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# *An Exemplary Lawyer's Life (1884–1973)*

François Rigaux\*

## **Abstract**

*This article traces the career of Charles de Visscher through his early years at the University of Ghent, a brief period in England during World War I, his move to the Catholic University of Louvain in 1931, his role as part of a clandestine political committee in permanent contract with the Belgian Government in exile in London during World War II and his terms on both the Permanent Court of International Justice and the International Court of Justice.*

It was a drama of a private, domestic nature that shaped Charles de Visscher's personality, and two world cataclysms that made him into the *savant* and patriot we know and admire. The First World War guided his academic concerns towards international law, the Second World War, which he lived through in enemy-occupied Belgium, gave him the chance to deploy his strength of spirit and character.

After losing his mother to a premature death, Charles de Visscher also lost his father, a doctor and professor of legal medicine at the University of Ghent, when he was only 12 years old. The young orphan and his small brother, Fernand, were entrusted by the Bishop of Ghent to the Abbé Watté, later to become curate of the parish of Saint-Sauveur. The trials these two brothers shared are not enough in themselves to explain the especially close tie that united them until Fernand's death in 1964: this closeness was above all the consequence of the sense of responsibility Charles had spontaneously taken on towards his younger brother, even though there was less than a year between them. Fernand, who taught Roman law at Ghent and then at Louvain, where he followed his brother after a short spell at the Catholic faculties in Lille, was an outstanding figure in a new school of Romanists: he was less concerned with using knowledge of ancient law as a source of inspiration for contemporary lawyers than in making it a subject of specific studies. Fernand de Visscher was the first director of the Belgian Academy of Rome after 1944, and his stay in Italy opened up for him a new vocation, the archaeological rediscovery of

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vanished societies, since he was for several years the master of works for excavations at a Roman city in the Abruzzi, Alba Fucens.<sup>1</sup>

Those who had the privilege of meeting these brothers in their later years could not fail to notice the contrast between their personalities: Charles grave, reserved, seemingly distant or solemn to those who did not know him well; Fernand alert, jovial, always smiling; yet both were similar in their exquisite courtesy and their exceptional qualities of heart and mind.

Graduated *Docteur en Droit*<sup>2</sup> from the University of Ghent on 8 October 1907, Charles de Visscher was called to the bar of his native city and did his articles with Maitre Georges van den Bossche, professor of civil law at the University, who encouraged him to do his first researches in civil law, regarded at the time as the leading branch of law. Two studies in civil law were accordingly published in 1909 and 1910.<sup>3</sup> In the meantime, the young lawyer won the inter-university competition for the years 1906–1908 and extended his training by completing a degree in political science on 2 February 1909.

During the years leading up to the First World War, there were intense efforts to overthrow the basis of the bourgeois society that Charles de Visscher belonged to by family origin, though he never shared either its selfishness or its excesses. Attracted by a new legal discipline, social law, and by the intellectual progress of Raymond Saleilles, he went to Paris where he wrote a work entitled *Le contrat collectif de travail*, published in 1911, with a preface by his Paris teacher,<sup>4</sup> in whose memory he wrote an article a year later.<sup>5</sup> At the time that de Visscher took up the theme of collective labour agreements, the subject matter was new and had not yet become the object of legislative provisions either in Belgium or in France, though it had in the Netherlands and Switzerland. In his preface, Raymond Saleilles set out what was to remain a constant feature of his pupil's personality:

<sup>1</sup> On Fernand de Visscher, see especially the notice published by de Ruyt, 151 *Annuaire de l'Académie royale de Belgique* (1985) 101; and the homily delivered by Jean Dabin at the session of the *Classe des Lettres et des Sciences morales et politiques*, in 51 (5th Series) *Bulletin* (1965) 14. The figure of Fernand de Visscher deserves mention not just because of the light it throws on his elder brother's personality but also because he was the author of notable publications on international law, particularly a course at the Academy of International Law in 1934. He was also one of the members of the Franco-Spanish Arbitration Tribunal that had to decide on France's diversion of the waters of Lake Lanoux (ruling of 16 November 1957, 12 *RSA* (1957) 285). A member of the Institute of International Law, Fernand de Visscher was its secretary-general between 1937 and 1950.

