

IN MEMORIAM

Professor Hans Verheul (1928-2011)

On 14 November 2011 Professor Johannes ('Hans') P. Verheul passed away at the age of 83 at his home in Voorburg (the Netherlands). Hans Verheul was member of the Board of Editors of the *NILR* from 1969 to 1990.

Hans Verheul was born in Tandjong-Pandang (the former Dutch East Indies, now Indonesia) on 30 September 1928, where he spent the first years of his youth. Repatriated to the Netherlands, he studied law in Amsterdam at the Law Faculty of the *Vrije Universiteit*. After his graduation he worked as a lawyer in The Hague until his appointment in 1965 as Head of the private international law department of the T.M.C. Asser Institute, which was established in that year as an interuniversity institute for research into and the documentation of international law, both public and private. During his work at the Asser Institute Verheul wrote his PhD thesis which was entitled *Aspekten van Nederlands Internationaal Beslagrecht* [Aspects of Attachment in Dutch Private International Law] (Deventer 1968) under the supervision of Professor P.J. Verdam, then a professor of Roman law, who also took an interest in private international law. In 1968 Verheul defended his thesis at the *Vrije Universiteit*. This book was for a long time authoritative and a source for further research in the field of attachment in private international law. It is still an important study, although it is now somewhat outdated due to European developments (for instance, the Brussels I Regulation).

In his PhD thesis Verheul developed his own style, writing without any frills and choosing his words with care. He had a sharp eye for practical problems with which daily legal practice was confronted. His thesis was based on documentary research for the so-called *Asser kaart systeem* (*AK*), a systematic loose-leaf repertory (in metal boxes!) of conventions, statutes, case law and literature about all subjects of private international law, published by the Asser Institute. The *AK systeem* was published until 1983, when it was succeeded by the *NIPR*, a quarterly on private international law. For an important part this quarterly still consists of (unpublished) Dutch case law in the field of private international law.

In 1977 Hans Verheul was appointed Professor of private international law at Leiden University, where he succeeded the late Professor Lemaire, who had died in 1976. In 1978 Verheul's inaugural speech was dedicated to public policy as a double-edged sword (*De openbare orde als tweesnijdend zwaard*, Universitaire Pers Leiden 1978). In this inaugural speech Verheul did not restrict himself to the

private international law aspects of the well known instrument of public policy, but also discussed human rights, permanent sovereignty over natural resources and a fair distribution of income. He argued that there was no theoretical ground to make a distinction between the functioning of public policy in private international law and in national law. One of his boldest statements was that Members of Parliament having additional functions which were contrary to the public interest were corrupt by definition (inaugural speech, p. 17). In 1978 it was simply 'not done', putting it mildly, to take such a firm stand in an inaugural speech, with regard to all sorts of contemporary problems. Therefore, it was not surprising that Verheul's speech encountered sharp criticism (see the book review by W. Riphagen, *RM Themis* 1979, pp. 308 et seq.), but also a more positive reflection by others (see D. Kokkini-Iatridou, *WPNR* (1978) 5448, pp. 553-559). If we now reread Verheul's speech, many of the problems he discussed are still current, such as, in general, the entanglement of interests. Verheul remained interested in the phenomenon of public policy and also published on this subject in the *NILR* (see his article 'Public Policy and Relativity', *NILR* 1979, pp. 109-129).

In 1978 I started my academic career at Leiden University as Verheul's assistant. From my own experience I can say that Verheul was not very happy in his new position. He did not like giving lectures to hundreds of students, but preferred the private atmosphere of a small classroom discussing all sorts of private international law problems with his Master's students. In these small groups Verheul was at his best. During his professorship Verheul took a particular interest in problems of international procedural law. He wrote three books on this subject. The first two were dedicated to the rules of jurisdiction, see *Rechtsmacht in het Nederlandse Internationaal Privaatrecht* [Jurisdiction in Dutch Private International Law], part 1 (Antwerp/Apeldoorn 1982), in which Verheul discussed the jurisdiction rules of the 1968 Brussels Convention and in part 2 (1987) the jurisdiction according to other conventions and national law. In 1989 his third book was published (*Erkenning en tenuitvoerlegging van vreemde vonnissen* [Recognition and Enforcement of Foreign Judgments]). For the *NILR* he started to write about Dutch judicial decisions on the 1968 Brussels Convention and on the preliminary judgments of the European Court of Justice in this respect (see his first contributions in *NILR* 1975, pp. 203 et seq. and pp. 337 et seq.). He also remained interested in international politics and especially in international law regarding natural resources, see his contribution on uranium in Namibia (*Nederlands Juristenblad* 1981, pp. 469-474).

In 1992 Verheul took early retirement from Leiden University. He decided to dedicate his further life to (French) literature and music. He played the piano and the flute to a very high standard and from time to time organised home concerts for his family and friends. At his funeral his children revealed that just before his death he had finished writing a book on law and literature, which they hope to publish in the near future.

Verheul was a modest man with ideas far beyond his time. He was a man who was averse to tradition and pomp and circumstance. He will be remembered for his great knowledge of law in general and of private international law in particular.

Our sympathies are extended to his wife, children and grandchildren.

P. Vlas
Editor-in-Chief