

LAUDATIO

In honour of

Professor José Luis **DE LA CUESTA ARZAMENDI**

on the occasion of the

Doctor Honoris Causa of Alexandru Ioan Cuza University of Iași

Award Ceremony

October 28th 2011

www.uaic.ro

*Eulogy: "Perfection is finally attained not when there is no longer anything to add,
but when there is no longer anything to take away"*

Laudatio

In honour of Professor José Luis **DE LA CUESTA ARZAMENDI** on the occasion of the *Doctor Honoris Causa of Alexandru Ioan Cuza University of Iași* Award Ceremony

Dear Rector,

Dear members of the University Senate,

Dear guests,

Ladies and gentlemen,

Today, the Law School of Iași is living an exceptional moment: our University and our Faculty of Law pay homage to Professor José Luis DE LA CUESTA ARZAMENDI.

The awarding of the *Doctor Honoris Causa* title to Professor José Luis DE LA CUESTA ARZAMENDI constitutes an important academic acknowledgement of an incontestable illustrious personality of the international scientific life.

Mentioning the merits that entitle us to award Professor José Luis DE LA CUESTA ARZAMENDI with the highest distinction that can be conferred by an academic institution represents a delicate assignment, as we can only make a selection of his numerous accomplishments.

Eulogy: "Perfection is finally attained not when there is no longer anything to add, but when there is no longer anything to take away"

Professor José Luis DE LA CUESTA ARZAMENDI was born on November 6, 1955 in San Sebastián (Guipúzcoa), Spain. His passion for law started in 1972, when he began studying at the University of Valladolid. He graduated in 1977 with high academic distinction (*Sobresaliente y Premio Extraordinario*) and further proved this passion by means of an academic career that has lasted for more than 43 years. In 1979, he got his Diploma in Criminology from Complutense University in Madrid and his Ph.D in Law in 1981 from the Faculty of Law of the University of Valladolid, San Sebastian with the distinction *Sobresaliente "cum laude", Premio Extraordinario*.

The research field that makes Professor José Luis DE LA CUESTA ARZAMENDI stand out is Penal Law, which he approaches both from the normative and the states' penal politics perspective, but he also takes interest in other areas of penal sciences, such as Criminology or European and International Penal Law.

His scientific research activity was marked by research periods at prestigious institutions in Europe and other continents, such as Université de Pau et des Pays de l'Adour (France), University of Edinburgh (United Kingdom), Université Catholique de Louvain (Belgium), Max-Planck Institut für Strafrecht (Germany), DePaul University (Chicago, USA) or University of Nevada-Reno (USA).

At the moment, he is a university Professor at the Faculty of Law of the University of the Basque Country (Universidad del País Vasco/Euskal Herriko Unibertsitatea), ensuring the development of many generations of jurists in the fields of *penal law, penal proceedings law and international penal law*. Beside his educational

Eulogy: "Perfection is finally attained not when there is no longer anything to add, but when there is no longer anything to take away"

activity, Professor DE LA CUESTA has important scientific responsibilities, an edifying example in this respect being his position as Director of the Basque Institute of Criminology (Instituto Vasco de Criminología).

As a proof of the international recognition and appreciation of his research and academic activity innovations, in 2004 Professor DE LA CUESTA was offered the presidency of the International Association of Penal Law (Association Internationale de Droit Pénal-AIDP), being the first Spanish president of this prestigious institution and his name being thus associated with that of other great experts in penal law (Franz von Liszt, Hans Heinrich Jescheck or Cherif Bassiouni).

The international orientation of Professor DE LA CUESTA manifested itself from his first student years. In 1976, he participated in a seminary on International Penal Law organised by the International Institute of Higher Studies in Penal Sciences in Syracuse (Italy), establishing close contacts and collaboration with a group of foreign specialists in penal sciences who were later going to have leading functions within the International Association of Penal Law.

In 1989, the illustrious Professor M.Charif Bassiouni was elected president of the International Association of Penal Law. On this occasion, Professor DE LA CUESTA became member of the Executive Committee and, later on, deputy of the secretary general. His activity within this association was a very intense one, marked by the organisation of various international congresses on controversial issues of international penal law.

Eulogy: "Perfection is finally attained not when there is no longer anything to add, but when there is no longer anything to take away"

Professor DE LA CUESTA's prodigious scientific activity is reflected by the great international visibility of his personality, materialised in the functions he held in European academic research institutions. Mention must be made of the following ones: Director of the Summer Courses organised by the University of the Basque Country, Deputy of the President of the Society of Basque Studies since 2005, member of the International Scientific Advisory Board (Fachbeirat) at Max Planck Institut für ausländisches und internationales Strafrecht (Freiburg, Germany) since 2008, member of the Board of Directors of the International Society of Criminology, member of the Governing Board of the International Institute of Higher Studies in Penal Sciences (Istituto Superiore Internazionale di Scienze Penali) in Syracuse, Italy, member of the Governing Board of the International Centre for Research on Delinquency, Marginality and Social Relationships (Centro Internacional de Investigación sobre la Delincuencia, la Marginalidad y las Relaciones Sociales) in San Sebastián, elected member of Jakiunde Academy, president of the Hurkoa Foundation or chief editor of the International Review of Penal Law (Revue Internationale de Droit Pénal) from 1989 until 2004. He also collaborated with international governmental organisations, such as the European Council in the common project with the European Commission regarding the Enforcement of Sentences of the Republic of Armenia.

