

# A TRIBUTE TO JOEL REIDENBERG

Paul M. Schwartz<sup>†</sup>

## I. INTRODUCTION: IN THE BEGINNING

It began over Chinese food and continued as a friendship and a brotherhood for thirty years. Joel Reidenberg had just started teaching in 1990, when Marty Flaherty, a Fordham Law faculty member whom I knew, suggested that I give him a call. “We just hired someone in that same field as you,” Marty said with wonder. “What is it called again? Database protection?”

Marty also pointed out that while I had studied German law, Joel had studied French law, and we would probably have a lot to talk about. And we did have a lot to talk about—and for the next three decades!

Joel and I went out that day for Chinese food near Fordham, and we talked and talked, and a fast friendship was born. Joel was the most innovative and thoughtful of legal scholars, the most loyal of friends, and a sensitive and kind person. He was a Mensch.

## II. A SCHOLAR AND POLICY ENTREPRENEUR

Regarding his scholarship, time and time again in his work, Joel clarified issues in law and technology in a way that set the terms of the research agenda for the rest of us. Indeed, the “Lex Informatica Symposium” of the *Berkeley Technology Law Journal* is a tribute to the lasting influence of one of his articles, the magnificent *Lex Informatica*.<sup>1</sup> In this seminal paper from 1997, Joel developed a series of insights about how information policy depends on network designs and systems architecture. But there is so much more to his scholarship than this one article.

In a different set of papers, Joel was skeptical from the start of internet commerce of industry self-regulation for privacy.<sup>2</sup> Here, he pointed to all the

---

DOI: <https://doi.org/10.15779/Z38B27PS1Q>

© 2021 Paul M. Schwartz.

<sup>†</sup> Jefferson E. Peysner Professor of Law, University of California, Berkeley, School of Law.

1. Joel R. Reidenberg, *Lex Informatica: The Formulation of Information Policy Rules through Technology*, 76 TEX. L. REV. 553 (1998).

2. Joel R. Reidenberg, *Setting Standards for Fair Information Practice in the U.S. Private Sector*, 80 IOWA L. REV. 497, 499–500 (1995) [hereinafter Reidenberg, *Setting Standards*]; Joel R. Reidenberg, *Privacy in the Information Economy: A Fortress or Frontier for Individual Rights?*, 44 FED. COMM. L.J. 195, 199 (1992).

ways that self-regulation of internet privacy would fail.<sup>3</sup> Time has shown how correct Joel was in these articles.

Equally important are his writings about such diverse topics as student privacy, international trade, corporate privacy policies, and international data privacy law.<sup>4</sup> Regarding student privacy, Joel ably drew on the resources of the Center on Law and Information Policy, which he had founded at Fordham Law School, to issue a stream of important papers. Among his critical work in this area was a co-authored empirical project role examining the commercial marketplace for student data and how privacy law failed to regulate it effectively.<sup>5</sup> The important recommendations from this project received national media attention and led to Joel testifying on student privacy before Congress on three occasions as well as before state legislatures in Maryland, Oklahoma, and Virginia.<sup>6</sup>

Beyond student privacy, another important area of Joel's intellectual agenda concerned the connection between international trade law and privacy law.<sup>7</sup> Many of Joel's articles were ones that my friend told me about as he was writing them, and, here, I must confess to a "Schwartz Delay." It was

---

3. He called the result of the self-regulatory approach the establishment of "a 'smoke screen' that in effect enables subtle, yet significant, manipulation of citizens through hidden control of private information." Reidenberg, *Setting Standards*, *supra* note 2, at 499–500. Joel also pointed to the weakness of privacy remedies. See generally Joel Reidenberg, *Privacy Wrongs in Search of Remedies*, 54 HASTINGS L.J. 877 (2003).

