



Jan Hendrik Willem VERZIJL

1888 - 1987

PREFACE

The primary aim of our series of biographical essays in which, this year, an essay on the life and works of Jan Hendrik Willem Verzijl is included, is to commemorate outstanding Dutch scholars of international law and to discuss the contributions they have made to the legal profession and to society in general. At the same time, the series may be regarded as a means to draw the attention of a larger public to our Instituut – an interuniversity institute, carried by the nine Dutch universities where international and European law is taught, and to which the scholars commemorated in the series have all been linked in one way or another.

Close, institutionalized cooperation between Universities or between individual faculties, for that matter, is very much a feature of our time. It may seem hardly appropriate that we should try to promote an interuniversity institution by publishing essays about scholars in whose days universities used to operate as rather introvert academic bastions. Yet, whatever new conditions we introduce to advance university education and research in our time, we do, of course, remain conscious of the wealth of knowledge and ideas handed down to us throughout history.

One may doubt whether, personally, Verzijl would easily have accommodated to such interuniversity cooperation schemes as the one which, in the area of international and European law, carries the activities of the T.M.C. Asser Instituut. Probably not at all. This is not to say that Verzijl chose to work in complete isolation from his colleagues or even that he avoided entering into joint activities with them. The picture drawn up in the essay is clear enough in this respect. However, Verzijl was very much a scholarly 'loner' who felt best at ease when working in the seclusion of his desk lamp. After an uncommonly full career as a widely respected scholar of international law, retirement came to him not as a well deserved period of relaxation and leisure, but rather as the ultimate challenge in terms of research and writing – at last free from any socially dictated, disruptive commitments which life may have in store for those who have not yet reached the age of retirement.

The reader may here be referred to the final chapter of the present essay. With love – or is it awe – and irony, the author has placed that chapter under the heading *Otium*. Under that same title we are confronted with an impressive account of a most productive post-retirement phase in Verzijl's life as a scholar of international law. No relaxation, no leisure, not for one moment a hint on the part of Verzijl – endearing though that would have been – that he wished to take things easier, to change course and engage in concert life, fiction reading or gardening – or just that he felt a bit tired. Nothing of the kind.

A most remarkable man.

Dr. C.G. Roelofsen, Senior Lecturer in the History of International Law at the University of Utrecht, has been kind enough to accept our invitation to write the present essay. We are grateful to him for the highly instructive and compelling account he has given of the life and works of Verzijl – an account which does full justice to the remarkable, highly gifted scholar it portrays, whilst fully reflecting Roelofsen's singular skills and expertise as a legal historian.

C.C.A.Voskuil

The Hague, November 1993

Jan Hendrik Willem VERZIJL

(1888-1987)

by C.G. Roelofsen

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INTRODUCTION

The series of annual biographies published by the T.M.C. Asser Institute promises to grow into a Plutarch-like history of the disciplines of Private and Public International Law in the Netherlands from the 1870s onwards. It was of course not by accident that this series started with Voskuil's biography of the eponym of the Institute, T.M.C. Asser.¹ Asser was indeed a seminal figure to whom, according to C. van Vollenhoven, the study of international law owed its resurrection in Grotius' native country.² There is no doubt a good deal of truth in that statement. Van Vollenhoven considered himself to be building on the foundations laid by Asser. Yet if he did so, Van Vollenhoven constructed according to a plan which was different from that which Asser had followed. Van Vollenhoven, as well as his younger friend and colleague, W.J.M. van Eysinga, found their inspiration in Grotius, and in a 'Grotian tradition' of international law.³ The subject of this biography, Jan Hendrik Willem Verzijl, did not consider himself as belonging to that school of thought. He had other affinities. Though he had many interests in common with Van Vollenhoven and Van Eysinga, notably a highly developed interest in the

1. C.C.A. Voskuil, *Tobias Michael Carel Asser - 1838-1913* (The Hague, 1984).

2. Cf., B.J.A. de Kanter-Van Hettinga Tromp and A. Eyffinger, *Cornelis van Vollenhoven - 1874-1933* (The Hague, 1992), p. 8; see also Van Vollenhoven's obituary of Asser.

3. C.G. Roelofsen, 'Grotius and the "Grotian Heritage" in International Law and International Relations', 11 *Grotiana (New Series)* (1990), p. 6 at p. 12 nos. 17, 18.

history of the Law of Nations, he approached that subject with preoccupations which in many ways were different from those of the two Leiden professors.

Such contrasts were not merely the effect of individual idiosyncrasies, though these of course played a role. If we assume that in writing the biographies of the leading internationalists of the epoch we in fact construct the history of the discipline of public international law, we have to beware of neglecting the structural elements in that history. Outstanding scholars constitute 'impressive peaks in the landscape', according to a simile used by Voskuil, but we tend perhaps to forget that those peaks as a rule form part of ranges. Verzijl's career, for instance, has to be considered against an academic background that had its distinctive characteristics.

EARLY YEARS

Verzijl was born in Utrecht in the bosom of a well-established middle-class family. He attended two classes of the secondary school (H.B.S.) which did not prepare for academic studies, then switched to a grammar school (gymnasium). In Utrecht he could choose between two gymnasia, the city's ancient former Latin school and the more recently established Protestant gymnasium. His parents preferred the latter school, a choice which in the pillarized Dutch society of the time indicated the Protestant orthodox opinions held by the family. After four years at the gymnasium (1902-1906) Verzijl studied law at Utrecht University for another four years, graduating as a doctor in law in 1910.⁴ In his student years he was apparently a fairly prominent member of the Utrecht Student Corps.⁵ Among his professors the one who exercised a lasting influence on Verzijl was the Professor of Public Law, International Law and Legal Philosophy, De Louter.

4. According to the academic statute of that time a doctorate in law could be obtained by the presentation of theses, while a doctorate in political science required a dissertation.

5. Verzijl's autobiographic notice; Verzijl Collection at the University Museum, Utrecht. A remark on his 'Calvinist family background', M. Bos, 'Professor J.H.W. Verzijl', 34 NILR (1987), p. 283 at p. 296.

Jan de Louter (1847-1932) was a figure of national repute, notably as an expert on colonial affairs whose manual on Public and Administrative Law of the Dutch East Indies enjoyed a long-lasting vogue. He was a professor at Utrecht in the three subjects just mentioned from 1879 until 1912 and Extraordinary Professor of International Law from 1912 until 1919.⁶ De Louter represented the opposition to the Leiden school of Van Vollenhoven, as regards colonial policy and legislation. De Louter blamed the 'exaggerated' esteem for *adat* law on Van Vollenhoven, Snouck Hurgronje and the Leiden school in general. Another subject of controversy between 'Leiden' and 'Utrecht' consisted of a fundamental difference of approach to public international law. De Louter rejected Van Vollenhoven's 'monist' construction in his thesis of 1897 as a return to an antiquated naturalism. His approach was resolutely 'positivist' as was clear from the very title of the manual he published in 1910, the book being an elaborated version of the course on public international law taken by Verzijl.⁷ All his life Verzijl was essentially to adhere to De Louter's position, rejecting 'naturalist' positions.

