Regards to a Friend

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REGARDS TO A FRIEND

A. A. FATOUROS*

It is a joy to write about Wolfgang Friedmann—a long-sought opportunity to express one’s affection for the man and admiration for his work. It is also deeply embarrassing, however, since, far from being at the twilight of his career, as is usually the case with recipients of tributes, Wolfgang is at high noon. Not merely “still active,” but at the top of his form as a thinker and as a writer, he constantly branches out into new fields and points again and again to new directions of inquiry and thought. When a man keeps putting to shame his juniors by the amount and versatility, as well as the quality, of his work, tributes are premature—there will be so much more to be said in a few years’ time!

Having been—is it for two or for sixteen years now?—a student of his, I think of him as a teacher first of all. I think of his immense kindness to students, his profound concern for them as individuals and as beginning scholars. To Wolfgang, students are not only friends—they are equals. He sees them not as clay to be molded by a teacher’s techniques and devices, but as fellow-thinkers, independent scholars newly engaged in the long process of joint inquiry and learning. He treats them, therefore, with kindness and respect, with full appreciation of each student’s personality, but with a teacher’s firmness and a scholar’s toughness of mind. He offers quietly his own particular brand of unassuming and insightful advice, without demeaning the younger person, in no way imposing his own opinions, approaches and conclusions. While he makes no claim on the loyalty of his students, he has their continuing affection; he remains for them a master, the model of the scholar they seek to become. For his part, long after the formal period of study is over, he continues to help—and not only in matters scholarly and intellectual.

Wolfgang Friedmann’s range of scholarly achievement is breathtaking: He has taught and written extensively in legal theory, comparative law, international law and organization, international politics, administrative law—and I leave out several more fields. He has inspired and directed nearly a score of symposia and team studies on particular problems of international and comparative law (both always broadly defined, of course). He has been active in scholarly and professional associations’ meetings, panels and committees. His learning in each particular legal branch, his activities in any particular direction, greatly enrich his work in the others. As a philosopher, he

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has rare insight into the concrete workings of legal systems; as an international lawyer he benefits from his study of antitrust, legal philosophy and family law. Moreover, his work effectively combines the specific features and elements of his own personality and his life history. Bringing together metaphysical concerns and empirical methods, moral involvement and a relativist stance, the most creative features of traditional continental European legal scholarship and a profound understanding of, and indeed total adaptation to, Anglo-American legal thinking, he is himself living witness to the creative interaction of legal and philosophical systems and approaches.

It is not my intention to spell out here Wolfgang Friedmann's contributions to international law; surely, there are few individuals in the last twenty years who have had as critical a part in shaping current thinking in this field. While concerned with theory, he uses it better to perceive, understand, and thereby shape, reality—not to evade its problems and embarrassments by escape into beautiful abstractions. His approach is inspired by definite social ideals and even by a certain moral fervor; but he remains a realist and retains an acute sense of the limits of the possible and the potentially catastrophic consequences of their disregard. His search for limits on the ability of states to pursue their special interests in disregard of the international community's common interests is thus founded not on an abstract commitment to ideal models or to the pursuit of formal logical consistency, but on profound insight into the actual operation of the international system. His whole work, original and stimulating as it is, has remained within the broad limits, albeit always at the frontiers, of the tradition of international law. Yet he has never been afraid sharply to criticize official or unofficial positions he deems wrong, and creatively to explore new perceptions and respond to new conditions and situations.

His work in international economic law illustrates the qualities of his overall achievement. He became interested in this field quite early, correctly perceiving its future importance and phenomenal growth. For the past twenty years he has concentrated his efforts (to the extent his efforts can ever be said to be concentrated in a single area) in the study of the problems of international development. Not satisfied with the state of the knowledge of legal realities in this area, he undertook to direct research into particular problems—especially those of private foreign investment in developing countries and of international economic aid to them. Exhibiting remarkable insight into the operations of the principal international actors in these areas (private firms, governments, international institutions), he managed to establish a unique working relationship with their officials and to describe and analyze with clarity and accuracy not only
their practices and techniques but also their perceptions, objectives and expectations. Pitilessly cutting through myths, rhetoric and ideological obfuscation on all sides, he has brought into the open the realities of actual conditions and has forcefully suggested more effective policies.

His work in this field also makes evident one particular trait which is essential for understanding the man and his achievement. For, while it is correct to speak of his realism, his relativism, his prudence, even his wisdom, these do not suffice to describe the quality of his mind. His writings, in international law as in legal philosophy, are imbued by a profound humanism, a humanism which informs his whole approach and affects his very perception of problems, choices, and solutions. His concern for the dignity and welfare of the weaker and poorer members of the world community manifests and develops, in international context, the commitment to social justice to which his other writings bear witness. He has thus been able effectively to mediate between the learning and expertise of jurists and officials from developed countries and the aspirations and claims, largely yet unformulated, of the peoples in the less developed countries.

My kindest regards, Professor Friedmann. These few words of mine are but an inadequate introduction to your achievements to come.

_Bloomington, March 1971_