<sup>2</sup> In the Belgian terminology of the time, this title was at the level of a first degree in law.

<sup>3</sup> *Etude sur la responsabilité civile. L'abus de droit, la faute, le risque créé* (1909); and *De la clause par laquelle l'époux survivant est autorisé à reprendre sur prisee contradictoire tout ou partie des biens qui composent la succession de son conjoint* (1910). Researchers interested in Charles de Visscher's various works should note that they are available at the library of the law faculty of the Catholic University of Louvain, 2 Place Montesquieu, B-1148 Louvain-la-Neuve. His heirs donated his rich library to the faculty, which had the rarer works bound and separated, facilitating their consultation.

<sup>4</sup> *Le Contrat collectif de travail. Théories juridiques et projets législatifs* (1911).

<sup>5</sup> 'Raymond Saleilles. In Memoriam', 15 *Revue catholique de Droit* (1912) 1.

That is why Mr de Visscher, who is a lawyer and a man of law, wishing to do a social work first and foremost did a work of law; which is what I wished to compliment him on.<sup>6</sup>

The author's own intentions are clearly stated in the introduction to the work:

In practice, individual negotiation sets the isolated worker in a position of inferiority *vis-à-vis* the employer. As has often been said, equality is only theoretical between the experienced employer who can wait, and the employee unaware of market conditions and constrained by need. The corporate organization of the working masses restores equality; its corollary is the collective bargaining of the terms of employment.<sup>7</sup>

In 1912 and 1913, de Visscher was the author of at least four articles on the subject of social law.<sup>8</sup> In 1911, he succeeded Albéric Rolin, first in teaching criminal law and criminal procedure,<sup>9</sup> and then, when Rolin became emeritus in 1913, in teaching private international law. Henri Rolin, Albéric's son, himself an internationalist of renown, who followed de Visscher's courses in the years leading up to the First World War, testified in an interview given to the newspaper *Le Soir* after his former professor's death, to the clarity and method of his presentations. In 1954, Charles Vullers, the venerable emeritus president of the Brussels Court of First Instance, gave the present author a no less admiring oral testimony to the rigour with which the young professor had taught criminal law.

Let us dwell for an instant on Ghent, the national centre for legal science, particularly in civil law, private international law and criminal law. François Laurent (1810–1887) had distinguished himself in the former two disciplines; Albéric Rolin (1843–1937) and Charles de Visscher in the second; Jacques-Joseph Haus (1796–1881) and Albéric Rolin in criminal law. Gustave Rolin-Jaequemyns (1835–1902), Albéric's elder brother, took the initiative to create the Institute of International Law in the hall of the Arsenal of Ghent Town Hall in 1873, and 1868, together with Asser and Westlake, founded the *Revue de droit international et de législation comparée*; his son Edouard was judge at the Permanent Court of International Justice from 1931 to 1937. It is worth mentioning these institutions as de Visscher subsequently occupied dominant positions in all of them.

The first study published in the area of international law by Albéric Rolin's successor has as its subject the subdivision of private law: it concerns the provisions applicable to a foundation whose creation had been suggested to King Leopold II by his advisors in order to take the bulk of his inheritance away from his daughters.<sup>10</sup>

<sup>6</sup> *Supra* note 4, at XXI.

<sup>7</sup> *Ibid.*, at 11.

<sup>8</sup> References can be found in the practically exhaustive bibliography annexed to the notice published by Ganshof van der Meersch, *Annuaire de l'Académie royale de Belgique* (1981) 115. See also the encomium given by the same author in the *Bulletin de la Classe des Lettres et des Sciences morales et politiques* (1973) 73.

<sup>9</sup> The unpublished works conserved in the library of the Louvain law faculty include in particular the hectograph of the 'course of criminal procedure' (academic year 1913–1914), from notes taken by a student.

