

Milena Polojac, PhD*

HANS ANKUM
(1930–2019)

Professor emeritus, Hans Ankum (*Johan Albert Hans Ankum*), *Doctor Honoris Causa* of the University of Belgrade and one of the greatest scholars of Roman law of our day, passed away on 3 June 2019, in Amsterdam, at the age of 88. He was graced with an extraordinarily active and vital energy, acumen and an outstanding gift of oratory. His enthusiasm and missionary dedication to the history of law, especially the preservation and spreading of the influence of Roman law, is widely known in legal historian circles. Being very sociable, approachable, and generous, he had a great number of professional and friendly contacts all over the world. All this, however, can hardly describe the unique personality of this Dutch coryphaeus of Roman law.

His professional life was predominantly linked to the University of Amsterdam (*Universiteit van Amsterdam*) and its School of Law (*Faculteit der Rechtgeleerdheid*). It is there that he studied and graduated (1948–1953), thereafter receiving his doctoral degree in 1962, with his thesis on the history of the *actio Pauliana* (*De geschiedenis der 'actio Pauliana'*, which included a summary in French). He worked at that University for thirty years (1965–1995) as a professor of Roman law, legal history and legal papyrology, until he retired as professor *emeritus*. He held the positions of Department Head (1976–1978, 1990–1992), and Deputy Dean of the University of Amsterdam (1979, 1984, and 1985). His lectures were brilliant and inspirational for the students. Shortly after moving to the Amsterdam School of Law, from the School of Law in Leiden, where he started his university career, he founded *Forum Romanum*, a club gathering admirers of ancient history and law, and also organized numerous excursions and workshops, as well as playing host to many foreign professors and scholars. He mentored the doctoral theses

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of many distinguished Dutch jurists and Roman law experts (Arthur Hartkamp, Peter Kop, Jan Willhem Tellegen, Olga Tellegen Couperus, Laurens Winkel, Boudewijn Sirks, Eric Pool, Noordraven, etc.) As an active professor, he fought relentlessly for the status of Roman law and legal history in the law school curriculum, and ultimately succeeded in his effort.

In 1986 he became a member of the Dutch Royal Academy of Sciences, and in 1992, the Queen of the Netherlands made him a knight of the Order of the Lion of the Netherlands.

His career, however, extended far beyond the confines of the Netherlands. He was a man who could not be stopped by any borders, in the true meaning of the word. A superb connoisseur of foreign languages (he was fluent in French – especially after his specialization in Paris, which created his lasting bond with the French language and literature – as well as in German, English, Italian, and Spanish), Hans Ankum was an inexhaustible world traveller, from 1965 on. He was a visiting professor at numerous universities in Europe, South Africa, the United States of America, South America and Japan.

He was also tireless as an active participant at numerous conferences and seminars that he himself had organized, and at those that he attended, never missing a single one of them, even when his health and his advanced age barely permitted him to do so. His focus and his alertness during the lectures, even when he seemed to have dozed off, and then, the questions he raised and his lively, encouraging discussion, without any desire or intention to impose his authority, all of that characterized the atmosphere at the conferences and seminars where Hans Ankum imprinted unique and exceptional tone.

The SIHDA (*Société Fernand de Visscher pour l'Histoire des Droits de l'Antiquité*) occupied a special place on the list of his priorities and in his heart. He was the informal coordinator and *spiritus movens* of that most democratic gathering of Roman law experts and legal historians, which he always rightly referred to as *societas amicorum*. He never missed a single session, and the last one he attended was in Krakow, in the autumn of 2018. He often stressed that Roman law had helped him make friends with people from all over the world whom he would never have met had it not been for Roman law.

