

arbitrators on a Swedish member of the Iran–United States Claims Tribunal. A magna cum laude graduate of Harvard Law School, he was law clerk to Judge Augustus N. Hand of the U.S. Circuit Court of Appeals. Early in World War II, he served as counsel in the Office of Price Administration. In 1943 he joined the Department of State, serving successively as chief of the Division of Economic Security Controls, deputy director of the Office of Economic Security Policy, and assistant legal adviser for economic affairs. In the latter capacity, he was legal adviser to the U.S. delegation to the organizing conferences of the General Agreement on Tariffs and Trade and chief of the U.S. delegation on postwar problems in negotiations with the governments of Sweden, Portugal, and Spain; he played a leading part in negotiating the disposition of German assets with those governments and that of Switzerland.

Rubin was engaged in law practice from 1948 to 1961, while undertaking special missions for the U.S. government, among them, negotiating Marshall Plan agreements. He also served as assistant director of the Mutual Security Administration (1952–1953); as general counsel of the Agency for International Development (1961–1962); as U.S. representative in Paris on the Development Assistance Committee of the Organisation for Economic Co-operation and Development (1962–1964); and as U.S. representative to the United Nations Commission on International Trade Law (UNCITRAL) (1968–1969). He was a member of the UN Commission on Transnational Corporations, and, for twenty years, of the Inter-American Juridical Committee of the Organization of American States. He was the energetic and effective executive director of this Society from 1975 to 1982.

As professor of law at the Washington College of Law of American University, Rubin taught from 1974 until shortly before his death, specializing in international trade and foreign investment. He was a member of an arbitral tribunal of the International Centre for Settlement of Investment Disputes that rendered its award early in 2003. He was the author of three books and various articles on problems of foreign investment.

Sy Rubin was a man of exceptional vitality and spirit, who believed in international cooperation and practiced it. He and his wife of sixty years, Janet Beck Rubin, who survives him, were leading figures on the Washington social scene; many a member of this Society will appreciatively remember their hospitality. His multitude of friends will miss Sy Rubin.

STEPHEN M. SCHWEBEL*

ROBERT E. HUDEC (1934–2003)

On March 12, 2003, Robert Hudec died in his sleep, while on vacation in Florida. He was sixty-eight years old. On that date, the world lost one of its great scholars of international trade law, and a great teacher and friend to many. Hudec had served with distinction on the Board of Editors of this *Journal* since 1999.

Beginning in the 1960s, Hudec, with bravery and foresight, devoted his considerable talents to the infant field of international trade law. He became a renowned authority on the General Agreement on Tariffs and Trade (GATT) and on its successor organization, the World Trade Organization (WTO). Scholars and government officials from all over the world sought his counsel on issues regarding the law and governance of international trade. He served as a consultant to the U.S. government, as well as to the GATT Secretariat, and was a member of several dispute settlement panels of the WTO, the GATT, the North American Free Trade Agreement, and the Canada-U.S. Free Trade Agreement. In addition to forty-five law review articles and monographs about trade law, he authored five books, most recently *Essays on the Nature of International Trade Law* (1999).

* Of the Board of Editors.

Hudec came from a modest background that did not portend his leadership of an elite international community of policymakers and scholars. He grew up in a small town near Cleveland, Ohio, with no thought of even attending university until a discerning high school guidance counselor singled him out for encouragement. After graduating from Kenyon College, he was a Marshall Scholar at Jesus College, Cambridge University. He then studied at Yale Law School, where he was editor in chief of the *Yale Law Journal*. Following a clerkship with Justice Potter Stewart of the U.S. Supreme Court, Hudec worked for two years in the Office of the U.S. Special Representative for Trade Negotiations. He then engaged in research at the GATT before beginning his academic career at Yale Law School. After six years at Yale, Hudec moved to the University of Minnesota in 1972, where he spent most of his teaching career.

Hudec was a great teacher, both of students and of other scholars. At the University of Minnesota, he was the first professor ever to be appointed to an endowed chair at the law school, the Melvin C. Steen and Corporate Donors Chair in Law. His retirement celebration at the University of Minnesota attracted scholars from all over the world, and resulted in the publication of a book of essays on international trade law.¹ In 2000 Hudec joined the faculty of the Fletcher School of Law and Diplomacy. He also taught at universities in Canada, China, France, Germany, and Switzerland.

