



The Ius Commune Prize 2016

The Ius Commune Prize 2016 will be awarded to a paper which is of outstanding scholarly quality, concerning content, method, sources and style; it should be an original contribution, on the area of the Ius Commune Research School, and should justify an encouragement of the author for further research. Fortune was merry – all conditions were present in all papers.

‘I hereby would like to submit my article for consideration of the Ius Commune Prize 2016.’ Messages like this have reached the jury since the early summer days of 2016, nearly 30 times – the amount has been stable over the years, as has the quality. The jury was impressed by the delightful engines of all authors’ thought, of the analytical creativity with which various topics of imminent practical, and thus academical importance were undertaken, by young and promising scholars.

We have received – among many more – papers on mediation in China, on parental rights in South-Africa; on administrative law fundamentally analysed standing on revisited shoulders of Montesquieu; on government’s liability in failures to provide physical safety; on trusts caught in fiscal transition meticulously analysed; public interests in expropriation law; the right to vote, for prisoners; fundamental rights in European intermediary liability, and many, many more, which soundly and academically ruffled up the jury’s spirit.

Of all these papers two need to be honourably mentioned.

The first being a beautiful expose on the conflicting interests of majority shareholders in a broad and careful analysis in a comparative and economic perspective, by KU Leuven’s

- **Nick Hallemeesch**, with *Belangenconflicten van meerderheidsaandeelhouders. De noodzaak van een betere minderheidsbescherming vanuit rechts-economisch en rechtsvergelijkend perspectief.*

The other article to be honourably mentioned caught the jury’s attention by its highly readable and convincing style in analyzing the judiciary’s power in law-making – in English, German and European law, by Freiburg’s

- (i.Br.) **Timo Rademacher**, with *Reading Up or Down EU Legislation. A Plea for a Principled Approach to an Extraordinary Judicial Power.*

The winning paper of 2016 – the 15th year of the Ius Commune prize – is a paper which contributes to an issue of fundamental importance in our society. It is a theme in a world moving, striving for peace in many places, keeping peace in many places more, and reaching for a prosperity, more equally shared. These are goals for all ages – but difficult to attain. Our winner builds further on Kant's *zum ewigen Frieden* and his cosmopolitan right of hospitality. By thus exploring this concept further, that no one be denied right or justice, the winning paper provides a framework for European Union's citizenship's jurisprudence, entitled:

In Search of a Rationale for the EU Citizenship Jurisprudence

The author of this beautiful article, and the winner of the Ius Commune Prize 2016 is

Alexander Hoogenboom

Maastricht, 24 November 2016

The jury:

Hildegard Schneider (Maastricht)

Vincent Sagaert (Leuven)

Sander Jansen (Maastricht)

Carla Zoethout (Amsterdam)

Michael Milo (Utrecht)