

Laudatio M. Schmoeckel

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Matthias Schmoeckel was born in Flensburg in 1963. He studied art history in Bonn and law in Bonn, Geneva and Munich. The year 1993 was marked by two important events: he passed the second state exam and he also defended a doctoral thesis on the doctrine of international law in Nazi Germany. This potentially opened the doors for a successful career at the bar, but Matthias Schmoeckel opted for a life in academia. A position as assistant in Munich enabled him, in 1999, to defend a habilitation thesis on the development of criminal procedure between 1200 and 1800, and a professorship in Bonn followed very soon thereafter.

His university rapidly recognised his administrative capacities so that he was appointed dean of the law school in 2003 and 2004. In addition, he found time for many other activities. He was a guest professor in Paris and organised the Deutsche Rechtshistorikertag, the main biannual event of legal history in Germany. Moreover, from 2002 he had also become the trusted representative of the Konrad Adenauer Foundation and thereafter was asked to contribute to initiatives as diverse as the excellence cluster gerontology, consumer protection in the German school in Warsaw and the organisation of the International School of Ius Commune in Erice, Italy. He became a corresponding member of the Istituto Lombardo, a prestigious academy in Milan, and he is also a member of Emory University's Center for the study of law and religion. He is on the board of two organisations of medieval canon law and also an administrator of the German Althusius Society and the Institute of Notarial Law, as well as the Legal Forum in Bonn.

In addition, he is very active as an editor or board member of several book series, amongst them *Forschungen zur neueren Privatrechtsgeschichte*, *Rheinische Schriften zur Rechtsgeschichte* and *Rechtshistorische Reihe*,

and also several reviews. Of the latter it is noteworthy that he is an editor of the *Revue historique de droit français et étranger*, France's leading review of legal history.

Matthias Schmoeckel is a very prolific author. He has authored nine monographs, edited or coedited more than thirty collective volumes, has written almost 150 articles and this does not count a list of smaller publications, such as his many contributions to great encyclopaedic works like the *Handwörterbuch zur Deutschen Rechtsgeschichte*. This quantity is strengthened by the quality of his publications, many of which have been ground-breaking. Thus, his 1993 doctoral thesis was the first study since World War II to look at the German doctrine of international law during the Third Reich. Several other publications of Matthias Schmoeckel deal with the law and the jurists of the Nazi era, in particular Carl Schmitt.

A second strand of his research is the history of criminal law, evidence and proof. Matthias Schmoeckel has published a book on the abolition of torture and the development of the learned criminal law in Europe since the Central Middle Ages. In his publications on the history of criminal law, Matthias Schmoeckel has shown a rare talent for going beyond the simple conclusion that it was very different from current practices, instead proving that the old law and its development need to be seen in the context in which its practitioners lived.

A third topic of Matthias Schmoeckel's research concerns canon law. In his thinking canon law does not just mean medieval canon law, but also the law of the reformation and contra-reformation and later eras. In his work, for example in the books he edited with Franck Roumy and Orazio Condorelli, Matthias Schmoeckel convincingly argues for taking into account the contribution of canon law to the development of European legal culture.

Another of Matthias Schmoeckel's research lines studies notaries and law, both in the past and the present. As an example of the former, Matthias Schmoeckel is the editor of a book on the history of notaries in Europe, but he has also produced a considerable body of literature on current German legal rules which are relevant for notaries. Thus, he has written a monograph on the law of succession. Closely linked to this are his publications on other aspects of current German law, like the General Part of the German Civil Code. He is also the co-editor with Joachim Rückert and Rein-

hard Zimmermann of the Historical Critical Commentary of the German Civil Code.

Matthias Schmoeckel is also a researcher of the local legal history of Bonn and the Rhineland. In fact, his legal history institute is an institute of German and Rhenish legal history. The latter does not only mean that he has studied many aspects of the Bonn law school, especially its history during the Nazi era and its aftermath, but also French law in Germany, in the post-Napoleonic era and until the 1900 general Civil Code for Germany, though as Schmoeckel's work illustrates with its own typical particularities.

Anyone thinking that nothing more is left in the publication list of Matthias Schmoeckel should be forgiven as there is yet another topic, which has taken his interest, the history of economic law. Whereas legal historians traditionally focused mostly on private law, criminal law and public law, Matthias Schmoeckel pleads for including also economic law. He pioneered the history of economic law in Germany in 2008 with the first handbook on this subject. Although he established the field almost single-handedly, Matthias Schmoeckel needed some 500 pages to describe it. Interestingly, his work rapidly bore fruit. Already in 2013 and 2014 he could coedit volumes on the history of economic law, a clear indication that many young scholars had heeded his call for more research on this fascinating topic. His own more recent research brings together his interests in economic and canon law by studying the relationship between law and religion and re-evaluating *inter alia* the old Max Weber thesis of a link between the rise of capitalism and Protestantism.

The numerous major topics of his research have not hindered a plethora of smaller publications on very diverse topics. It would be impossible to give even the most concise overview of all his many side projects. One example may demonstrate the riches of his smaller, but in no way lesser, research. In the 2011 volume of the review *Signa Juris* the reader can even find an article on Peter Paul Rubens where Matthias Schmoeckel explains the views on public law behind the painting 'The Felicity of the Regency of Marie de Medici', which is now preserved in the Louvre.

In short, a future observer may easily be misled into thinking that in the early twenty first century there was not just one professor Matthias Schmoeckel in the Bonn law school, but at least six scholars with that name. Once

convinced that Matthias Schmoeckel is only one very hard working person, the future observer may then assume that Matthias Schmoeckel only wrote books, but that is also far from the truth. He has a very extensive network of friends and colleagues and is a key person of legal history in Germany. He regularly hosts scholars from Germany and abroad in Schloss Poppeldorf, the magnificent eighteenth century residence of the archbishops of Cologne, electors of the Emperor of the Holy Roman Empire. He also invites the colleagues from Western Germany at many occasions to his house in Bonn, also extending an invitation the legal historians from Belgium and the Netherlands. Visitors of his garden can only wonder where he finds the time to care for what may be the most beautiful private garden in the region of Bonn. However, in the following lecture he will not present his garden of plants and flowers, but the fruit from his even richer garden of legal history.