A brief, but distinguished career in the municipal administrations of Leiden (1911-1912) and Utrecht (1912-1919) intervened between Verzijl's stay at Utrecht University as a student and his return to it as a professor. In 1912 he married H.W.N. Verloop, a marriage that was to last until her death in 1976. It was during the first years of the First World War that Verzijl undertook, under De Louter's supervision, the work that was to be the cornerstone of his academic career, his dissertation for a doctorate in political science. The promotion took place on 12 July 1917, the highest distinction (*cum laude*) being awarded.

The most striking aspect of Verzijl's dissertation, *Het Prijsrecht tegenover neutralen in den Wereldoorlog van 1914 en volgende jaren* (The Law of Prize as applied to neutrals in the Great War from 1914 onwards), is that it shows so few signs of being indeed the author's first book. It bears the characteristics that were to mark Verzijl's numerous

6. C.G. Roelofsen, 'Jan de Louter', in G.C.J.J. van den Bergh et al. (eds.), *Rechtsgeleerd Utrecht* (A collection of biographies of professors of the Utrecht Faculty of Law) (Zutphen, 1986); also C. Fasseur, *De Indologen* (The training of Dutch East Indies civil servants, 1825-1950) (Amsterdam, 1993).

7. A French translation appeared with minor adjustments: *Le droit international public positif* (Oxford, 1920). On the origins of the book, loc. cit., n. 6, p. 107.

publications throughout his life. In the first place, its impressive documentation testifies to the painstaking work of the author as well as to his broad vision. Verzijl indeed had cast his nets wide, taking into consideration Japanese and Russian prize law as well as Austrian, German, French, British and Italian regulations and briefly charting the 'chaos of treaties' preceding the Declarations of Paris (1856) and London (1909), his first excursion into legal history. The second characteristic that cannot but strike any reader of Verzijl's work is the order imposed on this mass of materials. Verzijl proceeds from general to specific problems in a way that shows him to be already a master of exposition. Van Eysinga, recalling his first reading of Verzijl's dissertation, declared that 'the book showed him from the first pages on that its author, then unknown to him, was a man of high promise'.⁸ Thirdly, and not a minor distinctive trait, no reader of Verzijl's was ever left in the dark about his conclusions. In his dissertation he arrived at a highly critical assessment of the practice of the belligerent. Though directed mainly at Germany, his criticism applied equally to Allied practice. Some quotations are here called for. Stating what he considered to be the basis of the law of maritime warfare, Verzijl wrote:

'Generally speaking we should part from the principle that, if there are universally recognized rules of International Law on certain issues, these rules continue to apply with regard to new means of warfare like submarines. *The use of new means of warfare is subject to the normative rules of positive law*; if their use (sc. of new means of warfare) is incompatible with these existing rules, their employment is prohibited as long as existing rules have not been revised by general agreement among States. *Technical progress can never set aside Justice* (emphases added).'⁹

This was continued by some disparaging observations on the arguments offered by German internationalists in defence of unrestricted

8. W.J.M. van Eysinga, 'Jan Hendrik Willem Verzijl', in F.M. van Asbeck et al. (eds.), *Symbolae Verzijl* (The Hague, 1958), p. 1 at p. 5.

9. J.H.W. Verzijl, *Het Prijzrecht tegenover Neutralen* (The Hague, 1917), p. 130, my translation. The two crucial sentences in the original text: 'Nieuwe oorlogsmiddelen mogen alleen gebruikt worden binnen de grenzen van het stellig recht . . . De techniek is nimmer bij machte, het recht buiten werking te stellen.'

submarine warfare. If, according to a German author 'the *vox populi germanici* . . . proclaimed the correct sentiment of Justice', the Utrecht promovendus arrived at the conclusion that 'the eternal principles of Justice cannot be shaken by even the fiercest attacks of human reason'.¹⁰ Verzijl was never one to mince words. If one compares his dissertation with J.P.A. François's *Duikboot en Volkenrecht* (The Submarine and International Law) of 1919 there is a striking difference in the base of the argument as well as in its tone. The Utrecht Faculty of Law was to compare both young doctors in 1919 in a debate over the appointment of the first ordinary professor of international law (and diplomatic history) in Utrecht. Verzijl was the candidate proposed by De Louter, finally vacating his chair, François's candidature being advocated by Rengers Hora Siccama.¹¹

The discussion reported in the University records does not lack spice for one familiar with the subsequent career of both candidates. The partisans of François argued that he was a modern jurist imbued with the spirit of the 'Leiden school of Krabbe, Meijers and Van Vollenhoven'. Verzijl, on the other hand, represented according to them an antiquated nineteenth-century 'positivism', such as was expressed in his just quoted dictum on the relationship between technical progress and justice. Also Verzijl's outburst against German legal scholarship was noted with disapproval. Verzijl, however, obtained a majority of votes (four against three in his favour) and was appointed by the minister. After some soul-searching he accepted, starting his professorship with an inaugural lecture characteristically entitled *Gematigd Optimisme* (Moderate Optimism). The prospects for the development of a new international order might have been bright, but the young professor stated some mental reservations. Whole-hearted enthusiasm was not a trait often demonstrated by Verzijl.

10. *Ibid.*, p. 132, n. 1: 'de eeuwige rechtsbeginselen . . . staan ongeroerd zelfs tegenover de heftigste aanvallen van het menselijk verstand.'

11. Rijksarchief Utrecht (Utrecht Public Records Office), Utrecht University Records, no. 233.

PROFESSOR AT UTRECHT (1919-1938)

Few scholars have demonstrated greater aptitude for a wide range of duties than Verzijl did during his first period as holder of the Chair of International Law at Utrecht. By merely perusing the pages of his bibliography, one cannot but be impressed by the sheer number of his publications and the wide range of subjects, as Van Eysinga remarked. Verzijl wrote articles on current events in newspapers and learned journals, he produced a series of comments on the jurisprudence of the Permanent Court of International Justice¹² as well as continuing his study of prize law. The result of the latter undertaking was the massive (1500 pages) *Le Droit des Prises de la Grande Guerre* of 1924. Like all of Verzijl's publications, this was no mere collection of documents but rather a commented and systematically edited résumé of the major sources. Likewise, Verzijl's accounts of the jurisprudence of the Permanent Court abound in comments, sometimes severely critical. His verdict on the Court's judgment in the Oscar Chinn affair deserves to be quoted. Analyzing the Permanent Court's acceptance of the treaty of Saint Germain he stated:

'La situation est assez simple: lorsqu'elle reconnaît que l'acte postérieur est contraire aux normes antérieures, revêtues du caractère de jus cogens, la Cour est obligée de le laisser hors application, comme étant absolument nul, quand même aucune des parties litigantes n'invoque cette nullité. Dans une hypothèse pareille, la nullité est de droit et doit être constatée d'office.'

