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Legal History Research in Belgium (2023)

Keywords: Belgium, legal history, conferences, books, Ph.D. defenses

1. Introduction

The following offers an overview of developments in legal-historical research in Belgium or by Belgian authors, organizers, or speakers in 2023.¹ These developments are situated within three domains: conferences and events, publications, and Ph.D. defenses. Conferences and events will include presentations from non-Belgian speakers organized by and at Belgian universities. For publications, the focus will lie on books (co-)edited or (co-)authored by Belgian scholars or scholars active in legal history at a Belgian university until at least 2023. The discussion will not, unfortunately, include journal articles, despite the quality of and relevant insights from these papers.

2. Conferences and Events

On February 16, Professor Dr. Hylkje DE JONG of the Vrije Universiteit Amsterdam (VU Amsterdam) gave a lecture at the Université Libre de Bruxelles (ULB) on the possibilities of digitalization and network analysis for more extensive data analysis when studying early modern court cases. The presentation focused on research on the archival sources from the provincial courts of the Republic of the United Provinces. The lecture

¹ This contribution is largely based on the *Rechtshistorische Courant* (the monthly newsletter from the Institute for Legal History at Ghent University) from January 2023 to March 2024, as well as on the websites of Belgian universities and of relevant organizations.

was organized by Standen en landen,² the Centre d'Histoire du Droit et d'Anthropologie juridique of the ULB, and the Centre de Recherches en Histoire du Droit, des Institutions et de la Société of the Université Saint-Louis. Starting from a case study from the Court of Friesland, the lecturer demonstrated how digitalization of these sources could lead to discovering new patterns, links, and research questions.

In the following weeks, on February 22 and March 1, Professor DE JONG was again present in Brussels, this time at the Vrije Universiteit Brussel (VUB), to give two *privatissima* (thematic interactive sessions in smaller groups) of her research on Byzantine law and Roman-Frisian law. On March 6, she visited the Institute for Legal History at Ghent University to speak about digitalization within the context of the HUF project³ at VU Amsterdam.

In March and April, Professor Dr. Jørn ØYREHAGEN SUNDE (University of Oslo) visited the Louvain Global College of Law at Université Catholique de Louvain (UCLouvain). Professor ØYREHAGEN SUNDE gave presentations on March 27 and 28 on Scandinavian and Viking legal history and European supreme courts, respectively. Furthermore, on March 29, he provided two research seminars for (post-)doctoral researchers on textual variations in legal sources and, like Professor DE JONG, on digitalization of legal sources.

Under the guidance of Professor Dr. Jean-François GERKENS, the University of Liège (ULiège), and Professor Dr. Wim DECOCK (UCLouvain/ULiège) held a study day on the (legal) history of the principality of Liège on April 19. The event was titled “La principauté de Liège: une histoire finie? Bilan et perspectives dans le champ des disciplines historique et juridique.” As the title suggests, the event offered an overview of the (legal) historiography of this principality and explored future research paths.

Doctor Emilia MATAIX (Universidad del País Vasco, UPV/EHU), Professor Dr. Koenraad VERBOVEN (Ghent University), and Professor Dr. Paul ERDKAMP (VUB) organised a three-day conference (8–10 June), titled “Standardisation and Localism in the Legal and Economic world of the Romans,” in Brussels and Ghent. The conference focused on the manifestation of standards in legal and economic practices and their impact on several aspects of Roman society, such as legal culture. It explored, among many other questions, the imperial and local dimensions of legal norms in different settings and the extent of accuracy incorporated in these norms.

On October 6, the Institute for Legal History at Ghent University welcomed Professor Dr. Arno DAL RI Jr. of the Universidade Federal de Santa Catarina (UFSC) to talk about the Latin-American influence of Belgian lawyer, professor, and politician François Laurent, and Swiss lawyer Alphons Rivier. The lecture, titled “François Laurent et Alphons Rivier dans les débats sur le principe de nationalité au Brésil,” focused on the concept nationality, migration and naturalization.

On October 27, the *receptieclub* of Antwerp University resumed its yearly meetings, interrupted during the pandemic.⁴ This year, presentations were held by Dr. Marvin

² Standen en landen – Anciens Pays et Assemblées d'États is an association that promotes “the development and diffusion of research results in the field of institutional history in Belgium”: <https://standen-en-landen.blogspot.com/> (accessed: 19.07.2024).

