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JOHN GILISSEN AND THE TEACHING OF LEGAL HISTORY IN BRUSSELS¹

Abstract. John Gilissen (1912–1988) was a high-profile legal academic at the Université libre de Bruxelles (°1834) and the Vrije Universiteit Brussel (°1969). Personal – albeit fragmentary – archival records deposited with these universities permit to reconstruct his teaching (both *ex cathedra*-courses for big groups and intensive tutorials), impressive global scientific network and insatiable scientific curiosity. Gilissen is the author of standard works on many aspects of domestic legal history (both public and private), and acquired renown as the secretary-general of the *Société Jean Bodin pour l'histoire comparative des institutions*. His influential position as a public prosecutor, law professor and legal historian generates a unique insider's perspective on the confessional, linguistic and constitutional transformation of the country from World War One to the First Reform of the State. The current law curriculum at the Vrije Universiteit Brussel still bears marks of Gilissen's comparative approach to the history of civil law and his interest in the contemporary relevance of institutional history.

Keywords: Legal history, Belgian history, 20th century history.

JOHN GILISSEN I NAUCZANIE HISTORII PRAWA W BRUKSELI

Streszczenie. John Gilissen (1912–1988) był wybitnym prawnikiem wykładającym na Université libre de Bruxelles (założonym w 1834 r.) i Vrije Universiteit Brussel (założonym w 1969 r.). Posiadane przez te uniwersytety osobiste dokumenty archiwalne – choć nieliczne – pozwalają odtworzyć sposób nauczania Gilissena (zarówno w trakcie wykładów kursowych dla dużych grup studenckich, jak i uzupełniających ćwiczeń), robiącą wrażenie, globalną sieć kontaktów naukowych oraz nienasyconą ciekawość badawczą. Gilissen jest autorem fundamentalnych prac dotyczących licznych aspektów rodzimej historii prawa (tak w odniesieniu do prawa publicznego,

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¹ The scope of this article is limited to the available archival sources, which are representative of Gilissen's teaching, but in no way exhaustive. I thank Dirk Heirbaut, Michel Magits and Els Witte for their comments on an earlier draft, as well as Stefano Cattelan, Wouter De Rycke, Michael Van den Poel and Arno Swyngedouw for proofreading. Special thanks go to Frank Schelings (VUB, Centrum voor Academische en Vrijzinnige Archieven [CAVA]) and Michèle Graye (ULB, Service des Archives) for their kind help. For reasons of privacy, students' names have been abbreviated.

jak i prywatnego), a także zyskał renomę jako sekretarz generalny *Société Jean Bodin pour l'histoire comparative des institutions*. Jego wpływowa pozycja publicznego oskarżyciela, profesora prawa i historyka prawa powoduje dostrzeżenie wyjątkowej perspektywy przemian wyznaniowych, językowych oraz ustrojowych rodzimego kraju Gilissena od czasów pierwszej wojny światowej do pierwszej reformy państwa. Obecny program studiów prawniczych na Vrije Universiteit Brussel nadal nosi ślady wpływów Gilissena i jego prawnoporównawczego podejścia do historii prawa prywatnego oraz jego zainteresowań współczesnym znaczeniem historii instytucjonalnej.

Słowa kluczowe: historia prawa, historia Belgii, historia XX wieku.

In the following contribution, I present a reconstruction of John Gilissen's (1912–1988) academic contribution to legal history, with a focus on teaching, based on fragmentary files kept at the archives of the Université libre de Bruxelles (ULB) and Vrije Universiteit Brussel (VUB).² After a brief biographical introduction (1), an overview of his academic career and experience in the seminal period of the Second World War (2), and the blossoming of his research from 1950 on (3), the focus will be on the remains of his teaching at the ULB and VUB (4), administrative responsibilities (5) and his central role in many academic networks (6). Finally, I will briefly signal the enduring legacy of this predecessor on the teaching of legal history in Brussels today.

