

## REMEMBERING BELLAGIO: THE BEGINNING OF THE COMMISSION ON LEGAL PLURALISM

By Fons Strijbosch

1

Bellagio. Lake Como. Rain. The grand hall of the country house is both a place of arrival and reception, the reception graced with incredible quantities of drinks, snacks and refreshments. Congress participants raising their glasses and serving themselves, others just arriving in small numbers while drinks are being poured freely and newcomers are mingling with the party. Colleagues, men of science, the occasional woman among them, forming groups and shaking hands. Looking around. The walls of the hall are hung with tapestries, the cabinets laden with age-old sculptures. The carpets feel soft to the shoes.

The female professor from America. Cheerful, full of interest. Perhaps sadness inside. A kiss for her. She is wearing a short dress, more like a long T-shirt, just reaching her thighs. She, like us, is craving pleasure, knowledge and power. Lots of curls curling up in coils.

Unexpectedly her head close to mine, her eyes now serious: 'do you like Bellagio, eels, tapestries, travelling?' The wine sparkles in our glasses. The hair tickles, we taste each other's wine. Others drink port wine or sherry, smiling or laughing out loud. The congress is in full swing, we are in the centre. I nod back, smiling. The truth is the first to bolt, that is how it goes during wars, but perhaps also in spacious villas like this. In the pleasant confusion you forget the hard edges, the powerlessness, the general shortage. Outside the gardens, the grey olive trees, the hooded crows, the pink garden buildings, the boathouse with boats bobbing against the mooring posts.

Here comes the famous Polish-Canadian professor Podgorecki, a displaced Eastern Bloc man, who once broke through the Iron Curtain. His taxi stops in front of our window. Rains are dripping down. The driver opens the door, unfolds an umbrella. The passenger approaches. Eyes in slits, long arms swinging along his body, hands outwards, spiky hair, grey. He blinks at us as if at bright sunlight, arrives at the hall with the tapestries. His English is unintelligible, his tone mumbling, holding up his index finger while talking. He seems to have read everything.

Down into the night. Rains have stopped. Groping and slipping down over rocky paths. Below us the lake, the lights and the white of the waves. Halfway down there is music sounding in the night. Comes to us from the old house inhabited by 'le poète.' He is driven, his balcony doors are open, white curtains blowing in front of them. Miles Davis, the pensive tones of his trumpet undulating around us and the lake is a sounding board. In between the words of le poète. Slowly continuing to descend (I) to the tower in the water, sighing and filled with nostalgia. The fragments of music can still be heard while the conference participants retire to their sleeping quarters.

I found this text in a folder in which I had bundled fragments from old diaries. Could it be the beginning of something, a plan, a story with unimagined possibilities? More often than not, I feel nudged to go back to that time. And to draw on memories of the past in order to save them from oblivion with speed and splendid digressions. Do it? It has actually already begun. It can be the beginning of a bold attempt, writing about several issues at the same time. This memory from Bellagio can be expanded and mixed with other issues that call for attention, that can become the subjects of my writing in the future. All of them mixed up.

I dreamed about this in a very elaborate dream. In it everything was revealed that I could still write. It would be about Bellagio and other matters that should not be forgotten. We were in Ephesus, a town or city on the edge of Asia Minor. A place that I knew something about from the book recently published by Ilja Pfeijffer about Alkibiades and of which I had googled the images on the internet. The cities and towns on these coasts are millennia old. Prehistoric peoples once settled there and over time they were influenced by Persians, Greeks and Romans, by early Christians and the last Ottomans. The amphitheatre has room for thousands or tens of thousands of spectators. Ephesus, a city now on the western edge of Turkey. White flats run in ribbons along the boulevard. In this dream Lieve was with me, together we look at the white architecture and the old arena. She is already a student, a notepad at hand, as diligent as ever.

Dreaming, I was already thinking about the description of everything, about the dream itself, about my memory of it, about Lieve's life and so much more. She told me about an email she was to send to her twin sister who was still at home, who was staying in our home country. Fientje, also a student, was in a sabbatical year filled with nothing but free time. The days were completely hers, and also theirs, they had the freedom, whatever choices she can make. I would write about them and their plans, about my dream too, perhaps about even more issues. Because I could write whatever I wanted. Everything flowed through me. Long forgotten ideas came to mind. In any case, it also had to be about the company I had unexpectedly become part of on the tennis court. About its members, older than you would ever think it was given to people to still move freely on the court. I was part in their group, these remnants of life. Last ones who spend their days innocently playing in a remote corner. Who were talking about ordinary things on the terrace, whether we can continue doing so forever. Just as easily. The balls sometimes fly around in a funny way and without any direction, but they do not care about this here, we go after them in our own way, I just as well as the others. The circumstances that evening were also unprecedentedly benign. Windless with now and then a warm breeze over our skins, over our lightly tanned forearms speckled with freckles and dots. Sighs of wind too over our old-fashioned tracksuits, along the peaks of our white caps. Unamazed by the scenes in this remote area.

And it was in this way that the dream continued, and dreaming on I became involved in plans and events that will have to wait a while before I write them down but which I am now recording for safety's sake. In those days I was thinking of Athens, 400 BC. I was reading about Plato, reading one of his dialogues. I was introduced to the prevailing views on ethics, the then ideas about good and evil. Man had to do everything to achieve all the good, to really spread his wings and finally to reach the stately level of truth. Moreover, to be brave and to be at the forefront of the war. It is incredible how everything is so different nowadays. Women and slaves did not count in those days, waging war to expand the Hellenic empire and to capture new treasures, women and slaves was a very normal, even excellent, way to act. Whatever the cost. In accordance with our cautious standards, one should at least cancel Plato.

Also, during the days in which I dreamed, my own computer (PC) was briefly in the hands of Fientje (8). She then wrote her first story in a few minutes, which began with: 'It was a

beautiful evening and the moon was shining. I was sitting outside looking at the stars when my mother suddenly said, 'Would you like a glass of water?' I said 'no', my mother left again. And I went back to looking at the stars. And I wanted to be an astronaut and it seemed so much fun to be floating! And be walking on the moon.'

First words never to be forgotten, nor the rest, but I will pass them by, from now on I want to look at that note about Bellagio recovered. I was there in that stately hall, just like all the others, and I remember the congress that was greater than we had thought in advance. Above all greater and more memorable than we ourselves have become, the guests who had flocked to it. We were astonished when we arrived at that medieval hall. We had neither imagined the circumstances, the beauty of the palazzo, the opulence of the estate, the activities of the servants, nor the colorfulness of ourselves and the dreams we had taken with us. I was one of the youngest, now I am one of the last persons who still has a memory of it. Who can even speak of it with special knowledge now that I am one of the few people who knows about the circumstances. Of the way in which the plan was born, the idea of holding a large-scale meeting on the edge of the water. The plan was not mine; I could never have come up with it in my lifetime but I did know how others had come up with it. This knowledge stays with me. That is why I can say that everything we had in mind at the time was based on a misunderstanding; that it arose from an idea that had hardly been thought through and was suggested with intentions that could never be realized. In retrospect, our trip to Bellagio was an anachronism, a plan driven by ideals that belonged to a time that was already far behind us. It is amazing that this mistake set so much in motion. That it led to so many memories that shone, while at the time the plans turned out to be very differently from what we expected. And the congress actually offered a spectacle that felt grandiose at the time and long afterwards but which also knew less attractive aspects and was marked by the slight misery that is always within us.

## 2

Anyone who wants to know more about the idea or rather the mistake from which our meeting in Bellagio arose must go back in history. The story begins around the year 1900. We are then experiencing a phase in which Western colonialism had reached its highest flowering. England and France had divided large parts of Asia and Africa among themselves. Spain and Portugal had penetrated deep into the south of America. The northern part of the continent had been conquered by the English in the course of time. Other countries had appropriated areas elsewhere in the world that the great powers had left untouched. With just as much bravado. Our country had set its sights on a distant archipelago in the east of Asia, islands that were soon called the Dutch East Indies but were also referred to by affectionate names such as Insulinde or the Belt of Emerald. Rumor has it that it was a very attractive place that enticed the compatriots of the time in large numbers to embark and travel to that destination, including merchants and ministers, planters and civil servants, administrators and adventurers, swindlers and idealists. They settled down and carried out their work there until they returned to their homeland at the end of their careers. Some of them remained in the colony for good, became fascinated by the exotic landscape and familiar with the local population or with the mysterious stories that circulated there. They also liked their spacious housing and the loyalty of the servants. In the meantime, the colony was earning a lot of money, by private individuals and by the state. The state ensured that financing from its own country was never needed to

make up for the colony's deficits. The relationship between the new owners and the native population of the time can best be described as that of master and servant. That was more or less how it was in those days. The same was the case in other areas that had been seized by western countries. These are details to keep in mind as you think about our gathering at Bellagio.

But the year 1900 can also be seen as a turning point. As the beginning of a phase in which history began to falter and the first dissenting voices were heard. Suddenly, attention was focused on our task in the colony, also on the relationship between newcomers and the original inhabitants. The question arose whether the administration of the conquered territory was based on the right principles. And whether there should not be more concern for the fate of the indigenous population. Even the cabinet at the time had expressed its views on the matter. 'No exploitation but administration' was the message in the Annual Speech by the Prime Minister in 1901. It was the time when you could occasionally read in the newspaper about 'the elevation of the Javanese', or about 'our moral calling'. The new voice was not only heard in the Netherlands, the feelings were felt more widely, other countries were also reflecting on these kinds of questions. The idea of the *White Man's Burden* was current. Some even believed that there would be a turning point after which the subjugated peoples could decide freely about their future. In good consultation between all parties, the contradictions would gradually disappear and the last wrinkles would be smoothed out.

