

The Weston Phenomenon

W. Michael Reisman *

My friendship with Burns Weston began in 1965. Burns, then practicing international law in New York, had just received one of the coveted grants from the Rockefeller Foundation and had been appointed Research Associate on the Yale Law School Faculty. I held the same rank, and we both worked under the guidance of Myres S. McDougal, the great American Legal Realist and a towering figure in international law. McDougal, or "Mac," as his closest students called him, put an indelible stamp on a generation of international law scholars and practitioners. Burns and I were not exceptions.

Down the hall from Mac's palatial office, Burns and I shared a tiny office whose window overlooked the Grove Street Cemetery, the New Haven Colony's historic burial ground. Burns's desk, by virtue of his seniority, faced the window; mine faced the wall, but I didn't envy Burns's window. As far as I was concerned, the prospect of a graveyard was melancholy; I preferred to scrunch down and theorize while trying to ignore the daunting *memento mori* behind me. It took more than a graveyard to daunt Burns. Nothing, I learned, could daunt him.

I was in awe of Burns from the start of our friendship. Not only had he already practiced on Wall Street and served in the military, but he was returning to Yale as an acknowledged authority in the area of international investment law. I struggled to keep up with him, as I have continued to do for nearly half a century. I admired Burns then, and have come to admire him even more over the years.

The admiration is based on four dimensions of the Weston phenomenon. The first dimension is Burns's peerless authority in those areas of international law that he has made his own. Burns was one of the earliest scholars working in the field of international investment law and some 40 years after publication, his work is still cited as authority.¹ But unlike many scholars who carve out a niche in which they work for their entire careers, Burns's scholarship continued to expand into many other areas of contemporary international law and also earned him the status of authority. It is now impossible to work in international human rights, environmental law, disarmament, the law of war, and countless other areas without consulting the work of Weston. For all the breadth of his oeuvre, it is in the international protection of human rights that Burns has emerged as a dominant scholar, practitioner, and voice. When Burns published the long

* Myres S. McDougal Professor of International Law, Yale Law School.

¹ See generally BURNS H. WESTON, INTERNATIONAL CLAIMS: POSTWAR FRENCH PRACTICE (1971); see also 1 RICHARD B. LILLICH & BURNS H. WESTON, INTERNATIONAL CLAIMS: THEIR SETTLEMENT BY LUMP SUM AGREEMENTS (1975).

and scholarly entry on international human rights in the International Encyclopedia of the Social Sciences, the subject had a tenuous status in international law, was taught in only a few law schools, and many scholars doubted its substance. Nowadays, the international protection of human rights is a well-established part of international law, in no small part because of Burns's seminal contribution. Over the years, Burns has continued to bring to the field vast scholarship and passion, contributing to it both practically and academically.

The second dimension of the Weston phenomenon is Burns's energy, which seems limitless and infectious. He is a dynamo. When we co-edited the *Festschrift* for Professor McDougal, I found it impossible to keep up with my co-editor's dynamism and long working hours. Over the years, the Weston energy has created university centers, founded academic journals, and edited series of scholarly books, not to mention an awe-inspiring number of books and articles that are listed elsewhere in this volume.

The third dimension of the Weston phenomenon is a profound commitment to a public order of human dignity. Burns's humanity infuses everything he does. Some devotees of human dignity practice a reverse intolerance, demonizing anyone who holds a variant view. But as long as I have known Burns, he has respected other viewpoints and has been willing to engage in reasoned discourse with those with whom he may disagree.

The fourth dimension of the Weston phenomenon is courage. If there is one thing that Burns Weston stands for in my mind, it is an indomitable courage and commitment to truth. Burns's friends watched with concern and then awe as he encountered life-threatening illness. He has never let it impede his work, his commitments, or his zest for life. And he has prevailed. As for professional courage, I can mention many examples but one stands out in my mind. During the Vietnam conflict, Burns was an active opponent of the war; it was a reasoned opposition but absolutely firm. Yet because of his prominence as an international legal scholar, he was invited to the Naval War College's International Law Week, during which leading professors of international law conducted classes for senior military officers. That year, International Law Week happened to coincide with a national day of opposition to the war, on which opponents were to wear a symbol of mourning. I have no idea what the rest of our faculty thought about the war but Burns, alone among the professors at the Naval War College, wore a black armband and taught international law to officers engaged in a campaign that he passionately opposed. If I had to pick one event that captured the essence of the Weston phenomenon—commitment to international law, passion for truth, and courage—it was that moment in Newport.