1. LIFE

Professor Jean-Joseph (“John”) Gilissen (1912–1988) was born just before the outbreak of the Great War. He studied in Brussels and Antwerp (high school) and enrolled at the predominantly French-speaking Université libre de Bruxelles as a law student in 1930. He simultaneously pursued studies in law and history, to obtain the degree of doctor of law in 1935 and master (*licencié*) in history in 1934. As a historian, his master thesis treated the law of contract according to the law applicable in the county of Flanders and the duchy of Brabant in the thirteenth century. As a historian, Gilissen was influenced by his masters, the early modernist Paul Bonenfant (1899–1965, see Despy 1989)³ and the specialist of Ancient Egypt Count Jacques Pirenne (1891–1972, see Gilissen 1979, 9).⁴

² VUB, Centrum voor Academische en Vrijzinnige Archieven, PJG (B 75/02/3), containing university-related administrative documents from 1960 to 1971.

³ Bonenfant studied under the direction of Michel Huisman (1874–1953). He started teaching at the ULB in 1930.

⁴ Jacques Pirenne was active in the *Comité de politique nationale*, which demanded territorial extension for Belgium after World War One. He opposed the transformation of the State University of Ghent (where his father, the mediaevist Henri, taught) to a solely Dutch-speaking institution, and became secretary of King Leopold III, whose authoritarian views were at the basis of the “Royal question,” which divided Belgium until 1950 (Colignon 2021).

Gilissen mastered both Dutch and French, a relatively rare quality among the academic staff of the ULB (Ingber 1983, XII).⁵ He published and taught in both languages. When he grew up and studied, the linguistic question rocked Belgian politics. Dutch had only been recognised on par with French as a legal language in 1898 following the so-called *Gelijkheidswet*, literally: “equality law” (X 1959). University teaching in Dutch commenced at the law faculties of Brussels and Ghent in the 1890s, since the use of Dutch had been allowed in criminal procedure in 1873 (Prayon-Van Zuylén 1892). Further reforms were demanded after the Great War.⁶ Right after the conclusion of the armistice on 11 November 1918, King Albert I announced in Parliament that equality *in rechte en in feite* (“equality in law and fact”) would be established. Universal male suffrage was introduced *contra constitutionem* for the elections of 1919, and the King promised that the State University of Ghent would switch to exclusively teaching in Dutch. This was part of the moderate Flemish nationalists’ aim to establish a linguistic border, and apply the territoriality principle.

The following seven decades of Gilissen’s life would see the transformation of the unitary Belgian state to a federal state, and the end of bilingual universities. Whereas the ULB counted a Dutch-speaking section in the 1930s, the university “disintegrated” and split in 1969 (Tyssens 1995, 28; Baeteman, De Vroede et al. 1987). This should be situated against the background of the global student revolts of 1968.⁷ In Belgium, student protests were translated in the separation of the Catholic University of Leuven, with the French-speaking section moving to an entirely new city, Louvain-la-Neuve. In Brussels, the standalone VUB (*Vrije Universiteit Brussel*) was created, with its own law faculty, as the logical continuation of the Dutch-speaking courses organised in the ULB before. The VUB moved to a new campus, a quarter of an hour on foot from the ULB’s main site at the Solbosch, built for the universal exhibition of 1910. Both institutions

⁵ In 1940, the German occupant established that 62% of the 29 members of the academic staff in the Law Faculty was bilingual (mastering both Dutch and French), 34% spoke only French and 4% was “almost bilingual.” This situation significantly differed from that in the university as a whole, where only 48% of the 271 staff members were considered bilingual, and 37% spoke only French, with peaks of 44% in the Faculty of Engineering and 42% in the School of Economics. Annex to the letter of Petri and Reese, ULB/Archives Gilissen, no. 1. After 1970, the *Vrije Universiteit Brussel*’s professorial corps included many professors who originally taught at the ULB, mostly in the faculties of Sciences and Arts and Philosophy (Cornelis, Witte, Veretennicoff 1977).