His academic competence and renown, as well as his extraordinary international activity qualified him for becoming a member of the editorial boards of numerous Roman law and legal history journals (*IVRA*, *RIDA*, *Orbis Iuris Romani*, *Seminarios Complutenses*). He was a member of the academic boards of the Roman law associations *Centro romanistico Copanello*, and *Academia Constantini*. As a regular member of the panel of judges for the *Gerard Boulvert* award for the best first monograph

in the field of Roman law, he was always updated on the activities of young scholars, for whom he always had special sympathies, supporting them and encouraging them with great enthusiasm.

The broad spectrum of his scholarly research, the number of papers he has written, as well as their quality, deserve special attention. His doctoral thesis on the history of the *actio Pauliana* is of extraordinary scope and profoundness, encompassing the entire history within the framework of the antique Roman law, followed by its reception in the Middle Ages, to modern law (Ankum, J. A. 1962. *De geschiedenis der actio Pauliana*. Zwolle: 491). The later phase of his work was dominated by articles dedicated to private Roman law of the classical period, based on a profound and detailed analysis of the sources. His entire opus, also including book reviews, necrologies and other texts, exceeds 350 bibliographical units.

In one of his addresses, Hans Ankum explained his relationship towards Roman law in the following words:

“During nearly sixty years I worked mainly in the field of antique Roman law, which we call often “droit romain romain” to distinguish it from medieval Roman law...I studied Roman law from the XII Tables to Justinian’s legislation as a student, as a promovendus, as an assistant, as a lecturer, as a professor during 32 years and as an emeritus. One could wonder whether there came never a moment of “dèjà vu” or of diminishing interest in the sources of Roman law. I have now still eight minutes to explain you why I had, apart from the hours dedicated to the translation of long postclassical imperial constitutions for the Dutch translation of the Corpus Iuris Civilis, in sixty years never a boring moment, when I was busy with Roman law. The main reasons are the astonishing richness of thoughts and solutions formulated in the works of the classical Roman lawyers of the first three centuries A.D. – preserved to us mainly in and partly outside of the Digest – and the impressing high level of their reasonings” (Ankum, Hans, 2008. Address pronounced in Charles University Prague on 7th April 2008 after having received the degree of *doctor honoris causa* in legal sciences, *Orbis Iuris Romani*, 12: 117–120).

On the occasion of his 65th birthday and his retirement, his colleagues and friends, eminent Roman law experts and legal historians, dedicated a two-volume collection of articles to him (Robert Feenstra, Arthur S. Hartkamp, J. E. Spruit, P. J. Sijpesteijn, L. C. Winkel (eds.) 1995. *Collatio iuris romani, études dédiées à Hans Ankum à l’occasion de son 65^e anniversaire*, I-II. Amsterdam: J.C. Gieben). This publication includes a bibliography of his papers, numbering 234 bibliographical units written during the period from 1994 until his retirement.

An anthological collection of 25 selected articles by Hans Ankum, entitled *Extravagantes, Scritti sparsi sul diritto romano* (a cura di Carla Masi Doria e Johannes Emil Spruit), was published in Naples in 2007, by publisher *Jovene editore*, in their *Antiqua* edition, which has, so far published a total of 93 oeuvres by the most eminent Roman law experts and legal historians. This collection also includes a supplement to the bibliography, i.e. a list of the papers Hans Ankum published from 1995 until the printing of the publication. Naturally, the publication includes only a small number of papers from his inexhaustible workshop (e.g. La “codification” de Justinien était-elle une véritable codification?; Was Justinian’s *Corpus Iuris Civilis* a Codification?; Pap. D.21.2.65: the legal Position of two Heirs who sold a thing mortgaged by the Deceased; La laconisme extreme de Papinien; Le *minor captus* et le *minor circumscriptus* en droit romain classique; Gab es im klassischen römischen Recht eine exception und eine replication *legis Laetoriae*; Alcuni problemi concernenti la responsabilità per evizione del venditore nel diritto romano classico; Eviction of servitudes in Roman law; El character jurídico de la action *legis Aquiliae* en el derecho romano classico; Römisches Recht im neuen niederländischen Bürgerlichen Gezezbuch).