4. See N. Cameron Russell, Joel R. Reidenberg, Elizabeth Martin & Thomas Norton, *Transparency and the Marketplace for Student Data*, 22 VA. J.L. & TECH. 107 (2019) [hereinafter *Transparency and the Marketplace for Student Data*]; Joel R. Reidenberg, *Disagreeable Privacy Policies: Mismatches between Meaning and Users' Understanding*, 30 BERKELEY TECH. L.J. 39 (2015); Joel R. Reidenberg, *E-commerce and Trans-Atlantic Privacy*, 38 HOUS. L. REV. 717 (2001) [hereinafter *E-commerce and Trans-Atlantic Privacy*]; Joel R. Reidenberg, *Resolving Conflicting International Data Privacy Rules in Cyberspace*, 52 STAN. L. REV. 1315 (2000); Joel R. Reidenberg, *The Fundamental Role of Privacy and Confidence in the Network*, 30 WAKE FOREST L. REV. 105 (1995); Joel R. Reidenberg, *Rules of the Road for Global Electronic Highways: Merging the Trade and Technical Paradigms*, 6 HARV. J. L. & TECH. 287 (1993) [hereinafter *Rules of the Road*]; Joel R. Reidenberg, *Privacy in the Information Economy: A Fortress or Frontier for Individual Rights?*, 44 FED. COMM. L.J. 195 (1992).

5. See generally *Transparency and the Marketplace for Student Data*, *supra* note 4.

6. See *How Emerging Technology Affects Student Privacy: Hearing Before the Subcomm. on Early Childhood, Elementary and Secondary Educ. of the H. Comm. on Educ. and Workforce*, 114th Cong. (2015) (statement of Joel R. Reidenberg); *How Data Mining Threatens Student Privacy: Hearing Before the Subcomm. on Cybersecurity, Infrastructure Prot., and Sec. Tech. of the H. Comm. on Homeland Sec. and the Subcomm. on Early Childhood, Elementary and Secondary Educ. of the H. Comm. on Educ. and Workforce*, 113th Cong. (2014) (statement of Joel R. Reidenberg); *How Data Can be Used to Inform Education Outcomes: Hearing Before the H. Comm. on Educ. and Labor*, 111th Cong. (2010) (statement of Joel R. Reidenberg).

7. See generally *E-commerce and Trans-Atlantic Privacy*, *supra* note 4; *Rules of the Road*, *supra* note 4.

sometimes years after a paper was published, or a project was concluded, that I finally understood what Joel had been discussing with me. Trade law is a perfect example of this “Schwartz Delay”—and one that I had a chance to discuss with Joel in 2019 when I re-read his articles on this topic. The time has come to recognize how prescient these papers are. Back in the 1990s, Joel was already pointing at the disjunction between trade law and privacy law. This topic is now headline news with an important trade and privacy agreement between Japan and the European Union finalized in January 2019.<sup>8</sup> This agreement has been followed by a similar combination, a trade agreement plus adequacy negotiation, between the European Union and South Korea.<sup>9</sup> The adequacy component of this EU and South Korea discussion was only concluded on March 30, 2021.<sup>10</sup> Finally, the law is trying to repair the “inherently unstable balance” between trade and privacy that Joel first identified in 1993.<sup>11</sup> Mea culpa, Joel, I now understand what you were talking about in those articles!

Joel was also a pioneer of comparative international privacy law. I was fortunate enough to be along for the ride and to work with him on two studies on behalf of the European Commission of the entity then called the European Community, and that now is the European Union. One study regarded the state of U.S. privacy law (not good),<sup>12</sup> and the second one concerned the already emerging lack of harmonization in EU data protection law.<sup>13</sup>

Our first project led to a 400-page-plus book, *Data Privacy Law* (1996), about U.S. information privacy law. Our conclusion? Regarding privacy law in the United States, we warned, “The narrow, dispersed approach to information regulation assumes that the treatment of personal information will be limited to one context within a particular industry of company. In reality, company information practices do not neatly fit within this sectoral thinking; there is widespread, cross-sectoral use of personal information.”<sup>14</sup> This criticism of the sectoral approach to privacy law in the United States is still valid today. And here’s another quotation from this work, concerning our difficulty in gaining

---

8. *EU-Japan Trade Agreement Enters Into Force*, EUR. COMM’N (Jan. 31, 2019), [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_785](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_785).

