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## WILLIAM WARNER BISHOP, JR.: REMEMBERING A GENTLE GIANT

*George P. Smith, II\**

The name *William Warner Bishop, Jr.* came into my vocabulary when I was a student at the Indiana University Law School in Bloomington in the early 1960s. There I enrolled in a course styled simply, "International Law," in which we used the course book entitled INTERNATIONAL LAW: CASES AND MATERIALS by Professor Bishop.<sup>1</sup> The man *Bill Bishop* entered my life the Summer of 1965 in The Hague, Netherlands, at the *Academie du Droit International* where I was enrolled as a student. Among the several other courses which I had elected, the "General Course of Public International Law" given by William W. Bishop, Jr. was the one in which I was especially interested.<sup>2</sup> Now, I thought, I would finally be able to meet *and* thank this giant in international law from whom I had gained so much when I was a student using his casebook.

It was with a sense of trepidation that I proceeded to introduce myself to Bill at the conclusion of his first lecture. An engaging smile, firm handshake and pleasant greeting allayed all my uneasiness then, as they always did over the years. Interestingly, it was Bill who in fact seemed embarrassed when I thanked him for his casebook and the insights it afforded me into the field of International Law. His characteristic modesty was to continue throughout his career.

Bill was, I found over the years, one of the most approachable persons whom I have ever met. He never stood on a scholastic protocol of any nature, and, to my encouragement and surprise, treated his young students in the same manner as he did his colleagues. To him, his students were junior colleagues, and totally deserving of his time, interest, respect and even admiration. His firm hand was always there for me through the years — just as it was in our initial meeting; as were his warm and easy smile, words of encouragement and subsequent friendship. Here was truly "a gentle, caring man, whose academic and intellectual attainments might have brought with him an

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1. W. BISHOP, INTERNATIONAL LAW: CASES AND MATERIALS 2D (1962).

2. See 115 RECUEIL DES COURS 147 (1965).

aloofness and arrogance, but never did.”<sup>3</sup>

Because of my forthcoming affiliation with the University of Michigan Law School in the 1965-66 school year as an Instructor and my interest in learning all that I could of the history of that great institution, Bill assumed willingly and eagerly the additional role of my teacher for Michigan History I during that Summer of 1965 in The Hague. During informal social settings, in walks through the gardens of The Peace Palace, and at luncheons, Bill was always there with his encyclopedic memory. Not only did I get an accelerated course in the History of “The Yellow and the Blue” and the University of Michigan Law School, I was also able to pick Bill’s mind on a variety of topics of current interest in International Law<sup>4</sup> — from developments in the European Economic Community,<sup>5</sup> human rights,<sup>6</sup> piracy,<sup>7</sup> *ex aequo et bono*,<sup>8</sup> and changed circumstances,<sup>9</sup> *pacta sunt servanda*,<sup>10</sup> treaty law,<sup>11</sup> *travaux préparatoires*,<sup>12</sup> fishing and conservation rights,<sup>13</sup> and the law of the sea,<sup>14</sup> to sovereign immunity.<sup>15</sup>

Owing to my early and long-standing fascination with those aspects of Maritime Law dealing with mutiny and piracy — due in no small part to my preoccupation with C-grade movies involving the buccaneer pursuits of Errol Flynn, Charles Laughton, Tyrone Power, Basil Rathbone and Cornell Wilde which I enjoyed every Saturday afternoon in my hometown theatre in Wabash, Indiana — I wanted to learn as much as I could about the real workings of these subsets of International Law.<sup>16</sup> Bill provided me with such an opportunity to

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3. Kauper, *Memorial, Professor William Bishop*, Jan. 22, 1988 in MEMORIAL SERVICE FOR WILLIAM WARNER BISHOP, JR., June 10, 1906-December 29, 1987, 5 at 6 [hereinafter cited as MEMORIAL].

4. See, e.g., Bishop, *The International Rule of Law*, 59 MICH. L. REV. 553 (1961).

5. See, e.g. W. BISHOP, INTERNATIONAL LAW: CASES AND MATERIALS 2D 259-265 (1962).

6. See, e.g. *id.*, at 149, 270-283.

7. See, e.g. *id.*, at 266-67, 340, 466-67, 808-09.

8. See, e.g. *id.*, at 22, 49, 53-54.

9. See, e.g. *id.*, at 198-208.

10. See, e.g. *id.*, at 133-34.

11. See, e.g. *id.*, at 86, 112-16, 142-44, 159-76, 198-208, 447-48, 524-27; Bishop, *Reservations to Treaties*, 103 RECUEIL DES COURS 245 (1961); Bishop, *Unconstitutional Treaties*, 42 MINN. L. REV. 775 (1958).