However, the Permanent Court did not do so, having . . . *'simplement écarté tous les arguments invoqués à l'encontre de la validité de la convention de 1919 et en a fait l'application pour la simple raison que les parties litigantes la lui avaient présentée comme la source de leurs droits et obligations réciproques. (Verzijl concludes:) Je n'hésite pas à qualifier cet arrêt de pessimi exempli.'*¹³

12. Cf., Verzijl's Introduction to J.H.W. Verzijl, *The Jurisprudence of the World Court*, Vol. I. (Leiden, 1965).

13. 'La validité et la nullité des actes juridiques internationaux', 9 *Revue de Droit International* (1935), p. 184 at pp. 212, 213.

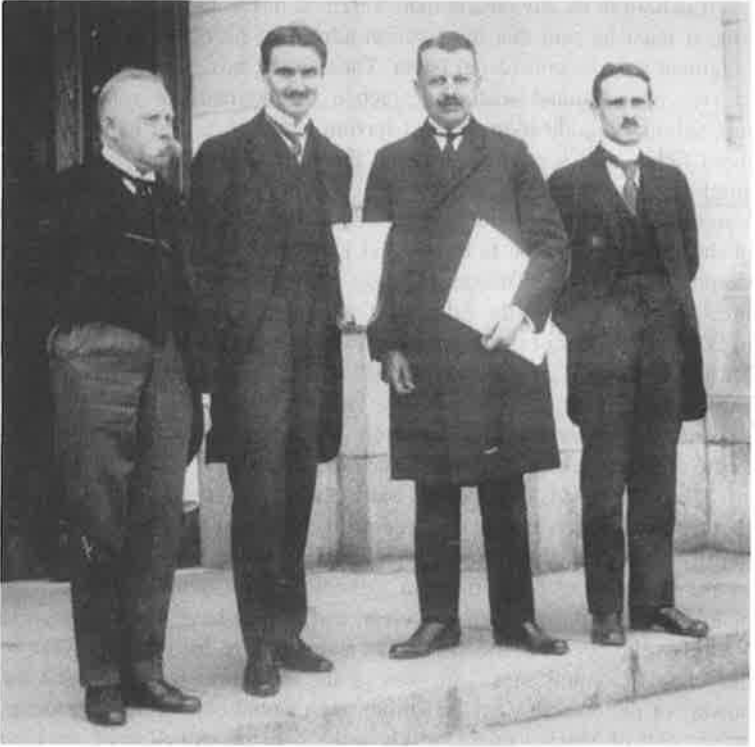
It is hard to be any clearer than Verzijl is in this passage. At the same time it must be said that his position admits of no compromise and his judgment may be considered harsh. These were, however, not the words of one unacquainted with the practice of international relations and international adjudication, Verzijl having acquired a rich experience in these fields. Dutch neutrality during the First World War favoured the employment of Dutch international lawyers during the interbellum. Verzijl had his first experience of an international conference as a member of the Dutch delegation to the second League of Nations Conference on Communications and Transport (1923). In 1925 he was the Agent for the Free City of Danzig in the Advisory Opinion on the Polish Postal Service in Danzig.¹⁴ His most notable function was the Presidency of the French-Mexican Claims Commission in 1927-29. Verzijl's experiences in that capacity would merit a more ample exposition than can be given here, since they illustrate the role of arbitration in international relations as well as the importance of the element of negotiation.

The French-Mexican Commission 'had an unhappy history'.¹⁵ The Parties having been unable to agree on the designation of a successor to the Brazilian president who had resigned, Verzijl was appointed *ex officio* by the President of the Permanent Administrative Council of the Permanent Court of Arbitration. It was clear, and it must have been apparent to Verzijl at the outset, that Mexico was attempting to frustrate the work of the Claims Commissions.¹⁶ In view of the time-limit beyond which the powers of the French-Mexican Commission would expire, dilatory tactics on the part of Mexico might well have been successful. Verzijl, opening the session of the Commission on 28 March 1928 in Mexico, went about the work of the Commission in systematic fashion. The Commission's verdict in a few test-cases would in his opinion dispose of the majority of cases pending. In the face of the 'ingenuity' of the Mexican agency and the obstruction of the Mexican Commissioner, Verzijl persisted in rendering judgment with the – somewhat diffident – concurrence of the French

14. Permanent Court of International Justice, Series B 11; op. cit. n. 12, p. 40.

15. A.H. Feller, *The Mexican Claims Commissions 1923-1934; A Study in the Law and Procedure of International Tribunals* (New York, 1935), pp. 69 et seq.

16. The successor to Van Vollenhoven as president of the American-Mexican Commission had to be appointed by the same procedure; op. cit. n. 15, pp. 43, 44.



Commissioner.¹⁷ Verzijl found himself formulating, practically single-handed, the principles of State responsibility to be imposed upon a refractory government. A curious situation arose especially during the second session of the Commission in Mexico (May-June 1929) after the Mexican government had declared that it no longer recognized Verzijl as President of the Commission. The Mexican Commissioner, Agent and Secretary were all absent from this session of the Commission. Verzijl handed in his resignation on 29 August 1929. A bilateral French-Mexican Commission did arrive at a final settlement, reviewing the judgments of the Commission rendered under Verzijl's presidency.¹⁸

This story reads like a rehearsal of the dramatic stalemate occurring in the Jay arbitration. The background, Mexico emerging from a protracted revolutionary period, was certainly quite dramatic. Verzijl, stubbornly refusing to be either intimidated or side-tracked, concentrated on the legal issues at stake. As he set them out in his verdicts these were: the extent of Mexico's responsibility for acts committed by self-styled 'revolutionary forces' and for the acts of unauthorized military and civil officials; the admissibility of claims presented by persons who, according to Mexico, had acquired Mexican nationality; the admissibility of claims presented by Syrian and Lebanese 'protégés' of France. On the first and second of these questions, of persistent importance in international law, Verzijl's arguments are still of interest. Indeed, the verdict in the *Caire* Case has become a classic, still to be found in student textbooks. Verzijl obtained the – affirmative – answer to the third question by consulting, with the permission of the President of the Mexican Senate, the records concerning the conclusion of the French-Mexican treaty. If one compares the list of revisions made by the Franco-Mexican bilateral Commission with Verzijl's verdicts there are substantial differences in the sums adjudicated to some claimants, but these hardly indicate a reversal of the bases of adjudication as established by Verzijl.

Indeed, I would venture to suggest that Verzijl's demonstration of persistence had acted as a means of shock therapy to bring both governments, especially the Mexicans, to a resolution to solve the conflict.

17. *La Réparation des dommages causés aux étrangers par des mouvements révolutionnaires; Jurisprudence de la Commission franco-mexicaine des réclamations (1924-1932)* (Paris, 1933), p. X.

