**Grotius and private law (ca. 1980-1990)**

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Grotius' importance for the history of private law can be viewed from two main angles, a Dutch and a European one.

The Dutch perspective is rather traditional. Grotius wrote the first treatise in Dutch on the private law of the province of Holland: *Inleidinge tot de Hollandsche rechtsgeleerdheid* (written c. 1620, first published 1631). The influence of this work has been enormous, not only in the province of Holland itself and the other provinces of the Netherlands but also in other parts of the world. For the latter aspect one should think in particular of the expansion of the so-called Roman Dutch law outside Europe in the 17th and 18th centuries. But also the *Inleidinge* had some influence in Europe, an influence which cannot always easily be separated from the influence of *De iure belli ac pacis*.

The European perspective is somewhat more complicated than the Dutch one. Its main factor is *De iure belli ac pacis* (1625): this work contains many opinions on private natural law which have become rules of European private law. A look at some of the codifications of the end of the 18th and the beginning of the 19th centuries will reveal some – mostly indirect – influences of *De iure belli ac pacis*, but one should not overlook the fact that the *Inleidinge tot de Hollandsche rechtsgeleerdheid* may also have had some indirect influences.

As far as the Dutch perspective is concerned, the main stepping stone in the publications on Grotius since 1980 is an article by J.Th. de Smidt, *The expansion of Dutch private law outside Europe in the seventeenth and eighteenth centuries* (in *The World of Hugo Grotius* (1984), see Bibliography 2.18). For South Africa see in particular P. van Warmelo, *Hugo de Groot se betekenis vir die moderne Suid-Afrikaanse reg* (in *Tydskrif vir hedendaagse Romeins-Hollandsche Reg*, 46 (1983), p. 185-204; in the same issue there are other articles on Grotius by South-African authors).

Mention should be made of two publications concerning the importance of the *Inleidinge tot de Hollandsche rechtsgeleerdheid* for the teaching of private

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law at Leyden University: the lecture notes on that work of Johannes Voet (1647-1713), published under the title Observationes ad Hugonis Grotii manu-
dictionem [sic] ex collegio Johannis Voet by P. van Warmelo and C.J. Visser
(1987) and those of Gerlach Scheltinga (1708-1765), published under the title
Scheltinga se 'Dictata' oor Hugo de Groot se 'Inleiding tot de Hollandsche
rechtsgeneerdheid' by W. de Vos and G.G. Visagie (1986); cf also J.C. de Wet,
Ontgepublieerde aantekeningen op die Inleidinge van Hugo de Groot (in Huldi-
gingsbundel Paul van Warmelo, Pretoria 1984, p. 31-36). For a critical eval-
uation of these publications (with much additional unpublished material) see R.
Feenstra, Dictata van Johannes Voet en Gerlach Scheltinga op de Inleidinge
133).

For interpretations of the text of the Inleidinge see R. Feenstra, Pact and
contract in the Low Countries from the 16th to the 18th century (in Towards a
general law of contract, ed. by J. Barton, Berlin 1990, p. 197-213; emended
German version under the title Die Klagerbarkeit der pacta nuda, in Das rö-
misch-hollandische Recht, Fortschritte des Zivilrechts im 17. und 18. Jahrhun-
dert, ed. by R. Feenstra and R. Zimmermann, Berlin 1992, p. 123-144); id.,
‘‘Inschuld’’, ‘‘Schuld’’ en ‘‘Verbintenisse’’ bij Hugo de Groot (in ‘‘Houd voet
bij stuk’’, Xenia iuris historiae G. van Dievoet oblata, Leuven 1990, p. 455-
470) and Dominium and ius in re aliena: The Origins of a Civil Law Distinction
(in New Perspectives in the Roman Law of Property, Essays for Barry Nicho-

Interpretations of the Inleidinge in connection with De iure belli ac pacis can
be found in R. Feenstra, La systématique du droit dans l’oeuvre de Grotius (in
La systematica giuridica: Storia, teoria e problemi attuali, Roma 1991, p. 333 –
343) and Das Deliktsrecht bei Grotius, insbesondere der Schadensersatz bei
Tötung und Körperverletzung (in Das römisch-holländische Recht – see above
-, p. 429 – 454; in part a new (German) version of two earlier studies, published
in French and Dutch in 1959 and 1958).

The most recent remarks on Grotius and the Roman Dutch Law occur in R.
Zimmermann, Römisch-holländisches Recht – ein Überblick (in Das römisch –

For a survey of the European aspect of Grotius’ importance for the history of
private law see R. Feenstra, Grotius et le droit privé européen (in Recueil des
cours, Collected courses of the Hague Academy of International Law, 1983, IV
(Vol. 182 of the collection), The Hague etc. 1984, p. 453-469; cf. also a previ-
ous Spanish version: Grocio y el derecho privado europeo (in Anuario de
historia del derecho español, 45 (1975), p. 605-621) and an unauthorised abbre-
viated German version without documentation: Grotius und das europäische