A difficult issue then lay in the area of jurisdiction. This issue arose from the presence of two completely different population groups in the same area, each with their own legal traditions: the newcomers lived according to western laws, the indigenous inhabitants according to unwritten customs, the rules of which could differ from place to place. In most colonies, the idea prevailed that the existing diversity could better be replaced by a system of uniform law, viz. western laws applicable to all inhabitants. But as long as this had not been decided, conflicts between western and indigenous law were resolved with provisional arrangements. And the courts established by the government resolved disputes between indigenous litigants as best they could by applying their unwritten law, their 'people's law'. The question of the meaning and the operation of this type of law in the time of then and now was central to the Bellagio congress.

In the Dutch East Indies, too, the opinion prevailed at the beginning of the twentieth century that the existing diversity of law would eventually have to make way for a general system. But plans for change did not lend themselves to immediate implementation and were repeatedly postponed. This uncertainty remained until an entirely new vision of the issue was unfolded by a legal scholar who now deserves all the attention. The name is Cornelis van Vollenhoven, born in 1875 and died in 1933, a man whose qualities are invariably described in lyrical tones. Also by me. He was twenty-seven when he was called to the professorship. At the age of twenty-four he had obtained two doctorates in one day (Thursday, May 13, 1897), first in political science, then in law. During his studies he had immersed himself extensively in Sanskrit, Arabic, Hebrew, history, Islamic studies, ethnology and philosophy. A man who regularly moved in literary circles but who continued to read the Bible, the Gospel and the letters of the apostles throughout his life. Single. As a professor he divided his attention alternately between issues at stake in the international legal order and the law of the Dutch colony in all its forms and manifestations.

Van Vollenhoven's powerful resistance to codification and abolition of indigenous laws arose from his overwhelming knowledge in this field, bundled in *Het Adatrecht van Nederlands*

*Indië* , a three-part book that appeared in installments between 1906 and 1933. It not only contains a meticulous description and analysis of the living adat ( or customary ) law of all 'legal circles' in the overseas area, but also an impassioned plea for the preservation of this law: he saw this form of regulation as an irreplaceable part of a magnificent culture.

Incidentally, Van Vollenhoven does not oppose the colonial legal order in general, he is of the opinion that a permanent place should be made for adat law within that order. It should not only be tolerated, but also approached with all due respect and proclaimed as the own, living law of the indigenous population groups.

Van Vollenhoven was not only eminent as a scholar but also as an organizer and animator. In a short time he brought together an enormous group of researchers who together formed the so-called Adat Law School. This included jurists, anthropologists and many others who managed to collect an incredible amount of new knowledge in no time. These kindred spirits, spread across the Netherlands and Indonesia, found their center in the University of Leyden. With Van Vollenhoven they also cherished an even broader vision, almost utopian in scope. Despite its diversity, the adat law would gradually grow into a common system, an indigenous form of unitary law that would be intended for all indigenous groups. This unification would take place gradually and naturally, but this process would have to be guided with a caring hand. Van Vollenhoven did not consider himself suitable or qualified for this. The task had to be fulfilled by a son of the land, a formidable scholar who could do what was beyond the reach of an outsider: to deeply understand adat law, to see through it with attention to its very own construction, its unique structure, its soul.

Van Vollenhoven again. It was not only science that drove him. He also wrote as an enthusiast, as a global citizen with an open eye for different thinking and the beauty of a foreign culture. The first sentence of his main work reads: 'He who, after studying the law of the Netherlands, takes up the law of the Dutch East Indies enters a new world.' He wanted to tell stories about that world. Incidentally, his scientific attitude should not be seen separately from his broader political vision. Over the years, he grew to believe that the Netherlands should gradually release its grip on the indigenous population. Our country should grant its colony a certain form of autonomy. In his view, adat law was one of the sources from which the new country, Indonesia, could drink.

This led to a conflict between two visions. The Adat Law School had become powerful in the meantime, but proponents of westernization and codification had not given up their plans. The debate became fierce and bitter. The Leiden effort had indeed had a great influence on science and legal practice, but the national government and the European population were still conservative about the future of the colony. The Adat Law School was viewed with suspicion. Its supporters were called hyper-ethical, unpatriotic and naive. In Utrecht, a new faculty for Dutch East Indies studies was established in 1925 with funds from private individuals and the business community. A course that would be more in line with the Dutch government's vision of colonial policy.

Was Van Vollenhoven's vision sustainable? We will never know. The Adat Law School existed for only a short time. The emancipation of indigenous law was successful, but remained controversial. This also applied to the political vision that many members of that school propagated. When the call for independence grew stronger in the 1930s, Dutch nationalism gained strength again and indigenous leaders were banished to distant islands. WWII finally put an end to all illusions. Japan invaded the Dutch East Indies in 1942, and with it the

colonial system. The European population group was housed in camps. Hardboiled colonials and innovators camped side by side under often miserable conditions behind barbed wire until the war was over. And were then confronted with a proclamation in which leaders of the indigenous resistance proclaimed the independence of the archipelago. The Dutch East Indies was declared free Indonesia, after which a war broke out. The struggle continued until our country accepted the change in 1949. The war had meanwhile cost thousands of victims on the Dutch side, and hundreds of thousands or more on the opposing side.

After independence, the relationship between the countries deteriorated again. Indonesia was now involved in an internal struggle between different movements about the political course of the country. This struggle ended in a bloodbath in 1965-1966 that claimed another hundred thousand or many more victims. The country then followed a Western course. The relationship with the Netherlands was normalized a few years later.

### 3

We are ready for a new episode. And for the name of the mysterious host in Bellagio, Geert van den Steenhoven. Internationally, a relative unknown in our branch of science. Yet it was he who, in the late seventies, addressed researchers from all over the world and called on them to participate in a large meeting on the edge of a lake. He had persuaded the administrators of the country estate Villa Serbelloni to make space, accommodation and facilities available for a week to a select group of researchers who, despite all their diversity, shared their interest in questions of legal pluralism.

The life of this host (Geert) is interesting. He was born in 1923 and had studied law in Leiden. His studies were delayed by the war, and he spent those years mainly in the active resistance. After graduating, he again led an irregular existence. Worked for KLM in Canada for a while. Got a degree in ethnology in Toronto and worked as a lumberjack during the holidays. Then became a sailor. Back in Canada, he wandered through the Arctic north and did anthropological research in an Inuit settlement on indigenous forms of dispute resolution. Wrote a dissertation on this subject in the Netherlands. Then worked for an organization for the distribution of funds for development cooperation. From 1964 onwards, he held a chair entitled 'Institutions of Development Areas' at the University of Nijmegen. Noteworthy is his inaugural speech, which contained a plea for a different form of development aid. The indiscriminate transfer of funds would only make the Third World more dependent on donor countries. In that speech he also opposed the transport of Western ideas and technology. Such a policy would be ethnocentric. Developments had to take place on the basis of values that apply in the society in question. Aid would only be appropriate in the event of a catastrophe. His speech caused a stir, some disapproval but also received applause from many quarters. Compliments from, among others, the Tinbergen brothers, Jan and Nico, both winners of the Nobel Prize. Both also good friends of Geert, old comrades who in their youth in The Hague went into nature together to do botanizing and bird studies.

From 1966 onwards his teaching assignment was renamed 'Folk Law and Legal Development in Non-Western Societies'. He then turned his gaze to Indonesia. He surveyed the literature and became acquainted with the work of Cornelis van Vollenhoven, after which his life changed. He was struck, overwhelmed. He devoted the last period of his academic life to this work and its significance in our time. His admiration was not only aroused by the way in

which indigenous law was depicted in all its diversity, but also by the person of this teacher. By his spirit, his ability to admire indigenous culture and his desire to 'enter a new world' in Indonesia. He shared his religious view in this. Like him, he was inclined to see people and their culture as evidence of the wonderful splendor and variety with which God had shaped the world. Geert too had imagined himself in a new world when he entered the Arctic region. He was inspired not only by science but also by the unspoilt nature of the landscape and the incredible proximity of the indigenous population. He felt the same desire as Van Vollenhoven to get to know other peoples. Their vision on issues of 'development' was also the same. Van Vollenhoven fought, just as he himself had done in his inaugural lecture, against the transport of Western ideas and technology, against the codification of the unwritten law of another population. And he was determined to lovingly transfer the harvest of his research to that other. The last chapter of his great work ends with the famous words: *Adatrecht Volkszaak* (adat law is a people's matter). It contained the vision that this law could develop itself, along natural paths. If necessary, this process could be guided with the help of science. But this help had to come exclusively from an insider, a son of the land. An Indonesian great in the field of law.

So many years after the rift between the two countries Geert had to struggle with the question whether Vollenhoven's vision on the development of law were still alive in Indonesia. Also whether the Netherlands could still be of service in research into adat law in present-day. The first reports were not very favorable. Just as in the colonial period, the preference in administrative circles was for the instrument of codification. But now too it turned out that in practice an intermediate solution was chosen: for state courts that decide according to adat law. That was already a pleasant sign. Also joy at the discovery that several members of the Adat school were still alive. And that very recently a young professor at the University of Surabaya had been called for a chair in this field. This young professor turned out to be easily accessible. We are ready to introduce a third player in this story, his name is Moh. Koesnoe. Geert made the contact. Invited him to the Netherlands and noticed that he had made the right choice. The conversations went smoothly. The two thought alike about the ideals of the Adat Law School and its meaning for present-day Indonesia. They also found each other on a personal level, however different their paths in life had been. Geert was a devout Catholic, Koesnoe a pious Muslim, but they respected each other's choice. This also applied to their attitude in times of war. Geert had fought the German occupier during his student years, Koesnoe had actively opposed the colonial occupier. They had both stood firm for the coincidental fatherland in which they had grown up. It is unclear what would have happened if they had actually (literally) stood opposite each other in the colonial war that was raging in Indonesia at the time. And whether they themselves would have faced such a coincidence during the many conversations they had. In any case, they decided to work together. Geert immediately kept in mind that the harvest of the research had to benefit the receiving country. Van Vollenhoven's spirit was also adept in this. Presumably he saw Koesnoe as the man who was called upon to further guide the development of customary law and ultimately elevate it to general law for all Indonesians.

