

Ius Commune Prize 2004

The Ius Commune Prize was established in 2001 to award talented young researchers with regard to their work in the research area of the Ius Commune Research School. Our laureates have come from the ranks of the School itself as well as from outside: Mieke Olaerts, Igor Olekhov, Geert de Baere, Vincent Sagaert, Harriet Schelhaas.

This year the jury's task was far from easy. Let me briefly summarize the criteria for awarding the prize:

- an outstanding scholarly quality, as to contents, methodology and use of sources;
- originality;
- the level of the submission's contribution to the debate on feasibility, methodology and the contents of the ius commune;
- finally, the article justifies that the author should receive the greatest encouragement possible.

30 papers have been submitted to the jury this year. The jury consisted of Kurt De-ketelaere (KUL), Sander Jansen (UM), Marco Loos (UvA), Michael Milo (UU) and the chairman Jan Smits (UM). The papers were evenly distributed among private law and public law.

All of the papers were of excellent quality, by authors from a variety of jurisdictions: England, Germany, France, Italy, South Africa, Kenya, Belgium and The Netherlands. The topics were all of high academic and practical relevance and widely ranged from constitutional law, EU law, family law, legal persons, property, tort and contract. The methodologies varied. Most often comparative law was used, sometimes pleasantly accompanied by legal history, economics and sociology.

After carefully scrutinizing all those wonderful contributions, the jury came to the decision that there would be two winners of the 2004 Ius Commune Prize. The two prize-winning papers were on two different areas, using both a very accurate and in-depth comparative law approach; both papers are very original and have contributed on a high level to the future content of the ius commune.

As to the first of the winning papers, the jury was especially impressed by the analysis of shareholder protection in Civil law and in Common law jurisdictions. The author convincingly shows that traditional views which favour US Common law approaches are seriously questioned;

The other winning paper impressed the jury by its scrutinizing comparative analysis of simulation in contractual relations. The approach of Belgian national law and the Principles of European Contract Law is convincingly offered a more fundamental alternative approach.

The prize-winning papers are entitled:

The Real Difference in Corporate Law between the United States and Continental Europe: Distribution of Powers,

and

Veinzing ontmaskerd. Een zoektocht naar schijn en werkelijkheid in de leer van simulatie

The winning authors are: Sofie Cools and Ilse Samoy.