<sup>10</sup> 'Des fondations en droit international privé. A propos de la Fondation de Niederfüllbach', 9 *Revue de droit international privé et de droit pénal international* (1913) 183.

In 1914, de Visscher was pressed back to Antwerp along with the Ghent detachment of civil guards he belonged to. Upon his demobilization he took refuge with his family in England.<sup>11</sup> It was undoubtedly the First World War that definitively oriented his research, publications and activities towards international law. The articles he then published in British and French legal journals dealt with the breach of international law to which Belgium had been victim on 4 August 1914.<sup>12</sup> There were also books on the same theme, first *Belgium's Case: A Juridical Enquiry*<sup>13</sup> and then *La Belgique et les juristes allemands*.<sup>14</sup>

Because it was generally accepted before 1914 that starting a war of aggression was not as such a breach of international law, de Visscher concentrated his efforts on the specific case of Belgium: not only should its status of permanent neutrality have in principle sheltered it from all aggression, but additionally the German Empire had succeeded to the treaty obligations of Prussia, one of the five signatory states of the treaty guaranteeing Belgium's independence and perpetual neutrality.<sup>15</sup> In his work entitled *La Belgique et les juristes allemands*, de Visscher contradicted the interpretation given by Ernest Nys to the treaties guaranteeing Belgium's independence,<sup>16</sup> and refuted the argument drawn from the state of necessity by German Chancellor Bethmann-Hollweg in his speech to the *Reichstag* on 4 August 1914.<sup>17</sup>

Though unanimously approved by the *Reichstag*, the German Chancellor's justification nevertheless did not have the same appeal to all lawyers: the most pro-war judged that he had harmed Germany's position; others instead, admittedly few, remained unconvinced by the argument based on the state of necessity. The boldest among them, Hans Wehberg, was later to recount in a pamphlet published in 1919 the harassment to which he had been subjected for having publicly declared that no alleged strategic necessity could justify the violation of Belgian neutrality.<sup>18</sup> This opinion was shared by Walter Schücking, who became a judge of the Permanent Court in 1930,<sup>19</sup> and by Lammasch. The hostility that dogged Wehberg after the end of the War forced him into exile in Geneva. From 1950 to 1962, he was

<sup>11</sup> Another parallel between the two brothers: Fernand de Visscher also reached England with his family in 1914 and lived in Oxford until 1916, going on to become attaché to the Cabinet of the Minister of Labour in the Belgian Government in exile at Sainte-Adresse, near Le Havre.

<sup>12</sup> A list can be found in the bibliography referred to *supra* note 8.

<sup>13</sup> Translated from French by E. F. Jourdain with a preface by Jules Van den Heuvel (1916).

<sup>14</sup> Preface by Jules Van den Heuvel (1916). The following year, a German translation was published: *Belgien und die Deutschen Rechtsgelehrten* (1917).

<sup>15</sup> For references, see Rigaux, 'La répression des crimes de droit international à Nuremberg et à Tokyo', 9 (6th Series) *Bulletin de la Classe des Lettres de l'Académie royale de Belgique* (1998) 501–539, at 507 n. 12.

<sup>16</sup> *La Belgique et les juristes allemands*, at 59–61.

<sup>17</sup> *Ibid.*, at 16–17, where the French translation of the German Chancellor's speech is given. Further on, de Visscher completes his demonstration by pointing out the justifications which the Chancellor went on to give that contradicted the first one (*ibid.*, at 19–21 and 96). See also *ibid.*, at n. 13.

<sup>18</sup> H. Wehberg, *Als Pazifist im Weltkrieg* (undated, but the year 1919 appears in the bibliography published in *Mélanges Wehberg*).

<sup>19</sup> Charles de Visscher published a homage to Schücking after his death: 'Walther Schücking. L'homme et son œuvre', *Die Friedens-Warte* (1935) 176–179. This was a pacifist journal of which Wehberg was editor-in-chief.

Secretary-General of the Institute of International Law (succeeding Fernand de Visscher), and was until his death a faithful friend of Charles de Visscher.