⁶ The German occupant had closed the State University in Ghent and opened a solely Dutch speaking university. So-called “Activists,” who collaborated with the German *Reich*, had even proclaimed the independence of Flanders towards the end of the war. This separatist position was not the most predominant in the Flemish movement (Wils 2017).

⁷ Brussels Studenten Front to John Gilissen, Brussels, 29 October 1968, VUB, Cava, Gilissen Archives. Gilissen was asked to declare his solidarity with the Dutch-speaking students, who protested against university election without parity between French- and Dutch-speaking members of the academic community, nor a guaranteed representation.

would share this former military exercising site.⁸ Gilissen was one of the rare professors to continue teaching in both ULB and VUB. Only a couple of joint initiatives survived the split of the university, such as the *Studiecentrum voor de Verlichting*, but not for very long.⁹

He received honorary doctorates from the universities of Lille (1965), Strasbourg (1970) and Paris (1974), was a member of both the Belgian (Flemish-speaking, 1956) and Dutch (1976) Royal Academies and was distinguished with the Grand-Cross of the Order of Orange-Nassau. Gilissen founded the *Société internationale de droit pénal militaire et de droit de la guerre*, the *Association internationale d'histoire du droit et des institutions* and the *Centre d'histoire et d'ethnologie juridiques*. The latter centre, based at the ULB, published a seven-volume *Introduction bibliographique à l'histoire du droit et à l'ethnologie juridique*.¹⁰

We cannot omit one crucial episode in Gilissen's extra-academic career. On 8 September 1942, pursuant to the closure of the ULB, Gilissen had been dismissed as *chargé de cours*, at the order of Nazi-commissioner Petri.¹¹ He remained as an assistant public prosecutor.¹² At the end of the second World War, the young assistant public prosecutor joined the ranks of the military courts and tribunals to prosecute wartime collaboration with the German occupant.¹³ These

⁸ In this first "independent" academic year, the VUB's campus in Etterbeek was not constructed yet. The university only moved here completely in 1974 (Witte 1995, 16). Law students were attracted with the image of the ULB's main building on the Avenue Franklin Roosevelt (VUB, CAVA, coursebooks, *Collegerooster 1969–1970*, Brussels, VUB, 1969, 2).

⁹ "The Dutch-Speaking Free University would hence demonstrate that she does not want to deviate from the original design of her founders, promoting the emancipation of man and the self-realisation of a freer community by conscious, free and matured human beings" (Source: "Project betreffende de oprichting van een instituut voor de Studie van de XVIIIde eeuw," VUB, CAVA, Gilissen Archives, s.d.: probably May 1969, 1; De Hert, Dhondt 2017).

¹⁰ See also Gilissen, Pollet (1965).

¹¹ The ULB's academic authorities had decided to close the university on 25 November 1941, to protest against German interference in nominations in the academic corps (Tyssens 1995, 62; Despy-Meyer, Dierkens et al. 1991; Stengers 1982). Letter from Petri to Gilissen, Brussels, 8 September 1942; Interdiction of physical presence in the university's premises by secretary Morissens, Brussels, 9 September 1942. ULB/Archives Gilissen, no. 1. Gilissen did remain as deputy prosecutor in the office of the Brussels Royal Prosecutor, Section B, as indicated in the Circular Instruction of the Royal Prosecutor, Brussels, 11 September 1942, *ibid.* Before the war, as a lecturer (*chargé de cours*), Gilissen had supported the student protests at the ULB against the Belgian policy of non-intervention in the Spanish Civil War (Witte 2009, 42).

¹² "Gilissen, John." In *Digithemis Prosopographical Database of Belgian Judges*, <http://prosopo.sipr.ucl.ac.be:8080/prosopographie3/>. He had started in this position in 1938, after a brief stint at the bar.