³ A project on the provincial courts of Holland, Utrecht, Friesland, and Gelre and Zutphen.

⁴ The *receptieclub* is a Belgian-Dutch conference on legal history: *Rechtshistorische Courant*, October 2018.

WIEGAND (VU Amsterdam) and doctoral researcher Ruben DE NIJS (Antwerp University). Respectively, they discussed the reception of Roman law in medieval Friesland and the legal history of slavery, particularly contractual aspects.

In the past year, KU Leuven has again invited several speakers for the *Leuvense Rechtshistorische Lezingen* (Leuven Legal History Talks). Among many, Professor DE JONG (VU Amsterdam) elaborated on the HUF project mentioned above and digitalization (February 13), Dr. Mark VERMEER (KU Leuven) on 16th-century case law from the Great Council of Malines on inheritance law and testamentary gifts (September 13), and Professor Dr. Bart WAUTERS (IE University Madrid) on the role of the 7th-century *Liber iudiciorum* on the development of law in Spain (November 15).

A two-day conference on November 16–17, titled “Food, Rules and the City” was dedicated to the regulation of food markets from a long-term perspective (15th–20th century) by the ULB and the VUB,⁵ and a workshop on November 21 on codifications by UCLouvain, the Fonds de la Recherche Scientifique (F.R.S.-FNRS)⁶ and the Royal Academy for Overseas Sciences. Furthermore, on November 23, Professor Jørn ØYREHAGEN SUNDE gave a lecture again, this time at the Institute for Legal History at Ghent University for the award of the Sarton medal,⁷ titled “Communication technology and legal change since the Middle Ages,” and on November 23–24, presentations on legal historical aspects were given in Ostend during a two-day conference on the Ostend Company,⁸ organized by the Koninklijke Belgische Marine Academie and the Vlaams Instituut voor de Zee (VLIZ) (Flanders Marine Institute).

For its 100th anniversary, the editors of *Revue de droit international et de droit comparé* organised a presentation for its thematic issue, “Colonialisme et comparatisme,” on December 13 in Brussels.

On December 18, the Institute for Legal History of Ghent University and the Lab for International and Interdisciplinary Social Affairs (LIISA) held a study day, titled “De arbeidsgerechten in België. Verleden, heden en toekomst,” on the history (and future) of Belgian labor courts.

3. Books on Legal History

Jérôme DE BROUWER (ULB) and Sebastiaan VANDENBOGAERDE (Ghent University and Antwerp University) co-authored *Geschiedenis van de balie bij het Hof van Cassatie – 19^e20^e eeuw – siècle – Histoire du barreau près la Cour de Cassation*, on the history of the bar associated with the Belgian Court of Cassation. This book is the third in the series *Cassatio*.

⁵ VUB, Food, Rules and the City. <https://www.vub.be/en/event/food-rules-city> (accessed: 19.07.2024).

⁶ Fund for Scientific Research: FNRS. <https://www.frs-fnrs.be/en/> (accessed: 19.07.2024).

⁷ First awarded at Ghent University in 1986, a Sarton medal is given yearly by each faculty, followed by a lecture on the history of science: Ghent University, Sarton Chair. <https://www.sartonchair.ugent.be/> (accessed: 19.07.2024).

⁸ 300 jaar Oostendse Compagnie (300 Years Ostend Company), <https://oostendsecompagnie.wordpress.com/english-version-300-years-ostend-company/> (accessed: 19.07.2024).

With *Land zonder koning*, Jan VELAERS (Antwerp University) analyzed an episode in Belgian political history in 1990, when King Boudewijn of Belgium refused to sign the new Act on Abortion into law. With the help of two witness reports, VELAERS explains the circumstances of the issue and the constitutional crisis – and solution – that followed.

For those who study early modern legal history, René VERMEIR (Ghent University), with the Koninklijke Commissie voor de Uitgave van Oude Wetten en Verordeningen van België (Royal Commission for the Publication of Ancient Belgian Laws and Ordinances) and the State Archives of Belgium, has provided a new edition of ordinances from the Low Countries, from the reign of King Philip IV (1621–1665).

