

IN MEMORIAM

THOMAS M. FRANCK—by Rosalyn Higgins*

This is proving a very successful Annual Meeting. There have been stimulating panels, large attendances, good discussions, and well-chosen themes. But I know that I am not alone in feeling that something is wrong, something is missing. We are all feeling, I think, the absence of Tom Franck, speaking, listening, sliding in and out of the various sessions, encouraging the young and seeking out his friends.

He is, of course, still here with us in an intangible sense. There is, after all, a panel directed towards his influence in the field of use of force; and we each of us carry our memories of Tom.

Those memories, while of course personal, may this week properly be centered on Tom Franck's role—a role of long years' standing—at the heart of the American Society of International Law. He was a member of the Society for over 50 years. He participated with enthusiasm in various panels (and in recent years attracted an appreciative student audience, who were inspired by the ideas he articulated). He served on committees of the Society and spoke at the Society's Dinners. While he spoke lightly and with ease, his contributions were in fact the product of much thought, research, and preparation.

He enjoyed the fun of speaking and debating. But he also gave generously of his time in the performance of important assignments for the Society that were perhaps less "pure fun." From 1984 until 1993 he was the Editor-in-Chief of the *Journal*. As avid readers of the *Journal*, we perhaps give too little thought to the burden it imposes on the Editors-in-Chief. The Editor-in-Chief must read all manuscripts (and a large number of unsolicited manuscripts are received) and select which will be sent to other Board members (or occasionally to other specialists for their input). The Editor-in-Chief bears the final responsibility for which papers will be accepted (perhaps after reworking) and those which will be rejected. There is so much else in the *Journal* that requires the meticulous attention of the Editor-in-Chief. For over thirty years those responsibilities have been felt to be so onerous that, with one exception, they required joint Editors-in-Chief to get through the work. The one exception, of course, was Tom Franck, who from 1984 to 1993 assumed that heavy burden as sole Editor-in-Chief.

One of Tom's many attributes was that he was good at delegation, and he hugely valued the assistance of Anna Ascher in this task. He went on writing for the *American Journal*—and elsewhere—throughout this period, just as he went on writing throughout his immensely busy years at NYU. His output was both consistent and astonishing. He wrote with an easily recognizable and accessible style.

Four of his books, of course, received the Certificate of Merit of the Society: *United States Foreign Relations Law* (with Michael J. Glennon in 1981); *Nation Against Nation* (1986); *Political Questions/Judicial Answers* (1994); and *Fairness in International Law and Institutions* (1996). He also received the Manley O. Hudson Medal in 2003, and was President of the Society from 1998 to 2000 (with all the duties that that entailed). He was made Honorary President in 2009.

It is understandable that today we think so much of Tom in relation to the ASIL. But the other great institutional undertaking of his life was, of course, to the Law School at NYU. After early experience in East Africa, he in 1960 joined the law faculty of NYU. His

* Former Judge and President of the International Court of Justice.

tremendous engagement and drive were a large part of the emergence of that law school as one of first rank.

In 1965 he became Director of the new Center for International Studies. Shelley Fenchel was his invaluable assistant in this and virtually all of his many legal enterprises. Many here—diplomats, UN officials, professors, students—will have attended the colloquia put on by the Center, invitations to which were greatly prized. Believing as Tom did in the importance of international law to the international diplomat and to the national judge, he was deeply involved in outreach to these communities, for both the ASIL and NYU.

To have written so much, to have served the AJIL and NYU so remarkably, was more than enough for one lifetime. But Tom also took on membership of advisory boards for a variety of journals, wrote articles in honor of his colleagues around the world, and continued to teach with enthusiasm after retirement. He was counsel for various countries and sat as judge ad hoc and as arbitrator. He tasted the full menu of international law. And he contributed so much to the intellectual life of us all.

He also had an exceptional ability for friendship, making each one of us feel cherished. And he was interested in much, much else beyond the law.

An extraordinary man, who lived life to the full, enriching our own as he travelled his journey.