

# JUSTICE WITH A HUMAN FACE: TRIBUTE TO MARCEL STORME (1930–2018)

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Professor Marcel Storme passed away in his hometown of Ghent at the age of 87 on Good Friday, 30 March 2018. It was his express wish that his family should conceive of the funeral ceremony as a grateful celebration of the rich life that had been bestowed upon him. In a like manner, this *in memoriam* shall be no less than an ode of gratitude to the man of extraordinary genius and noble character known as Marcel Leon Louis Victor Storme.

Storme was once described as ‘a legal omnivore who – already during his lifetime – was writing history (of law)’.<sup>1</sup> In his long academic and professional career, he has indeed appeared in as good as all possible roles: professor at the Faculties of Law of the Universities of Ghent and Antwerp, lawyer, judge,<sup>2</sup> senator, arbitrator, author, and – last but not least – also a great inspiration, mentor and organiser. His versatile mind and universal knowledge allowed him to serve and influence all sources of law (jurisprudence, legislation and case law), as well as the *rechtsstaat* (state based on the rule of law, justice and integrity) itself.

Responsibility and loyalty have always been Storme’s main values to live by. They were instilled in him in his early childhood (*uw woord getrouw, uw woord gestand* – ‘be true to your speech, be as good as your word’) through his family upbringing, his education at a Jesuit college and his Boy Scout experience. These high moral standards have always characterised Marcel Storme’s demeanour and conduct, and even the family motto was modelled on them: ‘*In allen Storme sterk en trouw*’ (‘in any Storm(e) strong and steadfast’).

I have chosen not to present once again an account of his countless achievements – for that the reader can best be referred to the publication *Storme* (the *liber amicorum* that was offered to him by a number of his disciples in 1995,

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<sup>1</sup> L. Coenraad and C.H. Van Rhee, ‘Jurist zonder grenzen: interview met M.L.L.V. Storme’, *Pro memorie* 2004, no. 6, pp. 144–167.

<sup>2</sup> Storme served as *ad hoc* judge at the European Court of Human Rights in Strasbourg and substitute judge at the Ghent Court of Appeal (which was so very dear to him).

on the occasion of his receiving emeritus status at Ghent University), and also in particular to his autobiographical publication *Storme(n) over recht en gerecht – 60 jaar leven met justitie*,<sup>3</sup> published in 2010. Instead of doing so, I wish to highlight Storme's rich, warm and inspiring personality. I had the immense privilege of being his student, his assistant, his trainee and later his partner at his law firm, and finally also one of his successors *in academia*. I now consider that the time has come, upon this mournful occasion of his passing away, to shed a grateful light on a few remarkable aspects of this great and multi-faceted personality.

When I met Professor Storme for the first time, back in July 1979,<sup>4</sup> I was a newly-elected student representative at Ghent University Law School, whilst he had already carefully ploughed the various wide and deep furrows through which his professional life would wind in the subsequent decades. The core of that professional life has always been twofold: the university and the bar. Or, as he loved to put it himself, his life was balanced *'entre l'Ecole et le Palais'*.<sup>5</sup> Bearing in mind René Demogue's famous quote – *'Le droit n'est point fait pour les besoins de l'esprit mais pour les réalités sociales'*<sup>6</sup> – it was inconceivable for him to separate theory and practice.<sup>7</sup> Law cannot be taught or practised in a void.<sup>8</sup> This approach also guided Storme's understanding of the law, and in particular in his own area of expertise: civil procedure. According to Storme, civil procedure chiefly serves the purpose of stimulating social development and progress. Just like the late Walter van Gerven – that other Belgian legal celebrity, his 'brother in arms'<sup>9</sup> – Marcel Storme also lived with the law rather than on account of the law.

In his book *Rechtspraak in opspraak (Case Law in Disgrace)* he worded it as follows: 'What fascinates me is law as a tool to make society more humane and more just'.<sup>10</sup> Time after time, Storme's heartfelt concern for an accessible, affordable, high-quality and – above all – humane justice has been the main theme in many of his contributions.

<sup>3</sup> M. Storme, *Storme(s) over Law and Court – 60 Years of Living with Justice*, Story Publishers 2010 (only available in Dutch).

