



Debt or Sin? The Moral Roots of European Legal and Economic Thought

27-28 October 2022

Venue: Louvain House (Aula Magna), Louvain-la-Neuve

Abstract

The objective of this conference is to analyse the moral foundations of European legal and economic thought, especially in questions related to debt. Following the financial crisis of 2008 and the sovereign debt crisis of 2011, the moral roots of legal doctrine (notably in the fields of contract law and insolvency law) and economic policy advice (e.g. austerity programs) became more apparent than ever as creditors and debtors got caught up in a traditional morality play, mutually accusing each other of immoral and inhuman behaviour. More recently, the European post-Covid recovery fund has re-ignited debate between “saints” and “sinners” in economic policy. Although vague references were made in the media about allegedly Protestant origins of the rather severe attitude adopted by some of EU-member states, very few efforts were made to provide a thorough historical explanation of the close interconnection between law, economics and (religious) morality in Western thought. The ambition of this conference is to improve our understanding of the symbiosis of moral, legal and economic arguments in the history of the European legal tradition. Without neglecting the ancient and medieval roots of the debate, the focus will lie on a formative albeit neglected stage in the development of European legal and economic thought, namely the early modern period (ca. 1500-1800). A third session of the conference will assess the lasting impact, in the modern era, of the moral confusion in debt-related legal, economic and political debates.

Background

The conference is a joint initiative of researchers within UCLouvain’s Institute for Interdisciplinary Legal Studies (JURI) and KU Leuven’s Department of Roman Law and Legal History. It partly draws on research undertaken within the project “Debt or Sin? Legal-Theological Roots of the Moral Confusion in the EU Debt Crisis”, sponsored by the Research Foundation - Flanders (FWO, 2016-2020).

Conference Schedule

Thursday 27 October 2022

- 8:30 Opening of the conference room – coffee
- 8:35-8:45 Welcome: Henri Culot (UCLouvain, President JUR-I)
- 8:45-9:00 Introduction: Wim Decock (UCLouvain) and Wouter Druwé (KU Leuven)

Session 1: Ancient and Medieval Foundations (Theology, Philosophy, Law)

- 9:00-10:15 Panel 1.1: Theological and Philosophical Foundations
- Debt/Sin in the Lord's Prayer – **Geert Van Oyen** (UCLouvain)
 - The Metaphysics of Debt in the Patristic and Medieval Scholastic Tradition: Anthropological and Legal Perspectives – Rafael Van Damme (KU Leuven) [written contribution to be included in collective volume, no conference talk]
 - Extreme Necessity and Debt: Reappraising Scotus – **Daniel Schwartz** (Hebrew University Jerusalem)
 - Debate
- 10:15-10:30 Coffee break
- 10:30-11:45 Panel 1.2: Ancient and Medieval Legal Foundations
- The Ius Commune Legacy: Medieval Civil and Canon Law of Debt – **Antonia Fiori** (Rome La Sapienza)
 - Greco-Roman Foundations, with a focus on the Byzantine reception of Roman Law – **Hylkje de Jong** (VU Amsterdam)
 - Debate

Session 2: The Debt-Sin Confusion in Early Modern Confessional Europe

- 11:50-12:30 Panel 2.1: The Iberian peninsula
- Insolvency Law in Early Modern Portugal – **Ana Isabel Fouto** (Lisbon)
 - Insolvency Law in Early Modern Spain – Patricia Zambrana Moral (Malaga) [written contribution to be included in collective volume, no conference talk]
 - Debate
- 12:30-13:30 Sandwich lunch

13:30-14:45 Panel 2.2: Italy and France

- The Religious and Moral Significance of Debt and Insolvency in Early Modern Civil and Canonical Italian Thought – **Luisa Brunori** (Lille/CNRS)
- Dette et insolvabilité chez les canonistes et civilistes français – **Cyrille Dounot** (Toulouse)
- Debate

14:45-15:00 Coffee break

15:00-16:15 Panel 2.3: The British Isles

- Failure of the Honest Debtor: Insolvency in the Early Modern English Court of Chancery – **Fleur Stolker** (Oxford)
- Market Justice and Spiritual Debts: The Relationship between Durham's Reformed Casuistry and Grotius' Natural Jurisprudence – **Stephen Bogle** (Glasgow)
- Debate

16:15-16:30 Coffee Break

16:30-17:45 Panel 2.4: The Holy Roman Empire

- Sin vs. Debt in Conrad Summenhart's Major Work "On contracts" – **Joost Possemiers** (KU Leuven)
- Lutheran Theologians on Insolvency and Debt – **Paolo Astorri** (Copenhagen)
- Debate

19:00 Conference dinner

Friday 28 October 2022

8:30 Opening of conference room – coffee

Session 2 (Cont.): The Debt-Sin Confusion in Early Modern Confessional Europe

8:45-10:30 Panel 2.5: The Low Countries

- Debt and Insolvency in Early Modern Amsterdam: Religious Influences on the Desolate Boedelskamer? – **Maurits den Hollander** (Tilburg)
- Bankruptcy in the Golden Age of Dutch Calvinism: The Pioneering Works of Daniel Sauterius (1571-1634) – **Joost Hengstmengel** (Rotterdam)

- Dealing with Unwilling or Insolvent Debtors: Petrus Peckius' "Tractatus de iure sistendi" – **Wouter Druwé** (KU Leuven)
- Debate

10:30-10:50 Coffee break

Session 3: Disappearance and Resurgence of the Moral Confusion in Modern Times

10:50-12:30 Panel 3.1 An Economic Perspective

- The Moral Confusion in Contemporary Economic Debates – **Paul De Grauwe** (London School of Economics)
- Debate

12:30-13:30 Sandwich lunch

13:30-15:15 Panel 3.2. Legal Perspectives

- Morality and Dutch Commercial Law in the 19th and 20th centuries – Janwillem **Oosterhuis** (Maastricht)
- US Influence in France, Belgium and Germany: The Right to Fail – Dave **De ruyscher** (Tilburg/VUB)
- Moral Considerations in Succession Law: Forgiving the Unworthy Heir – Jonathan **Vandenbogaerde** (UGent)
- The Ongoing Significance of Debt-Sin in the Law of Obligations – Françoise Auvray (KU Leuven) [written contribution to be included in collective volume, no conference talk]
- Debate

15:15-15:30 Coffee break

Concluding session

15:30-16:15

- Observations and tentative synthesis by **Alain Wijffels** (UCLouvain/KU Leuven)
- Closing debate

16:15 End of the colloquium