As the winner of the Ursicino Álvarez Award in Spain, Hans Ankum acquired his second anthological collection of articles. The compendium comprising 15 of his articles was published in Madrid in 2014, under the title *Nueva antología romanística* in the *Colección Premios Ursicino Álvarez* edition by prominent Spanish publisher Marcial Pons (e.g. Towards a rehabilitation of Pomponius; *Quanti ea res erit in diebus xxx proximis* dans le troisième chapitre de la *lex Aquilia*: un fantasma florentin; Actions by which we claim a thing (*res*) and a penalty (*poena*) in classical Roman law; La noción de *ius publicum* en Derecho Romano; Papiniano, un jurista oscuro?; Fusion and ‘transfusion’ of legal institutions in Justinian’s *Corpus Iuris Civilis*; D.21,2,66 pr. Eine schwierige Papanianstelle über die auctoritas-Haftung des Verkäufers im Fall umgekehrter Eviktion).

The anthology also lists a bibliography of papers now including 327 bibliographical units, i.e. papers, published in the period from 1952 to 2013.

His academic contribution, as well as his renown, and the influence he wielded in the international academic community resulted in his acquiring the rank of *Doctor Honoris Causa* at seven universities, namely: in France – Aix-Marseille (1985), in Belgium – Vrije Universiteit Bruxelles (1986), in Germany – Bochum, Ruhr Universität (1995), at the University of Belgrade (2005), at Charles University in Prague (2008), in Spain – Univesidad de Murcia (2015), and in Bulgaria – UNWE Sofia (2015).

Hans Ankum fostered collegial relations and friendships with many colleagues from the University of Belgrade Faculty of Law, as well as of faculties of law in Novi Sad, Niš, Kragujevac, and other universities of the then common country of Yugoslavia: in Podgorica, Split, Banjaluka and Skoplje.

His relationship with our School of Law was a very long and rich one. He summed it up in his brief address on the occasion of receiving the *Doctor Honoris Causa* degree at ceremony organized on 21 October 2005, at the Rectorate of the University of Belgrade:

‘My contacts with colleagues in Belgrade started with Dragomir Stojčević who, after having read a paper for the Amsterdam Roman Law Group called “Forum Romanum”, founded a “Forum Romanum” in this town that will celebrate tomorrow its seventh lustrum. There were early contacts – and there still are contacts – with Madame Jelena Danilović who read in the nineteen sixties at the congresses of the Société d’Histoire du Droit vivid papers on the old private law of Dubrovnik and who came several times for lectures of Roman law to the Netherlands. With my friend Obrad Stanojević my contacts started thirty years ago; the first point of common interest was the Roman lawyer Gaius on whom he wrote an interesting book defending Gaius` excellent qualities as a lawyer; the French version of this book appeared in the Netherlands. The mixed friendly and scientific connections continued with younger colleagues as Sima Avramović, one of the rare specialists on old Greek law, Miroslav Milošević, a learned Romanist whom you can only meet in Belgrade, Milena Polojac, who wrote her thesis on the actio de pauperie partly in Amsterdam and Žika Bujuklić, for whom I followed during many years everything that was published on Roman republican legislation.’ (Ankum, Hans. 2005. Connections in Roman Law between Amsterdam and Beograd. *Orbis iuris romani* 10: 263–264).

It was thanks to the interceding of Hans Ankum that the monograph on Gaius, written by our professor Obrad Stanojević, was published in Amsterdam, in 1989, in French (Stanojević, Obrad. 1989. *Gaius noster: plaidoyer pour Gaius*. Amsterdam: J. C. Gieben within the framework of the edition *Studia amstelodamensia ad epigraphicam ius antiquum e papyrologiam pertinentia*). Later on, writing an article dedicated to Hans Ankum, Obrad Stanojević noted:

