In memoriam: Jacobus Thomas (Tom) de Smidt (1923–2013)

There is an old belief,
That on some solemn shore
Beyond the sphere of grief
Dear friends shall meet once more.

[...]

John Gibson Lockhart (1794–1854)

Professor J.Th. de Smidt, member of the *Tijdschrift*’s editorial board since 1966, died on 17 February 2013 in Haarlem at the age of eighty-nine. Until his last days, he remained active as a legal-historical scholar, working on one of his most cherished projects, the edition of statute law related to the Dutch West Indian Company.

He was born in Haarlem on 19 December 1923. At the beginning of the Second World War, when the University of Leiden was closed down under the Nazi occupation after the historical speech by R.P. Cleveringa protesting against the dismissal of Jewish professors (26 November 1940), Tom de Smidt decided to defer his matriculation as a law student in Leiden until the Liberation of the Netherlands. After the war, he read law as an undergraduate and graduate student, and developed very early on an interest in Dutch legal history. After his final graduation in 1950, he started working on his doctoral dissertation, which he publicly defended in 1954, obtaining in Leiden the degree of doctor of laws. The topic of the dissertation associated pre- and post-codification Dutch law, a study of ‘Legal customs, Practices and local practices referred to in the (Dutch) Civil Code’ (*Rechtsgewoonten, De gebruiken en plaatselijke gebruiken waarnaar het Burgerlijk Wetboek verwijst*). From 1947 until the award of his doctorate, De Smidt was assistant to the Leiden professor of Dutch legal history H.F.W.D. Fischer, who became also his supervisor and to whose Leiden chair he would succeed in 1965. After obtaining the doctorate, De Smidt intermitted for two years his academic career while working as the Registrar for the Justice
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Committee in the Lower House of the Dutch Parliament (1954–1956). In 1956, he was appointed to the chair of ‘Introduction to jurisprudence and Dutch legal history’ (*Oud-Nederlands recht*) at the University of Amsterdam. From 1965 onwards, after the death of Fischer, he was appointed to the corresponding chair (*Oud-vaderlands recht*) in Leiden, but an arrangement was reached so that he could continue to hold the Amsterdam chair in legal history on a part-time basis. His Leiden office overlooked the Pieterskerkhof from the first floor of the Gravensteen, where the legal history department (including, for most of the same years, Robert Feenstra) was then housed. Both in Amsterdam and in Leiden, the tenures of De Smidt coincided with deep changes in Dutch society and Academia. The teaching of Dutch legal history (focused on private law), which before the war had still been largely shaped by the textbooks of S.J. Fockema Andreæ (*Het Oud-Nederlandsch Burgerlijk recht*) and A.S. de Blécourt (*Kort begrip van het Oud-Vaderlandsch Burgerlijk recht*), and after the war by H.F.W.D. Fischer’s abridged and updated version of the latter (*Kort begrip van het Oud-Vaderlands Burgerlijk recht*), eventually had to be replaced by a more concise textbook, adapted to new generations of law students, most of whom no longer had enjoyed the benefit of a classical education at school, nor any systematic grounding in Dutch history. The result was a short manual, which was also the fruit of a collaborative work including among its contributors many of De Smidt’s long-time colleagues and assistants at the Gravensteen (*Compendium van de geschiedenis van het Nederlands privaatrecht*). Similarly, in order to replace the source-book of old Dutch statute law which supplemented legal history teaching (A.S. de Blécourt and N. Japikse, *Klein plakkaatboek van Nederland*), De Smidt produced in 1968, together with his collega proximus at Amsterdam for Roman Law, J.A. Ankum, a (somewhat tongue-in-cheek titled) *Mini-Plakaatboek*. Another example of a source-book which De Smidt produced (in Leiden, with R. Feenstra) was the *Geschiedenis van het vermogensrecht, Tekstenboek*, a forerunner of the Dutch series *Rechtshistorische Cahiers*. A formidable lobbyist and strategist within his faculty in favour of legal history teaching, De Smidt also succeeded, during the fasti anni of university expansion in the Netherlands, in widening the range of optional courses of legal history offered to law students in Leiden: apart from the general papers for undergraduates, graduate papers were created in the history of public law, criminal law, tax law and international law.

Although during his retirement, De Smidt saw much of what he had initiated in legal history teaching being dismantled (upon his retirement, his chairs in Amsterdam and Leiden were suppressed), his achievements through his research projects continued to bear fruit among the younger generations of