18. Op. cit. n. 15, p. 76 n. 44a.

Verzijl, if I am right in this surmise, had acted as a catalyst. That he himself had become *persona non grata* on the part of the Mexican government can hardly be surprizing. He himself describes the situation:

*'Ne pouvant plus se tirer d'affaire au moyen d'atermoiements, d'objections d'ordre formel, d'invitations au Président d'ajourner la séance nouvelle, malgré l'approche du délai fatal, et d'autres méthodes plus ou moins régulières, le Gouvernement mexicain avait fini par s'engager dans une voie tout à fait irrégulière dès que le Président lui eut annoncé son retour au Mexique. Dès ce moment, le Gouvernement de Mexico ne reconnaissait plus comme président – curieuse protestatio actui contraria après les demandes officielles qu'il venait de lui adresser en cette qualité, – se soustrayait à son engagement de coopérer de bonne foi au jugement des réclamations restantes, refusait à la Commission de tenir ses séances dans une pièce du Ministère des Affaires étrangères, et allait même jusqu'à menacer le Président dans l'exercice de ses fonctions – méthodes d'ailleurs, que la Commission n'a pas manqué de récuser dans sa décision administrative no. 21, et par laquelle le Président ne s'est pas laissé intimider.'*¹⁹

This hardly calls for comment. Any government appointing Verzijl to an international adjudication from now on knew what to expect. Indeed, one cannot but conclude that the Mexican interlude earned Verzijl a reputation for independence of mind and tenacity which subsequent events were to confirm.²⁰

In quite another context Verzijl also demonstrated that it would be a mistake to take his opinions for granted. In 1925 conservative opposition to the Leiden 'monopoly' as regards the instruction of prospective members of the East Indies Civil Service came to a head, a rival institution being established at Utrecht.²¹ De Louter's role in this initiative was of some importance. Yet Verzijl dissociated himself from his former teacher, signing as one among only a few of the Utrecht professors a petition

19. Op. cit. n. 17, p. VIII n.

20. Another consequence was Verzijl's life-long friendship with the French agent, Prof. E. Pépin.

21. De Kanter-Van Hettinga Tromp and Eyffinger, op. cit. n. 2, p. 33; Fasseur, op. cit. n. 6, p. 416.

against the threat to academic freedom lurking in the appointment of self-confessed 'conservative' teachers.

Verzijl's academic career prospered. He was elected as a member of the Royal Academy of Sciences in 1934. In 1930 he was counsel for Bulgaria in the Bulgarian-Greek case before the Permanent Court concerning population exchanges.²² He was much appreciated by his students as a teacher, as is demonstrated, *inter alia*, by the considerable number of dissertations prepared under his supervision.²³ An abrupt change was brought about by Verzijl's reaction to the dramatic political events of 1938. 'Munich' was a nauseating experience for Verzijl. Deeply disappointed by the flouting of international legal obligations by the Western Powers as well as by public reactions, he decided to leave his chair at Utrecht for another sphere of activity. The demise of Ph. Kleintjes, who at the University of Amsterdam held the chair of 'International Law and Public and Administrative Law of the Dutch Overseas Territories', offered a way out. As Verzijl said at Amsterdam during the conclusion of his opening lecture *Na den Storm* (After the Tempest): 'In the present state of collapse of international law it is a relief to devote one's attention to another, more substantial legal discipline.' It was a remarkable statement coming from such a prominent international lawyer. It can hardly have escaped his audience, however, that the lecture itself had been devoted to a critical appraisal of the state of international law, not to the prospective development of Dutch colonial law. This famous academic speech²⁴ rather stands out as Verzijl's profession of faith in the future of the international legal order, a profession of faith *quand même*, than as a farewell to a cherished ideal.

22. Permanent Court of Justice, Series B 17; *op. cit.* n. 12, p. 197. This service to Bulgaria earned Verzijl the decoration worn by him in the official portrait reproduced on the cover of this booklet.

23. It is hard to be quite certain in view of Verzijl's successive teaching posts. The grand total seems to have been 33.

24. It appears to have been translated at the time into both German and French, according to a note by Verzijl on a copy in the possession of the author, which is reproduced on page 12. Verzijl himself included an English translation in *International Law in Historical Perspective*, Vol. I (Leiden, 1968), pp. 550-566.

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NA DEN STORM

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 AANVAARDING VAN HET AMBT
 VAN HOOGLEERAAR AAN DE
 UNIVERSITEIT VAN AMSTERDAM
 OP 17 OCTOBER 1938 DOOR
 MR DR J. H. W. VERZIJL

AMSTERDAM — H. J. PARIS — MCMXXXVIII

AMSTERDAM, LEIDEN AND UTRECHT AGAIN (1938-1958)

On 17 October 1938 Verzijl commenced what was to be a brief but eventful Amsterdam professorship. On 28 May 1958 he vacated his Utrecht Chair in International Law. In the twenty years between these dates he became a figure of nation-wide repute. Of course in 1938 his name was hardly unknown. We should remember that professors were then relatively few in number and held a rather more distinguished position in Dutch society than they enjoy nowadays. However, by 1945 Verzijl to the public at large had become more than 'just another professor'. His activities during the German occupation had earned him the moral prestige that constituted an important element in his appointment to various public functions.

Verzijl's public condemnation of the Third Reich in his inaugural lecture of 1938 could hardly have escaped the attention of the Germans. He demonstrated no signs of adopting a more compromising attitude. In September 1940 he chose 'occupation law' for the subject of his course on international law.²⁵ The German authorities of course at that time did not know that Verzijl was at the same time composing, together with Telders, Rutgers, Van Asbeck and Van Eysinga, a note on the subject of German violations of occupation law, to be sent to the Dutch government in exile.²⁶ However, it was not surprising that the Germans singled out Verzijl to be one of the so-called 'Indian hostages', arrested in order to provide a guarantee for the treatment of German internees in the Dutch East Indies. He was arrested, together with other public figures of a like mind, in October 1940 and interned at Buchenwald. Intimidation was of course the reason for the choice of that particular place of detention. In May 1941 he was released and after his return to the Netherlands he was dismissed from his Amsterdam professorship. This, according to Verzijl himself, provided him with the time to pursue his research into the history of the law of nations. In addition, and rather more prominently than one would conclude from his own description, he took part in various 'illegal' activities. Notably, he participated in the preparation of an advisory report

25. A section of his notes for the preparation of his lectures is reproduced on page 15.

26. L. de Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, Vol. IV (The Hague, 1972), p. 727.

on the adjustment of the legislation introduced by order of the German authorities²⁷ and was one of the editors (1944/45) of a local edition of the well-known 'underground paper' *Vrij Nederland*.

After the liberation of the Netherlands Verzijl could in effect pick and choose among a wide range of official positions. He declined to resume teaching at Amsterdam, preferring Leiden where he was nominated to the Chair of 'International Law and International Political History', succeeding Telders. By what seems to have been a comedy of errors Verzijl was informed of his appointment only some months after the date of its official commencement (September 1945). Finally, however, he opted for Utrecht (appointment, October 1947). The connection with Leiden was retained by his appointment to a special Chair for the 'History of International Law and Diplomatic History' which he held from 1948 until 1957. I have here omitted a discussion of several functions fulfilled by Verzijl during this period.²⁸ One such function to which he himself attached great importance was the Vice-Presidency of the Special Court of Cassation (1946-52).²⁹ In this capacity he presided, *inter alia*, over the trials of the German war criminals Rauter, Lages and Weinreb.

