

IN MEMORIAM

BURNS HUMPHREY WESTON—by W. Michael Reisman*

Burns Humphrey Weston, a member of the Society for well over half a century and a titan in international law, died on October 28, 2015, just short of his eighty-second birthday. Burns was a Patron of the Society, a long-time editor and then honorary editor of the *American Journal of International Law*, a member of the Executive Council, a Counsellor, and Vice-President of the Society from 1992–1994.

Burns joined the Faculty of Law at the University of Iowa in 1966 and as the Murray Distinguished Professor taught there until 1999 when he retired because of illness. But ill health never interfered with Burns. Friends watched with concern and then awe as he faced a series of life-threatening illnesses. None impeded his work, his commitments, or lessened his zest for life, his seemingly perpetual youthfulness and his infectious joie de vivre. Or his energy, which seemed boundless! When we co-edited the *Festschrift* for Professor McDougal, I struggled to keep up with him. Over the years, Burns' energy was channeled into creating university centers, academic journals, editing series of scholarly books, and mentoring generations of younger scholars, many of whom are in this hall, not to speak of publishing an awe-inspiring number of books and articles.

Burns was admired for his scrupulous scholarship and the authority it commanded in those areas of international law which he made his own. He was one of the earliest scholars working in the field now called “international investment law” and, some sixty years after publication, his work on expropriation is still cited. But unlike many scholars who carve out a niche which they work for their entire careers, Burns' scholarly inquiry continued to expand into many other areas of contemporary international law. It is now impossible to work in environmental law, disarmament, the law of war, international human rights, and on and on without consulting his work.

For all the breadth of this oeuvre, it was in the international protection of human rights that Burns emerged as a dominant scholar, practitioner, and prophetic voice. When Burns published his magisterial essay on international human rights in the *International Encyclopedia of the Social Sciences*, the subject had a rather tenuous status in international law and was taught in only a few law schools. It was still politically correct for deans, in discussions with job candidates, to express doubt about international law in general: international human rights were simply off the charts. Nowadays, the international protection of human rights is at the heart of international law and has a firmly established place in the law school curriculum, thanks, in no small part, to that seminal essay and Burns' subsequent work. Burns continued to bring to the subject vast scholarship and passion, contributing to it both practically and academically.

At the core of Burns' being was a profound commitment to human dignity. It infused his scholarship and he practiced it. Some ostensible devotees of human dignity fall prey to a reverse intolerance, demonizing and mocking anyone who holds a variant view. Burns respected others and engaged in reasoned discourse with those with whom he disagreed. (I can testify to that, for we sometimes disagreed.)

I think it was the poet, Lawrence Ferlinghetti, who referred to America as “a nation of conscientious non-objectors.” That was not Burns. Many examples of his gentle firm courage come to mind but, for me, one stands out vividly. Burns was an active opponent of the

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Vietnam war; it was a reasoned opposition, but absolute and entirely public. Yet because of his academic stature, he was invited to the Naval War College's annual International Law Week, during which prominent international law professors conducted small group classes for senior military officers. That year, International Law Week coincided with a national day of opposition to the war; among other things, opponents were to display a symbol of mourning. Burns, alone among the professors at the Naval War College, wore a black armband and taught international humanitarian law to officers engaged in a military campaign which he said was unlawful. If I had to pick one event that captured the essence of Burns Weston—commitment to international law, patient nonviolence, passion for truth, and the courage of his conviction—it was that moment in Newport.