Also in early modern legal history, Klaas VAN GELDER (VUB) wrote a guide on local municipal and city regulations in the County of Flanders between the 13th and 18th centuries, *'Politie' in de heerlijkheid*. His contribution is intended as a guide for other researchers studying local rules in Flanders.

Emeriti professores Jean-Marie CAUCHIES (Université Saint-Louis) and Jean-Marie YANTE (UCLouvain) have also published a collection of ordinances, namely those issued by the Burgundian Duke Philip the Good for the County of Namur (1421–1466) and the Duchy of Luxemburg (1443–1464), again with the support of the Royal Commission, and with the support of the Société archéologique de Namur (Archeological Society of Namur), the Fondation pour la protection du patrimoine culturel, historique et artisanal (Foundation for the Protection of the Cultural, Historical and Artisanal Patrimony), and the Centre belge d'histoire rurale (UCLouvain) (Belgian Centre for Rural History). The collection is part of the series *Verzameling van de Verordeningen der Nederlanden – Recueil des ordonnances des Pays-Bas* (Collection of the Ordinances of the Netherlands).

De laatste 242 – Les dernières 242, written by Élise REZSÖHAZY (CegeSoma, the Study and Documentation Centre for War and Contemporary Society),⁹ Dimitri RODEN (Royal Military School, State Archives, and, since 2024, Ghent University),¹⁰ Stanislas HORVAT (VUB and Royal Military School), and Dirk LUYTEN (CegeSoma), is the result of a project by CegeSoma (State Archives) and the Koninklijke Militaire School (Royal Military School). It investigates and elaborates on the execution of 242 collaborators and war criminals in Belgium who were condemned to death after the Second World War. These executions are studied in detail from the perspective of the military court.

In the first volume of *Law and Diversity: European and Latin-American Experiences from a Legal Historical Perspective* (edited by Peter COLLIN and Agustín CASAGRANDE (Max-Planck-Institute for Legal History and Legal Theory), Bruno DEBAENST (Uppsala University) contributed a chapter on Belgian nation-building. The author explains the history of languages in the Belgian Kingdom, taking into account the legal historical aspects of this topic.

Emeritus Professor Hugo de SCHEPPER (Radboud University) published a work on the government councils of the Habsburg Netherlands (1577/1580–1609), *“A latere principis u de su theniente general”*. *De regeringsraden naast landsheren en landvoogden in de Habsburgse Nederlanden*. In this book, he discusses the role of these councils

⁹ CegeSoma is the Belgian expertise center for the history of conflict during the 20th century and, since 2016, part of the State Archives of Belgium. <https://www.cegesoma.be/en> (accessed: 19.07.2024).

¹⁰ CegeSoma, Roden. <https://www.cegesoma.be/en/dimitri-roden> (accessed: 19.07.2024).

in influencing the legal instruments available to the prince in governing the Habsburg Netherlands.

4. Doctoral Defenses

On September 14, Wouter DE RYCKE (promoted at VUB, Faculty of Law and Criminology) held the public defense of his doctoral thesis, titled “Justifying Utopia. A Legal History of the International Peace Movement (1815–1873).”

On October 30, Filip BATSELÉ promoted at Ghent University (Faculty of Law and Criminology) with his doctoral thesis, titled “The Start of a Regime: The First Generation of Western European Bilateral Investment Treaties (1959–1989).”

On November 3, Florenz VOLKAERT also promoted at Ghent University (Faculty of Law and Criminology). His doctorate, “Commercial treaties: A networked history of international law and trade,” discusses commercial treaties from 1860 to 1914 within their (legal) historical context.

At KU Leuven (Faculty of Law and Criminology), Marie BOURGUIGNON defended her doctoral thesis on December 16, “Le notaire-traducteur. Esquisse d’un rôle émancipateur dans la Flandre du 19^{ème} siècle,” in which she studied access to law for the 19th-century Flemish citizen in Belgium from a language perspective. She focused on the notary’s role as a translator of legal texts.

On December 18 Willem POSSEMIERS (KU Leuven, Faculty of Law and Criminology) promoted with his thesis on authentic translations from French to Dutch of legislation in Belgium, “Het vertalen van de Belgische wetgeving naar het Nederlands. Het werk van de commissie-Van Dievoet.”