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Legal History Research in Belgium (2022)

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Introduction

This contribution features the developments in legal-historical research during 2022.¹ To maintain a clear overview, I will focus on newly published books co-edited or co-authored by Belgian scholars or scholars active in legal history at a Belgian university until at least 2022. This means that journal articles will not be covered, which of course does not detract from the quality and relevant insights of these publications. Moreover, contrary to the past few years, numerous events have been able to take place on location once more – often along with an online option for those unable to attend. Some of these events were planned in 2020, but – after postponement for known reasons – were finally able to go ahead in 2022. I will conclude this contribution with an overview of PhD defences from the past year.

Conferences and events

On January 21 an online workshop was organised by Dr. Ilya Kotlyar (Ghent University, Institute for Legal History), entitled “Regulae Iuris and Maxims of Law in the Legal

¹ This contribution is largely based on the *Rechtshistorische Courant* (the monthly newsletter from the Institute for Legal History at Ghent University) from January 2022 to April 2023, as well as on the websites of Belgian universities and of relevant organizations.

Historical Perspective.” Many speakers participated and presented various aspects pertaining to the early *ius commune* and Roman maxims of law.

On March 9, in the State Archives in Leuven, under the auspices of *Standen en Landen – Anciens Pays et Assemblées d’États*,² Dr. Brecht Deseure (currently affiliated to KCL as a postdoctoral researcher on the project *Radical Translations*)³ elaborated on the “forgotten” Belgian constitutional proposals that did not make it into the final version of 1831. In the aftermath of the Belgian Revolution, several individuals produced their own draft of the future constitution. Some of these consisted of thoroughly elaborated legal theories and became widespread. Deseure has, for the first time, brought 22 of these drafts together into one edition. In his presentation, he clarified the origins of the Belgian Constitution from the perspective of these proposals.

Several presentations have occurred on the initiative of the KU Leuven, as well. KU Leuven’s research unit of Roman Law and Legal History regularly organises the *Leuvense Rechtshistorische Lezingen* (Leuven Legal History Talks), where individual speakers are invited to give a presentation on their area of legal history research.⁴ On March 3, Dr. Luisa Brunori (Université de Lille), Global Law professor at KU Leuven in 2022, gave a presentation entitled “Commercial Partnership in a «Proto-global» Trade: Two Contracts Signed in Seville during the «Siglo de Oro»”. On March 15, Prof. Dr. Fred Stevens (KU Leuven) in turn talked about the Faculty of Law at the *Gentsche Hoogeschool*, which existed from 1916 until the end of World War I, and the fate of its professors and students when the university was eventually dismantled.

May 18 and 19, a triptych of conferences concluded in Courtray (after initial stops in Rome and Lille), at the campus which the author of this contribution is affiliated to. The aim of these conferences was to meet the gap between historical and legal historical research, as the two spheres too often remain separate. Entitled “Before the State. International Law and Politico-legal Pluralism in Europe, 12th–17th Century,” the proceedings focussed on international relationships and diplomacy in the late Middle Ages and early modern times.

Also in May, on 24, Falco Van Der Schueren (Ghent University) organised a *Rechtshistorische Causerie* in Ghent. This platform within the Institute for Legal History enables young scholars to share their ongoing research. Van Der Schueren’s doctoral research focusses on the organisation of voluntary jurisdiction in the Southern Low Countries during the 13th to 15th centuries. His *Rechtshistorische Causerie* addressed the different institutions active in voluntary jurisdiction, notably aldermen’s benches, feudal courts and public notaries, and how the Burgundian Duke Philip the Good sought to favour his vassals through legislation in order to centralise voluntary jurisdiction under his authority.

² Since 1950, this association promotes the development and diffusion of research on institutional history and the history of power from the Middle Ages until today: *Standen en Landen*, Presentation and Board. <https://standenenlanden.blogspot.com/> (accessed: 1.06.2023).

³ King’s College London, King’s People, Brecht Deseure. <https://www.kcl.ac.uk/people/brecht-deseure> (accessed: 1.06.2023).

⁴ KU Leuven, Roman Law and Legal History, Leuven Legal History Talks. <https://www.law.kuleuven.be/romrecht/engels/leuvenlegalhistorytalks> (accessed: 1.06.2023).

UCLouvain (Université catholique de Louvain) held a study day on legal history on June 10 in honour of the late Marie-Sylvie Dupont-Bouchat, who was a professor of law at the same university.

From September 13 to 16 the 75th edition of the Société Internationale Fernand De Visscher pour l'Histoire des Droits de l'Antiquité took place in Brussels. The conference deals with legal history of Antiquity specifically. The theme of 2022, entitled "Ius et Religio. Droit, religions anciennes et christianisme dans l'Antiquité" delved into the relationship between law, ancient religions, and Christianity.