¹³ Letter by the administrative councillors Petri and Reese to the German military commander in Belgium on the current situation of the ULB, 5 June 1940. ULB/Archives Gilissen, no. 1: "the University of Brussels (*Brüsseler Hochschule*) has an explicit Liberal-Socialist character and is linked to freemasonry from its foundation on. The professorial corps was judged 'very much Jewish',

procedures took place in the military councils and courts.¹⁴ Gilissen acted at the appeals level, in the Brussels Military Court, which attracted the attention of both Dutch- and French-speaking media.¹⁵ Incidentally, his name appeared in press reports on the cases of famous collaborators, such as the former president of the Socialist Party Hendrik De Man (1885–1953), who was sentenced by default to twenty years of imprisonment by the War Council on 12 September 1946. *Le Soir* reports that Gilissen, as assistant chief military prosecutor, requested a revision of the verdict by the Military Court, because De Man's "malicious intent" (*intention méchante*) would have been insufficiently taken into account. He had drawn up a note on the Belgian Workers Party for the occupant's authorities, from which Gilissen (as prosecutor) derived a *défaillance encore plus grande que celle de Degrelle*, the latter being a far-right French-speaking politician, who had already been an outspoken fascist before the war (De Man 1927; Conway 1993; Stutje 2018). Gilissen requested a life sentence for De Man, albeit with the alleviating circumstance that De Man had come to modify his attitude afterwards. The Military Court confirmed the earlier sentence of twenty years.¹⁶ Another illustrious trial where Gilissen acted as prosecutor was that of the *Grand-Bruxelles*, where Belgians who executed the Nazi occupant's desire to merge the municipalities of Brussels, were put on trial.¹⁷ The legal historian had now become a part of the country's authorities.¹⁸

and expressed itself in anti-German sense recently." A copy of a wartime article in the collaboration press by Pierre Hubermont (1903–1939) translated the German wish to reorient the ULB, away from "determinist dogmatism [...] historical materialism and [...] marxism" or "antifascism," "blinded by verbal phantasies as freedom and democracy." See also the editorial of Raymond De Becker (1912–1969), editor-in-chief of the newspaper *Le Soir*, taken over by the German occupant, 14 December 1941: "the ULB stayed a center of masonic influences, bad temper, inertia and sabotage" (*Ibid*). At the time of the German invasion, the actual political influence of freemasonry was very limited, due to the massification of democracy and the multiple other ideological disagreements between Liberals and Socialists (Tyssens 1993, 271). See also Witte (2009, 39–44); Beyen (2002, 165).

¹⁴ Gilissen published a "groundbreaking" statistical study on the prosecution of wartime collaboration (Gilissen 1951) and on administrative epuration (for the mention, Wouters 2019, 17 and 21). He was preparing a monograph on the topic, but was unable to finish that study. His papers collected for the purpose are kept in the archives of the military criminal court. These figures have been recorded by Huyse and Dhondt (2020, 179–280). Gilissen proposed to destroy part of the extensive records on collaboration, as he deemed petty cases to be of little significance (Wouters 2019, 16).

¹⁵ E.g. *Het Laatste Nieuws*, 12 December 1950. Gilissen equally provided data for the legendary documentaries and interviews of Maurice De Wilde, a journalist of the Belgian public broadcaster, who received an honorary doctorate at the Vrije Universiteit Brussel.

¹⁶ *Le Soir*, 30 March 1947.

¹⁷ "Le «Gross-Brussel» en appel," *La Dernière Heure*, 21 February 1947.

¹⁸ E.g. Gilissen's presence signalled among other men of influence as former prime minister Henri Carton de Wiart (1869–1951), minister of state and ULB-professor Henri Rolin (1891–1973) and First President of the Council of State Jean Suetens (born 1893) at a lecture on wartime collaboration and the Flemish movement at the Brussels Bar. *Het Volk*, 21 January 1950.

His involvement in prosecution will certainly have conferred an impressive aura on Gilissen in the eyes of his students, adding to the traditionally hierarchical relationship between professors and students, prior to the democratisation of university education. “Patriotism and integrity” explained his nomination as adviser to the Minister of Defence and Head of the Research Department of the Ministry in 1945, “charged with the delicate mission to check the biographical notes of Belgian officers” (Ingber 1983, XIII). In 1965, Gilissen was promoted to the rank of *Auditeur-Generaal* (head of the prosecution department) at the Military Court.¹⁹ His parallel career at the Palace of Justice engendered a stream of publications on military law and criminal law (X 1988).