12. See, e.g. Bishop, *supra* note 4, at 162, 167-172, 447-48, 524-527.

13. See, e.g., Bishop, *The 1958 Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas*, 62 COLUM. L. REV. 1206 (1962); Bishop, *The International Law Commission Draft Articles on Fisheries*, 50 AM. J. INT’L L. 627 (1956); Bishop, *The Need for a Japanese Fisheries Agreement*, 45 AM. J. INT’L L. 712 (1951).

14. See, e.g. 99 CONG. REC. 2491 (1953).

15. See, e.g. Bishop, *New United States Policy Limiting Sovereign Immunity*, 47 AM. J. INT’L L. 93 (1953).

16. See generally, Johnson, *Piracy in Modern International Law*, 43 TRANS. GROU. SOC’Y 63

learn the “nuts and bolts” of these areas one such afternoon. When we both arrived in Ann Arbor in August, 1965, and I began to audit his Seminar on Maritime Law that year, these same areas were revisited with vigor once again and a multitude of other new ones added, because Bill’s knowledge and writings covered the whole, complex field of International Law.<sup>17</sup> It is because of this shared interest in Maritime Law that I have chosen to write in this area for this Memorial.<sup>18</sup>

My first position in the “real” world in 1966 was encouraged and, indeed, orchestrated by Bill. Armed with a letter of introduction from him, I journeyed to Washington, D.C., met the Chairman of the Foreign Claims Settlement Commission of the State Department, Dr. (now Judge) Edward D. Re, and was hired on the spot. A letter of recommendation from Bill Bishop was a prized possession and of considerable value. The wealth of experience I received at the Commission held me in good stead as I began to gain the practical experience Bill thought (and I agree) so vitally important if one wishes ultimately to become a law teacher. When, in 1977, after several other governmental experiences, I was ready to be considered for membership in the professoriate, Bill was there — once again — to lend support. When, from time to time, I would teach International Law and Maritime Law, Bill was there to answer certain questions about course coverage and pedagogic techniques. He was also most generous in sharing with me a set of very original, challenging and instructive classroom problems used by both me and my students in conjunction with my teaching in these two course areas.

I remember well a visit several years ago to Ann Arbor to visit Bill. Although I had missed his birthday by several weeks, I knew of his “weakness” for Godiva chocolates and brought him a box as a belated gift. Over luncheon and subsequent conversation in a small, almost hidden courtyard of the Cook building within the Law Quadrangle, I was moved by a profound sense of *deja vu* — for it was almost as though Bill and I were again in the gardens of The Peace Palace in the Summer of 1965. Although my “salad days” had long since passed, in Bill’s company I was once again an inquiring student learning from the gentle giant.

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(1957); Lenoir, *Piracy Cases in the Supreme Court*, 25 J. CRIM. L. & CRIM’Y 532 (1934); *Harvard Research in International Law, Piracy*, 26 AM. J. INT’L L. SUPP. 739 (1932); Dickinson, *Is the Crime of Piracy Obsolete?*, 38 HARV. L. REV. 334 (1925).

17. MacChesney, *Professor Bishop’s Contributions to International Law*, 74 MICH. L. REV. 856, 857 (1976).

18. Smith, *From Cutlass to Cat-o’-Nine Tails: The Case for International Jurisdiction of Mutiny on the High Seas*, *infra*.

From 1953-1955 and, again, from 1962-1970, Bill held the position of Editor-in-Chief of the *American Journal of International Law*.<sup>19</sup> His commitment to his duties here was truly indefatigable. I remember well his wife, Mary's, comment that Bill's bed was often regarded as an extension of his law school office desk, complete with mounds of manuscripts, books, notes, etc. to be found everywhere — even between the sheets and under the pillows!