Around 1970. Geert gets to work. He had acquired a huge amount of money from development aid funds and set up a project that included research in Bali and Lombok, islands in eastern Indonesia. A five-year project. The teams were mixed and included Dutchmen alongside Indonesians, lawyers alongside anthropologists. Koesnoe acted as the leader of the enterprise. A second study between 1976 and 1979 in the Karo region Batak (Sumatra)

followed. Aid was also provided in other forms. For example, Koesnoe frequently acted as a lecturer and guest professor in Nijmegen. And he was given resources to build a library. Also, as we shall see, much time was invested in spreading his ideas among colleagues in and outside the Netherlands

Geert had another characteristic in common with his great example. Like Van Vollenhoven, he was a born animator and organizer. He enjoyed meeting people and then bringing them together. A characteristic that came in handy in his plan to support Koesnoe in every way and to spread his name to a wider audience. At the end of the seventies, he founded the Volksrechtskring ( Folk Law Society). In it, he managed to involve all researchers in or around the Netherlands who were legally, anthropologically or in any other way concerned with forms of unwritten law. Koesnoe was of course a member of this circle. Geert probably already cherished his intention to withdraw from academic life soon. In any case, he was in a phase in which he preferred to promote science rather than practice it. His tendency to stimulate others and get them to do research was also a result of the environment in which he preferred to live. Anthropologists were dear to him, after all, their research arose from the desire to understand other cultures. To him they were people from a unique vanguard of which he wanted to be the driving force

After the foundation of the Volksrechtskring in the Netherlands, he looked for ways to repeat this feat on a global level. He came across a global organization called IUAES, or International Union of Anthropological and Ethnological Sciences. Its chairman turned out to be a Canadian, an anthropologist. Their relationship quickly became friendly. Geert heard about the existence of working groups, or *commissions*, which functioned under the umbrella of IUAES. An organization that in turn formed a branch within UNESCO. This to his delight. Didn't UNESCO aim to connect the affiliated peoples with each other and to support them in plans for cooperation and cultural exchange? Geert's plan for the establishment of such a *commission*, a working group in which researchers of folk law could work together, was already born during the conversation.

Another event occurred shortly after. He had to learn that his conversation partner had gotten into great trouble shortly after his visit. As a suspect of murder, he had been locked up in the prison of Geneva, Switzerland. Geert knew immediately what he had to do. As a Catholic, he was familiar with the doctrine of the Eight Corporal Works of Mercy, which every person is obliged to perform in case of emergency. He quickly booked a train ticket and went to his new friend to offer help. Prisoners *must* be visited according to rule six of that doctrine, and that certainly applied to this man who, in Geert's eyes, would certainly prove to be innocent. After all, this suspect was an anthropologist, a man of great prestige, a gentleman. Eventually he was acquitted. And Geert had his plans in place to establish a *Commission* under the umbrella of IUAES. The official establishment of this would take place in Bellagio, 1981.

During the preparation of this congress Geert worked on the internationalization of the working group. He found candidates through brochures and ' Newsletters ' that he circulated among colleagues and magazines. The membership list quickly jumped from one hundred to one hundred and fifty and the flow was far from over. The *Commission* even grew so much that he started to worry. He had cast a fishing rod but the fish that started to gnaw was much bigger than expected.

Could he do this? The growing membership had also brought with it a growth of



approaches. Not only were the participants diverse and from all parts of the world, but their views on folk law were, if possible, even more diverse. The type of study he had known up to that point was simple in its kind. It took place in a particular country that was usually part of the so-called Third World. And the objective was just as simple: describe the folk law of this country as well as possible and protect it, if necessary, from codification or at least from improper treatment by the government. But most of the studies of his new correspondents took place in a completely different environment, in Western countries such as the United States, Canada, Australia or Brazil, whose law had long been fully codified and where indigenous law had been forced onto the defensive. In those countries, all kinds of indigenous groups, now known as 'First Nations', were trying to regain some of their own law. They were helped in this by researchers trained in law or anthropology. He was not very familiar with this subject and the question was whether this branch of study, or of 'action', was still comparable to his own.

Even further away were the 'theoreticians' he had come to know. They saw pluralistic popular law as a phenomenon rather than a problem. They were not primarily concerned with questions of application and protection, but investigated how the phenomenon of law functioned in a society, anywhere in the world. Many of these *pluralists* emerged from ranks of legal sociologists, the majority of whom worked in the US or in countries that were culturally or scientifically connected to it.

He sighed. From correspondence and conversations with new members he thought he could see that their mentality was also different from what he was used to. The new generation was more businesslike, faster, not very interested in the wonders of a foreign culture. Their theories were of a kind that he did not know whether he actually wanted to get to know them. Refined, yes, but far removed from the personal way in which he himself would like to approach society. The terms and concepts that they applied in their studies were, in his opinion, so technical that they hid the living reality of the field of study from view. He also thought of Koesnoe, for whom all his efforts were primarily intended. Would his friend still feel at home in this new association? He was not sure, but at this stage he could do nothing but continue. He sent new Newsletters to his correspondents and received many expressions of approval. The project apparently met a need.

Bellagio was approaching. In the meantime he told us that this would also be the end of his career for him. A beautiful end. He had seen photos of the estate called Villa Serbelloni, which was beautifully situated in a park-like environment. The list of thirty participants had in the meantime become final. In collecting their names and preparing the program in Bellagio he had been assisted by a small core group consisting of young colleagues in the Netherlands who had contacts with internationally oriented journals and scientific networks. They helped with the selection of participants and the organization of the congress. He had the papers that were subsequently sent to him by the participants copied and distributed among them again. With that Geert's work was more or less done. He told his friends that he would open the meeting but then pass the gavel to his successor and retire to one of the back benches. From that moment on the podium belonged to the members of the new *Commission* of the IUAES. Koesnoe would be able to present himself to this company in complete freedom.

In addition, after the congress Geert himself would retire to his house for good. He had published what he wanted and to think of more would be vanity. He knew that his retirement was unusually early, he was only 58 now, but it was okay. The academic world was an atmosphere in which he had somehow ended up. He had done the work with pleasure but not

with real conviction. His real interest lay in nature. His house was surrounded by high hedges and a garden that was a mixture of freely growing crops and pieces of land intended for vegetables. He would read the Osservatore Romano, a deeply religious periodical published by the Vatican. And study the works of Thomas More, he had already prepared his little room

And me? For me everything was new and unknown. I was happy that my paper was finished and handed in. And that I could be there in Bellagio. We are already ready for the next phase, the congress itself. But first something about the journey there. And about the beauty along the way. For that, back to my diary from back then.

September 1981

The train is unusually long. It is not intended for local trips, for commuters and students who take a ride in their daily region. Our passengers are of a different calibre. They are travelers laden with the suitcases and belongings needed for a promising journey to distant lands. A journey that will take us through Germany and Switzerland today and end tonight in the northernmost point of Italy. It is quiet in the compartment. I have a notebook but the pencil lies untouched on the table. In fact, just experiencing the journey is more than enough. It is pure pleasure to be part of this train that has meanwhile set off with a slight sway and has been driving quietly through the fields for a while now. Our minimal task is to let the landscapes pass by on the way, thoughtfully or attentively. And at a stop to watch how groups of people are ready on the platform and a little later actually board the train.

It is gradually becoming busier, no problem, even now that everyone has found a place, there is more than enough space. But gradually, the journey itself will take up more of my time, more and more I start noticing the many changes that the journey has in store. Germany is now behind us and the next border has also been crossed. It is clear that this phase will be even more interesting than the previous one. The first mountains are already coming into view, also sights that suddenly appear out of nowhere and then hide again for a while but are signs of greater events. I don't know how the others are doing, but something starts to stir and move in me. A feeling that grows now that the mountainous area has really come to surround us and large peaks are looming. Immediately snow here and there and then much more, even everywhere you can look. Amazed, I remain a beginner, for me everything is new, big, unexpected.

Even more unexpected now the scene that takes place in our own carriage and seems to belong to this way of travelling. A waiter who comes in and sets the tables with linen and cutlery. And with wine glasses, we are served. New amazement while I also have to do my best to keep an eye on everything from outside as well as possible. We are ready for the high mountains, we are even in the middle of them, with steep slopes, gorges, serrated edges, deep lakes and ravines everywhere. The lakes green. This is more than remarkable, I had been to these regions before but never in this way, never as a traveler on a train, never as a gentleman at dinner. And alone. When the wine is poured I look around me. We are approaching the highest point, the thin atmosphere. I should toast, celebrate the special moment with someone but with whom? My travelling companions are just customers, they leaf through the menu at their leisure, not caring about the events outside. It is all inexplicable to them, certainly not now that my thoughts also go back to history. Our route is not just a simple connection between cities or regions. We are about to cross a border, a great separation between waterways, between peoples and cultures. We are going through the Gate of the South here. A route since ancient times that has been followed over the centuries by processions of pilgrims, by men and women in search of beauty and salvation. Also ordinary travelers among them, merchants,

poets even in search of the land where the lemons bloom. My toast is to the nameless who climbed up here.

A passage that is slowly getting behind us now that the descent has started and the journey is coming to an end. I remember that the first signs of the south can be seen here. From now on we pass stations that look cordial and messy, where the eateries are called ristorante and the door is hung with a bead curtain. The descent continues and the green returns and then the first palm tree and a little later there is a lake deep below us. And then another lake that also just fits in its narrow shape and is surrounded by walls that rise vertically. Then the border. Then the station.

