

IN MEMORIAM

ABRAM CHAYES

At last year's Annual Meeting, I was telling those of you who knew Abe that his health had deteriorated and that if you wanted to talk to him you should do so quickly. No one could imagine that in fact he had only a week left. But many, many members of the Society—his former students, his colleagues, his friends—were able to communicate with him in his final months. It made an enormous difference.

I want to remember him here as a practicing lawyer and public servant, as a scholar, and as a member of this Society. As a practicing lawyer, he was, of course, legal adviser to the Kennedy administration, remembered above all for his role in helping to resolve the Cuban Missile Crisis. His service to his country over this period made headlines twenty years later during his second most celebrated experience as a practicing international lawyer, when he represented Nicaragua against the United States before the International Court of Justice. His decision to undertake that representation was controversial, but to those who questioned it he said, "There is nothing wrong with holding the United States to its own highest and best principles." And that was what he thought he was doing, throughout his life as an international lawyer, advising his own government but also fighting it when necessary to maximize its compliance with and respect for international law.

As a scholar, Abe's list of important and influential publications is far too long to review here, but I want to highlight two. The first is his book on the Cuban Missile Crisis. It is because of that book that I am in the profession of international law. Richard Falk assigned it in his course on international law at Princeton when I was a senior. I read it. I understood for the first time the interaction between law and politics in a way that gave both their due and yet created a role for international law and lawyers. I reread it recently. It is a classic that easily stands the test of time, 106 pages of Abe's characteristically lapidary and compelling prose.

Less known, perhaps, is Abe's last book with his wife Toni, *The New Sovereignty*. It was published in 1995 and has steadily grown in importance and influence among both international lawyers and political scientists. It is a book about compliance. It is a book that argues that noncompliance is more a matter of lack of capacity than of insufficient coercion. *The will to comply is often there, but the resources are not. But it is also a book, as the title suggests, about the nature of sovereignty. He and Toni argue that sovereignty today is about the capacity to participate in international regimes and that power flows from that participation. It is particularly timely to invoke that conception of both sovereignty and power because it is the strongest argument against the unilateral course that the United States seems to favor so often today. Abe would have said, as Michael Reisman did this morning, "We are losing our power because our power depends on our capacity to persuade our friends and all other countries in an integrated system."*

Finally I want to remember Abe as a member of the Society. Here the history is a funny one. I think Abe would have admitted, if he were standing here, that as legal adviser and afterward he was a bit of a young Turk. He was not entirely convinced that the Society was where he should devote his energies. And indeed for quite a number of years he was not an active participant. By the time I knew him in the early 1980s,

however, he made it clear that he wished he had taken a different course. He urged me and many of his other students, most prominently Harold Koh, to participate fully in the Society and make it our own. Fortunately, through the efforts of Keith Highet, Peter Trooboff, and Tom Franck in the late 1980s and 1990s, he became increasingly active in the Society himself, becoming one of our vice presidents and working on a host of important issues.

The Annual Meeting does not seem the same without Abe's energy, his wisdom, and his wonderful, inimitable, gravelly voice. In the end, however, his voice is still with us—in the precedents he helped set, his scholarship, and his many students. His ideas, his example as a scholar, teacher, and public servant, and above all, his fierce devotion to the rule of law at home and abroad leave a lasting legacy.

ANNE-MARIE SLAUGHTER

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