2. ACADEMIC AND JUDICIAL CAREER TO 1950

While he was pursuing his internship at the Brussels Bar (1935), John Gilissen was appointed as assistant at the ULB (1936) (Feenstra 1989; Godding 1988, 17). Since the law faculty did not require a doctoral dissertation (all graduates obtained the title of Doctor of Laws until 1972), he was assigned the course *Historische Inleiding tot het Burgerlijk recht* (“Historical Introduction to Civil Law”) in 1938.²⁰ He combined this function with a course on *Kunstgeschiedenis* (“History of Art”) and *Geschiedenis van de Bestuursinstellingen van België* (“History of Belgian Administrative Institutions”) at the evening classes of the Higher Institute for Administration (Brussels, Antwerp).²¹

After the war, Gilissen was entrusted with both the French and Dutch version of the courses *Historical Introduction to Civil Law*, *Legal History* (1948), and, from 1958 on, *Contemporary History*. On 1 January 1948, he attained the rank of “Professor” (*hoogleraar*) (Ingber 1983, XII).²² Gilissen’s archives contain many relevant documents to trace the history of the Dutch-speaking section of

¹⁹ *Ibid.*, X.

²⁰ Until 1929, this course had been part of the mandatory one-year “candidature” (one year-Bachelor) in Law, for which students could only enrol after two years of “candidature” in the Faculty of Arts and Philosophy. The Law of 21 May 1929 on Higher Education extended the “doctorate” (Master) to three years, scrapped the “candidature” in Law, and relegated “Encyclopaedia of Law,” “Institutes of Roman Law” and “Historical Introduction to Civil Law” to the two-year “candidature in Arts and Philosophy preparatory to Law and Notary Sciences” (Waelkens, Stevens 2014, 230).

²¹ E.g. Letter of Robert Picavet (Director of the Higher Institute for Administrative Sciences) to John Gilissen, Antwerp, 28 July 1954, ULB/Archives Gilissen, no. 26. Picavet explained that Gilissen’s courses would not be taught in 1954/1955, as the institute, which only taught in the evening, would only organise the courses of its second and fourth year. In 1975, the VUB would later become a pioneer in the Belgian university landscape by creating special evening lectures for ‘working students’ for most courses of the regular program (Magits, Salmaekers 1995, 285–288).

²² He was promoted to senior professor (*professeur ordinaire-gewoon hoogleraar*) ten years later.

the ULB's law faculty, which eventually became the independent faculty of Law and Criminology of the VUB. Already in the Winter of 1944, Gilissen and his colleague Joseph Van Tichelen (professor of constitutional law)²³ took part in the special committee appointed by the Board of Administrators to study "the Flemish question" (Tyssens 1995, 62).²⁴ Following articles 2 and 43 of the linguistic law of 15 June 1935, which made a Dutch-speaking Law degree mandatory to practice law at the bar, as a notary or to become a magistrate in the Flemish provinces (Antwerp, West Flanders, East Flanders, Limburg), the district of Leuven and the district of Brussels outside of the city centre, the ULB had decided to create Dutch versions of the law courses taught in French (Van Goethem 1990; Vandenberghe 2018, 187–285).²⁵ From 1938 on, the first cycle of the law programme became gradually available in both French and Dutch.²⁶

This had become necessary as a consequence of the linguistic laws of 1932, which had imposed Dutch as the main teaching language in secondary schools in the Dutch-speaking part of Belgium.²⁷ Furthermore, pursuant to the law of 28 June 1932, appointments in the civil service (including for medical doctors, scientists and engineers) required a Dutch-speaking degree.²⁸ Pupils at high schools in Flanders could only be taught by teachers with a Dutch-speaking academic degree.²⁹ Where would non-Catholic teachers in languages, sciences or mathematics graduate, if the ULB could not provide programs in Dutch?³⁰

