

Legal Historical Research in Belgium (2016)

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Słowa kluczowe: konferencja, publikacja, historia prawa, Belgia, obrony doktoratów

Introduction

This contribution provides an outline of the most important accomplishments in Belgian legal historical research in 2016, in terms of conferences, publications, and Ph.D. defences. Three preliminary remarks are necessary. First, this contribution does not aim to be an exhaustive overview of all publications. Secondly, given the international nature of current academic research, it is difficult to separate Belgian legal historical work from events in European legal history and even beyond. Therefore, the focus will be only on those conferences and projects organised or edited by legal historians active at Belgian universities. Thirdly, although I tried to take into account the French-speaking universities of Belgium as well, I am more familiar with the Flemish ones.

Conferences

Several legal historical conferences took place in Belgium in the year 2016.

On 9th–10th March 2016, the *Université libre de Bruxelles* (ULB) organised an international workshop on *Defeating Impunity, Promoting International Justice, The Archival Trail, 1914–2016*. This conference specifically questioned the way in which the judiciary dealt with gross violations of international law in the wake of war, and how legal actors responded to the challenges of an emergent and developing set of international laws.

On 14th March 2016, the legal historical committee of the Royal Flemish Academy of Belgium for Sciences and the Arts (*Comité voor Rechtsgeschiedenis van de Koninklijke Vlaamse Academie van België voor Wetenschappen en Kunsten*) and the

Vrije Universiteit Brussel (VUB) organised a conference on *Constitutional precedence as a keystone of modern constitutionalism* in the framework of the international research project *ReConFort* which tries to reconsider constitutional formation by drafting, practice, and interpretation in 18th and 19th century Europe.

On 7th April 2016, the VUB and the aforementioned legal historical committee of the Royal Flemish Academy invited Prof. Dr. Eric Schanckenbourg to Brussels for a lecture on *World War One and the End of Neutrality: A Question Asked in the Wrong Way?*

On 6th–7th May 2016, the *Société d'histoire du droit et des institutions des pays flamands, picards et wallons* and the legal historical committee of the Royal Flemish Academy of Belgium for Sciences and the Arts invited speakers from Japan, Italy, France, the Netherlands, and Belgium to an international conference on *People of the Robe and People of War; Public order and Social Order* in Brussels. Contributions were very diverse and considered topics which ranged from the Roman period until the 20th century.

On 15th–16th September 2016, a conference was held at Ghent University on *Inaugurations and Coronations in the Habsburg Monarchy (1700–1848)*. Inauguration and coronation ceremonies and all of their attendant rituals allow both general and legal historians a rare glimpse of the on-going constitutional debates, and the various participants' political ambitions and self-representation strategies. Participants at this conference studied the constitutional role of those inaugurations and coronations.

From 28th October 2016 to 5th February 2017, the Groeninge Museum in Bruges held an exhibition on artistic representations and iconography of law and justice in context from the Middle Ages to World War One, called *The Art of Law. Three Centuries of Justice Depicted*. In the framework of this exhibition, several legal historians have given talks on particular themes of legal iconography. An international conference on this theme was organised in Bruges from 16th to 18th January 2017. The catalogue of the exhibition was co-edited by Drs. Stefan Huygebaert, Prof. Dr. Georges Martyn, Vanessa Paumen and Tine Van Poucke and published in Tielst by Lannoo.

In 2016 the Catholic University of Leuven (KU Leuven) celebrated 500 years of *Utopia* by Thomas More. More's *Utopia* was, however, not the only important book published at Leuven in 1516. In the same year Nicolaas Everaerts (Everhardi) published his very influential *Topica*. On 7th November 2016 a conference was held at KU Leuven. Several distinguished speakers focused on the history and current-day relevance of both scholarly works.

On 24th November 2016, the University of Ghent awarded the Sarton Medal, an important Belgian legal historical distinction, to Prof. Dr. Louis Berkvens (University of Maastricht, the Netherlands). At this occasion, Prof. Berkvens gave a lecture on comparative legal history in the Meuse–Rhine Region.