9. *Joint Statement by Commissioner Reynders and Yoon Jong In, Chairperson of the Personal Information Protection Commission of the Republic of Korea*, EUR. COMM’N (Mar. 30, 2021), [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_21\\_1506](https://ec.europa.eu/commission/presscorner/detail/en/statement_21_1506).

10. *See id.*

11. *Rules of the Road*, *supra* note 4, at 290.

12. *See* PAUL M. SCHWARTZ & JOEL R. REIDENBERG, *DATA PRIVACY LAW: A STUDY OF UNITED STATES DATA PROTECTION* (1996).

13. *See* JOEL R. REIDENBERG & PAUL M. SCHWARTZ, *DATA PROTECTION LAW AND ON-LINE SERVICES: REGULATORY RESPONSES* (1998).

14. SCHWARTZ & REIDENBERG, *supra* note 12, at 379–80.

information regarding the specific practices of companies: “Companies are reluctant to risk embarrassment from public scrutiny of their practices.”<sup>15</sup> Or, for a final example of how little things have changed on the privacy front since 1996: “In numerous instances, it is impossible for an average citizen in the United States to discover how, where, when, and why personal information is circulating.”<sup>16</sup>

The second study that Joel and I did for the Commission, *On-line services and data protection and privacy* (1998), demonstrates the emerging lack of harmonization under the Data Protection Directive of 1995 for the regulation of online services. In this second study, we analyzed four countries, which we divided among ourselves: Joel examined France and Belgium, and I looked at the United Kingdom and Germany. In our report, we called for European regulators to adopt a combination of “substantive data protection rules and principles with technical arrangements that allow the most efficient and least intrusive compliance.”<sup>17</sup> Necessary as well was for European Union’s data protection officials to “have political input into the technical infrastructure decisions that affect the nature and characteristics of data flows.”<sup>18</sup> Still sounds good twenty-four years later! Our assessment also found important differences in how these four Member States were responding to online services.<sup>19</sup> This divergence provided evidence for a directly binding regulation from the European Union instead of its Data Protection Directive. The Union eventually followed this path with its General Data Protection Regulation of 2018, which, unlike a directive, has direct effect on the domestic law of Member States.<sup>20</sup>

Joel’s comparative privacy law work continued over the next decades. One of his most important subjects was international data transfers. This subject is more timely than ever; international transfers of personal information have exponentially increased over the years and have been a continuing source of controversy. Already in 2001, Joel saw the shaky basis of the Safe Harbor Agreement between the Commission of the European Union and the United States. In Congressional testimony that year, he dismissed it as a “transitory

---

15. *Id.* at 389.

16. *Id.* at 390.

17. REIDENBERG & SCHWARTZ, *supra* note 13, at 149.

18. *Id.* at 153.

19. *Id.* at 121–37.

20. Regulation (EU) 2016/679 of the European Parliament and the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation), 2016 O.J. L 119/1.

political success.”<sup>21</sup> His analysis of the weakness of the Safe Harbor was confirmed in 2015 by the Court of Justice of the European Union, which in its famous *Schrems v. Data Protection Commissioner* (“*Schrems P*”) decision invalidated this trans-Atlantic agreement.<sup>22</sup> As an international expert, Joel participated in two further studies for the Commission of the European Union.<sup>23</sup>

Scholarship for Joel was not only a matter of paper, pen, and publication. My friend was a fighter and always stood up for what he believed in. He exemplified Congressman John Lewis’ concept of “good trouble.”<sup>24</sup> Regarding student privacy, for example, Joel addressed Congressional committees and state legislatures on this topic.<sup>25</sup> His work on financial privacy led him to testify before Congress in 2003, to serve as a Special Assistant Attorney General for the State of Washington from 2005–06, and to work as an expert consultant for the Federal Trade Commission in 1997. In 2004, he even testified in a hearing on the subject of credit reporting before the French National Privacy Commission (*Audition relative à la problématique des “centrales positives” en séance plénière du 13 mai 2004 de la Commission nationale d’informatique et des libertés*). When we worked on our reports for the European Commission, these projects took us to Washington, D.C.; Brussels, Belgium; Frankfurt, Germany; and Paris, France. It was an unforgettable experience to watch Joel navigating the corridors of power, including the West Wing of the White House, and to listen to him speak perfect French with officials of the European Union.