Get out. Bellagio is close. Already dark upon arrival. The congress only tomorrow. The gate of Villa Serbelloni is still closed. Tonight I am in a hotel for once. And a little later on the terrace, the journey still in my head. What have I not experienced and seen. Who can I tell. The terrace is on the lake, close to the water. What I see in the half-darkness are boats and mooring posts, colorful boats moving a little on the small waves. A little shock when they bump against their post. I heard it softly splashing in the dark. And I get up to call, before I know it. Should I do it? Invite Margriet? Maybe unusual but I have to, it's too strong to hold back. She's already on the phone and I tell her about the trip and about here and about the terrace so close to the lake and the splashing of the water under the boats. Are you coming?

4

Geert for the last time. Today in the Villa he is dressed as an outdoorsman. His shirt and trousers are khaki-colored, must have something to do with his younger years. That is how he looked when he went out into the open air with his friends. He wore the same outfit during fieldwork in the North and during his office hours it has not changed much for as long as I have known him, almost always in khaki or soft green. It is the first time that we are in the conference room, the tables are in a long rectangle, a room with large windows. He has taken a seat on the short side, next to him the man he has invited to be his successor. A man from America, a well-known professor, friendly glasses. They look at each other and the guests and at the torrential rain above the lake. We are at the beginning, the opening of the long-awaited congress. By the way, Geert has already said something, he has welcomed us warmly. An extra welcome of course for the man from America sitting next to him, one chair away from him and then he is almost finished again. He speaks a few more words to his neighbor, makes a wide gesture, in which he also includes us. 'Here is the new chairman,' much more than that does not need to be said. Applause for him, extra applause for Geert who relaxes, pushes his chair back a little, looks around in a friendly manner and lights a cigarette.

The cloud of smoke from his mouth has not yet dissipated when a voice sounds from the room. 'Mr. Chairman' There is still some murmuring, he does not hear it immediately, but it sounds again with a little more emphasis, 'Mr. Chairman.' Now they both look up, Geert and the new chairman, surprised at the early interruption. Have they perhaps overlooked something, perhaps forgotten to thank someone? The voice sounds from somewhere in the rows and turns out to be one of the few ladies in the company. She is the first to speak. 'Mr. Chairman, may we say something about the cigarette you have just lit. And then make an agreement about the etiquette that we will observe at this point? Shall we make it a rule that we do not smoke during the meeting.' The voice that sounds is hers, the guest with whom I exchanged drinks at the reception, the professor whose curls tickled my nose.

Surprised , really surprised, they are both. They look at each other. Even though his neighbor has just become chairman, it is up to Geert to bring something to the fore, he still has the cigarette between his fingers. Incidentally, he is not the only one, everywhere there are people who celebrated the opening smoking, there are ashtrays everywhere. Yet he is the real host, the man who can best tell us something about the house rules. I know about his views. His feeling of respect for others is deeply ingrained in him and that is why he would normally respond with understanding or with a courteous gesture. But to accommodate this special request at this very moment, is difficult. It is truly absurd. The year is 1981. Smoking has become commonplace everywhere in the world, it gives pleasure everywhere. Smoking is also allowed everywhere and certainly during meetings without limits, it is part of the interaction. He smiles. 'Madam, I am taken aback by this, your proposal is making things very uncomfortable. It must be because of my age, but smoking meets a deep need of mine. I have done it as long as I know, although I have always tried to spare others as much as possible. Would you mind if I just smoke this cigarette and promise to moderate myself as much as possible during the meeting? Perhaps others can make an effort to do the same.'

He said it well, it is reasonableness that guides him. In this way he has always kept the atmosphere in his environment pleasant. I also know that his smoking habit can really be traced back to very personal circumstances in his formative years. Almost everyone smoked in those days, but this was most often the case in the exciting days of the resistance. It was the cigarette that could drag them through the difficult moments. Of course he cannot tell us anything about this side of the story, but she may understand that he can only partially comply with her request for good reasons.

Geert. He really hoped that the matter had been resolved in such a pleasant manner, but hesitated to take another puff. A justified precaution. The professor with the messy curly head was not fazed and spoke up again, decisively: 'Smoking is not a habit that you can compromise on. After all, smokers do not smoke in their own environment. There are many of us here. Smokers inevitably turn others in this room into passive smokers. Not only do they themselves suffer the consequences, their environment also suffers from passive smoking.'

There was a slight sense of surprise in the room, although this sentiment is not easy to gauge. The majority of those present are strangers to each other. Moreover, most of them come from parts of the world where smoking is widely practiced and the idea of criticism or doubt has hardly penetrated. Only the Americans probably know something about the campaigns that have been launched here and there in their country to combat smoking. I heard that New York is at the cradle of this kind of action. It is also the city where this professor comes from, she is affiliated with a prestigious university. She looks around. A few fingers go up, initially laughing, but the first to speak out strikes a different tone than expected. It is a man who immediately lets it be known that he would gladly support an appointment like this. Small, blond locks, matching gold-colored glasses. Calm, almost lecture-like in his tone and not a word too many. He notes that the proposal has been explained clearly and provided with the right arguments. This speaker is also American, a familiar name that I can read from his sign. From a well-known university on the west coast of the country. Perhaps the delegates from these big institutions are in contact with each other about the matter. I try to distinguish the signs.

Again, a few fingers go up, but the reactions remain hesitant. They are also filled with disbelief, mild annoyance. Geert still smokes, but after this intermezzo, he limits himself to a few quick puffs now and then. Other smokers in the room are still silent. Perhaps they wonder whether they have an extra right to speak because of their burning cigarette or whether they

should keep quiet for that reason. Most of us remain silent, perhaps searching for the right tone. But new reactions show that some are moved by compassion. Their thoughts are probably with Geert, with whom they have corresponded so pleasantly and who has brought them into such fairytale circumstances, but who now has to deal with a request that can only be interpreted as a reprimand, a slap on the wrist. He is still smiling.

His neighbor with the friendly glasses, who is also affiliated with such a powerful American university, has in the meantime actually taken over the chairmanship but is looking for the right fulfilment of that role. He had briefly mentioned something about the agreement made with his predecessor. The chairmanship would be temporary. He is also still getting used to it. He briefly speaks of the larger whole of which the *Commission* is a part, but the name of our parent organization does not immediately come to mind. Weren't we affiliated with the UAEIS? He admits that the name is difficult, after which he makes another attempt before arriving at the right combination: IUAES. It is also difficult to find our continuation after that in the confusing phase of the meeting that does not stop talking about etiquette. No one wants to get too involved in the issue. But a few people think that the argument of the professor with the curly top is irrefutable and cannot remain without consequences. But most of them seem to be on a different track, they find the issue too trivial to pay attention to, it only leads to a loss of time, they give free passage to the smokers. Still others do not want to take the problem too seriously. They come up with small or humorous interim solutions: 'shall we change regime every other day, one day with and one day without a ban?' And: 'if we open the windows, the smokers can sit on that side, and the others will not be affected by their fumes'. Yet another: 'no, better to include the corridor. The corridor. It is connected to the hall by two wide doors. In the corridor you can smoke and join in the conversation.'

The advantage of this word game is the opportunity to get to know each other better. The name tags are useful to distinguish between people, but now that the discussion continues it is also possible to fathom the relationships between the participants, also of the countries or institutions they are connected to. The largest delegation is the American one, they have arrived here with eight or maybe nine, one more than the Dutch delegation. Four are from England and three from Canada, two, or roughly three from France and for the rest they are loners from all over the world. Americans in the leading role so far. As native speakers they are in any case at an advantage but also have the upper hand because of the prestige of their institutions. They appear to be combative and very experienced in delivering a quick reaction or retort. The English guests are reserved in comparison. Their style is subdued, their courtesy also makes them more likely to sympathize with the host. Or to come up with funny ideas. The loners, who come mainly from non-Western countries, remain somewhat in the background for the time being.

Then there is a change in this confusing but thus far friendly exchange of thoughts. This change is also initiated by a speaker of American origin, a small professor with dark curls. Working in Alaska, as he immediately lets us know. A flood of words rolls over us, words that well up from an irritated mind. His anger is mainly aimed at the female colleague from New York, but he also includes her supporters in his argument. He calls her position typical of the very theoretical view with which she practices science and with which her university also looks at the world. From a distance. She does stand up for her fellow human beings and does so supposedly from a so called critical theory, but that is a theory that she and her colleagues only uphold in name. In fact, they are indifferent to how things are going outside their own circle. In the Third World, where he himself travels around quite often, they really don't have

time to grumble about trifles such as smoking regulations. That luxury certainly does not exist among ethnic groups in Alaska or anywhere else in the North, where smoking is still seen as emancipatory, a means that at least offers solace in their difficult circumstances.

New confusion. His attack is immediately parried by the blond man with the gold-rimmed glasses. His voice is measured when he says that he does not want to pay too much attention to such criticism that comes from ignorance and an attitude that prefers cheap sentiment to a rational approach. The professor with the messy curly head from New York agrees with him. The audience watches but wonders what is going on here. Nevertheless, the contribution of our man from Alaska leaves its mark. Also because of the fierceness, the annoyance with which he speaks. Is there some discord in the American ranks? Is it perhaps the origin of his modest university that makes this man fall out? Glancings are exchanged, whispering here and there. Then there is support, mainly from the Canadian side. Two young representatives are speaking. Like the man from Alaska, they work in the Arctic region, one as a lawyer in so-called *cultural delicts*, the other, the woodsman with the beard, is investigating an Inuit community. They had already asked for a little more understanding for our host and for respect for personal freedom in general. Now they are also doing it for customs that exist in other parts of the world. Their conciliatory words soften the mood, but do not put an end to the debate. They clear the way for a new round of sighs, sneers, jokes and suggestions. We are then halfway through the afternoon.

