

optimistic for a man who had sustained much personal tragedy. Adlai Stevenson at the Hyde Park funeral of Eleanor Roosevelt said that she was a person who would rather light a candle than curse the darkness. That may also be said of Manfred Lachs.

STEPHEN M. SCHWEBEL\*

### THE PRIVATE LACHS: LIFE AS ART

An artist creates by dint of imaginative power, transforming the banal, inventing the unimagined, ennobling the observer. By this definition, Judge Manfred Lachs was an artist whose life was his art form.

For almost forty years, I was privileged to witness his artistry. It began when, as a graduate student writing a thesis on the racial laws of Rhodesia, I made my way to Africa via Eastern Europe. Presumptuously, I had written letters to the legal advisers of the various foreign ministries, asking to meet "persons engaged in the practice of international law."

Awaiting me in Warsaw was a note from Professor Lachs inviting me to the Ministry. There followed an invitation to his home, a remarkable act in the political circumstances of the midfifties. I remember much of the conversation. For Poland, an occupied country, the question was a narrow one: what could be done in mitigation? An uprising like that in Hungary was futile; the West had already demonstrated its incapacity to intervene. Hope lay in promoting a space for Poland, perhaps through a legal and institutional framework for the demilitarization of Central Europe. Gomulka was pursuing the same end by courting China, trying to promote a balance within the Communist bloc that would allow Poland to experiment with gradual liberalization.

The conversation went far into the evening. Creating space—for a nation, an individual, a professional ideal—was the leitmotif. We might have been two students, or two professors, in Cambridge, Mass., or Paris, or New Delhi.

Thereafter, scarcely a year passed that Professor—then Ambassador, then Judge—Lachs did not initiate a long, intimate tour d'horizon. The dietary stringencies of his later years in no way diminished his zest for the best fish restaurant in Scheveningen, lower Manhattan or Uppsala. These conversations, betimes intense, then languid, scholarly and witty, had a thematic unity: the search for space. Lachs vastly admired the deftness shown by Chief Justice Marshall in *Marbury v. Madison* and strove to emulate it, for example in the *Nuclear Tests* cases.

As a pragmatist, he panned for nuggets of utility in raging torrents of ideology. But his pragmatism was not passionless or detached. He became a missionary for the law and, specifically, for adjudication. He convinced the Afro-Asians, alienated by the inconclusive *South-West Africa* litigation, to return to the Court for the *Namibia* advisory opinion. He was instrumental in changing the Court's rules to make chambers user-friendly. He advocated authorizing the UN Secretary-General to request advisory opinions, and was ruefully amused by the latter-day opposition of Britain, France and the United States. To Lachs, law was the civilized religion and courts were its churches: he did not think it inappropriate to propagate his faith.

\* Judge of the International Court of Justice.

To create space in which to create: nothing so pleased Lachs as his hoard of honorary degrees, from every region, every bloc. He openly sought these symbols of universal recognition not out of vanity—he was utterly unassuming—but because they served as sentinels of the space he needed to create a jurisprudence, to be his own person. He delighted in being chosen by African litigants for a chamber or an arbitration and in being nominated for reelection by the American National Group, among many others. Edith Brown Weiss's study of voting patterns in the Court came as a balm, for it refuted the hurtful allegations, made at the time of the *Nicaragua* litigation, that he represented Communist policy, that the space he had striven all his life to create was not art, but only *trompe l'oeil*.

He bristled at being labeled the "Polish judge," yet he was intensely Polish, part of an intellectual tradition that still makes battered, run-down Warsaw the Paris of Eastern Europe. He strove to nurture and protect several generations of Polish international lawyers who had learned from him, not least how to create space for creativity. He played a quietly productive role in the transition from military rule to democracy.

Still, to say that Manfred Lachs was Polish is true only in the sense one may observe that the *Winged Victory* is stone. The work of art that was Manfred Lachs's life was fashioned, with the infinite eye, by the artist's grace.

THOMAS M. FRANCK\*

### THE TEACHER: LACHS AT THE HAGUE ACADEMY

The audience at the 1980 General Course in Public International Law of the Hague Academy of International Law<sup>1</sup> will never forget the moment when Judge Manfred Lachs finished the last lecture: a burst of applause, in recognition of a lifetime of experience, was followed by a twenty-minute standing ovation that seemed to go on and on. Both teacher and students were moved. Many students shed tears of gratitude to this great teacher and jurist, while the teacher himself was seen wiping his eyes, so touched was he by the affection of his students. As the tradition goes, Professor René-Jean Dupuy, the Secretary-General of the academy, came forward to thank the lecturer. He concluded by saying that never before had any speaker been given such a warm tribute at the academy. A remarkable teacher was deservedly saluted by his pupils for having examined the fabric of international law, thread by thread, through the perspective of history. It was an unbiased, scholarly presentation—delivered at the peak of the Cold War by a man from an east bloc country—that touched on the issues of North and South, and East and West, without leaning one way or the other or slighting contemporary realities. He stood head and shoulders above those who indoctrinate their audiences in the futility of international law. Judge Lachs presented international law as it is, and the trends in its development, without ever forgetting the central objective: the quest for global political, social and economic justice. His course was an instant classic.

\* Editor in Chief.

<sup>1</sup>Manfred Lachs, *The Development and General Trends of International Law in Our Time*, 169 RECUEIL DES COURS (1980 IV).