And while Joel was a diplomatic person, he knew when and how to modulate the sought effect. After he passed away, a mutual friend reached out to me to share his sorrow and grief. The friend was one with whom Joel and I had engaged in various privacy policy efforts, which involved occasional disagreements. He noted that Joel had a rare skill of managing to be

---

21. *The EU Data Protection Directive: Implications for the U.S. Privacy Debate: Hearing Before the Subcomm. on Commerce, Trade and Consumer Protection of the H. Comm. on Energy and Commerce*, 107th Cong. 72 (2001) (statement of Joel R. Reidenberg).

22. Case C-362/14, *Schrems v. Data Prot. Comm'r*, ECLI:EU:C:2015:650, P 98 (Oct. 6, 2015).

23. See J. SCOTT MARCUS, NEIL ROBINSON, LISA KLAUTZER, CHRIS MARSDEN, JOEL REIDENBERG, CAMILLA ABDER, CEDRIC BURTON, LISA COOMS, EZRA KOVER, YVES POULLET, FLORENCE DE VILLENFAGNE, FRANCK DUMORTIER, ADAM PEAKE, KEISUKE KAMIMURA & TAZUKO TANAKA, COMPARISON OF PRIVACY AND TRUST POLICIES IN THE AREA OF ELECTRONIC COMMUNICATIONS (2008); JAN DHONT, MARÍA VERÓNICA PÉREZ ASINARI, PROF. DR. YVES POULLET, JOEL R. REIDENBERG & LEE A. BYGRAVE, SAFE HARBOR DECISION IMPLEMENTATION STUDY (2004).

24. John Lewis (@repjohnlewis), Twitter (Jul. 16, 2019 8:44 AM), <https://mobile.twitter.com/repjohnlewis/status/1151155571757867011>.

25. See *supra* note 6 and accompanying text.

“simultaneously charming and annoying” and that he meant his comment “in the best kind of way.” I replied, “Well, if Joel was annoying, you deserved it!” The policy issues all came back to me, and I can only say that Joel was right to give our buddy a hard time about the issues in question.

While we are on the topic of “good trouble,” it is worth mentioning the Scalia-Reidenberg kerfuffle, which received widespread media coverage. Justice Antonin Scalia had objected when he learned that a Fordham law school class, using internet search engines, had created a lengthy dossier on his personal life. The matter began in January 2009, when Justice Scalia gave a speech in which he was quoted saying that “to treat much of the information on the web as private was ‘silly’ and that he did not care whether people knew what groceries he bought.”<sup>26</sup> At that moment, Joel’s “Information Privacy Law” course at Fordham was about to start a research exercise concerning the ways that technology can both invade and protect personal data. In a previous year, the exercise had sought to find “a specific piece of esoteric information” about Professor Reidenberg.<sup>27</sup> As Joel explained in a subsequent law review article, “During a class discussion early in the semester of Justice Scalia’s quotes about the silliness of privacy in his New York speech, the issues he raised about transparency made him a logical choice for the class research on a public figure.”<sup>28</sup>

The resulting fifteen-page dossier gathered by students contained highly detailed information about Justice Scalia. As the *New York Times* observed, “the justice’s home address and home phone number, his wife’s personal e-mail address and the TV shows and food he prefers” were all in the class dossier, and all this information was collected from the internet.<sup>29</sup> In Joel’s summary:

