

IN MEMORIAM HUGO FORTUIN

On 4 August 1977, Dr. Hugo Fortuin died at the age of 79. In him, the Netherlands lost its best Grotian scholar.

Fortuin, who received his legal education at Leyden University, took his degree in 1921, adding a second degree in 1923 after supplementary study in the philosophy of law, constitutional law and history, and international law, subjects which throughout his life were to hold his attention. In 1925, he obtained the degree of doctor of law on a thesis entitled *La question carélienne; un différend moderne de droit international*, which was subsequently published. Fortuin prepared this study with Professor Van Eysinga, later to be elected a Judge at the Permanent Court of International Justice.

Fortuin's professional career was spent entirely in the fields of administration and administrative law. From 1924 to 1926 he served with the Chamber of Commerce in Dordrecht, from 1929 to 1955 with the corresponding institution in Amsterdam. In 1955, he became a member of the Central Administrative Appeals Court in Utrecht, which in 1968 he left as its Vice-President, having reached the statutory age of retirement. On that occasion, Fortuin received a knighthood.

Besides his official occupations, Fortuin found time to be a member of numerous commissions dealing with international and administrative law. In 1953, *inter alia*, he was appointed to the International Law Advisory Commission in the Ministry of Foreign Affairs, and later he was co-opted into the Committee on International Water Resources Law instituted by the International Law Association, and became chairman of that Committee's Sub-Committee on Navigation.

Fortuin also published much in his chosen fields. After many an article during the years 1936 to 1957 on the River Rhine, he was eminently suited to produce in 1960 and 1962 his two reports to the International Law Association concerning *The Regime of Navigable Waterways of International Concern* (published exclusively in this Review, 1960, pp. 125-143) and *The Uses of the Waters of International Rivers* (Conference Report, 1962, pp. 443-469).

Most lasting, however, are his writings on Grotius. Educated in Van Eysinga's school, and at the same time a pupil of Van Vollenhoven, he found himself thoroughly imbued with those two great scholars' profound admiration for their seventeenth century compatriot. Following in their footsteps, he devoted the larger part of his energy as a publicist to studies on Grotius. Thus, he had, in 1946, two books published, a minor one, *Hugo de Groot's houding ten opzichte van oorlog en Christendom* (Grotius' Attitude Towards War and the Christian Faith), and a full-scale classic, *De natuurrechtelijke grondslagen van De Groot's volkenrecht* (The Natural Law Foundations of Grotius' International Law), dedicated to the memory of Van Vollenhoven. Later studies by Fortuin in the form of articles bear witness to his never ceasing interest in the Grotian doctrine, whereas foreign publications on Grotius were sure to be reviewed by him. The last fruit of his Grotian research is his contribution *Grotius and the Netherlands in the Twentieth Century* in the Netherlands Yearbook of International Law, Vol. I (1970), pp. 72-81.

Fortuin loved to teach whenever the occasion arose. Before starting to write this note, I went through the unpublished text of five lectures given by Fortuin in 1964 in the International Law Institute of Utrecht University, and was reminded of the great care with which Fortuin then went into a detailed *exposé* of Grotius' *Prologomena* to his *De iure belli ac pacis*, of the Grotian tradition in international law, of armed coercion and neutrality in Grotius' teachings, and of Grotius and international river law. Here spoke a man who knew his subject to its furthest recesses.

Fortuin cannot but have contributed considerably to the revival of natural law thinking in this country after the Second World War. In addition, he stood for an age-old current in international law as taught in the Netherlands. One can only hope that some younger student of international law will take up the torch which Hugo Fortuin, this noble, amiable, and modest man, carried into our time – so bravely and inspiringly.

M.B.