So much for the events of the first time we met in our meeting room, an afternoon in which a point of order led to an intermezzo that lasted forever, to a discussion that caused cheerfulness but eventually also exposed a certain dissatisfaction in the ranks. Geert had long since stopped participating, he was no longer heard from. Finally, he withdrew into the corridors with a fresh Pall Mall. A decision that unexpectedly brought an end to the impasse. The corridor turned out to be our solution. You could smoke there without disturbing anyone and without missing a second of what was going on inside because all you had to do was leave the two double doors open. From that moment on, the meeting took its usual course. Smokers who felt the urge withdrew for a moment and followed the discussions from the corridor with attention or indifference, as it suited them. Afterwards, they could join in the ongoing debate with full force.

5

The next day everything was new again. The strange disagreement of the first working day seemed far behind us. We woke up on an estate in the morning silence. We did so in our own accommodation, in the various shelters that had been assigned to us in different corners of this undulating terrain. I found myself in a room located in a turret, which in turn was part of a fortification that stood with its feet in the water. I was awake and pondering the idea of beauty that had become so self-evident in this environment. Outside a hint of rain on the flanks of the coastal mountains. High above us the Villa. My walk took me along rock faces and winding paths. Other guests followed a similar course. We nod to each other and continue together. One of them is dressed in sportswear, it is a jogger who runs past waving and we wave back. We recognize the boy with the beard, the woodsman who comes from the north of Canada. In the little place in front of the big entrance door we met his companion in yesterday's dispute.

The Alaska professor is already sitting on his chair early today in the middle of a group of listeners who smile at the stories: 'Anchorage is great . Even in the winter, especially in the winter, the Arctic is of indescribable beauty. And when you return from the snowstorm outside, you find all the luxury at home again. You are immediately connected to the city, to the big world. On my TV I can now dial in 52 channels. As far as necessary, by the way. Because in the summer I still have a little house in the deep south of the country, in the Arizona desert. Let's go, the breakfast room is next door. I've already been inside, you will find an incredible display of drinks and snacks. We certainly need that. Today's program is extensive.'

Geert was not in the room when I met him, he had already had breakfast. He was strolling through the corridors. How was he doing? We talked about yesterday, the strange turn of events at the beginning. He put his hand on my arm for a moment. He spoke thoughtfully about a new ethos about smoking that had reached our group in the meantime. Don't worry, he said, the new era belonged to us, it was no longer up to him to judge. He smiled and I asked: 'are you with us today?' A casual question but not asked lightly, I was really curious. The first session was about theory, the concept of law itself would be discussed. I knew that he was dreading this particular session, in his heart he considered most of the theorizing to be just a refined form of play. Even though it was sometimes played at an astonishing level, it did not bring him any closer to the practical approach that his heart longed for. He thought and I understood that this point was more difficult than the previous one. The smoking ban was no longer a breaking point, it could be accepted with some self-discipline, certainly now that the saving corridor was available. But with today's theme it was more difficult. In this, the phenomenon of law was approached very freely, it was not even in the title of the panel anymore. We would consider something like ' informal social control,' an abstract, very vague description of the phenomenon. But the study as he had known it up until then was turned upside down by it. He sighed again, just as he had done now and then during the preparations for the congress. But said: 'Of course I will be there, I will listen attentively, I will do that mainly in my new capacity as a backbencher.'

The session started and I was there, we are already back in the meeting room. The doors to the corridor are wide open and on the other side there is the eternal view of the lake. I have no notes from back then, only memories. I can supplement them with a small report that can be found in: *People's Law and State Law . The Bellagio papers* , a collection published two years after the congress. Forty years later I look back with the pensive tenderness you feel when you see photos from a forgotten day in your early youth. And read again about thoughts that were then recorded in our writings. At the time I was impressed by all the display, by the complicated descriptions that you encounter in the papers. Now I have to smile.

The chair of the first panel writes that today's participants have very different ideas about the nature of the thing called 'folk' law' and believes that two lines can be distinguished. This law is sometimes seen as an aspect of social organization, namely as the 'self-organization of a social field.' But sometimes, as by the Polish-Canadian writer Podgorecki, it is presented as a matter of 'ideas and attitudes.' Another point from the papers concerns the question of whether folk law is an independent phenomenon - a separate type of law - or whether one would rather place its manifestations 'on a continuous dimension of relative organization and differentiation .' In the latter case, you would find something of law, a spark of it, in every action and every sector of society.

This last quote in particular seems to be filled with profound wisdom and could have led to

many questions and a fruitful debate. Things turned out differently, it was mainly the issue of 'power' that attracted all the attention at the time. It must have been influenced by Foucault , even though his name was not mentioned. But in spirit he was very much present. He sees power as omnipresent, as an inevitable factor that determines all relationships in all societies. In this view, power should not only be named and described, but also unmasked. Or *deconstructed* . This happened a lot during that first session. It particularly appealed to people of theory, it is a popular theme in those circles. I will mention a few of the viewpoints with which the participants mixed in the debate.

Sometimes it was the functionaries of popular law who had exercised excessive power, at other times it was the servants of state law who were under the magnifying glass. Or it was the systems themselves that represented 'power' as a result of the coercive nature of their norms, their wording or their discourse. Still others argued that we ourselves, as researchers and participants in today's session, had to reconsider our position. Just by participating in the discussion we were exercising power. Power was mainly seen as a theoretical issue. As something that inevitably had to be mentioned in a discussion like this.

The little man with the dark curls from Alaska gave the debate another swing. For him, power was a practical problem, also a phenomenon that was indeed connected to the difference between good and evil. Also something that absolutely does not have to be seen as inevitable. He spoke of the injustice done to the peoples, the *First Nations* of the world. About their intrinsic right to freedom and their attempts to regain a piece of their own right from the hands of the state. According to him, this *ethnic* right was being suppressed everywhere, not only in the Arctic region. The same problems occurred in countries such as Brazil, Canada, Australia. He received the necessary support. The Arctic researchers, men of practice, took the floor. They stated that the exercise of power by the Canadian state in its Inuit subjects was accompanied by much injustice. Others also spoke passionately about the weak position of First Nations. And supported the plea for more autonomy of these peoples. After this new turn, the tension was fully back in the discussion.

It seems as if this group of attendees to Bellagio has two faces. When we are in a meeting, there is soon dissatisfaction, division. Traces of this were already noticeable when we tried to make agreements about our smoking habits. The lines that divided us were soon traceable to their source. The spokespeople could more or less be grouped according to their country of origin or their own university. It seems as if on the one hand we are dealing with invitees who are at ease with the way the Congress is organized and the meetings are conducted. They are mainly participants who already know each other from their writings and are in contact with internationally oriented journals. In addition to this group of old acquaintances, there are researchers who seem to feel ignored. They are affiliated with small centers or universities here and there in the world. Their work is mainly practical and even activist-oriented; they strive to improve the position of ethnic law.

But as soon as we leave the meeting room, the differences disappear. Then we wallow together in our spacious circumstances. Then we share in the abundance of Bellagio, enjoy our stay in this Villa. Enjoy all the more because of the funny contrast between the feudal and fairy-tale furnished rooms and the bold way in which we have taken possession of them. Most of us are still dressed in our travel gear consisting of sloppy sweaters and sloppy pants.

We now know a little more about this location. Villa Serbelloni , which has been praised for its splendor and beauty since 1400, has received a procession of high-ranking guests over the centuries. Leonardo da Vinci stayed there. Emperors from various Habsburg dynasties and



their entourage also stayed there. Queen Victoria was a guest here. Celebrities from the world of art and culture have strolled through the famous gardens. The estate was once donated to the Rockefeller family by an Italian-American 'Princess Della Torre and Tasso .' Oil barons have since been linked to old nobility The Rockefeller Center , which currently manages the estate, was set up from the start with an idealistic objective: it wants to bring together scientists of the highest level to have them talk about ' the Worlds most challenging problems .' This is to 'contribute to the well-being of mankind.' Every week new groups are received who debate with each other on issues of health, environment, nature, climate, poverty, inequality etc. Apart from this, *residents* , mostly artists or writers, stay on the premises for a longer period of time to work on a work of art, a composition or a piece of writing. The Centre tries to bring the members of the temporary groups and the *residents* into contact with each other. The guests eat in the same room, which gives them the opportunity to exchange as much ideas as possible.

This week it is our turn, researchers of law in all its diversity. Every day in the morning we enter the meeting room with the eternal view on one side and the saving corridor opposite. A total of five meetings or panels are on the program, later in the week a few 'business meetings will be added. Today we are ready for a panel entitled: *Neo Marxist interpretations of folk law in pluralistic legal systems* . A subject for enthusiasts. Only three of us have devoted our papers to this theme, two of them from the UK, one from France. As in previous sessions, the atmosphere in the room is expectant or even slightly irritated. My memory on this point is confirmed by an account from the Bellagio volume . The chairman of this panel openly vents his frustrations about the inability of the participants to come to a fruitful exchange. With a few literal quotes he reports on the misunderstandings in which they are involved: 'I am not Marxist, in fact I am anti-Marxist.' And: ' you are no real Marxists , you should don't call yourselves Marxists .' The authors are all guided by the same theory of ' underdevelopment ' and write with special attention to ' socio-economic and political change in colonial in post colonial societies .' They must know each other, I think, the world is not that big. Now they are facing each other, the two Englishmen and the one Frenchman, in emotional outbursts. Where does it come from?

A room that participates in the battle in small doses. The neo -Marxist ideology is not unknown to most, but not very popular either. It is also difficult to see this battle separately from the other question that concerns us: on which side of the dividing line do they actually stand? Based on their preference for theory, you would classify them in the camp of the pluralists . But already in the first session it was noticeable that they feel sympathy for the practical approach of the Alaska professor and the Northern researchers. They also stood up for Geert in the cigarette war. And spoke out in favor of things like respect and courtesy.