Hudec was known as one of the great realists of international trade law. His perspective, which recognized that international trade law is inextricably joined with international trade politics, and cannot be understood except in historical perspective, is captured in the title of his first article, entitled *The GATT Legal System: A Diplomat's Jurisprudence*.² A frustrated chemist (he briefly considered a career in chemistry, but gave it up while still in college, when he clumsily broke too many costly test tubes), Hudec was also a pioneering empiricist of international trade law. He painstakingly analyzed and categorized hundreds of GATT and WTO opinions, with a view to making informed observations about varying features of GATT and WTO dispute settlement.³

Hudec loved nothing better than to “transcend the ostensible.”⁴ He felt strongly that the key to superior scholarship is the instinct and ability to look behind the conventional explanations of legal conclusions in search of a better understanding of what the law is, and why. According to Hudec, this approach requires a critical, or skeptical, posture toward conventional explanations, asking the more rigorous questions whether they are in fact logical, coherent, persuasive, and grounded in reality. It is a perspective that seeks to identify something wrong, or something missing, and it makes significant demands on the scholar. It requires the closest attention to detail, and sensitivity to nuances of facts and argument. Moreover, it requires great modesty and integrity. Hudec's work exemplifies these characteristics.

His editorial work for the *Journal* was painstaking and insightful. He actively participated in developing the recent symposium *The Boundaries of the WTO*.⁵ Although he had a rigorous and often withering editorial eye, his modesty and kindness tempered his criticism. Hudec

¹ THE POLITICAL ECONOMY OF INTERNATIONAL TRADE: ESSAYS IN HONOR OF ROBERT E. HUDEC (Daniel Kennedy & James Southwick eds., 2002).

² Robert E. Hudec, *The GATT Legal System: A Diplomat's Jurisprudence*, 4 J. WORLD TRADE 615 (1970).

³ ROBERT E. HUDEC, ENFORCING INTERNATIONAL TRADE LAW: THE EVOLUTION OF THE MODERN GATT LEGAL SYSTEM (1991) (providing a detailed history of the development of GATT law, and a statistical analysis of 207 legal complaints).

⁴ See Robert E. Hudec, *Transcending the Ostensible: Some Reflections on the Nature of Litigation Between Governments*, 72 MINN. L. REV. 211 (1987) (examining the different social function that litigation serves in the international community, compared to litigation in domestic society, and showing how litigation responds to the needs of governments to temporize and obfuscate).

⁵ *Symposium: The Boundaries of the WTO*, 96 AJIL 1 (2002) (contributions by José E. Alvarez; Kyle Bagwell; Petros C. Mavroidis; and Robert W. Staiger; Jagdish Bhagwati; Steve Charnovitz; Robert Howse; John H. Jackson; David W. Leebron; Debra P. Steger; and Joel P. Trachtman).

often encouraged junior scholars and was at his most helpful with students. He took pains to fulfill his responsibility to nurture the next generation of international trade law scholars and policymakers. Perhaps the greatest tribute to him is the broad and deep respect that this community has for his work, and for his integrity.

At a time when idealistic approaches to international law have been challenged by events, as well as attacks from within and without the discipline, Robert Hudec's scholarly modesty, empiricism, positivism, and realism deserve attention. One of Hudec's insights was that more law is not necessarily better, and that greater enforcement of law is not necessarily normatively attractive. Hudec's legal positivism and his total approach to his vocation bring to mind the encomium of Learned Hand to his teachers:

I carried away the impress of a band of devoted scholars; patient, considerate, courteous and kindly, whom nothing could daunt and nothing could bribe. The memory of those men has been with me ever since. Again and again they have helped me when the labor seemed heavy, the task seemed trivial, and the confusion seemed indecipherable. From them I learned that it is as craftsmen that we get our satisfactions and our pay. In the universe of truth they lived by the sword; they asked no quarter of absolutes and they gave none. Go ye and do likewise.⁶

JOEL P. TRACHTMAN*

CORRESPONDENCE

The *American Journal of International Law* welcomes short communications from its readers. It reserves the right to determine which letters to publish and to edit any letters printed. Letters should conform to the same format requirements as other manuscripts.

TO THE EDITOR IN CHIEF:

Professor James Crawford's *The ILC's Articles on Responsibility of States for Internationally Wrongful Acts: A Retrospect* (96 AJIL 874 (2002)) states:

Of more than fifty governments that expressed views in the debate [of the Sixth Committee on the above-mentioned draft articles], only two (Mexico and *Guatemala*) made criticisms of such a kind as to imply rejection of the ILC's proposals—and they did so in terms of a preference for an immediate diplomatic conference rather than outright rejection of the text.¹

Nothing in the statement in question could be taken to imply any kind of rejection of the International Law Commission's draft articles by Guatemala. The statement addressed some specific and mostly minor elements of the substance of the draft articles and then went on to make suggestions as to the manner in which the General Assembly should react to the articles.

In this respect, Guatemala expressed a preference for the General Assembly to continue considering the draft articles annually until it was decided to hold a conference. The Sixth Committee would thus be able, in the meantime, to recommend changes in the draft articles to the General Assembly.

This correction reinforces the point Professor Crawford makes that in the Sixth Committee's debate on the draft articles, there was virtually no overall rejection of them.

ROBERTO LAVALLE†

⁶ LEARNED HAND, *THE BILL OF RIGHTS* 77 (1962).

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¹ 96 AJIL 874, 875 (2002) (emphasis added) (footnote omitted).

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