An episode not to be omitted from any biography on Verzijl is his brief and dramatic role in the so-called 'Indonesian question'. The issue, as it was perceived in Dutch politics, was whether to conclude an agreement with the *Republik Indonesia*, the Indonesian State proclaimed on 17 August 1945 by Sukarno and Hatta, which constituted the government *de facto* over the greater part of Java and Sumatra. The Roman Catholic and

27. After the War Verzijl was a member of the *Staatscommissie Bezettingsrecht*, instituted to advise on the effect to be accorded to German legislation.

28. Such as his membership of the Netherlands' delegation to the first UN General Assembly. Verzijl, who had served in the interbellum as a member of the Foreign Ministry's Advisory Committee on International Law Questions (*Commissie van Advies inzake Volkenrechtelijke Vraagstukken*), was to refuse reappointment when that Committee was restored.

29. Apart from several international arbitrations (Bos, *op. cit.* n. 5, p. 292) this was to be his only experience as a judge. Repeatedly, from 1946 onwards, he was unsuccessfully proposed by the Netherlands as a candidate for the International Court of Justice. He was a member of the Permanent Court of Arbitration from 1946 onwards. In this quality he presided over the French-Greek arbitral tribunal in the *Lighthouses* case (1954-1956), *International Law in Historical Perspective*, Vol. VIII (Leiden, 1976), p. 250.

Protestant Parties in the Dutch Parliament were inclined to doubt the wisdom, indeed the viability of any deal with the Republican government. The *Republik* was distrusted, at first as being a Japanese puppet State, afterwards as being unreliable, unable and/or unwilling to observe its engagements and not representative of the 'constructive elements' in Indonesian nationalism.³⁰ The Dutch coalition government was supported by the Socialist party which preferred a non-military solution and the Roman Catholic party which contained a fair proportion of 'hawks'. So the government tended to adopt uneasy compromise solutions. Much was left to those on the spot who were afterwards blamed for exceeding their powers. The prime example of such a reaction to decisions taken by the Dutch authorities in the East Indies is offered by the reception of the agreement drawn up and initialled on 15 November 1946 by a delegation of the 'Republik Indonesia' and the Dutch delegation, the *Commissie-Generaal* (a committee of four, headed by a former Prime Minister, W. Schermerhorn). In this document, the so-called Linggadjati agreement, much had deliberately been left vague. It contained a sketchy programme for the constitutional development of a federal Indonesian Republic. All things considered, 'Linggadjati' only made sense from a political point of view, as an 'agreement to agree', *not* as a legally binding instrument. It caused a major political upheaval in Dutch politics, parliament deciding upon a unilateral 'interpretation', to be added in the final negotiations with the '*Republik*'. Also, to reinforce the *Commissie-Generaal* two experts were added, the economist Prof. S. Posthuma and Verzijl (January 1947). Posthuma arrived in Batavia (Jakarta) a month before Verzijl who arrived on 28 February.

The choice of Verzijl for this delicate task testifies to his high reputation at the time. He was of course, in view of the circumstances we have described, not expected to restrict himself to legal advice. He and Post-

30. Introductions to 'the Indonesian question' are provided by C. Smit, *De liquidatie van een Imperium* (The winding up of an Empire) (Amsterdam, 1962) and idem, *De dekolonisatie van Indonesië* (Indonesia's Decolonization) (Groningen, 1976). On the period with which we are concerned, J.J.P. de Jong, *Diplomatie of strijd; Het Nederlands beleid tegenover de Indonesische revolutie 1945-1947* (Diplomacy or Force; Dutch policy and the Indonesian Revolution 1945-1947) (Amsterdam, 1988).

huma were to be 'guardian angels'³¹ in keeping the *Commissie-Generaal* within the bounds laid down in the recent parliamentary debate. It was a curious construction. The two professors were only provisionally appointed. Verzijl and Posthuma had made their acceptance of full membership of the *Commissie-Generaal* conditional on the final result of discussions over Linggadjati. They could not block further negotiations with the *Republik*, but were supposed to exercise a restraining influence on the Dutch negotiators.

I find it hard to guess why the socialist minister for overseas affairs, J.A. Jonkman, adopted this construction. Did he indeed expect that Posthuma and Verzijl would stiffen the backbone of the Dutch delegation, and that this would result in a more acceptable version of Linggadjati? And/or did he assume that those two well-known public figures would be converted from opponents of Linggadjati into adherents of that agreement? Indeed, if they would have set their seal on any compact with the *Republik* it would have strengthened the position of the Dutch government and of the *Commissie-Generaal* against criticisms of 'appeasement'. Considered in this perspective, Posthuma and Verzijl might have wielded a real political influence, provided they indeed played towards Schermerhorn and the majority of the *Commissie-Generaal*³² the role of critics turned collaborators. If Jonkman assumed such an outcome to be at all likely he was a bad reader of character. He had had some conversations with Verzijl and of course must have been aware of his reputation. Verzijl – and I suppose that by now my readers have grown aware of this – was never one lightly to set aside juridical scruples for the sake of political expedience.

Faced with a complex political situation for which he was ill-prepared,³³ Verzijl ensconced himself in his juridical fortress. As the

31. De Jong, op. cit. n. 26, p. 352.

32. Besides Schermerhoorn consisting of the actual head of the Dutch government in the East Indies, Lieutenant Governor-General H.J. van Mook and M.J.M. van Poll, a member of the Roman Catholic party.

33. Our major sources are C. Smit (ed.), *Het dagboek van Schermerhorn* (Schermerhorn's Diary), 2 vols. (Groningen, 1970) and S.L. van der Wal (ed.), *Officiële bescheiden betreffende de Nederlands-Indonesische betrekkingen 1945-1950* (Official Documents on Dutch-Indonesian Relations 1945-1950), Vol. VII (The Hague, 1978). These complementary sources allow a complete reconstruction of discussions in the *Commissie-Generaal*.

Roman Catholic member of the *Commissie-Generaal*, Van Poll, remarked in a confidential letter to the Prime Minister, L.J.M. Beel:³⁴

'Both these gentlemen (Posthuma and Verzijl) are typical specialists, the usual products of our present system of higher education . . . Prof. Verzijl would wish to subordinate the great political issue of the signing of Linggadjati to answering the question whether this agreement is completely sound³⁵ from a juridical point of view, according to both Constitutional and international law.' . . . (on the vague character of Linggadjati). 'It is the very character of that agreement which renders it in my opinion impossible for Verzijl to subscribe *con amore* to Linggadjati, because of Verzijl's one-sided preoccupation with arriving at incontrovertible formulations.'³⁶

Van Poll's rendering of the attitude adopted by Verzijl is borne out by the records of the *Commissie-Generaal*. Verzijl followed Posthuma's lead as against the majority headed by Schermerhorn (Schermerhorn, Van Mook, Van Poll). Posthuma, who according to all accounts was far more outspoken in his opposition than Verzijl, drew most of Schermerhorn's fire. The majority decided, despite the protests of Posthuma and Verzijl,³⁷ to sign the Linggadjati agreement (25 March).³⁸ Verzijl and Posthuma declared themselves to be no longer willing to accept membership of the *Commissie-Generaal* (18 March). On 28 March they left by plane 'like thieves in the night' having arranged their departure apparently by informal contacts. Schermerhorn records his surprise and indignation at the conduct of 'the two professors'.³⁹

The dramatic exit of the prospective members of the *Commissie-Generaal* caused quite a stir. Jonkman was furious because of the adverse publicity. It proved, however, to be no more than a solitary incident. The

34. Van der Wall, op. cit. n. 33, pp. 750, 751 (12 March 1947).

35. *Waterdicht* (i.e., 'watertight') in the original.

