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Elliott Evans Cheatham

Elliott Cheatham is a truly great man. He has done work that few can rival. But he is greater than his work. He belongs to that precious and minuscule minority who have done great things and yet are primarily great because of the sort of men they are.

Elliott Cheatham is a giver. He has given of himself without stint to his students, to his colleagues, and to most anyone else who came to him for assistance. There can be no doubt that he would have written more, and perhaps have acquired greater worldly renown, if he had not given of himself so much. That, I am sure, is a matter of small concern to him. His prime wish has been to be of assistance to others. He has succeeded admirably.

Of course, Elliott Cheatham is more than a giver. He has first-rate intelligence, an ability for highly-honed analysis and for clarity of expression, an acute legal sense, good imagination, good judgment, broadly ranging interests, patience, perseverance, a thirst for self-improvement, tolerance, sympathy for new ideas, and a real fondness for people, particularly the young. He has great strength of character and an integrity that shines forth like a beacon. He also is a good judge of the abilities of others and of their character. On the other hand, he is not always a good critic. In his desire to encourage and to please others, he will sometimes say kind things about their works which are not really deserved. At least, the writer of a book or article must not be misled into believing that it is as good as Cheatham's words would indicate. Critical as he is of his own work, Cheatham errs at times in being too generous in his praise of the works of others.

Elliott Cheatham has one other quality that deserves mention. This is a profound humility which reveals itself in a variety of ways. In any public assembly, Cheatham is accustomed to seek the lowliest and most inconspicuous place. Many is the time when those who wished him to have the first rank have been compelled to seek him out in the crowd and, in effect, to say, "Friend, come up higher." More significantly, Cheatham's humility has made him distrustful of his own work and of his own ideas and, conversely, interested in and sympathetic to ideas of others. He has always listened attentively and seriously to the ideas and the complaints of students. Undoubtedly, he has often tended to disagree with what was told him, but he has

listened nevertheless, in part because of his deep-rooted sympathy for his fellow man and also because of a nagging doubt as to the correctness of his own views and the thought that perhaps the truth lay elsewhere. This humility and open-mindedness has stood Cheatham well in conflict of laws. The field has been in a state of flux throughout his entire lifetime, but it is only in recent years that the real revolution has come. Nine men out of ten in Cheatham's position, or perhaps more realistically ninety-nine men out of a hundred, would have closed their minds to the new ideas and resisted them more or less automatically. Not so Cheatham. He has received the new ideas hospitably, and he has thought about them at length. Undoubtedly, he does not agree entirely with what is now being written and said. Indeed, it would be most unwise for him to do so. But what is important is that he has remained contemporary throughout his entire life. His course on Conflicts has always burgeoned with new ideas and kept close to the expanding frontiers of knowledge. Few are the men of whom the same can be said.

Cheatham has made a marked imprint through his teaching and his writing on five areas of the law: international law, property, legal education, the legal profession, and conflict of laws. Of these, the legal profession is probably the field where his influence has been most deeply felt. Indeed, it is largely because of his ground-breaking casebook that the subject figures so prominently today in law school curriculums. Likewise, his Carpentier Lectures of a few years ago on "A Lawyer When Needed" provided the entering wedge into a subject that is of great contemporary significance. What Cheatham has done in the field of the legal profession represents an achievement that few men can rival. But he has done far more.

Conflict of laws is the other field of Cheatham's major concentration. In this field too, he has written much and well. It is a mark of his pre-eminence that only Walter Wheeler Cook has as many articles as Cheatham in the *Selected Readings on Conflict of Laws*, which made its appearance in 1956 after having been compiled and edited by a committee of the Association of American Law Schools. Likewise, he has been the guiding spirit of an extremely successful casebook which, during the approximately thirty years of its existence, has undoubtedly been used by a substantial majority of those law students in the United States who took the course on conflict of laws.

To write about Cheatham's great accomplishments as a scholar and an author is to run the risk of making the reader forget that he is

primarily great because of his teaching and because of what he is. He has never forgotten that a teacher's prime task is to teach. Throughout his long career, he has spent long hours preparing subjects he already knew well in the hope of devising some better way to bring understanding to his students. The success of his endeavors is well exemplified by the fact that during the time that he was teaching at Columbia, Conflict of Laws, though not a required course, always had an extremely large enrollment. Cheatham has also spent long hours working with graduate students, and many is the book or article that bears an acknowledgment by the author of the assistance given him by Cheatham. He has also given unlimited time to his colleagues, and I personally will never forget the countless hours he devoted to me when I was first beginning to teach conflict of laws. I too will never forget the many selfless ways he has sought to assist me in my work on the *Restatement of Conflict of Laws, Second*.

The great teacher is one who leaves much with his students. Elliott Cheatham has interested his students and has given them a deep understanding of the subjects he taught. But he has done much more. He has provided them with a living example of a man of great character and of great ability who seeks little for himself and has always sought the opportunity to be of service to others. Undoubtedly, many of his students when faced with some acute moral problem will think of him and ask themselves how Cheatham would have acted in the particular circumstance. No teacher could ask for more. No teacher could attain greater success. Elliott Cheatham is one of those precious few of whom one can justly say, "He has come close to an idea."

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