

## *Legal Historical Research in Belgium (2017)*

**Keywords:** conference, publication, legal history, Belgium, doctoral defences.

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

### 1. Introduction

This contribution provides an outline of the most important accomplishments in Belgian legal historical research in 2017, 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 conferences which took place in Belgium and on books written 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.

### 2. Conferences

Several legal historical conferences took place in Belgium in the year 2017.

From 16 till 18 January 2017, the *Groeninghe Museum* of Bruges hosted an international conference on legal iconography, entitled *The Art of Law. Artistic Interpretations and Iconography of Law and Justice in Context from the Middle Ages to the First World War*. More than thirty art historians and legal historians gathered for this conference, which was combined with a visit to the ongoing special exhibit on legal iconography in the *Groeninghe Museum*. The interesting and well-illustrated catalogue to this exhibit was edited by Vanessa Paumen, Tine Van Poucke, Dr. Stefan Huygebaert, and Prof. Dr. Georges Martyn, and published by Lannoo.

On 20 April 2017, *De Debatten*, a cooperative project between the Dutch-speaking Free University of Brussels (VUB) and the University of Leyden, organised a conference on American constitutional law, and particularly on the importance and function of the *Federalist Papers*. Drs. Maarten Colette was the principal organizer.

On 12 May 2017, the French-speaking Free University of Brussels (ULB) hosted a one-day conference on the history of legal education in Belgium in the nineteenth and twentieth centuries (*L'histoire de la formation des juristes dans l'espace belge XIX<sup>e</sup>-XX<sup>e</sup> siècles – État et perspectives de la recherche*). The contributions focused *inter alia* on the creation of an autonomous Dutch-speaking Catholic university of Leuven, on the teaching by the famous Ghent private lawyer François Laurent, and on the formation of magistrates in the Belgian Congo.

On 20–21 September 2017, the law faculties of the universities of Ghent (UGent) and Liège (ULiège) jointly celebrated their bicentenaries. The first day started with an introduction to the histories of the two faculties. In the afternoon, the lives and works of thirty-nine notable professors from both Ghent and Liège were presented in six concurrent sessions.

On 21 September 2017, the Faculty of Law of the Catholic University of Leuven (KU Leuven) invited scholars from the fields of law, intellectual history, and political theory for a conference on *The Belgian Constitution of 1831. A Constitutional Mosaic of Ideologies*.

From 8 till 10 October 2017, several distinguished scholars from all over the world gathered at the KU Leuven to discuss the societal impact of neo-Thomism on legal and socio-economic thought. This conference, which was entitled *Neo-Thomism in Action – Law and Society Reshaped by Neo-Scholastic Philosophy (1880–1960)*, was truly interdisciplinary. Theologians, philosophers, and general historians as well as legal historians contributed to the debates. The conference was organised by Prof. Dr. Wim Decock from the KU Leuven Research Unit of Roman Law and Legal History, in cooperation with the Higher Institute for Philosophy and the Leuven Documentation and Research Centre for Religion, Culture, and Society (KADOC).

On 23 November 2017, Prof. Dr. Ignazio Czeguhn (Freie Universität Berlin) received the Sarton Medal from the UGent. For the occasion, he held a lecture on *The German Colonial Companies (1884–1914)*.

On 24 and 25 November 2017, Prof. Dr. Randall Lesaffer and Dr. Dominique Bauer from the KU Leuven Research Unit of Roman Law and Legal History co-organized an international conference on *The Legal and Political Thought of Francisco Suárez (1548–1617)*. The event took place in the scenic and historical Court Bladelin in Bruges. Eighteen scholars presented papers on Suárez' thought on law, right, obligation, and custom, and on his contribution to private law, as well as on his work regarding the law of war and peace.

From 13 to 15 December 2017, the Leuven Centre for the Study of the Transmission of Texts and Ideas in Antiquity, the Middle Ages, and the Renaissance (LECTIO) held its seventh international and interdisciplinary conference on *The Impact of Learning Greek, Hebrew, and 'Oriental' Languages* with contributions by theologians, linguists, philosophers, general historians, and legal historians.

### 3. Publications

Belgian legal historians have again been very active in 2017. This contribution will only list books on legal history and will therefore not focus on the many articles that were written as well. Given the very diverse topics, I have opted to list them in alphabetical order by author.

Dr. Raphael Cahen (VUB) published an extensive study on Friedrich Gentz, a German diplomat and author from the post-Enlightenment era. The study, which is entitled *Friedrich Gentz (1764–1832). Penseur post-Lumières et auteur du nouvel ordre européen*, focuses on Gentz' international network.

Dr. Jonas Campion from the Catholic University of Louvain in Louvain-la-Neuve (UCL) edited a collective volume on the reform of the police system in Belgium from the eighteenth till the twenty-first century. It includes *inter alia* contributions on European police cooperation as of the nineteenth century, on the bureaucratization of local police, and on policing in the border zone during the *Interbellum*. The book was published by *Presses universitaires de Louvain* and entitled *Organiser, innover, agir. Réformer et adapter les polices en Belgique (18<sup>e</sup> – 21<sup>e</sup> siècles)*.

Dr. Jérôme de Brouwer (ULB) and Prof. Dr. Xavier Rousseaux (UCL) edited another collective volume with *Presses universitaires de Louvain* on the death penalty in the history of Belgian criminal law. The volume, which is entitled *Jugements derniers. Neuf condamnés à mort exhumés des archives*, tells the story of nine people who were sentenced to death. The first case dates back as far as 1417, and the final case took place in the early years after the Second World War.

