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Jonathan I. Charney: A Tribute

Richard B. Bilder

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It is a privilege to share in this tribute to my friend and colleague Jonathan.

I first met Jonathan in 1967 when he was a student in my international law class at the University of Wisconsin Law School. It was only my second year of teaching—I had just come to Wisconsin after some years with the State Department's Office of Legal Adviser. But Jonathan was a generous and forgiving, as well as excellent, student and somehow we both got through the course. Anyway, Jonathan became, first, the student of whom I was most fond; then, as his career developed, the student of whom I was most proud; and, eventually, as the years passed and our paths and work increasingly intersected, a valued colleague and friend. I can't count the number of occasions we were together—collaborating on at least four collective book projects; participating in American Society of International Law, Law of the Sea Institute, or on other committees or conference panels; and, most notably, serving together on the *American Journal of International Law's* Board of Editors where, for the last few years, Jonathan was the Co-Editor-in-Chief responsible for the Book Review Section of the Journal, which I edit.

Many of you here are familiar with the trajectory of Jonathan's distinguished career. But, to indicate both the broad range of his interests and involvement and the extent to which our profession and his colleagues recognized his work and abilities, let me mention a few of the highlights:

- Jonathan's work immediately after law school with the Department of Justice's Land and Natural Resources Division, where he quickly advanced to head its Marine Resources Section;
- His move to Vanderbilt Law School in 1972 where, among other distinctions, he was in 1999 appointed Alexander Heard Distinguished Service Professor and in 2001 appointed to the Lee S. and Charles A. Speir Chair in Law;
- His election in 1985 to the Board of Editors of Ocean Development Law and in 1986 to the Board of Editors of the *American Journal of International Law* (AJIL), and

- his election in 1998 and outstanding service since that time as co-editor with Michael Reisman of the *AJIL*;
- His contributions in innumerable capacities to the American Society of International Law (ASIL), including his election and service as Vice President of the Society from 1994-96;
 - His important service as a member of the U.S. Delegation to the Third U.N. Conference on the Law of the Sea (1974-81) and as a member of the U.S. Advisory Council on the Law of the Sea;
 - His work as Director of the ASIL's Maritime Boundary Project and as co-editor with Lew Alexander of their comprehensive and invaluable series of volumes on International Maritime Boundaries, which received the ASIL's Certificate of Merit in 1994;
 - His seminal 1998 Hague Academy of International Law lectures on "Is International Law Threatened by Multiple International Tribunals?," as well as over 60 other major articles and chapters in books;
 - His election to and important service in a variety of other professional capacities, including the Council on Foreign Relations, as Deputy Vice Chair of the Public International Law Division of the Section on International Law and Practice of the American Bar Association, as Chair of the International Law Section of the Association of American Law Schools, as Chair of the Committee on the Formation of Customary International Law of the American Branch of the International Law Association—and I could go on!

But this list can give only a rough sense of the range and depth of Jonathan's important and lasting contributions to international law. Many of his writings are already classics which have changed the way we all think in our discipline—indispensable reading for anyone working in our field. This list would certainly include:

- His magisterial Hague lectures on "Is International Law Threatened by Multiple International Tribunals?," as well as his writings on other aspects of international adjudication and the International Court of Justice;
- His indispensable work on International Maritime Boundaries and many other ocean issues;
- His seminal 1993 *AJIL* article on "Universal International Law" as well as his other articles dealing with the "persistent objector" rule and other aspects of customary international law;
- His important other writings on Kosovo and the international law regarding the use of force, on "judicial

deference in foreign relations,” on compliance with “soft law,” on Antarctica, and on environmental issues—and again, I could go on!

Every subject Jonathan touched he cast light on. His writings were invariably of the highest scholarly quality—were always innovative, thoughtful, and done with meticulous care; imbued with insight, realism and practical common sense; and written in a plain, clear, and unpretentious style.

Jonathan's career was tragically cut short. But it is certain that the international recognition and esteem which he and his work achieved, and his high stature in our field, will endure.

But, apart from Jonathan's fine achievements, I would like to mention some of the qualities that, in my experience, made it such a pleasure and privilege to know and work with him as a person:

- His intellectual honesty and lack of pretense. Not for Jonathan the fashion or academic jargon of the moment. He would think things out for himself, making his own common sense analysis, and say—clearly and simply—what he believed to be true.
- His high standards and intellectual rigor. Not for Jonathan slipshod thinking or careless writing.
- His work ethic and conscientiousness. If Jonathan said he would do something, it would be done—and done well. I have no idea how he found time to do all the things he did!
- His deep commitment to the enterprise of international law—of trying, through the practical and imaginative structuring and deployment of legal arrangements and techniques, to achieve a more decent, peaceful, and just world.
- His personal integrity, decency, and loyalty. While a private person, Jonathan's personal values—his love for his wife and children, his commitment to his work, and the institutions which depended on him—were evident.
- His wry sense of humor. I'm not sure I ever heard Jonathan tell a traditional joke. But he could laugh at the absurdities of life and was a kind, generous, and delightful companion.
- And his courage. As we worked together over the period of his illness, there was no lessening in his careful attention to our shared responsibilities.

Jonathan was a wonderful and very special person—a highly admired scholar who contributed greatly to international law as well as

a valued and dear friend. I—and all those who had the privilege of knowing him—will miss him greatly.