

# WILLIAM W. BISHOP, JR.: A LAW TEACHER WHOSE INWARD HAPPINESS WAS REFLECTED IN HIS RELATIONS WITH STUDENTS AND COLLEAGUES

*James N. Hyde\**

Bill Bishop's students and colleagues at Michigan showed their love and respect for him, which I, as a contemporary in age, shared. Like my father, Charles Cheney Hyde, I had associations with Bishop while lecturing there. Through these associations I developed my own interest in the Law School and its students. His colleague, Eric Stein, has emphasized the impact of his casebook and teaching. He refers to Bishop's "historical perspective and traditional systematic presentation, which formed the background for consideration of perpetual change," which Bishop saw and documented.<sup>1</sup> In the Foreword to the Proceedings of a 1955 Summer Institute on International and Comparative Law, Bishop saw the conference as providing a learning process, predicting the need for background in considering "the rapidly moving and at times chaotic developments in the fields of high seas, fisheries, the continental shelf and territorial waters."<sup>2</sup>

His continuing interest in the development of newer areas of law deserves far more analysis than this mention of these few specifics. The political tides of the thirty years that follow reflect some disappointment, but do not lessen his contribution in recording and preserving considerations of the legal ingredients in political decisions.

I was involved in the Sixties as a consultant in a case concerning the continental shelf of islands in the Aegean. In my research on the background of the Truman Declaration, formulating United States policy on this subject, Bishop took time and interest in directing me to primary sources. He would not, of course, accept compensation for his help.

He and I served as officers of the American Society of International Law. At its meetings, both of the Executive Council and the

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\* Member, New York Bar. President, American Society of International Law 1963-64. Board of Editors, *American Journal of International Law* 1958-87.

1. Stein, *A Tribute*, 82 AM. J. INT'L L. 321, 322 (1988).

2. Bishop, *Foreword to INTERNATIONAL LAW AND THE UNITED NATIONS at v* (University of Michigan Law School, 8th Summer Institute on International and Comparative Law 1955) (1957).

substantive sessions, his pleasant but measured comments contributed to the atmosphere of the discussions.

I served on the Board of Editors of the *American Journal of International Law* during most of the ten years he was Editor-in-Chief (1953-1955 and 1962-1970). This was, for him as for others in that position, a time-consuming undertaking, in corresponding with prospective contributors, and making editorial suggestions. But the task went beyond that, even to checking footnotes.

This is all part of the job of preserving, as he did, the high intellectual quality of the *American Journal*. His correspondence that I saw had a light touch. I remember a draft article of my own in 1962, which he described with some tact as "not up to my best efforts." It was a "think piece" about teachers and practitioners in the international sector of law, and their interrelationships as innovators and custodians of international law as a system. As I look back at my draft after twenty-five years, I think it was quite respectable. The subject was later dealt with succinctly by Oscar Schachter.<sup>3</sup> Bishop's judgment I never questioned, nor did it condition our relations in any way. When he again assumed the role of Editor-in-Chief in 1962, he described having a diverse audience with an interest in current or controversial or fundamental problems professionally presented;<sup>4</sup> that he worked hard to provide.

Bishop's full life and teaching at Michigan is gracefully described by Eric Stein.<sup>5</sup> I saw it reflected in his concern for getting back to grading his "bluebooks" even when stimulating activities beckoned at the American Society's annual meetings. This concern led him to allow his membership in the *Institut du Droit International* to lapse because its sessions conflicted with his teaching responsibilities. This is a distinguished academic body of long standing, whose work it recorded in its *Annales*. I myself have known it through this publication and friendship with various members and associates.

As a member of the Permanent Court of Arbitration from 1975 to 1981, he participated in the process of selecting United States and other countries' candidates for election to the International Court of Justice. The election of these candidates is by the U.N. Security Council and General Assembly. At the time of the 1979 nomination of Richard R. Baxter for the Court, there were strands of politics as well

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3. Schachter, *The Invisible College of International Lawyers*, 72 NW. U.L. REV. 217, 217-18 (1977).

4. Bishop, *Some Thoughts on the American Journal of International Law*, 56 AM. J. INT'L L. 997, 998 (1962).

5. Stein, *supra* note 1.

as leadership in international law involved in the nominating decisions; Bishop stood firmly for the latter.<sup>6</sup>

Part of the international law teacher's credentials is likely to reflect contacts with the Hague Academy of International Law as a student, lecturer, and, in some instances, member of its governing "Curatorium." The activities of the Academy draw together a broad community of men and women from wide geographical areas. It thus assembles people with differing approaches to law and the social sciences. The breadth of Bishop's interests is reflected in the Curatorium's invitation to him to lecture on the "Reservations to Treaties" in 1961,<sup>7</sup> and to present the "General Course of Public International Law" in 1965. These are scholarly contributions of lasting value, preserved in the Academy's *Recueil des Cours*.<sup>8</sup> The General Course volumes I have kept close to my desk. If this note were an analysis of Bishop's thought, his lectures at the Hague would be one ingredient.

Bishop, in undertaking these tasks, both lectured at the Hague and then prepared the texts as printed. Willis Reese of Columbia, now the American on the Curatorium, has observed that scholarship and teaching are quite separate skills. Thus one must conclude that Bishop's contributions, like Reese's, were doubly valuable; for students at the Hague to hear an outstanding teacher, and to be able to consult the printed texts later on.

Lawyers working in the international sector of law during Bishop's (and my) active careers have differed widely in individual personality. Some academics have savored combat with students, and some have mixed their concern for private clients with their teaching; I make these observations having had a foot in both worlds.

Such tendencies are quite in contrast to Bishop's approach. His balanced life, continuing interest in his students, his involvement in outdoor activities, including his interest in the Boy Scouts, as described by his daughter Elizabeth Bishop,<sup>9</sup> seem to me to contribute to his "inward happiness," the phrase I drew from Wordsworth's 1908 sonnet on John Milton. The phrase for me sums up Bishop's life, well lived.<sup>10</sup>

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6. FRANCK, *JUDGING THE WORLD COURT* 6 n.10 (Priority Press Publications, Twentieth Century Fund Paper 1986).

7. Bishop, *Reservations to Treaties*, 103 *RECEUIL DES COURS* 245 (1961).

8. Bishop, *General Course of Public International Law*, 115 *RECUEIL DES COURS* 147 (1965 II).

9. Bishop, *Personal Recollections*, 82 *AM. J. INT'L L.* 323 (1988).

10. Wordsworth, *Sonnet on John Milton*, London 1802, in *Complete Poetical Works of William Wordsworth* 207 (Cambridge ed. 1904).