Prof. Dr. Wim Decock (KU Leuven) and Prof. Dr. Michael Germann jointly edited a collective volume on the role of conscience in the legal teachings of the Protestant and Catholic Reformations (*Das Gewissen in den Rechtslehren der protestantischen und katholischen Reformationen*), published by the *Evangelische Verlagsanstalt Leipzig*. The volume proposes a comparative and interdisciplinary approach and contains theological, philosophical, and legal historical contributions on the different conceptualisations of conscience and their implementation in the teachings of public, canon, and ecclesiastical law.

The same Prof. Decock also published a monography on the historical and legal context of the European Central Bank's (ECB) monetary policy. It was published by Die Keure in Bruges, and entitled *De ECB voor de rechter. Grondwettelijke en historische aspecten van Europees monetair beleid*.

Together with Prof. Dr. Albrecht Cordes, Prof. Dr. Serge Dauchy, and Prof. Dr. Heiki Pihlajamäki, Prof. Dr. Dave De ruysscher (VUB and Tilburg University) edited a new volume in the series on the history of company law. The collective volume is entitled *The Company in Law and Practice: Did Size Matter? (Middle Ages – Nineteenth Century)* and is published by Brill.

The birth of modern diplomacy, and particularly the role and function of the ambassador from the thirteenth to the seventeenth century form the subject of a monography by Dr. Dante Fedele (KU Leuven). The book *Naissance de la diplomatie moderne (XIII<sup>e</sup>–XVII<sup>e</sup> siècles). L'ambassadeur au croisement du droit, de l'éthique et de la politique* is

published by Nomos Verlag. It is the result of his doctoral research at the *École normale supérieure* of Lyons.

Dr. Niels Matheve (KU Leuven) studied the influence which the reforms after the First World War had on the social composition of the successive Belgian governments during the *Interbellum*. He discovered stable elite networks which dominated the Belgian political scene. His doctoral dissertation was published with INNI Publishers, and is entitled *Tentakels van de macht. Elite en elitenetwerken in en rond de Belgische tussenoorlogse regeringen 1918–1940*.

Dr. Laurence Petrone focused her doctoral dissertation on the strength of the democracies of the *Interbellum* through an analysis of the extrajudicial deprivations of liberty in Western Europe. The thesis is published by the General Archives of the Realm (Algemeen Rijksarchief), and entitled *Democratie in crisis. Een anatomie van de buitengerechtelijke vrijheidsberoving in West-Europa (1914–1940)*.

In 2016, KU Leuven celebrated the 500<sup>th</sup> anniversaries of both *Utopia* by Thomas More and *Topica* by Nicolaus Everardi. Both works were published in Leuven. In 2017, Prof. Dr. Raf van Ransbeeck (KU Leuven) edited the proceedings of the anniversary conference, and *Topica en Utopia* was published by Intersentia as the fifteenth volume in the series *Acta Falconis*.

Prof. Dr. Nico Wouters (UGent) explored the role of mayors in navigating the realities of living and governing under Nazi occupation in Belgium, the Netherlands, and France. His book was published with Palgrave Macmillan as *Mayoral Collaboration under Nazi Occupation in Belgium, the Netherlands and France, 1938–46*.

On a related theme, Dr. Jan Julia Zurné, a historian from UGent, studied the attitude of Belgian magistrates vis-à-vis the Resistance movement during the German occupation in the Second World War as the topic of her doctoral dissertation. Dr. Zurné's book was published by Lannoo, and is entitled *Tussen twee vuren. Gerecht en verzet tijdens de Tweede Wereldoorlog*.

#### 4. Doctoral defences

At least four researchers received their Ph.Ds. on legal historical topics in the course of 2017.

On 21 June 2017, Jan Verstraete received a Ph.D. at UGent for his dissertation on Professor René Victor (1897–1984), the founding father of the *Rechtskundig Weekblad*, one of the first Belgian law journals in the Dutch language. The biography is entitled *Ook Goed. Een kritische biografie van René Victor, de voedstervader van het Vlaamse rechtsleven*.

On 7 September 2017, Johan Van de Voorde from the University of Antwerp (UA) defended his Ph.D. on acquisitive prescription. Although the thesis (*De verkrijgende verjaring. De nalatenschap van Rome heroverwogen*) mainly focuses on contemporary law, it also entails a legal historical element.

On 25 September 2017, Caroline Laske (UGent) presented and defended the results of her Ph.D. research on the origin and early use of the concept of 'consideration' in the

English law of contracts from the fifteenth till the eighteenth century. Her thesis is entitled *Legal History Meets Lexical Semantics. Consideration – The Origin of Term and Concept*. The supervisors were Prof. Dr. Mark Van Hoecke and Prof. Dr. Dirk Heirbaut.

On 10 November 2017, Benoît Lagasse defended his Ph.D. at ULiège on the seventeenth-century Liège jurist Charles de Méan, the author of several volumes of *Observationes*. The dissertation, which was supervised by Prof. Dr. Jean-François Gherkens, is entitled *Charles de Méan, le Papinien liégeois*.

Finally, reference should be made to a Ph.D. thesis which was defended at the university of Paris 2 Panthéon-Assas by Thiebald Cremers on 8 December 2017. It concerned the medieval law of contracts in the Southern Low Countries (*Les contrats dans le très ancien droit des Pays-Bas méridionaux*).