On 24th–25th November 2016, Prof. Dr. Randall Lesaffer and Dr. Inge Van Hulle of the KU Leuven Research Unit of Roman Law and Legal History organised a conference on *International Law in the Long Nineteenth Century (c. 1775–1920)*. Several well-known experts from all over the world gave interesting presentations on some 18th-century developments with important consequences on 19th-century international law, on neutrality, on the historiography of 19th-century international law, on professionalization of inter-

national law, on international law in the periphery, and on the contribution of particular individuals to international law.

Even though the biannual Dutch-Belgian legal historical conference was this time organised at Maastricht University in the Netherlands, it deserves a special mention as well. On 16th–17th December 2016, Dr. Bram Van Hofstraeten and Dr. Jan-Willem Oosterhuis hosted legal historians working at both Dutch and Belgian universities. Many young legal historians presented papers on the most diverse legal-historical subjects, showing the richness and liveliness of our discipline in the Low Countries.

Publications

Belgian legal historians have been very active in 2016. This contribution will only list books on legal history and will therefore not focus on the many articles that have been written as well. Given the very diverse topics, I have opted to put them in an alphabetical order by author.

Em. Prof. Dr. André Alen, Prof. Dr. Dirk Heirbaut, Prof. Mr. Aalt Willem Heringa and Mr. Careljan Rotteveel Mansveld edited the proceedings of a conference on the Constitution of the United Kingdom of the Netherlands of 1815. The book is published by Die Keure in Bruges, and entitled *De Grondwet van het Verenigd Koninkrijk der Nederlanden van 1815*.

Prof. Dr. Éric Bousmar, Prof. Dr. Philippe Desmette and Dr. Nicolas Simon edited a volume in honour of Em. Prof. Dr. Jean-Marie Cauchies for his 65th birthday. It is called *Légiférer, gouverner et juger. Mélanges d'histoire du droit et des institutions (IX^e–XXI^e siècle)* and was published in Brussels by the *Presses de l'Université Saint-Louis*. Contributions are grouped into three main themes: (i) the relationship between customary and statutory law in the Middle Ages; (ii) law and justice in the Spanish Low Countries (16th–17th centuries); and (iii) the renewal of ideas in the Austrian Low Countries and in the United Kingdom of the Netherlands (18th–19th centuries).

Professors Serge Dauchy, Georges Martyn, Anthony Musson, Heikki Pihlajamäki and Alain Wijffels (three of them being Belgians) have edited an impressive volume on 150 law books of fundamental importance in the history of Western legal literature and culture. The volume has been published by Springer in Heidelberg/New York and has as its title *The Formation and Transmission of Western Legal Culture. 150 Books that made the Law in the Age of Printing*.

Dr. Bruno Debaenst (Ghent University) edited the proceedings of a conference on the *Belle Époque* of Belgian law (c. 1870–1914), held at Ghent on 29th August 2014. The book contains contributions by ten Belgian legal historians. It has been published in Dutch by *Die Keure* at Bruges, and is entitled *De 'Belle Epoque' van het Belgische recht (1870–1914)*.

Prof. Dr. Wim Decock (KU Leuven) and Dr. Christiane Birr provided legal historians with a practical guide to early modern scholastic literature on law and ethics. It is an excellent starting point for researchers wanting an overview of both relevant secondary

and primary literature. It has been published in German by De Gruyter Oldenbourg as *Recht und Moral in der Scholastik der Frühen Neuzeit 1500–1750*.

The same Prof. Decock, together with Nicholas De Sutter, also published an English translation of sections of Leonardus Lessius' *De iustitia et iure* (first published in 1605). It is called *On Sale, Securities, and Insurance* and is published in the series on *Sources in Early Modern Economics, Ethics and Law* by CLP Academic in Grand Rapids, Michigan.

Prof. Dr. Paul Delsalle, Prof. Dr. Gilles Docquier, Prof. Dr. Alain Marchandise and Prof. Dr. Bertrand Schnerb edited a volume on the history – including the legal and institutional history – of Burgundy and the Burgundian Low Countries in the late 15th and early 16th centuries. The book also pays tribute to Em. Prof. Dr. Jean-Marie Cauchies: *Pour la singulière affection qu'avons a luy. Études bourguignonnes offertes à Jean-Marie Cauchies* (Turnhout, Brepols Publishers).