During the First World War, de Visscher's doctrinal position seemed close to Anzilotti's;<sup>20</sup> and to justify the breach of international law of which Belgium had been victim he had no need to pronounce on whether a war of aggression was in conformity with general international law. In an opinion sent in 1927 to the then foreign minister, Gustav Stresemann, but published only posthumously in 1967,<sup>21</sup> Hermann Kantorowicz, who belonged to the *Freirechtslehre* school, applied its methods to the question of the responsibility for starting the First World War. This author merits a mention in a discussion of the doctrine of international law since he was one of the first to maintain that, since the end of the nineteenth century, a war of aggression was contrary to international law; he saw confirmation of this in the claim, common to all governments, that they conducted only defensive wars. In support of this position, Kantorowicz based himself on the official documents published by the belligerents in the weeks following 4 August 1914, which all contained falsifications or omissions aimed at dissembling any thought of aggression.

After the war, de Visscher became legal advisor to the Ministry of Foreign Affairs and took part in the work of committees of experts asked to make recommendations to the Council of the League of Nations on the new institutional problems. He was elected Dean of the Ghent law faculty in 1924.

In 1920, he succeeded Edouard Rolin-Jaequemyns, who had himself succeeded his father, on the board of the *Revue de droit international et de législation comparée*, and was to give this journal great prominence until the Second World War finally ended its publication. The majority of the issues contained a contribution by de Visscher dealing with topical questions, sometimes discovering a subject which was new at the time that would much later take on great resonance. Among these was the 'international protection of art objects and historical monuments'.<sup>22</sup>

His university career was broken off in 1931 following the new language requirements at the University of Ghent, and he was immediately invited to give the benefit of his knowledge and experience to the students of the Catholic University of Louvain. There he taught various subjects, in particular *jus gentium*, where in 1932 he succeeded Baron Descamps, and private international law, where in 1936 he replaced Viscount Prosper Poulet. But he was then himself replaced for the duration of his appointments at the Permanent Court and at the International Court of Justice.

Having pleaded various cases before the Permanent Court, and having been

<sup>20</sup> D. Anzilotti, 'Corso di diritto internazionale', in *Opere di Dionisio Anzilotti*, vol. I, 420–421. The third edition, the last revised by the author, dates from September 1927.

<sup>21</sup> H. Kantorowicz, *Gutachten zur Kriegsschuldfrage 1914, Aus dem Nachlass herausgegeben und eingeleitet von Immanuel Geiss, mit einem Geleitwort von Gustav Heinemann* (1967).

<sup>22</sup> 86 *Revue de droit international et de législation comparée* (1935-I) 32 *et seq* and 246 *et seq*. This article was translated into English and published in 1949 by the Department of State, under the title, *International Protection of Works of Art and Historic Monuments*. See also 'La Conférence internationale des Fouilles (Le Caire 9–15 mars 1937) et l'oeuvre de l'Office international des musées', *Revue de droit international et de législation comparée* (1937) 1.

appointed to it as ad hoc judge in a case to which Belgium was party, he was, in 1937, following Baron Edouard Rolin-Jaequemyns' death, elected judge of the Permanent Court by the Assembly and Council of the League of Nations. In 1946, the General Assembly and the Security Council of the United Nations elected him to the International Court of Justice. He sat on this Court for six years. As his work at the two courts is treated in Philippe Couvreur's contribution to this symposium, suffice it to recall here the homage paid to him by Walter-Jean Ganshof van der Meersch, himself procurator-general at the Court of Cassation of Belgium and vice-president of the European Court of Human Rights.<sup>23</sup>

During the Second World War, de Visscher served his country no less well than he had done a quarter of a century earlier, but this time braving the perils of clandestinity in occupied Belgium. With five other people, who elected him chairman, he took part in a clandestine political committee in permanent contact with the Belgian Government in exile in London. Ganshof van der Meersch, one of the members of this committee, has given details of the committee's activities,<sup>24</sup> and de Visscher himself alluded to them in his note on another member of the same committee, Procurator-General Léon Cornil.<sup>25</sup> The committee was officially recognized as correspondent of the Belgian Government in London. On 26 September 1944, de Visscher was appointed minister without portfolio in the first government formed after the liberation of Belgium.