At Christmastime, I always enjoyed reading the Bill and Mary Bishop "Christmas Letter" — a letter crammed full of vivid (and often poetic) descriptions of a year filled with endless travel, nature trips, community affairs, Bill's work with the Boy Scouts, etc. The imagery of these letters rivaled the Audubon Society publications and the National Geographic. When Mary died, Bill continued his explorations with his devoted daughter, Betty, and the letters never ceased to please me: for here was a vivid record of a vital man still exploring, still charting new ideas much as an explorer scout would do. Indeed, throughout his entire life, Bill was forever the scout, guided by the principles of American Scouting Law — e.g., trustworthiness, loyalty, helpfulness, friendliness, courtesy, kindness, cheerfulness and thriftiness.<sup>20</sup>

An "incredibly sweet man,"<sup>21</sup> Bill Bishop was the "softest of souls." Placed amidst "a profession where the image of pomposity and arrogance is too often publicly enjoyed, and not infrequently practiced, Bill Bishop stands as the great counterexample. He stands for the greater effectiveness of kindness, the superior pleasures of friendliness and the deeper satisfactions of a life dedicated to careful and sustained thought and of service to the public interest."<sup>22</sup> Bill "was a gentle man who enriched all who knew him,"<sup>23</sup> for he not only "maintained a deep sense of duty toward the community and toward mankind," but "he had a profound sympathy and tolerance for his fellow man. . . ."<sup>24</sup> In Bill was found a virtuous and "truly selfless man."<sup>25</sup>

The words which Bill wrote regarding the death of his mentor, Edwin D. Dickinson, are also pertinent to this reflection; for they show clearly the exact qualities which Bill himself emulated and dis-

19. *Id.* at 862.

20. The Scout Law directs that "a Scout is: loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent." Copy on file with the *Michigan Journal of International Law*.

21. *In Memoriam: William W. Bishop, Jr.*, LAW QUADRANGLE NOTES Winter 1988, at 9.

22. Bollinger, *Memorial: Professor William W. Bishop, Jr.*, MEMORIAL, *supra* note 2, at 1, 2.

23. Kauper, *supra* note 2.

24. Stein, *Bill Bishop: A Personal Note*, 74 MICH. L. REV. 851, 853 (1976).

25. St. Antoine, *William W. Bishop, Jr.*, *In Memoriam*, in MEMORIAL, *supra* note 2, at 13.

played in his own magnificent life, and give renewed emphasis to the reality of the adage that we see others not so much as they are, but as we are. Of Professor Dickinson, Bill wrote that he was a man "recognized by students, fellow teachers and co-workers in international law as one of the ablest, most thoughtful, inspiring, modest and kindest persons in our field."<sup>26</sup> Bill continued by describing Professor Dickinson, who taught at the University of Michigan from 1919-1933, as "a quietly unassuming and successful teacher, arousing great student interest in and enthusiasm for, the subject he taught."<sup>27</sup> Indeed, his "generous enthusiasm" was truly his hallmark as a "great teacher."<sup>28</sup>

When Bill retired from the Edwin D. Dickinson Professorship at the University of Michigan Law School in 1977, it was said of him that he was a "rare person for whom students innately without extrinsic pressure, attempt to do their best."<sup>29</sup> Acknowledging his "warm and quiet encouragement," the tribute also observed that, as a great teacher, Bill offered a bit of himself as well as his subject to each of his students.<sup>30</sup> "His warmth, boundless patience, gentleness, and compassion, and his all-pervasive sense of responsibility as a teacher, have earned him the respect and admiration of several generations of students."<sup>31</sup>

While he "carried an impression of a man whose size and verbal style could easily intimidate," he did not.<sup>32</sup> For, in Bill, one found "a man with an air of courtliness who was truly gentle in nature and, most of all, a man who cared about and was interested in people, and particularly young people, not in the abstract as many academics profess to be, but on an individual personal basis."<sup>33</sup>

With the same affection with which I dedicated one of my first books to Bill Bishop in 1980,<sup>34</sup> I am honored to repeat that dedication in this Memorial by acknowledging my respect, admiration and enduring appreciation to the late William Warner Bishop, Jr., the Edwin D. Dickinson Professor Emeritus of Law, who touched my life beyond all measure and ennobled my spirit.

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26. Bishop, *Tribute, Edwin D. Dickinson 1887-1961*, 55 AM. J. INT'L L. 637 (1961).

27. *Id.* at 638.

28. *Id.*

29. Lehner, *Professor Bishop: A Student's Tribute*, 74 MICH. L. REV. 851, 853 (1976).

30. *Id.*

31. Stein, *supra* note 22, at 851.

32. Kauper, *supra* note 2, at 6.

33. *Id.*

34. G. SMITH, *RESTRICTING THE CONCEPT OF FREE SEAS: MODERN MARITIME LAW RE-EVALUATED* (1980).