Commemorating Robert Regout (1896-1942).
A chapter from the history of public international law revisited

Henri de Waele*  
Department of International and European Law,  
Radboud University Nijmegen, Netherlands

"Ideas need time before they can mature; efforts which seem fruitless, may well yield precious assets for mankind in the future. Even on the ruins of destroyed civilizations, new generations have time and time again managed to build themselves a safer home. The duty of our days will be clear, even to one looking with anxiety at what lies ahead: to work with full dedication, striving to establish an order of truth and justice in this world."

1

1. Introduction
In the Netherlands, it is customary for a new law professor to elaborate on his view of his field of expertise in his inaugural lecture. The words quoted above are taken from the inaugural lecture of professor Robert Regout, and were spoken on February 28th, 1940. On that day, the new chair of public international law at the University of Nijmegen expressed a clear and sympathetic conviction; on the need to stand up for what one believes, to remain fully confident in the fruits of one’s endeavours. On that day, Regout gave public testimony of his faith in a future for international law, at a time when political developments seemed to call for quite a different position. When assessing his legacy on the present day, the contemporary reader is still struck by the force of the convictions of a scholar determined to live up to the high expectations held of him. Brutal, inescapable violence silenced his voice much too soon, thus greatly curtailing his heritage. Still he has bequeathed future generations enough, left good


1 R.H.W. Regout, Is er grond voor vertrouwen in de toekomst van het volkenrecht? [Is there reason to believe in a future for international law?] (Nijmegen: Dekker & van de Vegt, 1940), p. 12. All translations of Regout’s writings are by the present author.
harvest to reap from his efforts. This article seeks to commemorate a life lost, and labour, up until now, only scarcely paid attention to.

2. Regout and His Time

Robert Hubert Willem Regout was born in Maastricht in 1896, and belonged to the generation of Dutch lawyers that followed in the footsteps of their famous countrymen T.M.C. Asser, W.J.M. van Eysinga and C. van Vollenhoven. This was the generation of scholars that came into contact with the first great peace and disarmament conferences of the early 20th century, and with the first global international organisations. Regout himself was educated a lawyer around 1926, at a time when the League of Nations was going through a hopeful phase of development. The very first disputes of international law were entrusted to the Permanent Court of International Justice (PCIJ) at The Hague for a solution, and the discipline of international law was at universities cautiously gaining recognition as a specialty. As known, the hope of the day was that states and nations would no longer resort to violence, but seek to end their quarrels peacefully, preferably through legal means. Public international law was thriving, which undoubtedly appealed to many idealistic young lawyers. Maybe, it was held, that after the horrors of the first World War, unilateral military action could definitely become a thing of the past. After 1919, the period of classic international law with its emphasis on absolute state sovereignty had indeed come to an end. Yet modern international law, in which international relations were to be regulated through binding legal norms, was still tender and tentative. Objective rules could still easily be abandoned if the political need of the day so required, if practical politics necessitated a less obedient attitude. It was 1926 when Regout wrote his first article, in which he already hinted at the possible future causes of renewed global tensions. “One should not forget that the development of international legal relations will always be gradual”, he remarked sagely. “Neither individuals nor nations will deserve peace so long as they are unwilling to sacrifice some of their egoism”.

What survives to the present day of Regout’s ideas and endeavours, should then in the first place be considered in the light of his time. In

---


3 R.H.W. Regout, ‘Enige opmerkingen over “het recht van de sterkste” bij internationale verhoudingen’ [Some remarks concerning the rights of the most powerful in international relations], Studiën 106 (1926), p. 433.