This was precisely the teachable point . . . . Indeed to emphasize the value of the exercise as a pedagogical tool, the class dossier has remained a confidential, course document. None of Justice Scalia’s personal information was ever published or released by anyone in the class.<sup>30</sup>

---

26. Joel R. Reidenberg, *The Transparent Citizen*, 47 LOY. UNIV. CHI. L.J. 437, 446 (2015) (quoting Jennifer Peltz, *Scalia Speaks on Digital Privacy at NYC Conference*, NEWSDAY (Jan. 28, 2009), <http://www.lawjournalbuffalo.com/news/article/current/2009/02/02/100308/scaliaspeaks-on-digital-era-privacy-at-nyc-conference>).

27. Reidenberg, *supra* note 26, at 447.

28. *Id.*

29. Noam Cohen, *Law Students Teach Scalia About Privacy and the Web*, N.Y. TIMES (May 17, 2009), <https://www.nytimes.com/2009/05/18/technology/internet/18link.html>.

30. Reidenberg, *supra* note 26, at 447.

The Justice was not amused, however, and told a website “what is legal may also be quite irresponsible.”<sup>31</sup> Justice Scalia blasted Joel’s “judgment” in giving the class this exercise, which ignored that data brokers and others had already exercised their decision-making powers and their own judgment in making this information freely available.<sup>32</sup> For Joel, the real point was, first, that the “governance dimension of the blending of publicly available and private information is poorly understood.”<sup>33</sup> The second lesson was the rise of the “transparent citizen” with its profound implications for democratic governance.<sup>34</sup>

The issues that this exercise pointed to in 2009 are very much with us today. The Pentagon is now worried because cellphone database information for sale has revealed the presence of U.S. soldiers at a secret base in Syria.<sup>35</sup> Congress has a bill before it to protect the personal information of federal judges and those who share their residences.<sup>36</sup> Among its other provisions, the bill would prohibit commercial data collectors from selling, licensing, trading, purchasing, or providing judges’ personally identifiable information.<sup>37</sup> Joel would push back against these responses as too narrow and ask us to weigh the implications for all of the radical transparency caused by modern data handling practices.

During his life, Joel’s scholarship received numerous honors and its influence will continue to be felt for as long as people write about privacy and technology. Of his honors, I would first like to mention two because of their connection with Berkeley Law, my home institution. First, in 2013, Joel delivered the sixth annual privacy lecture at Berkeley Law. He spoke on “Data Access and Retention in the European Union and United States.”<sup>38</sup> Second, Joel received the Berkeley Center for Law & Technology’s Privacy Award in 2019. Due to the demands of his medical treatments, Joel was unable to receive the award in person, but his remarks on the big screen in International House demonstrated his sparkling wit and tremendous presence of mind. The award

---

31. Kashmir Hill, *Justice Scalia Responds to Fordham Privacy Invasion*, ABOVE THE LAW (Apr. 29, 2009), <https://abovethelaw.com/2009/04/justice-scalia-responds-to-fordham-privacy-invasion>.

32. *Id.*

33. Reidenberg, *supra* note 26, at 440.

34. *Id.* at 449–58.

35. Byron Tau, *Mobile-Phone Data Put U.S. Forces at Risk*, WALL ST. J., Apr. 27, 2021, at A8.

36. *See* S. 4711, 116th Cong. (2020).

37. *Id.* at § 4(c)(1).

38. The lecture later appeared in print. *See* Joel R. Reidenberg, *The Data Surveillance State in the United States and Europe*, 49 WAKE FOREST L. REV. 583 (2014).

was conferred for his “seminal scholarship, innovative policy entrepreneurship, and tireless support of the privacy community.”<sup>39</sup>

The list of Joel’s many honors includes election as a Member of the American Law Institute, selection as an arbiter for the EU-U.S. Privacy Shield, and multiple awards for best privacy paper from the Future of Privacy Forum, a nonpartisan Washington, D.C. think tank. Joel also was a participating co-author on many computer science publications, all of which venture into technical realms into which most law professors would tremble to enter.<sup>40</sup> His speeches and addresses took him from Cambridge (MA) to Cambridge (UK) to Madrid to Bogoto to Amsterdam to Buenos Aires to Oslo to Montreal, and to multiple venues in his beloved Israel. His academic work is known and admired throughout the world, and his friends at universities and law schools are found on every continent.