I spoke to one of them. We met up afterwards in the house bar. An English guy, from Canterbury, Kent. Peter, a quick drinker, direct contact. Incidentally, we didn't talk about the strange atmosphere during the afternoon session. We did talk about everything else, such as our interest in *conceptual art*. The idea of land art came up. He told me about his friend, world-famous for his large-scale projects, Richard Long. I wanted to know all about it. It was a meeting that left me wanting more. In the meantime, we were standing outside with a drink. We looked out over the tennis court of the Villa, a beautiful court near the main building, half hidden behind the rhododendrons. 'Shall we have a go?' The idea appealed to us. There's nothing better than playing under these circumstances. The congress, the science, the length

of the debates, everything falls away from you, especially here. The tennis court was there as a funny element in this medieval country side, a kind of *folly*. It only made playing more fun. And it was possible. The rains were over, the puddles dried up.

It turned out to be a match between countries, the players from the Netherlands and England. Also a battle between two worlds, the Marxists versus the Bourgeois. The guy from Kent played with his conversation partner from this afternoon, I had invited a member of our Dutch core group, a friend. She was left-handed I noticed and just as eager to play as I was. Great pleasure to pick up the key to the court at a counter. To get rackets plus six balls and to go onto the court. The gravel was dark red and dripping wet, the fences and nets heavy with moisture. The umpire's chair of antique wood looked like a colossus from another era. And then the sounds. The first balls going back and forth, the spontaneous cries at the misses and misunderstandings. Everything is new, certainly for us who are playing with and against each other for the first time. Who soon noticed how well we were doing, very well even, we found each other. The meeting was cheerful, but just as exciting. The points were counted out loud and received with cheers, especially when they were won after a cracking exchange of blows.

We attracted attention, of course. It was right after the meal, there was plenty of time for a walk and our enthusiasm was enviable. We had managed to taste freedom, to do something about the process of integration that is also so highly praised in the brochures as the goal of the gathering in Villa Serbelloni. But our meeting was also an object of contemplation. Everything that happens is gradually examined for its significance for the relationships between them: one of the Marxists playing tennis was affiliated with a prominent American university, wasn't it? We ourselves played without ulterior motives or intentions. We even continued when the rain returned and the balls became smeared with gravel. Only when small puddles started to form on the court did we stop.

New days, other sessions. We are halfway or further. Today the panel called *Legal Policy*. The discussion is becoming increasingly difficult, the air is far from clear, the dissatisfaction has even built up. For the first time, really harsh words were spoken, a loud fist sounded on the table. An incident that took place during the morning. But at the end of the evening another blow. The man with the gold-rimmed glasses and the Alaska professor are direct opponents today and emerge as two growling rivals. Coincidence had brought them to the same panel. Other members of the Northern group were also part of it. So was I. The fact that the man with the gold-rimmed glasses is on our panel may seem strange, but it is not entirely incomprehensible. We are all working on simplifying the judiciary in our own way. But unlike us, he mainly investigates examples in this area in Western countries. Experiments are being conducted everywhere. Think of initiatives such as the idea of 'mediation' that is familiar to us. Or of jurisprudence on TV.

As passionately as the Northern group stands up for their own legal forms for minorities in the USA and Canada, so fierce is their opposition to this process that he indicates with the term 'informalization'. These objections are also probably inspired by Foucault. It is the powerful state that supposedly transfers its powers to institutions at the bottom of society, but which meanwhile has evil intentions with it. After all, the government wants to maintain control and does this by imposing rules derived from official jurisprudence. According to the man with the golden glasses, informalization would only distract from the real struggle that is going on. After all, most conflicts do not lend themselves to a neat legal solution. It is much better when they come out into the open and are fought out via politics. Or by taking action and struggle.

This is roughly how his reasoning goes. Purely theoretical, this way of thinking, the people of the Northern group object. It is just playing with concepts. It comes down to blindly applying a structuralist theory designed by French philosophers. An idea that is ultimately indebted to the old Marxism with all its dogmas and misconceptions. A doctrine that does not care about consensus, that does not believe in cooperation and consultation, but is only out for struggle. For political struggle or violence.

The outburst in the evening must have something to do with it. That second bang on the table, this one too, struck by the man with the golden glasses. The tension has increased because of the program of the last two days. We will soon be talking about the future of our working group. I think the Northerners fear that the new Commission will be tied to international journals in the field of legal pluralism. And thus gets into the waters of the large, Western universities. In their eyes, the waters of the pluralists, the elegant theoreticians, the smooth talkers.

But are their fears justified? For the first time that I understand a little more about the problem. The simmering dissatisfaction can perhaps be traced back to concrete circumstances. It has to do with the more or less leading position that our core group occupies in the meetings and in the international network in which it operates. Our actions are viewed with suspicion. The other party suspects that the Commission wants to go in a theoretical direction and that activists and practical researchers may be excluded. Nobody wants to be taken along for the ride.

We meet until late these days, but afterwards there is time to talk in the house bar or during the walk through the gardens. I meet Peter again, also the Canadian runner with the blond beard. We talked about the most prominent of the residents namely 'le Poète.' We know roughly where he lives. His apartment is somewhere halfway between the Villa and the lake. Until late at night you can catch the music that has carried us away from the start, the jazz that comes from the trumpet of Miles Davis. We meet him on his balcony when we walk by. He turns out to be a man from the Caribbean and he tells us about the epic poem he is working on. In it, Davis's music is interwoven in an associative way with his own poetry. He plays his latest stanzas and declaims them in the dark. We say goodbye, listening to the music that waves over the hills between the Villa and the lake. Spoken poetry mixed with the pensive tones of his great example.

Then the penultimate day and the next panel. The duration of the congress is starting to take its toll. Some people show up later for breakfast, others follow the sessions mainly from the back seat. The sky is heavy and overcast again. Even a thunderstorm is expected for today, a big blow to the plans, a boat trip is on the program for the afternoon. We were going to go out on the lake with our wandering group. But first listen to the chairman of the day. He is already introducing the new speakers.

Men from far away are speaking. Their papers deal with issues that are deeply relevant in Africa, or in Japan or perhaps in India. But my mind is not there, an involuntary consequence of listening to new voices for days on end. Although the panels have their own themes, they are starting to resemble each other. My thoughts are more on the peculiarities of the speakers than on their presentation. How did they manage to make contact with the wider world? Do they perhaps belong to the upper classes in their country? I am looking around. Others are also distracted, it seems. In any case, the corridor is more frequented than usual, and non-smokers can also be found there. There is even a moment of consultation between a few of the

Northern researchers and their silent followers. There is whispering, notes are being taken. I am not recognized in their exchange, and in their eyes I am probably too close to the small committee that brought them to this estate.

Back in the room I force myself to concentrate. The sessions are about the phenomenon of competition. Clients can play off lower and higher forms of justice against each other, you see these processes in the same way in so many societies. The authorities can in turn try to actively recruit clients - often insecure figures who feel wronged - to use them for their own ends. After all, everything happens everywhere, and this also applies to such forms of rivalry. It is a phenomenon that you would like to know more about. It gives you a theme, something that is open to further study, to theory formation. This is how researchers work, after all they have to try to find a line in their data. Better yet, a hypothesis. I participated in this in my own way when I noticed in Indonesia that unreliable legal aid workers tempted people not to have their complaint settled at the local level. A higher authority might perhaps yield a better result. All these people find their way through a jungle of authorities at random. We as researchers then pay attention to the pattern of their choice. And write something about it in your own way. There is nothing you can do about it.

I am distracted again, look outside, still heavy rain over the park. Will our boat trip go ahead this afternoon? Is really unthinkable at this moment. Then suddenly there is a noise in the corridors. Quick steps that sound vigorous and bring the meeting to attention. To increasing amazement even and then to a pleasure that is generally experienced. Great pleasure after all to be brought out of your *à propos* in this way. It is also unbelievable what can be seen now, I cannot take my eyes off the two slender figures that have appeared in the double doorway. They are wrapped in thin, soaked raincoats. They stop now and cautiously look around the corner.

Dripping wet, they stand there, the two of them next to each other, like kittens that have fallen into the water but have also emerged unscathed. Timid but radiant they look. Proud, a little dazed because of the setting of course, the sight of our meeting and the size of the room. Margriet, because she is the one, is not alone in the hallway, a friend is at her side. How is it possible, I had long forgotten our appointment but she had not, she had taken the plunge. On impulse I had invited her to come here and see everything, the beautiful lake and the boats that still bump against the mooring posts and she had done it. It had not worked right away I heard later because it was still difficult to book the right train. To be on the safe side she had not gone out alone but she had asked a friend to come along and now they were standing wetter than wet but cheerful between the doors of our hall where they were welcome, more than that even, Margriet and her friend Lenie, in their soaking wet coats but it was especially their faces that shined because they had succeeded. Their arrival also fell at just the right time.

We were ready for something like that, for a little break, a moment of distraction in our long meetings that had been going on for days now and had always dealt with similar issues, issues that seemed dark and insoluble and that had also led to moments of irritability and irritation. All that had suddenly slid off us. Now things were glistening again. We were like sailors who had spent days in the hold, in a space whose view was becoming increasingly hazy. These ladies had stepped out of a book like miracles and had landed in front of us all.

The chairman of this day even invited them to take a seat but that was rejected, they did so shyly but also a little honored. It was not the intention, they said, it was purely by accident that they suddenly stood in front of us. But not at all bad, they were told, on the contrary. I

walked over to them and in the meantime I was able to tell the chairman how things were. Namely that I had invited them on impulse to come here, to Bellagio because everything here was so beautiful. And then took them along, deeper into the corridors and there I heard more about their adventures. They had arrived this morning by night train, had booked the same hotel as I had that evening a few days ago and had found their way to the Villa from there. There they had rung the bell and rattled the heavy gate that was hermetically sealed and then waited for minutes in the pouring rain until they were heard and taken away by servants. They thought that they wanted to take part in the meeting and had accompanied them to the open doors of our hall.

