of international environmental agreements (IEAs) continues to mount so too does the continuing destruction of the environment by mankind." Parker, *Benchmark Standards*, *supra* note 2, at 145 (footnote omitted). This

His passion for environmental remediation through law expressed itself in many ways. Let me identify three, the first of which is illustrated in his legal and advocacy work before he joined the law school. This work was based on two insights. One, we have seen, was that effective environmental change had to be achieved globally.⁵ Another was that legal negotiations and agreements of many kinds afforded opportunities to gain leverage for environmental goals. Accordingly, Richard was influential in various forums and roles in helping to shape trade agreements that had environmentally enlightened constraints as integral parts.⁶

A second way was his passion for accuracy and exactitude in discussions about the environment. He was painfully aware that climate change, along with other aspects of environmental science, had become polarized and that hyperbole dominated all sides of debate. He understood that progress depended on getting the facts right and widely disseminated. He was scrupulous, even obsessive, about making this happen. His punctiliousness about accuracy slowed publication of the work he needed to produce for tenure. Some of his more recent publications have focused on identifying rhetorical posturing and correcting the outright mistakes of others.⁷ He further understood that facts were not self-explanatory and that nuance and interpretations were integral to understanding.

Yet another reflection of his passion was his eagerness and ability to engage students. Richard neither asked nor expected that students' engagement should track his own. He left advocacy at the classroom door. As a teacher, his goal was sophisticated understanding not merely of environmental issues, but of the administrative state. He believed that, with understanding, engagement would come, but engagement could take many forms. He had as much rapport with students who challenged his premises as with those who agreed, and he sought out opportunities to debate the former.

is the hook of a paper that argues for international standards to address environmental problems. *Id.* at 147–50.

⁵ Although both papers were written after he joined the faculty, *The Case for Environmental Trade Sanctions* and *Choosing Norms to Promote Compliance and Effectiveness: The Case for International Environmental Benchmark Standards* both illustrate his intellectual commitment in this regard.

⁶ In 1985, as an attorney in the Office of the U.S. Trade Representative, Richard broke into the international trade debate with a speech to the American Society of International Law. Richard W. Parker, Assoc. Gen. Couns., Off. of the U.S. Trade Representative, *Barriers to United States-Canadian Trade: Problems and Solutions, the United States Perspective* (Apr. 11, 1986), in 19 GEO. WASH. J. INT'L L. & ECON. 443 (1985).

As recently as 2016, Richard co-authored a 136-page report for the European Commission on international regulatory cooperation. RICHARD W. PARKER & NEIL EISNER, *LEARNING FROM EXPERIENCE: THREE CASE STUDIES IN INTERNATIONAL REGULATORY COOPERATION, A REPORT PREPARED FOR THE EUROPEAN COMMISSION* (2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2780605.

⁷ One of his longest solo papers, at seventy-six pages, was *The Faux Scholarship Foundation of the Regulatory Rollback Movement*, which is a passionate dismantling of the economic deregulation movement and a detailed critique of two studies that are proffered to support it. Richard W. Parker, *The Faux Scholarship Foundation of the Regulatory Rollback Movement*, 45 *ECOLOGICAL* L.Q. 845 (2018).

He created opportunities for students to find careers in Washington, DC, with government departments and agencies and with advocacy firms. He founded and supervised a program of semester-long internships in our nation's capital for ten to fifteen students each year; he also ran intensive weekly seminars coordinated with the students' work. Richard's network of friends both in and out of government was a matchless resource, and, over the years, many students used the Semester in DC Program to jumpstart their careers.

Richard took particular pleasure in guiding students through DC's mazes. His anecdotes were often about students, skilled and promising, who came into the Program lacking bureaucratic experience, but eager to learn. There were countless success stories. In several cases, students had spent time abroad and brought inter-cultural expectations to their DC adventure, to significant positive effect.

Richard's passing is a loss to many constituencies. Professional colleagues both in Hartford and in Washington, DC, mourn him not merely as an exemplary advocate, scholar, and teacher, but as a warm, sensitive, and responsive friend. I will sorely miss the elegance of his presence, mind, and spirit, along with the singularity of purpose that he embodied.