### III. A LOYAL FACULTY MEMBER AT FORDHAM AND A MENSCH

A picture of Joel Reidenberg would be incomplete without discussing Fordham University and his institutional-building efforts on its behalf. As a member of the Fordham Law faculty, Joel established its tech law center, the Center for Law and Information Policy. He also played a key role in founding the Samuelson-Glushko Intellectual Property Clinic at the law school.

If that were not enough, Joel took on an important institutional role at the university level. He served first as president of Fordham’s faculty senate and then as Associate Vice President for Academic Affairs, the latter a full-time position. In his role as an Associate Vice President for the University, he worked out of an office at the University’s Rose Hill campus in the Bronx. As a practical matter, these multiple roles meant an additional phone number to try when reaching out to Joel, who, despite his myriad roles, always found time for his friends.

---

39. 2019 BCLT PRIVACY AWARD, <https://www.law.berkeley.edu/research/bclt/bcltevents/2019bclt-privacy-lecture/2019-bclt-privacy-award/>.

40. See Sebastian Zimmeck, Peter Story, Daniel Smullen, Abhilasha Ravichander, Ziqi Wang, Joel Reidenberg, N. Cameron Russell & Norman Sadeh, *MAPS: Scaling Privacy Compliance Analysis to a Million Apps*, PROCEEDINGS ON PRIVACY ENHANCING TECH., July 2019, at 66; Alessandro Oltramari, Dhivya Piraviperumal, Florian Schaub, Shomir Wilson, Sushain Cherivirala, Thomas B. Norton, N. Cameron Russell, Peter Story, Joel Reidenberg & Norman Sadeh, *PrivOnto: A Semantic Framework for the Analysis of Privacy Policies*, 9 SEMANTIC WEB 185 (2018); Jaspreet Bhatia, Travis D. Breaux, Joel R. Reidenberg & Thomas B. Norton, *A Theory of Vagueness and Privacy Risk Perception*, 2016 IEEE 24th Int’l Requirements Eng’g Conference 26 (2016).

One tribute to Joel's loyalty to Fordham and to his boundless energy came from Bill Treanor, then the Fordham Law School Dean and now the Dean at the Georgetown Law Center. Dean Treanor once told me that, among his entire faculty, when he needed someone to attend an alumni event outside of the United States, the first call always was to Joel, the person who would make it happen. Joel would appear on the designated date, in the designated foreign country, at the designated venue—and with no more fuss than for a crosstown trip in Manhattan.

Another tribute to Joel as a member of the Fordham community came during a virtual memorial service for him in May 2020, which was held shortly after Joel passed away on April 21 of that year. Father Joseph McShane, the President of Fordham University, summed up my friend as “deeply embodying Jesuit values.” Here, one might be permitted a smile because Joel was so proud of being Jewish, which formed a central part of his identity. Intrigued by Father McShane's comment, however, I carried out research after the event regarding Jesuit values and found that if anyone fulfilled these virtues, it was my friend. Joel was truly a person who led “a virtuous life characterized by personal responsibility, respect, forgiveness, compassion, a habit of reflection, and the integration of body, mind, and soul.”<sup>41</sup>

Joel was also incredibly welcoming to other scholars. He was interested in ideas and debating their meaning and value. It did not matter if one was a Supreme Court Justice (see above) or a student at an international conference with whom he was talking over lunch. Joel was non-hierarchical, open to new concepts, and eager to invite newbies to the moveable feast that is information privacy law. I recall how at one meeting of the Privacy Law Scholars Conference, Joel pointed with amazement at a breakfast room at the Claremont Hotel in Berkeley where several hundred professors, government officials, and private sector lawyers were munching on muesli and muffins.