Dra. Amandine Dumont, Dra. Amandine Thiry, Prof. Dr. Xavier Rousseaux and Dr. Jonas Champion, all (legal) historians at the *Université catholique de Louvain* in Louvain-la-Neuve edited a volume on the functioning of the justice system in the judicial district of Mons, the capital city of the Belgian province of Hainaut, during the two World Wars. It is entitled *Mons dans la tourmente. Justice et société à l'épreuve des guerres mondiales (1914–1961)* and published by *Presses universitaires de Louvain* in Louvain-la-Neuve.

Prof. Dr. Stephan Dusil (KU Leuven) co-edited two books which were both published in 2016. (i) First, together with Em. Prof. Dr. Joseph Goering and Prof. Dr. Andreas Thier, he edited the *Proceedings of the Fourteenth International Congress of Medieval Canon Law*, published at Vatican City by the *Biblioteca Apostolica Vaticana*. This 1000-page work contains many contributions by specialists of medieval and early modern canon law, who presented their research at Toronto in 2012. (ii) Secondly, Prof. Dusil co-edited with PD Dr. Gerald Schwedler and Dr. Raphael Schwitter a book on the phenomenon of how knowledge was transformed and transmitted between Late Antiquity and the Early Middle Ages. The essays explore the ways in which excerpting, compiling, and selective transmission resulted in a reduction of complexity. This book is entitled *Exzerpieren – Kompilieren – Tradieren. Transformationen des Wissens zwischen Spätantike und Frühmittelalter* and was published by De Gruyter, Berlin.

On 15th January 2016 at Sint-Jans-Molenbeek (Brussels), tribute was paid to Prof. Dr. Jean-Pierre Nandrin, professor of Belgian institutional history at the *Facultés universitaires Saint-Louis* in Brussels, who passed away on 5th December 2012. For this occasion, Prof. Dr. Pierre-Olivier de Broux, Dr. Aude Hendrick, Dr. Françoise Muller and Dra. Bérengère Piret selected some of Prof. Nandrin's most important articles for a volume called *Hommes et normes. Enjeux et débats du métier d'un historien*, published in Brussels by the *Presses de l'Université Saint-Louis*.

Dr. Sebastiaan Vandenbogaerde, Dra. Iris Lellouche, Dr. Hélène Duffuler-Vialle, Dr. Sébastien Dhalluin and Dr. Bruno Debaenst published the conference proceedings of the 2013 *Forum of Young Legal Historians* which was co-organised by the centres for legal history of the universities of Ghent and Lille II. It is entitled *(Wo)Men in Legal History* and published in Lille by the *Centre d'histoire judiciaire*. In the book, 19 young legal historians reflect on the role of law in reducing or creating differences between men and women, as well as on the role and place of both genders in all branches of government and legal science.

Dr. Bram Van Hofstraeten and Prof. Dr. Wim Decock published the proceedings of a workshop on the late medieval and early modern history of companies and company law in Europe which was organised in 2012 by the KU Leuven Research Unit of Roman Law and Legal History. It has been published in Leuven by Peeters Publishers as *Companies and Company Law in Late Medieval and Early Modern Europe*.

Em. Prof. Dr. Els Witte wrote a monograph on the Belgian Orangeists who were active shortly before and after the Belgian Revolution of 1830. The book is entitled *Le royaume perdu. Les orangistes belges contre la révolution (1828–1850)* and published by Samsa (Brussels).

Doctoral defences

At least two researchers received their Ph.Ds. in legal historical topics in the course of 2016.

On 6th September 2016, Charlotte Braillon defended her doctoral thesis at the University of Liège on a comparative study of the role of customary law in the contemporary period: *Le droit coutumier dans les ordres juridiques contemporains (XIX^e–XXI^e siècles). Études comparatives des pratiques judiciaires et de la doctrine*. Prof. Dr. Robert Jacob acted as supervisor of this study.

On 30th September 2016, Inge Van Hulle successfully defended her dissertation at the KU Leuven. Her study focused on *Britain, West Africa and the Formation of Imperial International Law (1807–1885)*. It was supervised by Prof. Dr. Randall Lesaffer.