<sup>4</sup> Recalling his somewhat teasing smile and welcoming words at that time: 'Are they nowadays electing members of the Faculty Council from the cradle?' I now realise that this first greeting already contained a great deal of his cheerful and somewhat unexpectedly playful character.

<sup>5</sup> 'Between School and Palace' (*Palais de Justice* – Court House).

<sup>6</sup> Law is not made to fulfil spiritual needs, but rather to serve social reality.

<sup>7</sup> In this respect Storme liked to refer to his alma mater's former motto: *Inter utrumque* ('In between both extremes').

<sup>8</sup> M. Storme, 'Summary Report on the Congress' in M. Storme and H. Casman (eds.), *Towards a Justice with a Human Face*, Kluwer 1978, p. 552: '[Lecturers in procedural law] must be inspired by concrete, specific material and must endeavor to return to any layer of reality'.

<sup>9</sup> M. Storme, 'In memoriam Walter Van Gerven. Een prins in de wereld van het recht' (Obituary for Walter van Gerven. A Prince in the Legal World), *Tijdschrift voor Privaatrecht* 2015, p. 497.

<sup>10</sup> M. Storme, *Rechtspraak in opspraak*, 1980, p. 10.

It was characteristic of Storme that his commitment to, and even militancy towards, achieving this ideal was never limited to publications and lectures. ‘Vivre, c’est réagir’<sup>11</sup> (living means reacting). He even personally called each and every Belgian Minister of Justice to account in this respect. In 1977, he laid the solid scientific basis for this concern with the organisation, on behalf of the International Association of Procedural Law (IAPL), of the first World Congress on civil procedure. The title of this congress speaks for itself: ‘Towards a justice with a human face’.<sup>12</sup>

These intensive international contacts created a fertile breeding ground for many of Storme’s (academic) initiatives. One of them was the Storme Commission, which was created in 1986. Initially set up as a mere voluntary organisation, and later on with the support of the European Commission, it was far ahead of its time with its proposal, in 1994, on the approximation of the rules of civil procedure of the Member States of in the European Union.<sup>13</sup> The fact that he was already working towards the harmonisation of procedural law in that era is truly illustrative of his visionary approach. For that matter, he has never let the dream go. He bid farewell to his multitudes of foreign colleagues and friends in the autumn of 2015, in Ghent, by offering them a ‘*conférence trilingue à huit clos*’ (a trilingual conference behind closed doors). For three full days, this assembly reflected and debated on what can now be regarded as Storme’s scientific testament: *l’économie procédurale* (‘Procedural economy’) – a fundamental principle of procedural law in Storme’s view; *Ein gesamtes Prozessrecht* (‘Harmonisation of procedural law’); and *Best Doctrine, Worst Practice*.

This highly creative approach sheds light on yet another of my deceased tutor’s great gifts. Storme was endowed with extraordinary linguistic talents. Hence, he insisted on addressing any organiser of a symposium anywhere in the world in their mother tongue. It filled many interpreters with despair when he – as he very often did when he took the floor – effortlessly switched from one foreign language to another.

Storme’s difficult yet unstoppable search for justice, his ‘quest’ in his professional life, also imbued his views on education in general and on teaching law students in particular. He considered it to be completely pointless – and quite rightly so – to merely convey the legal notions and techniques. According to Storme, a university education ought to guarantee a social dynamism that enables one to critically analyse the existing rules and to put them on trial if need be. He considered it essential that students realise the necessity of constantly striving for an optimal

<sup>11</sup> Interview with Marcel Storme and his granddaughter Emma Storme in *Tertio* <<https://www.tertio.be/magazines/863/artikels/%E2%80%9Cwe%20zien%20pieter%20oort%20terug%E2%80%9D>>.

<sup>12</sup> M. Storme and H. Casman (eds.), *Towards a Justice with a Human Face*, Kluwer 1978. The colour of the book cover is green, the colour of hope. Green is also the house style colour of his dear legal journal *Tijdschrift voor Privaatrecht* (TPR) – one of the leading legal journals in Belgium and The Netherlands – of which he was the proud director for five decades.

