Prof. Bishop Appointed To International Board

Prof. William W. Bishop, Jr., of the U-M Law School, has been named as one of four U.S. members of the Permanent Court of Arbitration, an international group whose members can be called to arbitrate international disputes.

The appointment, announced by the U.S. Department of State, was made by Secretary of State Henry Kissinger. Appointed for six-year terms, members of the Permanent Court of Arbitration serve in their personal capacities and not as officers of the U.S. government.

Other U.S. appointees were Herbert Brownell of New York City, who was U.S. Attorney General from 1953-57; Monroe Leigh of Washington, D.C.; and John R. Stevenson of New York City.

A major function of the Permanent Court of Arbitration is to nominate persons for election by the United Nations Security Council and General Assembly as judges of the International Court of Justice. Five vacancies will occur on the International Court of Justice this year.

The Permanent Court of Arbitration was created by the 1899 and 1907 Hague Conventions for the Pacific Settlement of International Disputes. The court is charged with responsibility for "facilitating an immediate recourse to arbitration for inter-
national differences, which it has not been possible to settle by diplomacy."

The secretariat of the court is headquartered at the Peace Palace at The Hague, Netherlands.

A member of the Michigan law faculty since 1948, Prof. Bishop holds the distinguished Edwin DeWitt Dickinson University Professorship at the Law School.

He received both the A.B. and Juris Doctor degrees from the U-M and also did graduate study at Harvard and Columbia. From 1939-47, Bishop was assistant legal adviser at the U.S. Department of State.

In 1965 Prof. Bishop received the Distinguished Faculty Achievement Award from the U-M. He is co-director of the Law School's international legal studies program and the author of a widely used casebook on international law.

Prof. Bishop will retire from his Law School post in December, 1975. He plans to remain in Ann Arbor during his service on the Permanent Court of Arbitration.

Prof. Burt Argues Against Medical Law Changes

Many doctors would like to see new laws removing the possibility of criminal prosecution of parents and physicians who choose to let badly malformed infants die.

But a U-M law professor argues that present laws should remain in force and that the legality of such "mercy killings" should continue to be considered on a case-by-case basis.

In a paper prepared for a symposium on genetics and the law, Prof. Robert A. Burt argued that legal sanctioning of death for certain malformed infants would obscure the seriousness of such an action. He also said such legal reforms would be premature, giving "legitimacy to actions which today still leave most of us deeply uneasy."

Prof. Burt, a specialist in medical law and a faculty member at the Law School and the psychiatry department of the Medical School, noted that recent advances in fetal genetic screening through amniocentesis—allowing early detection of birth defects—has increased doctors' demands for legal reform regarding treatment of malformed infants.

Impetus for this demand, he said, comes from the U.S. Supreme Court ruling legalizing abortion during the early stages of pregnancy, followed by the recent conviction of Dr. Kenneth Edelin of Boston for the death of a fetus in an apparently lawful abortion.

Prof. Burt said that, despite legal risks, it is now common practice among physicians to withhold treatment of malformed infants if parents so choose, thereby causing early deaths of the infants.

But Burt said he would prefer "the continued regime of many ignored law violations" rather than instituting legal changes that would sanction such killings.

"If there is a socially sanctioned mechanism for ending the lives of deformed infants ... the question will be insistently posed for every obviously deformed child and his parents: 'why was this child permitted to live?"' Prof. Burt wrote. "This is the cool logic that ... invites us to turn away from all monstrous deformity."

Burt also said that legal changes in this area could lead to "bloodless" criteria for determining legality or non-legality of certain killings, thus obscuring the reality of the act.

"There is a bloodless quality about specifying these criteria in such a visible, articulated way—a bloodless quality which begins to obscure the fact that we are engaged in a very bloody business. We are defining which human beings are 'persons' whose continued life must be cherished and which humans we are entitled to turn into 'non-persons'."

The professor argued that "when we find ourselves authorizing death for the deformed, we must also vicariously harden our hearts to the deformities we all feel, circumcribing the range of abnormality we are willing to accept in ourselves. As we do this to ourselves ... we are pushing along in barely perceptible steps the internal psychological processes which permit us one day rationally, coolly, bloodlessly, to consider what today seems wildly beyond possibility."

If decisions to terminate treatment of deformed infants continue to carry criminal risks, Burt predicts that con-