6

The atmosphere has changed since then. You could already feel this at lunch. When we got together and the *residents* were mingling they joined in. The ladies had all dressed up in the meantime and were still popular. Also because of their smooth demeanor they were more than welcome at every table, an asset to our turbulent company. By chance Margriet was seated at a table where French was the dominant language. There was great joy there, the three or four participants from that country, who had had a lot of trouble participating in the meeting all that time because of their language deficit but were now able to get to know this new guest in their own language who by some coincidence also knew reasonable French and also looked like them. Her hair had just acquired the supple fall due to the rain that made her look her best.

A happy coincidence, also later that day. At the moment we were about to set sail, the sky opened up. Sunbeams shot through the wisps of mist. The group had descended to the Centre's own harbor to embark on a small quay. On the spot, we discovered that the cruise would be slightly different than expected. Two boats were ready for us, one of the Villa's own vessels turned out to be too small to accommodate all the guests. We had to divide ourselves over two identical steamers, both equipped with a small wheelhouse and a lot of deck. Railings to lean over deeply and let the wind play through your hair. The question was again: who with whom? Drifting and pondering in the rows until one of them gradually started moving. Geert was the first to step onto the gangway of the nearest boat. Followed by the somewhat older ones among us, some equipped with cameras and caps with peaks, others even still dressed in a jacket and tie. The newly arrived ladies lined up among them. I did the same and gradually the foredeck filled up with old acquaintances, people mainly from the core group and some random visitors.

In the meantime the second boat had also become popular. There too a small crowd moved over the gangplank, you saw members of the northern formation alighting and also its followers, including the Marxists. And then some loners from faraway countries plus a few latecomers who could not be identified. The lines were cast off and we sailed onto the lake, the now very quiet lake that stretched out before us. Bellagio lies at the very tip of a peninsula and divides the large body of water into two branches. But straight ahead of us the lake was still in its full size. We sailed past the towns that have grown up around it and look just as beautiful as their names sounded to us. We sailed past Menaggio, Varenna, Griante and Como and then back to our own peninsula.

Something must have happened on the second boat on the way. While we were being

carried along by sensations of beauty, a small spark had ignited somewhere in the other vessel. After which the passengers came to the insight that they should not simply let themselves be rocked by the waves, but that the circumstances were ripe to bring long dormant feelings to life. That afternoon the idea of a countermovement must have occurred. The idea that the course should not only be determined by plans alive in the Dutch core group or among its chance friends, but that other sections of the Commission should also be heard in mapping out the future.

Was that how it went? Up to now I have written down everything about Bellagio from memory. Only for the report of the panels did I turn to a few pages from the Congress booklet. But when I had got this far with my reconstruction, I asked for advice from one of the participants at that time, a man from the Northern group. I told him that I wanted to write something about the Bellagio Congress with attention to its 'splendor and loveliness,' but also for the tension that had been with us all those days. Did he perhaps know where all that discontent came from or how the conflict had finally ignited? He wrote back, by return. I am taking over his words literally.

*In response to your query, the following excerpts from my travel notes at the time may be helpful .*

*During the cruise around Lake Como, Steve Conn , concerned with the academic direction the inside group was taking , initiated support for a counter movement to entrench practitioner representation and to respond to consumers needs . Bayly and I agreed , and subsequently lobbying resulted in majority support for this position vs. Galanter, Abel etc. On our return to the Villa, we met with several other like minded individuals to strategize and consolidate our support in preparation of the evening meeting. However as you will recall , reaching agreement was quite a contracted process , and it was not until the evening business meeting on Thursday September 24 that a resolution of the conflict and a consensus on the way forward was achieved . '*

Everything was true. I wanted to write a loose story, a nice impression based on old suspicions about the course of events and my surprise was great when it turned out that my suspicions were correct. The story suddenly acquired the value of a document, a writing that consists in its core of correct observations. I will regard it as such from now on. Up to now I had not been lavish with names and had only described the main characters with a few external characteristics. Now that my report is no longer fiction, I will abandon the idea and call the people by their real names. The sender of the mail about the uprising in Bellagio is Harald Finkler. He is the man I have described up to now as the woodsman with the blond beard. His mail mentions the names of his 'Northern' companions of that time, namely John Bayly and Steven Conn . The latter undoubtedly the most talked about , he is the man who had set up the protest movement after he had first provided our meetings with the necessary fireworks. To me, all three were almost mythical figures, in any case people whom, with the exception of Harald, I have only met seldom since Bellagio. But even then I had never spoken to them about the uprising. I would like to give you some details about their lives.

Harald is a friend, the man who I know was born in Berlin during the war and who, as a toddler, crawled over the rubble of the city centre and then fled to Canada with his mother to stay there for good. Someone who, after all, worked for a long time in one of the departments

of the Canadian government responsible for the care of the Aboriginal Affairs and Northern Development. I know that Steven Conn is a champion of everything and everyone at the bottom of society. A figure like a market trader or peddler, dressed in second-hand goods. He has long locks that still hang down to his shoulders to this day, even though he, like all of us, is approaching eighty. I know this because Harald sent me a recent photo of him. Steven still lives in his desert home in the summers and shared his life there with his wife a ballet dancer who recently passed away. Finally, I remember John Bayly, the other Northerner mentioned in the email. My memories are many. A man who not only assisted Inuit in their legal affairs, but could also live like them. He easily drove a sled harnessed to 14 dogs. From him I received a long 'circular letter' at the end of each year about his adventures in the Arctic, but also about his wife and beloved daughters. He died young.

Other names circulating in the mail are Marc Galanter, the man with the friendly glasses and first real chairman of the Commission. The professor with the golden glasses and matching locks is Rick Abel, a famous legal sociologist and equally famous for his *critical* theories. And who for that reason was put in the corner by certain groups of our Commission. The left-handed tennis player with whom I played against the English Marxists was Keebet von Benda Beckmann. The opponents at that time were Peter Fitzpatrick and Frank Snyder. Finally, the participant from New York and instigator of the cigarette war, also the one who tickled my nose, is actually called June Starr. She died young, to my sorrow.

After this email I can let my story about Bellagio come to an end in peace. The last two days, which were more turbulent than ever, can be summarized in a jiffy. In that phase it was mainly a matter of thinking about the future of the *Commission*. The Northern group and its growing following had meanwhile put their cards on the table. They asked for clarity of policy. Demanded that the *Commission* also pay attention to research by those who worked to improve the position of First Nations. In any case, they would oppose a choice for structural affiliation with journals or organizations that were mainly focused on theoretical forms of study.

A proposal that led to great confusion and fuss. The problem was that the problem was not well clarified. The countermovement did oppose a 'inside group' as Harald called it in his mail, but it was far from a unity. Geert himself was a loner. He hoped to draw attention to Koesnoe as a person and his ideas in Bellagio, but the plans did not really extend beyond that. The so-called *inside group* was also very diverse: many of its members were indeed driven by a theoretical interest, but, contrary to what had been thought, had no desire to ban practical questions about pluralism. There was simply no plan for that. This general confusion was further increased by the fact that the countermovement also lacked a clear vision. What united this group was actually only the idea that the Commission should also pay attention to practically oriented research. But how long did it take before all this was discussed and understood in the meeting. We had to witness many sessions filled with incomprehension and sadness. Many votes on proposals and motions, which hardly differed in content, followed until consensus was reached only hours later on the basis of a very simple idea: the Commission would in the future offer space for theoretical or comparative studies as well as for matters of activism and practically oriented research. And so it happened.

A similar dispute about the name followed. What should the working group be called? Commission on Folk Law? Or, in full, Commission on Folk Law and Legal Pluralism? Again, two camps. Each of the terms had its proponents and opponents. Legal pluralism, the term chosen by pluralists, would take us too much into theoretical waters according to

members of the counter-movement. The term folk law , which was preferred in that circle, was too old-fashioned and static according to the pluralists . But the practitioners were charmed by it because it would help them in their fight for emancipation of the First Nations' own rights. Then hours of talking, whining, arguing. We hung together helplessly, we looked like fairground boxers who had ended up in the ropes for good. The evening passed. *In passing*, the suggestion had been made that we could include both terms in the name, that would be the best compromise, the only one even. Good idea until, when new waves of discontent arose, it was taken off the table again. It got later and later and everyone was going crazy with all the whining until it finally came to a good outcome. It happened the way everything about Bellagio eventually came to be: through the workings of chance and misunderstanding.

I had completely forgotten how it all worked. It was Margriet, no less, the coincidental person present who really knew nothing about the content of the matter, who came up with the right memory. She swore that I myself had given the final push in the right direction. I, who had remained silent for most of the evening, and for that matter all the other evenings, had been at the basis of the decision. Yet my words had been decisive, she said, absolutely. She had namely walked to the corridor while the meeting was still going on to listen to how we were doing. There she heard from far away how someone was announcing something loudly and recognized my voice. She heard me, in my own English, argue loudly and clearly that we should finally stop all our quibbling about trifles because we had long since agreed on the main issue. After all, we had already implicitly made a decision about our name a few times in the course of the evening. And in that decision, both terms were next to each other. The name would be Commission on Folk Law *and* Legal Pluralism . That's what we had to leave it at. That's how she had heard it and also the loud applause that had already started before I had even finished speaking. Then she knew that the meeting was finally over, also that all the strife had come to an unexpected end.