36. '*den eenzijdig op zoo waterdicht mogelijke formuleeringen ingestelden Prof. Verzijl*', in the original.

37. And of the fourth member of the *Commissie-Generaal*, F. de Boer.

38. De Jong, op. cit. n. 26, pp. 343-345.

39. *Dagboek*, pp. 386, 400 et seq. In a conversation some twenty years ago in which I ventured to question Verzijl about the affair he told me that the personal relationship between Schermerhorn and himself had been repaired.

controversy over the signing of the Linggadjati soon seemed futile in view of the deteriorating situation which led in July/August to a Dutch military offensive. Apart from being consulted about the arbitration clauses in the Dutch-Indonesian Union Treaty in 1949, the incident ended Verzijl's concern with the 'Indonesian question'.

Verzijl's appointment no doubt appears to have been a mistake. Politics had no attraction for Verzijl.⁴⁰ He had never been to the Dutch East Indies before and, apart from his short-lived official duties at Amsterdam, he never manifested an interest in colonial affairs. In a sense, that was a point in his favour. He was a newcomer to Indonesian affairs and his name carried no 'colonial' associations. His legal acumen could – like Van Poll remarked – have been very useful.⁴¹ However, the essential condition, a basis of trust between the members – actual and prospective – of the *Commissie-Generaal* was lacking. Posthuma and Verzijl at the bottom suspected Schermerhorn and Van Mook of playing into the hands of their nationalist opponents and of abusing, as they stated in their letter to Minister Jonkman, the Lieutenant Governor-General's indeed almost absolute powers to strangle criticism. I suspect that Verzijl, never an extrovert, found the 'hot-house' atmosphere in Batavia rather uncongenial.⁴² He left with relief, having accepted the post in the first place only because of his highly developed sense of duty. If it was a sorry episode, much of the blame should be laid at the door of Jonkman and the Cabinet.

Reoccupying his Utrecht chair and once again taking up his academic duties, Verzijl's scientific pursuits turned more and more to research in the history of international law.⁴³ A discussion of the outcome of his historical pursuits being better left to the next part of this biographical essay, we must here present an account of some of his other activities in the last 15 years of a professorship which, like De Louter's, spanned some forty years. In 1951 Verzijl, as rector, presided over the celebration of the 63rd

40. He refused, for instance, to accept a seat in the provisional parliament (*Noodparlement*) installed in 1945.

41. His remarks on the danger of internationalisation lurking in the arbitration clause of the Linggadjati agreement were no doubt correct. Cf., De Jong, op. cit. n. 26, p. 295.

42. My interpretation of a recollection by Prof. M. Weisglas.

43. Cf., his lecture in 1953 to the Netherlands Royal Academy of Sciences. *International Law in Historical Perspective*, Vol. I (Leiden, 1968), p. 400 et seq.

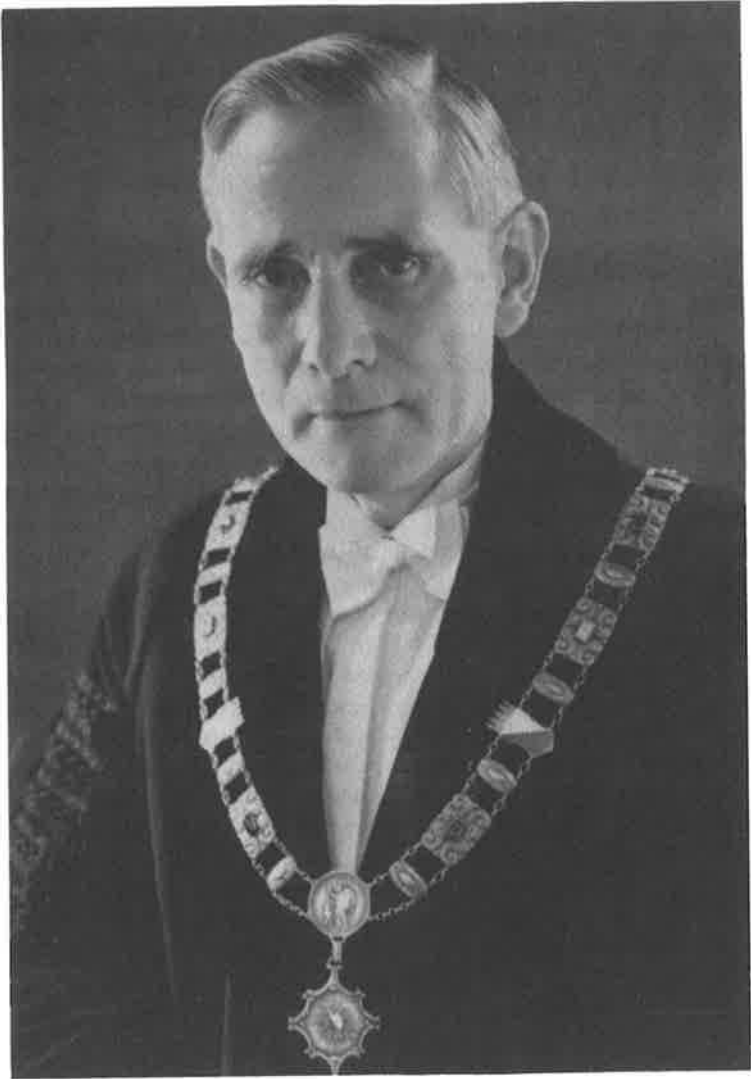
lustrum of Utrecht University. It was the occasion for a traditional historical pageant and open air performance (having Genghis Khan as its central figure) organized by the *Corps*. A conflict over the part to be taken in the lustrum festivities by other student organizations gave rise to a serious conflict between Verzijl as rector and *Veritas*, the Roman Catholic student association. Verzijl insisted on maintaining the prominent position enjoyed by the *Corps* and gained a Pyrrhic victory.⁴⁴ A rather more lasting result of Verzijl's return to Utrecht was the establishment of an Institute of Public International Law (1955).

The last official duty performed by Verzijl was the presidency of the Dutch delegation to the first United Nations Conference on the Law of the Sea at Geneva (1958). The appointment testifies to the prestige Verzijl enjoyed at the Ministry of Foreign Affairs. It is all the more striking since UNCLOS I was the first mass conference on codification, dominated by the great number of new states, produced by the then fairly recent decolonization. The Netherlands was still in the delicate position of being a 'semi-colonial' power, owing to its possession of Western New Guinea. Indonesia had raised the issue of 'archipelagic waters', one more element in the diplomatic bargaining that predominated at UNCLOS. Legal argument was relegated to a subordinate role according to Verzijl who complained about the prevailing 'indifference, even hostility, to accurate drafting'.⁴⁵ However true that may be, the conference achieved important results, which were frankly admitted by Verzijl: 'as a whole it was a success', even if he added important qualifications.

