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The European Tradition in International Law: Walther Schücking

Christian J. Tams

In their ‘mission statement’, the *European Journal*’s founding editors announced the launch of an occasional focus section devoted to the work of international lawyers who stood for particular aspects of the ‘European Tradition in International Law’, rather boldly set in the singular. Previous focus sections have assessed the continuing relevance of (and typically celebrated) the likes of, for example, George Scelle, Roberto Ago, Alfred Verdross, Hans Kelsen, and Max Huber.

The German international lawyer and former judge of the Permanent Court of International Justice, Walther Schücking, has not shaped international law in the way these towering figures have. There is no ‘Schücking school’ (although one of Germany’s centres of international law research – the Walther Schücking Institute for International Law at the University of Kiel – has been named after its most prominent director since 1995, and very much embraces his legacy); and one looks in vain for a decisive ‘Schücking treatise’ that has defined a major area of the discipline. In fact, outside Germany, Schücking’s work is probably known to a specialist audience only. And still, Walther Schücking stands for one of the important European traditions: his vision of international law was that of a liberal internationalist and pacifist; it was informed by a firm belief in the civilizing mission of the discipline (which led him to move beyond the positivist approach dominant in his home Germany and elsewhere); and he seriously studied the move towards international organization when many of his contemporaries remained focused on the State as the only relevant subject or actor of international law.

As will become clear from the subsequent contributions, aspects of Schücking’s work have aged rather than matured; and some of his answers no longer resonate with today’s more critical audience. Yet the contributions also, it is submitted, bring out that Schücking frequently raised the right questions and often looked in the right directions when seeking his answers. In this respect, the 75th anniversary of his death, in August 2010, seemed a fitting occasion to set out to re-discover Schücking’s work. It is a re-discovery in five stages: after my own introductory piece, Mónica García-Salmones and Frank Bodendiek address the two defining features of Schücking’s academic work: pacifism and international organization. Ole Spiermann evaluates

Schücking's role as a judge at the Permanent Court, while Jost Delbrück explores Schücking's 'scientific ethos': the quest for a (better) *lex ferenda*. It is hoped that, taken together, the five pieces provide a balanced account of Walther Schücking's life and work – a life that is worth remembering and a work worth re-discovering.