Elected an associate at the Institute of International Law in 1921, member in 1927, deputy secretary-general in 1925 and secretary-general in 1927, he was rapporteur on several questions of international law brought before the Institute for discussion, and was elected president in 1947 and honorary president in 1954. From 1932, he was a member of the curatorium of the Academy of International Law. In 1965, he contributed, along with Henri Rolin, to creating the *Revue belge de droit international*, the first academic board which he chaired; it has since always been run by the professors of international law of all the Belgian universities.

An honorary doctor of the universities of Paris, Nancy, Montpellier, Poitiers and Vienna, de Visscher was a corresponding member of the *Institut de France*, an honorary member of the American Society of International Law, a foreign member of the *Koninklijke Nederlandse Akademie van Wetenschappen* and an associate member of the *Pontificia Academia Romana di San Tommaso d'Aquino*. In addition to the 1954 General Course,<sup>26</sup> he gave courses at the Academy of International Law in 1925, 1929 and 1935.

Elected a correspondent of the Royal Academy of Belgium on 4 December 1933 and

<sup>23</sup> See the notice cited *supra* note 8, at 142–144, with the list of cases de Visscher sat on.

<sup>24</sup> See the notice cited *supra* note 8, at 149–153.

<sup>25</sup> *Annuaire de l'Académie* (1967) 229–239, at 231–232. See also van der Meersch, 'Enkele juridische Aspecten van de Actie der Regering tijdens de Oorlog 1940–1945', in *Liber Amicorum August de Schrijver* (1968) 393; Baron Snoy et d'Oppuers, 'In Memoriam Charles de Visscher', *Chronique de politique étrangère* (January 1973) 87; H. Bernard, *La Résistance 1940–1945* (1st ed.) 43–44; J. Gérard-Libois and J. Gotovitch, *L'an 40. La Belgique occupée* (1971) 173.

<sup>26</sup> 'Principes généraux de droit international public', 86 *RdC* (1954-II) 449.

then member on 6 May 1940, he gave a lecture there at the public session on 6 May 1936, and a speech to the public session on 6 May 1953. Given the confidential nature of the Academy's publications, it is worth giving a brief summary here.

His 1936 lecture, entitled 'The Permanent Court of International Justice and its Contribution to the Development of International Law',<sup>27</sup> contained a thoughtful analysis of the role of international jurisdiction, 'less concerned with enlarging the domain of law than setting it within indisputable bounds', and very lucid observations on several judgments. In connection with a particularly important case — a request for a consultative opinion on the customs arrangements between Germany and Austria, a project which would in the Court's opinion have threatened the independence of the young Austrian republic if the economies of both states, unequal as they were, had been merged in an early Common Market — de Visscher joined Judge Anzilotti's opinion; the latter voted with the majority but stated his own grounds. This analysis marked the start of the writings of his second period, especially those relating to the distinction between a political dispute and a legal dispute.

All progress in international law consists specifically in gradually integrating the political into the legal, in gradually bringing within the framework of rational or objective appreciation and hence onto the plane of legal debate conflicts of interest [which were] until then harmful to any judgment of value.

However, just as the international judge ought to abstain from taking up a political dispute, equally the 'political intentions contractually expressed' in an international agreement impress themselves on 'the attention of the international judge from the moment they appear as the cause and rational justification for a regularly formed agreement'.

His 1953 speech on 'nationalizations in international law'<sup>28</sup> is, in its brevity, required reading for the historian of this branch of law. The author distanced himself from the doctrine of the Permanent Court which had crystallized in 1925, and, basing itself on the doctrine of acquired rights, offered the protection of international law to the nationals of a state whose goods had been expropriated by another state. To take nationalizations out of this doctrine on expropriation, de Visscher distinguished the two institutions. 'As a reform of vast scope decreed for high internal or external political reasons of which governments are the sole judges and which escape the criteria of international law, nationalization has a profoundly different physiognomy' from expropriation. Stated by a Western jurist with the prestige lent him by his recent post in the highest international court, this opinion was bold and even revolutionary, since it foresaw to a large extent the needs that would be presented a dozen years later by the new states emerging from decolonization.