<sup>13</sup> M. Storme (ed.), *Rapprochement du Droit judiciaire de l’Union européenne – Approximation of Judiciary Law in the European Union*, Kluwer 1994.

organisation of society. Experts in law, both academics and practitioners, were, in his view, in essence social workers as well.

He played it smart in making use of the student protests at the end of the 1960s to push a new course into the Ghent Law School curriculum entitled '*Kritische studie van de rechtspraak*' (Critical Review of the Judicial Decision-Making Process). Each and every student who took this course will recall that Storme had a particular predilection for this subject of his.<sup>14</sup> It allowed him to enter into a dialogue with his students – Storme loved his students and they kept him forever young – to speak about what really matters in life and to give it a proper place where possible. In doing so, he also sent out a strong message, because life had not spared him either. This approach went far beyond the mere legal context of the case, and it shed a clear light on the often-poignant human and social aspects of dispute resolution. Storme's approach influenced the common legal dispute resolution techniques. It also perfectly aligned with a statement by his Italian peer Piero Calamandrei: '*Lo studio del processo è sterile astrazione, se non è anche lo studio dell'uomo vivo*' (The study of procedural law is merely a sterile abstraction if it is not also the study of the living man), a pronouncement cherished by Storme.

Professor Storme not only caused some stirs in the Belgian legal system, he also set many people into motion – not only at the university, but also in the legal profession and in the magistracy; even for policy makers there was no escape. Perhaps this was his greatest talent: to encourage and stimulate – often the young ones and the most vulnerable ones – to kindle enthusiasm within them, to challenge them to surpass themselves, and to bring comfort where necessary. Any meeting or briefing with him, or even one of his scribbles, always made everyone feel bursting with new energy. Storme was radiant in speech as well as in actions, and even his firm and elegant, never hesitant handwriting exuded moral force of character.

Storme's commitment and considerateness were surrounded by an aura of *grandezza*. His personal interactions were always characterised by courtesy, and his courteous politeness was never affected but simply authentic. The Anglo-Saxon first-name practice certainly never applied to him. In academic circles everyone<sup>15</sup> addressed him as 'professor'; in his own law firm he was always 'the *patron*'<sup>16</sup> to everyone, from the most senior partner to the youngest trainee. In whatever capacity, Professor Storme has been the very best *patron*. It has always been a great honour and tremendous pleasure to work for and with him.

<sup>14</sup> His 'confession', in his book *Rechtspraak in opspraak* (Case Law in Disgrace) (1980), says it all: 'This is the very first time I am writing something for the mere pleasure of writing it'.

<sup>15</sup> Except his very close, personal friends.

<sup>16</sup> '*Patron*' is a typically Belgian way of addressing 'the boss', the meaning of which is almost impossible to convey. It expresses, in a unique way, a somewhat playful mixture of deep respect and true friendliness.

Storme was also a very refined intellectual who showed a lively interest in the fine arts. He was a man of wide reading, and he gladly shared his literateness with others. When he learned that my wife and I had planned to cycle down the course of the Danube from its origins in the Black Forest hills all the way to Budapest, he warmly recommended that we should take with us Claudio Magris' book *Danube* on our cycling tour.<sup>17</sup> And thus our road trip also became a spiritual journey.

Professor Storme was a sophisticated master of living, and he generously shared his *joie de vivre* with others. He seized every festive occasion with both hands, and his hospitality and that of his beloved wife Godelieve Storme-De Schryver was legendary. Many of us retain warm memories of the delightful evenings spent in his stately mansion, where the finest 'Burgundian' dinners only had to compete with the lasting impressions of always fascinating conversation. He taught me that Meursault wine tastes like slate, and when he was sipping from an exquisite glass of burgundy, I heard him murmur more than once, '*Dieu existe*' (God exists).

The very last time I heard the gifted and unequalled orator Storme give a speech was at the feast of the Epiphany, which was traditionally celebrated every year at the law firm that bears his name. He dwelt upon the significance of the number 8 in the New Year. Horizontally, so he said, this number stands for infinity. Words can hardly become more prophetic.

*Adieu*, and sincere thanks for everything, *Patron*. You left your indelible mark on many of us, and we will carry it with pride and gratitude forever.

<sup>17</sup> C. Magris, *Donau. Biographie eines Flusses*, Zsolnay 1986.