The real end came the next day, the last. Marc Galanter had been elected chairman in the meantime, despite his limited knowledge of the IUAES organization. The morning was already half over. The sun was on its way to us, shining between the showers. The windows opened and one of us asked to speak at that very moment. It was a delegate from a Caribbean island that is closely linked to America, someone who had so far made little of himself. But things changed when Rolando Alum had made himself a spokesman and had begun his tribute with flowery phrases and beautiful digressions. He asked for a heartfelt applause for Geert, the excellent and visionary founder of the Commission . And praised him as the man who had brought us all to this wonderful and never-dreamed-of environment. Who had also preserved his wisdom and dignity when the rain continued outside and we in the hall indulged in quarrels and childish bickering. He had even endured being called to order by his students, after which he was only allowed to taste the pleasure of a fresh cigarette in the hallway. In short, he was the man who deserved our lasting admiration long after the congress was over. The applause lasted a long time. Geert smiled and we joined in. We certainly did so when we looked outside and were treated to an unprecedented spectacle, to a miracle in the air that reconciled us with everything around us and also with each other. While Geert was receiving his praise and the last showers had blown away, the sun had really broken through and we could all see a rainbow rising high above us, spanning the lake from shore to shore.

Back in his own country, Geert remained silent in the period that followed. Even before nature had spoken so unexpectedly and solemnly, he knew that a new era would dawn. When



Bellagio was over, he would retreat to his remote house, surrounded by hedges and hedgerows. There he would let nature come to him. His time in silence and seclusion had become all the more unavoidable now that the Commission had developed in a completely different direction than he had ever imagined. Yet he felt no sadness. He had tried to achieve something great and had failed. He had gone in search of a stage on which Koesnoe could shine and show his program to the world. But his friend had been overwhelmed by all the noise and display of power at Bellagio and had finally become invisible. Much more importantly, the discussion had made it clear that this program, in which the return of the adat law in Indonesia occupied such a central place, was no longer suitable as a theme. In colonial times, that was different. At that time, attention to indigenous law was an act of emancipation. At this time, when Indonesia, like almost all countries in the Third World, was independent, we found ourselves in a new situation. It was no longer appropriate for researchers from outside to actively participate in the way in which individual countries in that world would shape their own legal order. It would be interference in other people's affairs.

It is clear, however, that the study of the rights of the First Nations would be of great importance from now on. The attention for this theme had already been considerable in Bellagio when it was mainly about peoples in the North of America. But elsewhere in the world the same problems were playing out. All kinds of other countries all over the world had First Nations whose own culture was seriously threatened. All these peoples had to deal with forms of assimilation and with forced adaptation to the legal system of the accidental state of which they had unwillingly become a part. In the most powerful countries in the world, the colonialism of the past thus appeared to be very much alive. And it was precisely these processes of forced modernization that proved susceptible to study for researchers of popular law like us. Admittedly, these studies were usually conducted by people who lived and worked on the ground. But because colonialism is such a universal problem, it was also possible for outsiders to participate in this kind of activist research. Any researcher, regardless of his or her country of origin, could do so without interfering in other people's affairs.

Geert listened when I told him about the rapid developments within the Commission . And about the successes that were coming. When its members convened the next congress two years later, this went off without a hitch and with great success. No more fuss or whining in Vancouver 1983, but a very fruitful exchange of ideas. The theme of First Nations had been given a prominent place. More than a hundred researchers had flocked to share their experiences and learn from each other how to make reluctant states understand the suffering they had inflicted on their First Nations. In the meantime, these experiences also proved to be susceptible to theory formation, so that members of the Commission , with an interest in this area, could also get their money's worth.

Even though his own plan for Bellagio had turned out to be a wrong idea, Geert could see that something very beautiful had perhaps grown out of the illusion. His years of effort had led to a Commission in which members could study new forms of colonialism in collaboration with each other. This new direction had fallen into our lap as an unsought opportunity, a *serendipity*. He was happy with it, although it took a while before he was completely won over by the idea. In fact, he was not so keen on the activism that had dominated social science for so long in the era of that time. But he understood that precisely this form of research should be given the benefit of the doubt. Perhaps he came to insight after comparing his position with that of his mentor. After all, Van Vollenhoven was not only a

great scholar but also an ethically very passionate person, a visionary who had turned away from colonialism in the heart of the colonial period. He had assessed the position of the indigenous population with standards that are now described with terms such as 'human rights'. Van Vollenhoven saw that the Indonesian peoples were burdened by a foreign regime from which they wanted to free themselves. He compared their struggle with the Dutch uprising in the sixteenth century against the Spanish rulers. Just as they had freed themselves from Spanish rule in 1572, the indigenous population of Indonesia also strove for independence. He wrote this in an authoritative Dutch newspaper: the NRC in April 1922

Geert smiled from now on all the times I visited him at home to tell my stories. The Commission was on the right track. After a while he admitted that he was even proud to have stood at the cradle of such a big movement.

7

Now once again back to the dream I had some time ago in which small examples suggested what I could write about in the years that were to follow. I was told that it could be on anything and everything. I could set myself to it at random and did not have to ignore accidental inspirations. On the contrary, I could welcome them with open arms and find out their essence. By doing so I would discover the matters that were really close to my heart, to events that had stayed with me for one reason or another or the beauty of which I wanted to show. It was in this way that I had started the story of Bellagio. And it was also in this way that I could write about the girls Fientje and Lieve. In this dream my thoughts already wandered off to them and to their lives in the far future. It really appeared to be possible to make parts of that unknown time come closer while writing, that unimaginable phase that I myself would not participate in. At the same moment I was thinking of the persons advanced in years moving around at a tennis court hidden in the middle of a wood. When I saw them going around carefree in their white tennis robes it seemed as if they had descended from heaven. As if they were allowed again to wander through their former surroundings just to soothe their feeling of homesickness. I saw them and was surprised. At the time I was merely a spectator but not much later I went onto the court myself to join them just as carefree as they were.

My susceptibility to moments that bring you into another state of being allowed me to imagine the possibility that all is well after all and that all matters in life are somehow as they are meant to be, heartwarming, very natural and thought out most profoundly. All of them. Sometimes it seems as if I myself have really arrived at such a different state of being, at a short moment of eternity. Moments like these may reach me through casual, fleeting sensations or events. E.g. through pieces of music that may strike my ear on a street corner or through the curtains of an open balcony door. Or by hearing touching tones when turning on the radio. I thought of that moment when in trance I had made a note impressed by such a moment. It was just a slip of paper but when I went to look for it later I could no longer find it; it was lost. What I had felt was not just a fleeting emotion, it had vanished for good.

I had written this note when we had settled down on a terrace and sat down at a table, a place where a few other guests were seated at a table and where a bit later we were asked if we liked to have a drink. When I looked up, I found myself in such a moment. It happened when I realized who had come to stand at our table and heard the voice and the words she spoke. After all, it was she whose voice I had heard; this made quite a difference. Most of all

because she was who she was, looked the way she did and walked the way only she could walk across the terrace. Coffee brown too. Her skin made one, at least me, inclined to ask where she came from. From Africa, Nigeria I heard and more. She took the question very simply, very naturally and it was at that moment that I already thought about writing a note on this. A note that would not only be about her but rather about the moment in which we all found ourselves and in which it seemed as if all contrasts had disappeared. She was close to us and for a moment the world she came from was very close too. It was as if I could see it through her eyes because she just was part of it. But by her coming to this place and this terrace all the borders between our countries seemed undone and so did all the distances between the people both overthere and here. Just as it seemed as if the feelings of all these people had become one and all merged. And she asked again if we liked to have a drink and I believe she spoke in English but this was no longer important for the story because now everything had become all right for once: heartwarming and completely natural. Moments that bring you to a different state of being do exist but they are almost too fleeting to experience them. And if you want to write them down you have to dig deep to find anything of them again.

And I had to laugh when I noticed that you cannot just follow every impulse that comes to you even though I would prefer to do so from a theoretical point of view. I realized this when I was almost at the end of the story about Bellagio and had picked up a book at odd moments of writing. I had started reading a book by Nabokov, a short novella called 'The Eye'. The story is set in the community of Russian migrants in Berlin in the twenties. Until then I had not read much by him but this novella was sufficient to make a deep impression on me. I saw the casual way in which he can tell a story, relying on examples well-chosen and in a style that is held together by sparkling phrases. In the preface of this booklet he talks about his very own views in a well humoured way: 'My books are blessed with a complete lack of social meaning', says page 1. In his opinion, nor are they susceptible to psychological interpretation. He just considers the people who happened to end up in Berlin after World War I to be the material that has come 'in front of his fingers'. It was only through his description that they were 'swept into an artistic focus and wrongly given a permanent existence.'

Impressed (I). As often, quickly impressed by big names and bold assertions. Was this now an idea to which I should pay closer attention? Should I write about Bellagio as he had described his Russian aristocrats in Berlin without paying attention to their social issues? It was tempting. It would at least free me from my first impulse to always be serious and to empathize with the problems of the people around me. Why should I not appear as the master of the situation too? And see the congress participants as just attendees who were simply material 'for my fingers?' It is tempting to join the great modernists among artists, the nihilists among writers.

Impossible. Nabokov acts from his own very superior point of view because that is how he looks at the world. In his own way he responds to the demands of honesty or eternity that he feels within himself. These are feelings that certainly touch me and also fill me with admiration but which I cannot simply share. I can only write, while toiling and plodding towards the finish line. Perhaps with irony now and then but much more often with the usual honest seriousness that is within me. And that is how I perceived our company in Bellagio as it was, a group of participants who all toiled across the finish line. Only by writing like this do I remain close to my personal standards of honesty and eternity.

And therefore, driven by the very same reasons it is with pleasure that I have memorized the lives of Cornelis van Vollenhoven and Geert van den Steenhoven and explained to my readers that they tried to do justice to the social meaning of law. And to the contrast between good and evil. In accordance with the criteria that we call human rights they fought for equal treatment of all the people in the world. The Northern group in Bellagio had also chosen this side. I have written about it with great sympathy.

..

