

Richard N. Gardner: Teacher, Mentor, Colleague, Friend

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The passing of Richard N. Gardner is a sad occasion for those of us who were so influenced by his life, but also a fitting occasion to celebrate that life, including his importance to generations of students who passed through Columbia Law School.

I first met Professor Gardner during my second year at the law school, when I took my first course in International Law. The course was team-taught with Professor Oscar Schachter, and I cannot imagine a better way to be introduced to the field, as both professors had a deep reservoir of academic and practical experience in it. Indeed, what most stuck me about the course was how much the “real world” became a part of it; we studied doctrine, but it was doctrine as applied to contemporary events.

For example, since it was the Fall of 1983, the course unfolded at a time when the United States invaded the tiny Caribbean country of Grenada, ostensibly to protect U.S. medical students there, but arguably to advance the Reagan Administration’s overall desire to promote democracy in the Western Hemisphere and to roll-back socialism and communism. Professor Gardner was a master at playing the neutral arbiter in our discussions: “Why shouldn’t a powerful country help protect a weaker country? Isn’t humanitarian or pro-democratic intervention a good thing?” Yet as views began to shift in that direction, he would pose other questions: “Is it a good idea for a country on its own to decide when and how it should invade another country? Isn’t this why we have a U.N. Security Council?” We were all left uncertain, confused, and arguing amongst ourselves before and after class, precisely the objective of our learned professor. I’ve no doubt that for me a seed was planted at that time, leading ultimately to the publication of my first book.¹

As I moved into my third year and assumed the editor-in-chief

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1. SEAN D. MURPHY, HUMANITARIAN INTERVENTION: THE UNITED NATIONS IN AN EVOLVING WORLD ORDER (1996).

position of this *Journal*, Professor Gardner transitioned from being a professor to a mentor, encouraging me to think about clerking (which I did), to think about studying international law abroad (which I also did), and ultimately encouraging me to chart a path forward as an international lawyer. So, brimming with excitement about the field of international law, I headed off for my first real job as an attorney in the Office of the Legal Adviser at the U.S. Department of State. I suspect that one reason I landed the position was due to a recommendation from “Dick,” who now transitioned from professor/mentor to friend and even colleague.

Indeed, I did not have to wait long to call Dick a colleague. Shortly after arriving at the Department of State, I was assigned by the Legal Adviser, Abraham D. Sofaer, to work on the U.S. case against Italy before the International Court of Justice, commonly referred to as the “ELSI” case.² As we crafted the written pleadings and contemplated the oral argument, it became apparent that we could use on our team a highly-regarded professor of international law, with deep expertise in international economic law, and preferably some knowledge of Italian law and politics. There seemed little doubt who best fit those qualifications, especially given Dick’s service as U.S. Ambassador to Italy from 1977 to 1981. Dick proved to be a superb advocate before the Court, systemically explaining the various provisions of the underlying treaty and why the United States believed they had been violated in Italy’s treatment of a U.S. subsidiary.

In the years that followed, I benefited greatly from Dick’s advice and support, both while at the Department of State and then as I moved into academia at George Washington University. Dick was insistent about the value of scholarly publication and high-quality teaching, but also favored maintaining one’s practical experience and service. Such sentiments no doubt influenced my interest in becoming a Member of the U.N. International Law Commission and my active engagement with the American Society of International Law, for which I now serve as President (Dick was a Vice-President in 1973–75).

Dick came of age in that period after World War II when a new day was dawning. Given his long and distinguished career, with its deep focus on international law and international institutions, I feel that he took seriously Harry Truman’s admonition at the opening of the United Nations conference in San Francisco: “You members of this conference are to be the architects of the better world. In your hands rests our future.”³

2. *Elettronica Sicula S.P.A. (ELSI)*, 1989 I.C.J. 15.

3. Radio Address to Delegates at the Opening of the U.N. Conference, San Francisco (Apr. 23, 1945).