“Paul, remember when we were the only privacy law scholars in the country?” he asked with wonder. “Look at all these people.”

The increase in the ranks of our field delighted him, and Joel did everything to encourage young scholars and to help the field flourish. He was the best kind of senior scholar any academic field could have. His unspoken motto for privacy law was “the more, the merrier.”

Now I'd like to conclude with some final personal notes.

---

41. *Characteristics of a Catholic and Jesuit University*, FORDHAM UNIVERSITY, [https://www.fordham.edu/info/20276/jesuit\\_and\\_catholic/647/characteristics\\_of\\_a\\_catholic\\_and\\_jesuit\\_university](https://www.fordham.edu/info/20276/jesuit_and_catholic/647/characteristics_of_a_catholic_and_jesuit_university) (last visited Jun. 2, 2021).

Joel and I always had a wonderful time together. Our work brought us around the world—and so many memories come back to me of presentations and meals and discussions. One important such meal-plus-policy effort took place at a restaurant on the Grande Place in Brussels. On that occasion, two important European privacy leaders joined us for mussels and Belgian beer on the night before a presentation of our research results to the Directorate-General responsible for data protection law. Joel and I also enjoyed fancy meals in France and pizza in New Jersey, and he always brought joy to the occasion.

And there was always technology to discuss—one favorite example was Joel showing me in the 1990's how he could use his telephone and a modem to email a digital document from one computer to another. Joel had brought his laptop into Fordham and sought to demonstrate how a digital file could go from his laptop over the internet to his office desktop, which was placed for this occasion directly next to his laptop. The idea was that he could send me drafts digitally in Fayetteville, Arkansas, where I was then teaching.

We sat in Joel's office. Dialing in, listening to the modem screech, and waiting for it to connect seemed to take forever. Plus, it was keeping us from our Chinese food. In no uncertain terms, I told Joel that I thought this process was a waste of our time and recommended that he simply mail me the next draft. My recommendation was as follows: "Just put the next version in an envelope, put a stamp on it; and I'll read it, write my comments on it, put the draft in a big envelope, and mail it back to you."

"We don't need the internet!" I sagely concluded.

Despite my implacable conviction at the time, it turns out that Joel was right about the future centrality of the internet—and so much more.

Joel was a tremendously brave person and a determined fighter as he faced illness. He was open about his health difficulties and challenges, and he shared news of his progress and setbacks in group-emails to his friends. His illness was nothing to be secretive about, but an aspect of life that he took on with optimism, determination, and humor. Joel was cosmopolitan, but the years in New Jersey were not wasted, and he was a Bruce Springsteen fan. One lyric that provided inspiration for him at this time was from the Boss: "No retreat, baby, no surrender." The other quotation of which he was fond came from Marshall Ferdinand Foch, who during the Battle of the Marne in 1914, informed his superior, "Pressed strongly on my right, my center gives way, impossible to move, excellent situation, I attack." Joel never retreated, he never surrendered, and, with the help of his physicians, he kept attacking.

When I think back on our relationship, another thing that comes to mind is how true a friend and wise an advisor Joel was. Joel called me "Big Bro,"

and I think he was avoiding calling me “Big Brother,” which, after all, would have been problematic for two privacy scholars. So, I was always “Big Bro,” and Joel was “brother” or “Brother Joel.” It was kind for Joel to give me this title, but the reality was that I depended on him more for advice and wisdom than he on me. Joel was the most generous and tactful of friends. He was my role model as husband, father, and, yes, brother. He was a loving and loyal husband to Pascale, and the proud father of Jeremy and David. The birth of his grandchildren Luca and Sophie gave him great happiness during the difficult period of his illness. In the photos that he sent me during this time of him with his grandchildren, his always warm smile seemed to reach from ear to ear. I do not know if I ever saw him happier.

I will miss Joel Reidenberg for the rest of my days, and I will continue to learn from his example as scholar, friend, and family man.