“For our Hans I have always felt an admiration and, by time, friendship and gratitude. Admiration for his energy, his ability to answer promptly all correspondence by handwriting (not always legible, though). For his skills to teach young Romanists how to survive within the Ocean of the literature and how to use the Digest. Friendship and gratitude for his extrovert and kind nature and for his readiness to help. He has not only offered me to publish my book on Gaius, but he has personally

corrected my French (minus quam perfect) and has asked another noble character of our Society, Jacques Michel to give me a hand in that respect. His club Forum Romanum was shown nice results in the last 30 years of existence. Hans has visited our club in many occasions and has spoken about Hugo Grotius, commodatum, praetorian ownership and other topics. This paper...., I am dedicating to Hans ANKUM, to HANS NOSTER.” (Stanojević, Obrad. 1997. Gaius and Pomponius. Notes on David Pugsley, *RIDA XLIV*: 333–356)

In 1993, when Serbia was under international sanctions, Hans Ankum, lead organizer of SIHDA in Amsterdam at the time, provided visas for our professors, teachers and associates, as well as covered all the relevant costs.

He sent hundreds, and even thousands of photocopied pages of literature to all those who needed them. He handled all of that on his own, himself operating the copying machine, and the envelopes addressed in his distinct handwriting reached every corner of the world, and all those who needed them, wherever literature was in short supply. He was able to eliminate all the obstacles to accomplish his final goal. If he could not provide the literature any other way, he would purchase the books himself and send them as gifts.

He published in our country, the then State of Serbia and Montenegro, some of his most successful lectures, subsequently transposed into articles (Ankum, Hans. 2001. Was Justinian's *Corpus iuris civilis* a codification? *Zbornik Pravnog fakulteta u Podgorici* 32: 9–22; Ankum, Hans. 1/2006. Rescripts of Roman emperors promulgated until the end of the reign of Diocletian in 305 A.D. *Zbornik Pravnog fakulteta u Novom Sadu* (Collected Papers Novi Sad Faculty of Law) 40: 9–18; Ankum, Hans. 2007. *Extravagantes, Scritti sparsi sul diritto romano*. Napoli: Jovene editore).

All of this, as well as many other details were evoked with gratitude by Sima Avramović, Žika Bujuklić and Milena Polojac, at the commemoration organized by the Department of Legal History several days after receiving the sad news about the death of Hans Ankum.¹

My study visit and stay in Amsterdam was, no doubt, the most inspiring event and experience at the beginning of my academic career. Daily visits to the library of the Amsterdam School of Law, where Hans Ankum used to come regularly, my discussions with him about my doctoral thesis, and the manner of communication in which he absolutely never showed any inclination to act as a senior authority in relation to a beginner, his enormous personal library, his invitation for me to deliver

¹ Department of Legal History organized a commemoration on the 11th of June 2019, dedicated to Professor Hans Ankum.

a lecture at the Amsterdam Forum, all of these were a huge intellectual impetus and support for me. This extended on to other conferences and seminars, then, through his participation in the committee assessing the defence of my doctoral thesis at the Faculty of Law in Belgrade, as well as through his assistance in my work on the preparation of my book, which was to be published in English, and equally, in the most difficult moments of my academic career. I have tried to express my gratitude and profound respect for him in my regular contacts with him, especially in the form of correspondence, which never ceased, until the last days of his life.

His academic legacy will remain for the generations to come, reminding us of the greatness of Roman law, and teaching us the skills of exegesis. We shall remember him not only as a brilliant and admirable scholar and professor, but also as a great friend who was with us in moments of joy, as well as in difficult times. His numerous separates and letters written in his specific handwriting will remain as mementoes of a man who fostered friendships and was sincerely interested in the lives of his friends and their families. Neither age nor health problems could stop Hans Ankum in his intention to live the life he loved. He kept writing articles, attending congresses, writing letters to his friends, while his greatest passion – classical music – was his haven. It escorted him to eternity after the last of the numerous concerts he attended at his favourite *Concertgebouw*. His extraordinary personality will remain in the hearts of all those he generously supported, and whose lives he has immensely enriched. And there are so many of them.