

He derived genuine joy from those rare occasions when a student discovered some obscure article or book Sohn had not seen, or proposed a solution that Sohn regarded as particularly imaginative. He used to urge his students not to despair over the slow progress of international law, and not to expect dramatic changes. International law, he contended, evolved in small steps and it was up to international lawyers to promote that evolution and move it in the right direction. Sohn was most fascinating in class when explaining how an individual or organization had succeeded over time in strengthening international mechanisms or rules that advanced important human values. He would take particular pleasure in pointing to the modest beginnings of some institution or technique that had gradually evolved into a much more significant or useful international mechanism than had originally been conceived.

Professor Anthony D'Amato has described the learning experience of a typical Sohn seminar in the following felicitous terms:

Taking a seminar under Professor Louis Sohn was for me an unprecedented combination of grandiose theme combined with acute attention to the minutest detail. We studied nothing less than world order on the global scale, but we did so by examining at length why the delegates to the United Nations conference in San Francisco in 1945 used a particular word in a particular draft provision when several alternate words might have (but, ah, could they?) served just as well. I began to understand that I could never hope to have as intimate and comprehensive [a] knowledge of the United Nations Charter as my professor, and I rationalized this by saying, "Oh, well, when I need to know something I can always ask him." But then, perhaps, I got a little wiser, and began to understand that Professor Sohn was not, after all, teaching us why that particular wording was chosen, but instead was imparting to us a much more valuable philosophy: If you want to solve the problems of the world and be a lawyer at the same time, you have to pay excruciating attention to detail.¹⁹

With Louis Sohn's death, the international legal community has lost a truly great scholar. Those of us who were privileged to have been his students have lost a friend who inspired us with his commitment to the international rule of law and a more humane world order.

CORRESPONDENCE

TO THE EDITORS IN CHIEF:

In the October 2005 issue of the *Journal* (99 AJIL 778 (2005)), Professor Karen Engle asserts that the practice of the International Criminal Tribunal for the Former Yugoslavia (ICTY) has been a negative development insofar as it has served to reify national identities in the Balkans and has reinforced a view of women as victims rather than agents. She has not provided a sufficient evidentiary base for this argument.

Engle does not cite the many researchers who have undertaken field work in the Balkans on the impact of the ICTY on national identity and the status of women. Their studies have shown that the ICTY, albeit imperfect and deeply mistrusted in the region, has in fact served to individualize guilt instead of perpetuating collective national divides. Moreover, studies from both within and outside the region provide strong evidence that to deny women (and men) the right to confront their perpetrators is to deny their agency.

¹⁹ Anthony D'Amato, *The Frolova Case*, in CONTEMPORARY ISSUES IN INTERNATIONAL LAW, *supra* note 6, at 89, 89.

The reading of oral testimony, coupled with an awareness of the deep narrative culture of the Balkans, discloses the power in witnessing—and in public remembering. After the violence of World War II, such witnessing did not occur, much to the detriment of postwar Yugoslavia. Establishment of the ICTY, despite its shortcomings, is indeed a hopeful development.

We have discovered that women witnesses called before the ICTY find ways to exercise their agency and reclaim their power. The ICTY could properly be criticized for calling fewer female than male witnesses (because women are often in places where they see more than men), and its prosecutors could correctly be chastised for rarely bringing cases where women are the victims of crimes other than sexual assault (because women are subjected to many types of wartime crimes).

It is remarkable how witnesses summon the resources to assert their agency. We are reminded of a woman who kept passing out during her testimony before the ICTY. The presiding judge told us that the bench wanted to stop the trial to prevent the witness from being further victimized. But the witness insisted that they continue. “If the court were to stop,” she said, “then I will be a victim.” The witness fainted one more time before completing her testimony. Afterwards she told a counselor who worked with her, “[N]ow I can live again.”¹

We admire Professor Engle’s work, and we offer these comments because we would not want future work to overlook the evidence from the field.

JULIE A. MERTUS
American University

MELISSA BOKOVOY
*University of New Mexico and the
Woodrow Wilson International Center for Scholars*

THE FRANCIS DEÁK PRIZE

The Board of Editors is pleased to announce that the Francis Deák Prize for 2006 was awarded to Kal Raustiala for his article entitled *Form and Substance in International Agreements*, which appeared in the July 2005 issue.

The prize was established by Philip Cohen in memory of Dr. Francis Deák, an international legal scholar and lifelong member of the American Society of International Law, to honor a younger author who has published a meritorious contribution to international legal scholarship in the *American Journal of International Law*.

NOMINATIONS FOR THE BOARD OF EDITORS

The *American Journal of International Law* invites suggestions for nominations for members of the Board of Editors to be elected in the spring of 2007. Nominations are based primarily on scholarship and creativity, as demonstrated in books, articles, and other written work appearing over a period of years, including but not limited to publications in the *Journal*. Other factors taken into account include areas of expertise and professional perspective or discipline.

Suggestions, together with supporting statements and information, such as a curriculum vitae, a list of publications, and, if possible, copies of significant publications, should be sent by October 15 to the AJIL Nominating Committee Chair, c/o either of the Editors in Chief:

¹ JULIE MERTUS WITH OLJA HOCEVAR VAN WELY, WOMEN’S PARTICIPATION IN THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY): TRANSITIONAL JUSTICE FOR BOSNIA AND HERZEGOVINA 17 (Women Waging Peace Pol’y Comm’n, July 2004), available at <<http://www.womenwagingpeace.net/content/articles/BosniaFullCaseStudy.pdf>>.