Professor DE LA CUESTA's commitment to the legal science can only be equalled by his preoccupation for scientific innovation. The exceptional scientific value of his research in the field of national,

Eulogy: "Perfection is finally attained not when there is no longer anything to add, but when there is no longer anything to take away"

European and international penal law is also reflected by the honorary titles he received so far. For instance, since September 2006 he is a Honourable Professor of the Northwest University of Politics and Law in Xi'an, China. He was also a visiting Professor at prestigious universities: Katholieke Universiteit, Leuven (Belgium), Pontificia Universidad Católica de Chile, Université de Pau et des Pays de l'Adour (France), Université de Paris XII (France), Renmin University (Beijing, China), Beijing Normal University (China) or Northwest University of Politics and Law (Xi'an, China).

Professor DE LA CUESTA's contribution to systematising penal law and his interdisciplinary approach is reflected by an impressive, innovative and scientifically rigorous publishing activity. Professor DE LA CUESTA carefully analyses delicate and complex aspects of penal law from the philosophical dimension of the doctrines and pragmatism of penal law to victimology and the problem of globalizing penal justice, making use of a complex combination of the legal research techniques with the scientific methodology used in criminology, the legal analysis being completed by the vision on the social reality where the norms are being imposed.

Next, we intend to succinctly present Professor DE LA CUESTA's research areas that he covered in his articles and works as author or co-author, published by prestigious printing houses in Spain and Europe. Thus, he closely studied and analysed: the fundamental principles of penal law, the social implications of exculpation, the capital punishment, the possibility and advantages of introducing alternate punishment to confinement, the open system of penalty

Eulogy: "Perfection is finally attained not when there is no longer anything to add, but when there is no longer anything to take away"

execution, the rules of penal responsibility for legal entities, the interference between penal law and genetic manipulation, the social perceptions and representations on delinquency and insecurity or the concrete measures to prevent crime.

He also approached the international dimension of penal law, focusing on issues such as: the legitimate use of force, the critical analyse and recommendations with regard to the antiterrorist legislation, the interdiction of torture, the effective protection of the fundamental human rights by means of the penal law mechanism, the legal status of foreigners, immigration and anti-fraud measures regarding EU incomes.

Professor DE LA CUESTA's first individual work was published in 1982, with the title *El trabajo penitenciario resocializador (The Resocialising Function of Penitentiary Work)*. Resuming the content of his PhD thesis, this publication materialised the research methods in penitentiary law and became a landmark in this field.

In 1990 he published *El delito de tortura. Concepto. Bien jurídico y estructura típica del art. 204 bis del Código Penal (The crime of torture. The legal content and structure in conformity with article 240 bis of the Penal Code)*. This work analyses the penalisation of torture by the national penal regulations, by reference to the international legislation.

Professor DE LA CUESTA's rich and inexhaustible research activity also covered facets of the crimes related to the abuse of drugs and other illegal substances. Thus, he was a member of the Basque government's research commission in 1986, during the preparation of

Eulogy: "Perfection is finally attained not when there is no longer anything to add, but when there is no longer anything to take away"

the draft law regarding drug addiction, his studies representing the basis of this legal text.

Another field of interest for Professor DE LA CUESTA was represented by the environmental crimes, an issue which caught the specialists' attention after the publication of a study on German law regarding this matter, in 1982.

Professor DE LA CUESTA's research activity also consists of his participation in over 60 national and international research projects developed by prestigious institutions, such as Syracuse University (Italy), DePaul University (United States of America) or the Irish Centre for Human Rights (Ireland). These research projects cover a wide range of aspects related to penal science: the problem of the incompatibility between the death penalty and the principle of humanism in penal law, the protection of the fundamental human rights and the correlation with penal law regulations, fighting drug trafficking, crimes of terrorism or fundamental institutions of European and International penal law.

Owing to his wide range of research interests and his work's original approaches, Professor José Luis DE LA CUESTA ARZAMENDI is a remarkable personality of today's penal sciences field and an outstandingly appreciated expert in the European and Romanian academic environment. We are deeply honoured to have presented the results of his activity.

Today, *Alexandru Ioan Cuza* University of Iași confers the *Doctor Honoris Causa* title on Professor José Luis DE LA CUESTA ARZAMENDI, acknowledging the excellence of his academic activity

*Eulogy: "Perfection is finally attained not when there is no longer anything to add,
but when there is no longer anything to take away"*

and the original contribution to the prestige and development of penal law and sciences.

COMMISSION:

President:

Professor dr. Vasile IȘAN,
Rector of *Alexandru Ioan Cuza* University of Iași

Members:

Professor dr. **Henri LUCHIAN**,
Vice-Rector for International Relations, *Alexandru Ioan Cuza* University
of Iași

Professor dr. **Tudorel TOADER**,
Dean of the Faculty of Law, *Alexandru Ioan Cuza* University of Iași

Professor dr. **Grigore THEODORU**,
Faculty of Law, *Alexandru Ioan Cuza* University of Iași

Professor dr. **George ANTONIU**,
President of the Romanian Association of Penal Sciences

Director of the Legal Research Institute of Romanian Academy

Professor dr. **Viorel PAȘCA**,
Faculty of Law, West University of Timișoara

Iași, October 28th 2011