After the restoration of Belgium's independence, the *Classe des Lettres et des Sciences morales et politiques*, at its meeting on 5 November 1945, elected Winston Churchill as associate. He was received on 15 November 1945 at an extraordinary meeting in the

<sup>27</sup> 22 (5th Series) *Bulletin de la Classe des Lettres* (1936) 151.

<sup>28</sup> 39 (5th Series) *Bulletin de la Classe des Lettres* (1953) 258.

presence of Queen Elisabeth of Belgium and several members of the government.<sup>29</sup> After the death of the illustrious statesman, it was de Visscher whom the Bureau asked to pay him homage.<sup>30</sup>

Charles de Visscher's scholarly work is considerable and can be divided into two periods of his life, each with distinctive features. If he had died at the time he left the International Court of Justice, he would have left behind the memory of a talented professor, an enlightened and courageous public man, and an eminent international judge whose knowledge and writings had been subsumed into the anonymous judgments of the Court — since he was reluctant to express separate or dissenting opinions, something he only did twice — and lacking only the publication of a major book in order to share the stature of Anzilotti. But in addition to participating in another collective work — the drafting of the United Nations Charter in his capacity as member of the Belgian delegation to the San Francisco Conference — he submitted to the first meeting of the Institute of International Law after the Second World War a report entitled 'The Fundamental Rights of Man, Basis of a Restoration of International Law'. On 9 April 1947, at Lausanne, the Institute adopted a declaration whose text and commentary were the personal work of de Visscher.<sup>31</sup> The date is significant, since it is more than a year before the Universal Declaration of Human Rights of 10 December 1948 and almost a year before the American Declaration of the Rights and Duties of Man.<sup>32</sup> The Institute's declaration did not contain a catalogue of fundamental rights, as several international instruments were later to do, but stated some essential principles; it brought together respect for human rights and the establishment of a genuine international legal order, forcibly affirmed the human ends of power, implied in respect for law the public opinion to which professional jurists had been scarcely more attentive than diplomats, challenged a statist tradition of legal doctrine, and called for effective guarantee and control measures in the absence of which the rights of the individual could not be preserved.

It is for Professor Verhoeven to comment, in a separate article in this symposium, on the scholarly work of Charles de Visscher, the originality of which became apparent on publication of his major work, *Théories et réalités en droit international public* (1953). Paul Reuter has perfectly described this as the renaissance of a 69-year-old author nourished by rich and varied professional experiences and remarkable historical erudition, and by his association with the greatest jurists of his time.<sup>33</sup>

It was no coincidence that the speech given at the public session of the Royal Academy of Belgium on 6 May 1953 contained a sentence one might feel was taken from *Théories et réalités*. Recalling the opinion, held among at least the conservative jurists who remained dominant at the time, that nationalizations ought not to be

<sup>29</sup> *Bulletin de la Classe des Lettres et des Sciences morales et politiques* (1945) 207.

<sup>30</sup> *Bulletin de la Classe des Lettres et des Sciences morales et politiques* (1965) 60.

<sup>31</sup> 41 *Annuaire de l'Institut de droit international* (1947), Session de Lausanne, at 1–13 (report), 152–190 (discussions in plenary session) and 258–260 (resolution).

<sup>32</sup> Final Act of the Bogota Conference, 30 March to 2 May 1948.