A remarkable event at UNCLOS I was the protracted debate over the breadth of the territorial waters. A stalemate arose, the necessary two-thirds majority not being obtained after a fairly chaotic session in which various compromise solutions were proposed. Did this mean that the old three-mile limit of territorial waters subsisted? That conclusion was drawn by the Dutch delegation and by Verzijl himself:

44. Collection of the University Museum Utrecht. The incident is characteristic of the pillarized Dutch society of the fifties. It is remarkable that there was for instance a clean split in the Academic Senate between Roman Catholic professors, honorary members of *Veritas*, and a majority concurring with Verzijl.

45. His report on the conference, 6 *Netherlands International Law Review* (1959), p. 1 et seq., p. 115 et seq., at p. 2.



'a well-defined and widely-spread rule (the three miles rule) of customary law which has been in force from the 18th century all over the globe cannot arbitrarily be deprived of its binding force by even a large number of States who, without fixing a precise new limit, simply try to transform the traditional rule in its opposite: no fixed limit at all, but freedom for each State to fix it according to its sovereign appraisal of its own needs or pleasure within a certain maximum, which under those conditions cannot be but purely arbitrary'.⁴⁶

This was of course a mistake as subsequent events would soon demonstrate. The three-mile limit was about to be superseded. If we consider the argument presented by Verzijl in 1958 we find that it is closely akin to the one he used in his dissertation in 1917. When a rule of law has not been amended or abolished by the consent of States, the rule subsists, since States cannot unilaterally absolve themselves of their obligations. This is rather stricter than many authors would consider appropriate. The evolution of State practice, often induced by technological progress, is of such a spasmodic character that 'instant custom' has acquired a certain vogue. We may recall that already in 1919, in the discussion over the appointment of a successor to De Louter, Verzijl had been called old-fashioned and been contrasted with François. François and Verzijl met once more in 1958, François being the Rapporteur of the International Law Commission on the Law of the Sea. I can here of course not go into the debate over the meaning of 'codification' at UNCLOS I. What must be discussed here is whether Verzijl's appointment was not after all a mistake in view of his legalism and his lack of diplomatic flexibility.

It is hard to provide an answer. After UNCLOS I the Dutch delegations to codification conferences were headed by an official of the Ministry, not by an outside expert like Verzijl.⁴⁷ What is called for on such occasions is indeed rather the diplomat/lawyer than the professor turned diplomat. However, Minister Luns can be excused for not yet perceiving this in 1958. Besides, since at UNCLOS the Dutch in the main stood on

46. Op. cit. n. 45, at p. 28. Reports of the Dutch delegation, Records of the Ministry of Foreign Affairs.

47. I owe this observation, and some information on the functioning of the Netherlands delegation at Geneva, to the information provided by Prof. H.G. Schermers, who was secretary to the delegation.

the defensive (for instance as regards territorial waters and right of passage), Verzijl fitted the part to perfection. Perusing the delegation records one is impressed with his grasp of affairs. There were some differences of opinion within the Dutch delegation⁴⁸ but these were of little practical import at the time. All in all, Verzijl's achievement should be rated more highly than one would conclude from his own rather gloomy assessment. It is a pitfall Verzijl often dug for the unwary. One should beware of taking him at his own word and accepting his protestations of modesty at face value.⁴⁹ Among the results achieved by the Dutch delegation may be mentioned the guarantee of the right of passage in the Gulf of Aqaba.⁵⁰ Finally, it is highly unlikely that the Dutch delegation to UNCLOS I lost an occasion to achieve consensus as regards the breadth of the territorial sea.

So we must consider Verzijl to have been fairly successful in an honourable assignment at the end of a highly distinguished career. As a rule successful people have no reason to be dissatisfied. However, the audience at Verzijl's valedictory lecture found him in another mood than

48. Verzijl, for instance, and contrary to Van Panhuys, denied the norm-creating function of 'Declarations' to be adopted by UNCLOS.

49. A fairly typical instance of this is offered by Verzijl's speech at the installation of the delegation. In answer to the Minister's speech, expressing his gratitude to Verzijl for accepting the presidency of the delegation, Verzijl protested that he 'could not deny having at times occupied himself with the Law of the Sea and had been a member of several international arbitral tribunals. Yet he had been hesitant to accept this function since he . . . had only looked at the questions at issue from the ivory tower of Academe.'

I must admit that I was on several occasions warned by Miss J.K. Oudendijk, lecturer in the History of the Law of Nations at the Utrecht Institute of Public International Law, that such assertions, fairly common with Verzijl, were to be accepted with a fair pinch of salt. At that time she had already collaborated with Verzijl for some ten years.

50. A curious incident, recorded in the reports of the Delegation concerns a Soviet proposal as regards the settlement of disputes. Surprisingly, in view of the Soviet aversion to the compulsory jurisdiction of the International Court of Justice, an amendment proposed by them would have established the ICJ's jurisdiction. Verzijl, who spoke Russian, at a chance meeting with a Russian delegate complimented him on the Soviet proposal, in effect as it turned out warning the Soviet delegation of the tenor of their own amendment!

that which they had probably expected. In this lecture, *Na veertig jaren* (After Forty Years) Verzijl attempted to strike a balance between 1919 and 1958, between the League of Nations and the United Nations. Together with his Amsterdam lecture of 1938 it must stand as a prime example of Verzijl's much admired mastery of academic rhetoric. It is a declaration of basic principles and at the same time a highly provocative expression of Verzijl's personal opinions. To mention a few points: Verzijl once more showed himself true to 'positivism' in his rejection of natural law theories:

'International Law is still too often perceived, partly because of the influence of unbalanced theories of natural law, as a sovereign entity able to impose its precepts and prohibitions on States and on the society of States.'

There are echoes of De Louter here which are even perceptible in Verzijl's moving tribute three years later to a naturalist prominently present on this occasion, W.J.M. van Eysinga.⁵¹ Verzijl's opinion on the United Nations he was to state once more ten years later in the 'postscript' to the first volume of *International Law in Historical Perspective*:

'This (Verzijl's refusal to go into the development of the United Nations) is due to a personal lack of sympathy for an organization which, under the cover of high-sounding purposes and principles that are continually echoed as a matter of routine in an endless series of Resolutions, proves to be increasingly guided by opportunism and by political interests and prejudices, which very seldom pays the requisite attention to legal considerations and, therefore, hardly deserves to be revered as an organisation in the service of the law.'⁵²

This induces one to look forward, hoping against hope, to the prospect of its replacement – may it not be too far in the future – by an institution which may one day emerge as a faithful guardian of the law of nations: "world peace through world law".'

51. 'Levensbericht van Jhr. Willem Jan Mari van Eysinga', *Jaarboek der Koninklijke Nederlandse Akademie van Wetenschappen* (1960-1961).

