

part of the *Répertoire* is devoted to Swiss practice in matters of neutrality, and no one seriously questions the importance of this practice. To this enumeration one might add that Switzerland appeared twice before the Permanent Court of International Justice (*Free Zones* and *Losinger and Co.* cases), and that a considerable number of Swiss scholars and diplomats (among whom one finds Charles-Edouard Lardy and Max Huber, to name but two) have served as international judges or arbitrators.

The factual elements recalled above raise another, more fundamental question: how is one to judge the "international legal involvement" of a country with some degree of accuracy? If a quantitative criterion were to be used—which, I am sure, von Glahn is far from suggesting—the practice collected in the *Répertoire* would unquestionably fill the bill. Nor does von Glahn question the "quality" of the practice published; indeed, on what criteria could such quality judgments be based? It thus appears that he had in mind another consideration, namely, the idea that Switzerland, being a small country and moreover a neutral one, belongs—or belonged—to a category of states whose international practice is less relevant than that of larger or more powerful states. This idea, I believe, is both alarming and unjustified. It is alarming because it implies that a certain category of states may enjoy a virtual monopoly in the making—or breaking—of international law, while the other members of the international community are left out in the cold. It is unjustified because there is no principle of law suggesting that some countries are more equal than others. Quite the contrary: considerable emphasis is being placed, especially in today's political context, on the participation of *all* states in the international legislative process.

In sum, the two main points I wish to make are (1) that Swiss practice, as undoubtedly that of other medium-size or small states, *did* contribute its share to the shaping of international law yesterday as it does today, and (2) that the practice of all states is relevant for the creation, interpretation, and application of rules of international law. It is precisely for the latter reason that various European states are presently engaged in publishing digests of their international law practice, thus following the example set by the U.S. Department of State and by distinguished diplomats and scholars such as John C. Cadwalader, Francis Wharton, and John Bassett Moore. It is surely reasonable to express the hope that these undertakings, which are conducive to a better knowledge and understanding of the rules of international law, will not be discouraged by casting doubt on their relevance and importance.

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Egon Schwelb (1899–1979)

In so many lands so many readers will be saddened to hear of the *New York Times* announcement that Egon Schwelb died on March 20, 1979.

Supreme scholar of international human rights law, Dr. Schwelb also was one of the small group whose members with notable creativity have nurtured that law—as architects, draftsmen, and administrators, as lobbyists for crucial votes in the United Nations and other transnational forums.

He was uniquely dedicated, uncompromising on basic issues, so thoroughly scientific in his own work and yet tolerant and gentle regarding

others' work. (See, e.g., the final paragraph of his book review in the January 1979 issue of this *Journal*, pp. 168–69.)

His writings? They are awesome. Perhaps most of them are in United Nations documents, anonymously issued. Nonetheless, the volume and value of the writings where he is credited as author humble most of us who publish our human rights ideas. Fortunately, those credited works are now cataloged in the fine "Schwelb Issue" that in 1971 Karel Vasak and other colleagues prepared for the International Institute of Human Rights. (See Vol. 4 [combined issues Nos. 2 & 3] of the *Human Rights Journal*, pp. 194–678, in both English and *français*; note too that many Schwelb publications postdate 1971.)

Egon and his spirited wife Karla were present at the moving ceremony in Strasbourg when that volume of the *Human Rights Journal* was dedicated. I was among those who were honored by the invitation to say a few words. Borrowing from a parallel comment by Arthur Rubinstein, when he was once asked about Chopin's role vis-à-vis pianists, I proposed that Egon Schwelb—as chief mentor of human rights—was "the loving elder brother of us all." Never before or since have I witnessed an audience of that kind respond so immediately, so appreciatively, so enthusiastically and affectingly in tribute. They sensed how generously Egon Schwelb sought to share with everyone his wisdom, his aims and dreams, his friendship. *Requiescat in pace.*

FRANK C. NEWMAN
Associate Justice,
Supreme Court of California

John G. Laylin (1902–1979)

John G. Laylin contributed significantly to the activities of the American Society of International Law throughout his long career in private practice. He was elected to the Executive Council in the years from 1959 to 1962, and again from 1967 to 1969. He also served on a number of the Society's committees, including the Committee on Corporate Membership (1972–1977), the Nominating Committee (1974), the Committee for Finance and Endowment (1961–1964), and the Committee for Program Development (1964).

John Laylin was active in the research and studies of the Board of Review and Development, notably on its panels concerned with the law of the sea and national treaty law and procedure. He also wrote for the *American Journal of International Law*, particularly in the fields of international waterways and the act of state doctrine.

Those in the Society who worked with John Laylin came to know his keen sense of the interplay between law and politics. He was persistent on behalf of a client or a cause and imaginative in finding new arguments to support positions. His counsel to the Society was of great value, especially in evaluating and organizing new projects. The Society and the field of international law have been enriched by John Laylin's efforts and judgment. His colleagues in the Society will miss his warm friendship.

PETER D. TROBOFF
Of the District of Columbia
and New York Bars