<sup>33</sup> 55 *Annuaire de l'Institut de Droit international* (1973), Session du Centenaire, Rome, 884.



distinguished from expropriations and equally entitled to indemnification when affecting a foreigner's goods or interests, he wrote the following:

That is a respectable opinion that the man of law has some embarrassment in defending. It is unfortunately also an entirely theoretical opinion which has against it the experience of history and a proper comprehension of social evolution. Undoubtedly the lawyer feels a natural predilection for that stability which is not immobility, but as Hauriou said, slow and uniform movement that allows 'a certain general form of things' to which a generation is habituated to persist. But he must recall that there are times when the rhythm of events quickens; where from being slow and ordered, the social movement accelerates and takes the shape of revolution. The law does not abdicate when it draws on the spiritual forces at its disposal for useful elements of stabilization; when, firm in its respect for contracts and the principle of indemnity, it opposes [overhastiness] with [caution].<sup>34</sup>

On 17 March 1951, de Visscher took the floor in Rome at the commemorative session organized by the *Società italiana per l'organizzazione internazionale*, in homage to Anzilotti. The generation gap was significant. De Visscher (1884–1973) and Kelsen (1881–1967) followed Anzilotti (1867–1950) by half a generation. But they both had the advantage over their great predecessor of having continued their work and, as far as de Visscher is concerned, given it new vigour after the Second World War.<sup>35</sup> While still adhering to Anzilotti's 'legal positivism', to his 'mistrust of data not supported by concrete manifestations verifiable by experience',<sup>36</sup> de Visscher distanced himself from what he called 'the imprint of the liberal epoch' by which he explained the marked difference between international law and domestic law:

The arbitrary in the internal order is a constant threat for international law and peace, since there is moderation in external relations only in those States which, from respect for law, have consented, starting at home, to limit their powers by submitting themselves to the rule of law.<sup>37</sup>

As well as the links they had had to the Permanent Court, the two internationalists shared another affinity, that of coming from an apprenticeship in civil law and private international law to the discipline in which they were to excel.

In the exercise of his manifold activities and the pursuit of his creative work, Charles de Visscher enjoyed the support of his spouse, née Hélène Mertens (whose nephew, Josse Mertens de Wilmars, was President of the Court of Justice of the European Communities), who freed him of any worry over everyday life until her death on 2 August 1958. The blow was harsh, as had been the loss they together bore of their eldest son Jacques, a brilliant lawyer who had already displayed great scholarly ability, who fell at dawn on 10 May 1940 on a voluntary mission to the forward posts on the Albert Canal. Of their seven other children, one became a monk, two became priests, one of whom went regularly to Russia, a country whose language he spoke

<sup>34</sup> 39 (5th Series) *Bulletin de la Classe des Lettres* (1953) 258, at 262.

<sup>35</sup> See Rigaux, 'Retour à Anzilotti', in *Divenire sociale e adeguamento del diritto, Studi in onore di Francesco Capotorti*, vol. I (1999) 405.

<sup>36</sup> De Visscher, 'Dionisio Anzilotti', 6 *La Comunità internazionale* (1951) 247, at 248.

<sup>37</sup> *Ibid.*, at 249.

fluently, to meet local Christian groups. Another son, Paul, followed in his father's footsteps at the Catholic University of Louvain, where he taught public law and international law, and at the Institute of International Law, where for 12 years he was secretary-general. Two descendants teach law at university: a daughter of Paul, Françoise Leurquin-de Visscher at the Catholic University of Louvain, and the son of Claire, François Ost, an internationally known and well-regarded specialist in the philosophy of law and environmental law and former dean of the law faculty of the Saint-Louis university faculties in Brussels.

If Charles de Visscher's work did not cover such an austere area, one might venture to add that it has an additional attraction: its charm. His language is natural, fluid, concise and clear, abounding in happy phrases; and one could compile an anthology of his aphorisms. From his pen everything seemed easy, which is no doubt why he deserves close reading: by never raising his voice he risks letting the superficial reader pass over strong truths delivered quietly.

His spare style and sobriety of thought have led some to believe that Charles de Visscher was a sceptic. Instead, he appears as an idealist without illusions, and his knowledge of people and of events did not cause him to lose faith in a better world. His life consisted of balanced fidelities: to law and to international society, to his country, his family and his religion. His doctrine seems so convincing to us because he was able to make his ideals coincide with his actions: in his life, too, theories and realities often converged. His life as an international judge, a politician, a resistance man, a professor; the example he gave his children, all of whom chose through their careers and their lives to serve others; all of these aspects are in perfect harmony with the ideal of peace and brotherhood that inspired his writings.