52. 'Rechtsorganisatie' in Verzijl's 1958 lecture.

With this quotation we move beyond 1958, already demonstrating how little Verzijl's resigned ending to his 1958 lecture referring to the 'many new problems better handled by a new generation' was to correspond with the outcome.

OTIUM (1958-1987)

It is only with tongue in cheek that one can describe as an *otium* the more than twenty years which Verzijl was to devote to the realization of his research programme outlined in 1953. The publication of the two volumes of *The Jurisprudence of the World Court*⁵³ was to serve merely as a kind of preparation for the stupendous 'magnum opus' *International Law in Historical Perspective*. It is true, the realization of this series owes much to the unflagging zeal of W.P. Heere, a former student of Verzijl's and among the first members of the staff of the Utrecht Institute. Also, Verzijl had good reason to express his thanks for the assistance rendered by Mrs. J.P.S. Offerhaus-Stoop and the devoted services of Miss Mary Sibthorp. Essentially, however, the work was and remained a one-man job. The impetus and the conception were provided by Verzijl throughout, his collaborators assisting in the collection of materials and the correction of his text, in themselves no mean tasks.

The work of Verzijl's ripe age has been very diversely judged. It received (1970) an award from the American Society of International Law and, presumably Verzijl owed to it his election (1979) as honorary member of the Institut de Droit International. However, these are very much 'honourary' estimations beside which one must place the appraisal of the successor to Verzijl's chair, Maarten Bos.⁵⁴ Though formulated *bene*, as agrees with the occasion, Bos has some important reservations. My own point of view is somewhat different. Verzijl himself considered *International Law in Historical Perspective*, like its title proclaimed, as an attempt to write a history of the origins and development of international law in European practice. It was to be a history of the rules of 'positive international law', not of so-called doctrinal development. It is indeed one of its distinctive and highly original traits that Verzijl persistently looked

53. Cf., Bos, op. cit. n. 5, p. 289.

54. Op. cit. n. 5, at p. 291 et seq.

for State practice, discarding 'mere authors' like Gentili, Grotius and Vattel. His purpose being to demonstrate the origins of actual public international law, Verzijl wrote history backwards, looking for precedents as being the antecedents of the present law. Such an approach leads inevitably to a Procrustean distortion of former legal systems which are unravelled to show which of their strands has contributed to modern law. This system, however, had the undeniable advantage that it enabled Verzijl to arrange the enormous mass of materials collected by himself and by his collaborators. Thus, the series is indeed of very material assistance to anybody writing on the history of the law of nations. Verzijl's legal acumen is often admirably demonstrated, especially in the analysis of 19th and 20th century developments.

CONCLUSION

Verzijl throughout his life was a man of intellectual probity and high courage, demonstrated on behalf of great causes as well as in small issues. The least one can say about him is that he acted according to his convictions, regardless of the consequences. He was a lawyer of very high distinction, combining an almost incredible capacity for work with a brilliant legal mind. He was not, in many respects, and especially to chance acquaintances, a congenial person or indeed a convivial associate. Among his contemporaries, Van Eysinga stands out as the one with whom he had a more or less affectionate relationship based on a mutual appreciation between men of quite dissimilar character and different approaches to their common discipline.

Verzijl must be called a positivist inspired by a belief in the ultimate moral purpose of the international legal order. In this he fitted his own description of De Louter, whom he resembled also in his combative temperament. 'World Peace through World Law', the motto of a generation of Dutch international lawyers, was embodied in Verzijl, who many times professed his faith in that device as the mainspring of his work and, we may add, of his life.

BIBLIOGRAPHY

A complete bibliography up to 1958 is to be found in F.M. van Asbeck et al. (eds.), *Symbolae Verzijl* (The Hague, 1958), pp. 430-453. For publications after 1958 see below.

I. List of major publications

Het prijsrecht tegenover neutralen (The Hague, 1917).

Le droit des prises de la Grande Guerre (Leiden, 1924).

The Jurisprudence of the World Court; Vol. I; The Permanent Court of International Justice (1922-1940) (Leiden, 1965).

Nova et Vetera Iuris Gentium Series A, No 2.

The Jurisprudence of the World Court; Vol. II; The International Court of Justice (1947-1965) (Leiden, 1966).

Nova et Vetera Iuris Gentium Series A, No 3.

International Law in Historical Perspective. Nine Parts in eleven volumes. (Leiden, 1968-1991).

Nova et Vetera Iuris Gentium Series A, Nos. 4, 6-14, 16.

Volume I: General Subjects

Volume II: The Subjects of International Law

Volume III: State Territory

Volume IV: The High Seas and Other Stateless Domains

Volume V: Nationality and Other Matters Relating to Individuals.

Volume VI: International Juridical Facts and Acts, In Particular Treaties, and International Delinquencies.

Volume VII: State Succession.

Volume VIII: Disputes and Adjudication.

Volume IXA: The Laws of War.

Volume IXB: The Law of Neutrality.

Volume IXC: The Law of Maritime Prize.

Volume IXC was published by J.H.W. Verzijl, W.P. Heere and J.P.S. Offerhaus.

II. Biographical essays

- W.J.M. van Eysinga, *Symbolae Verzijl*, pp. 1-8 (Dutch and French versions).
- M. Bos, 34 *Netherlands International Law Review* (1987), pp. 283-297.
- P. van Dijk, *Jaarboek Koninklijke Nederlandse Akademie van Wetenschappen 1988* (Amsterdam, 1988), pp. 192-198.
- Idem, in A.H.A. Soons (ed.), *International Arbitration: Past and Prospects. A Symposium to Commemorate the Centenary of the Birth of Professor J.H.W. Verzijl (1888-1897)* (Dordrecht, 1990), pp. 1-7.
- W.P. Heere, 62 *Nederlands Juristenblad* (1987), pp. 818, 819.
- C.G. Roelofsen, *Biografisch Woordenboek van Nederland*, Vol. 4 (The Hague, forthcoming, 1994).

III. Manuscript Sources

Collection at the University Museum, Utrecht.

ILLUSTRATIONS

Cover

Official portrait of J.H.W. Verzijl bearing the decoration of Grand Officer in the order of Civil Merit of the Kingdom of Bulgaria. Portrait (1953) by Jacob (Bob) Bruyn (1906-1989).

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The acting Agents of the interested parties in the case on the *Polish Postal Service* in 1925. Verzijl standing first on the right representing the Free City of Danzig (Gdansk).

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Reproduction of the cover of *Na den Storm* (After de Tempest), Verzijl's opening lecture on his appointment as Professor at the University of Amsterdam in 1938.

The note by Verzijl in the upper right-hand corner concerns the role which this publication had during his interrogation by the Germans in 1941, which led to his dismissal as Professor upon his return from his enforced stay as a hostage in Buchenwald concentration camp.

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Lecture note by Verzijl on 'Occupation Law', University of Amsterdam, after the occupation of the Netherlands by the Germans in 1940.

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Photograph of W.H.J. Verzijl as *Rector Magnificus* of the University of Utrecht in 1951.