On October 18, CORE (Contextual Research in Law Research Group, VUB) organized an L&C Talk by Miroslav Šedivý (University of Pardubice) on the subject of the debates on international law in the middle of the 19th century. M. Šedivý discussed the results of his paper in which he studies the debates on the phenomenon of politico-legal coexistence that preceded the globalization of international order.⁵

Finally, 2022 concluded with a presentation on the war damage court in Turnhout after World War I, by Femke Jansen (attorney at Allaerts advocaten) on December 8 and a study day on women and legal professions in Belgium in the 19th and 20th centuries on December 21. The study day was made possible by the ULB (Université libre de Bruxelles), UCLouvain, the Centre d'Histoire du Droit et d'Anthropologie Juridique (CHAD), and the Centre d'Histoire du droit et de la justice (CHDJ).

Books on legal history

Olivier Corten (ULB) and Pierre Klein (ULB), in collaboration with illustrator Gérard Bedoret, created an illustrated work on the history of international law. Drawing on numerous examples from history, *Une histoire du droit international. De Salamanque à Guantanamo*, this work addresses a plethora of historical questions against the backdrop of international law. In doing so, it clarifies several concepts and principles specific to international order and indispensable for understanding contemporary discussions on international order.⁶

Emmanuel Gerard (KU Leuven) and Frederik Verleden (KU Leuven) have authored a book on the Belgian governments since the very beginning of the country, *De Belgische regeringen sinds 1831. Ministers, bevoegdheden, partijen*. Discussing the executive branch in Belgium, it nuances the thesis that this branch only has executive functions. To do so, the authors elaborate on the institutions and assemblies inherent to the executive branch and their role in governance, decision-making, and legislation. With this work, Gerard and Verleden have sought to bridge a remarkable hiatus, since no integral reconstruction of Belgian governments had been undertaken so far.

⁵ VUB, Contextual Research in Law Research Group (CORE), L&C Talk: Miroslav Šedivý (Brussels: VUB, October 18, 2022). <https://vubcore.blogspot.com/p/l-talk-miroslav-sedivy-geopolitical.html> (accessed: 1.06.2023).

⁶ Futuropolis, *Une histoire du droit international. De Salamanque à Guantanamo*. <https://www.futuropolis.fr/9782754833530/une-histoire-du-droit-international.html> (accessed: 1.06.2023).

Similarly (in a sense) to E. Gerard and F. Verleden, Geoffrey Grandjean (Université de Liège), Martin Lempereur (Université de Liège) and Julien Maquet (Université de Liège) have dedicated a book to the history of political institutions (the term “institutions” being understood in a broad sense) of and its impact on many aspects of the Belgian Walloon region.

PhD defences

On August 29, Cornelis Marinus (Marco) in ‘t Veld (promoted at VUB, Faculty of Law and Criminology) defended his doctoral thesis, entitled “Commerce and Customs in the Courts: A Comparison Between Mercantile Customs, Jurisdictions and Institutions in Amsterdam and Lyon during the Early 18th Century”. In his dissertation, in ‘t Veld examined the economies of Amsterdam and Lyon and the place of customs and customary law within mercantile law, the courts, and other institutions.⁷

François Welter promoted as Doctor in History, Art History and Archeology at UCLouvain. The doctoral thesis, entitled “De gerechtelijke politie bij de parketten in België (1919–1952). Een gedecentraliseerde, moderne en politieke politiemacht”, deals with the judicial police at the public prosecution services in Belgium as a decentralized force of police.

On September 8 Katrin Vanheule (promoted at KU Leuven, Faculty of Law) obtained her doctoral degree with a thesis on the repression of espionage for the German occupier during the World War I. She discussed how the law was not always followed when prosecuting suspects of espionage or at the trial stage. Furthermore, judges oftentimes proved to lack knowledge of the relevant law. K. Vanheule also addressed the variety of facts that lead to prosecution, observing a shift in focus from espionage during the war to counterespionage after.

On the December 21 Jakob Werbrouck (promoted at KU Leuven, Faculty of Law) has defended his doctoral thesis, entitled “Het multidimensionale pensioenbegrip doorheen de Belgische rechtsgeschiedenis.” He has studied the ways in which the legislator has understood pensions in the course of Belgian history. He argued that there have been multiple ways the legislator has understood pensions and that this has been reflected by the resulting pension laws, more specifically in different concepts of “pension” in different laws or, in other words, in a multidimensional character of this concept. J. Werbrouck aimed to explain why such a multidimensional character has occurred and to analyze the impact this has had on pension laws.

⁷ VUB, Contextual Research in Law Research Group (CORE), PhD Defence: Marco in ‘t Veld (Brussels: VUB, August 29, 2022). <https://vubcore.blogspot.com/2022/07/phd-defense-marco-in-t-veld-commerce.html> (accessed: 1.06.2023).