In Memoriam
Robert Feenstra (1920–2013)

Professor Robert Feenstra, one of the foremost specialists on the legal writings of Hugo Grotius and member of the Board of the Grotiana Foundation since its (re)formation in 1979, passed away on March 2, 2013 at the age of 92. Born in the capital of the former Dutch East Indies, Batavia (now Jakarta) on October 5, 1920 where his father practiced as a solicitor, he proceeded in 1938 to study law at the University of Amsterdam where he became interested in legal history at an early stage. Although he had to interrupt his studies during the German occupation owing to the suspension of teaching, he still managed to win a gold medal from his university in 1943 with an essay on a topic that would later become the subject of his doctoral thesis: the Roman rules of the payment of the price in the contract of sale.1 After obtaining his doctorate at the University of Amsterdam in 1949 (iudicium: cum laude) he was immediately appointed as Professor of Legal History in Utrecht where he taught from 1949 until 1952 when he accepted the chair of Roman law and its History at Leyden University where he taught until his retirement in 1985.

From 1959 onwards he published extensively on Grotius’s legal heritage. His first publication was devoted to the prehistory of Grotius’s doctrine of delictual liability, a topic that remained on his publishing agenda for decades.2 One of his early publications on Grotius was on a seemingly unedited preface to the Introduction to the Jurisprudence of Holland which he had discovered in a manuscript in the library of Wolfenbüttel.3 A year

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1 *Reclame en Revindicatie, Onderzoekingen omtrent de rol in de ontwikkelingsgeschiedenis van het recht van reclame gespeeld door den Romeinsrechtelijken regel omtrent de eigendomsverkrijging en prijsbetaling bij koop (Inst. 2,1,41)* (Haarlem, 1949).


3 ‘Een handschrift van de Inleidinge van Hugo de Groot met de onuitgegeven Prolegomena juri Hollandico praemittenda’, *Tijdschrift voor Rechts geschiedenis* [TvR], 35 (1967), 444-484.
later, Prof. J.E. Scholtens, a Grotius scholar in his own right who taught Roman law at the University of the Witwatersrand in Johannesburg, showed that this preface was identical to the treatise *De aequitate* which was frequently printed in the eighteenth century together with *De iure belli ac pacis* and occasionally also with *De veritate religionis Christianae*. This led to a joint publication in 1974 in the Legal History Review in which the treatise *De aequitate* was re-edited. Later themes of his studies on Grotius include investigations into his doctrine of mistake, his theory of unjust enrichment, on frustration of contract and his concept of ownership.

Robert Feenstra was an active member of the Royal Dutch Academy of Sciences from 1973 onwards and he chaired the Grotius Committee of the Academy for many years. In this capacity he organized the official quindicentenary of Grotius’s birth in 1983 which was celebrated both with an interdisciplinary conference, expertly organized aboard a ship, and also with a ceremony in the Nieuwe Kerk in Delft in presence of Princess Juliana, the former Queen.

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