As a consequence, the ULB risked losing its students from Flanders, and would not be able to send out its graduates to compete for positions in Flanders. Gilissen thought that the university needed to "double" all degrees as soon as possible, starting with the strategic faculties which provided teachers for high schools. The necessity of a law degree in Dutch had already been established

²³ After the war, Van Tichelen would make a career in economic diplomacy, as director-general of the Ministry of Economic Affairs. He would negotiate the Treaties of Rome in 1957 with Jean-Charles Snoy et d'Oppuers and Paul-Henri Spaak, and can thus be considered as one of the "Founding Fathers" of the European Union (Van Tichelen 1981).

²⁴ Committee appointed by decision of the Board of Administrators of the ULB, 14 October 1944.

²⁵ Law on Language in the Judiciary, *Moniteur Belge* 22 June 1935.

²⁶ In July 1941, the ULB's administrative authorities accepted the principle of a full "dédoublement" of the whole university, encouraged by the occupant (Tyssens 1995, 62).

²⁷ Law of 14 July 1932 on the Use of Language in Lower and Secondary education, *Moniteur Belge* 3 August 1932 (Tyssens 1995, 62).

²⁸ Law of 29 June 1932 on the Use of Language in Administrative Affairs, *Moniteur Belge* 29 June 1932.

²⁹ Art. 40 of the law of 21 May 1929 foresaw that exams had to be taken in Dutch for at least two subjects taught in high school. Teachers had to write their master thesis in Dutch, and had to prove mastery of Dutch during a mock course.

³⁰ We should however relativise the impression of an absolute separation between Dutch-speaking universities and French-speaking Belgium. E.g. on 13 October 1954, *Le Soir* still printed the official examination results of the University of Ghent, even those of the second session.

before the war. The committee's reports included statements according to which socialist and liberal ministers of justice complained on the lack of non-Catholic Dutch-speaking law graduates, which obliged them to appoint Catholics as judges and prosecutors.³¹ The philosophical pluralism in Flanders, and thus the overall balance of Belgian society, was at stake. If a non-Catholic elite were to survive in Flanders, the free university in Brussels had to take on its responsibility as a university in the nation's capital, providing both French-speaking and Dutch-speaking graduates to fill the courts of law, the civil service, business management, banking and – of course – university research and teaching positions in Dutch.

The committee's detailed preparations included a statistical analysis of the ULB's recruitment. In the final year, out of 150 law students in the final cycle (the "Doctorate" in law), around 31 were originally from Flanders, mainly from Antwerp.³² The ULB's general recruitment in Flanders hovered around 10% of the total number of students. This explained the small number of students in the Dutch-speaking section: ten in 1938–1939, twenty-five in 1941–1942 and eighteen in 1944–1945, after the liberation of Belgium. However, the potential of a Dutch-speaking alternative to the Catholic university of Leuven and the State University in Ghent was estimated to be considerably bigger than the enrolment numbers before the war.

Gilissen tried to convince his peers to hire more professors in the Faculty of Arts and Philosophy, especially in the History section, since the latter provided the bulk of courses taught in the first cycle of law studies.³³ If Dutch-speaking

³¹ Comment in Gilissen's note, s.d., p. 7. ULB/Gilissen archives, no. 25.

³² Eight students out of 154 in 1927–1928, fourteen out of 162 in 1934–1935. After the creation of a Dutch-speaking section, four out of thirteen (1937–1938) and two out of thirteen (1938–1939) students came from Antwerp. In the French-speaking section, three out of 115 in 1938–1939 and three out of 100 in 1938–1939. The overall recruitment of the ULB's law faculty was very local, as students from Brussels made up more than two thirds of enrolments. Students from the Walloon provinces filled a quarter to a third of the classroom. These numbers cannot be compared to today's figures, as the democratisation and feminisation of the student population has opened the access to a university degree to virtually the whole population. In the 1930s, the overall number of students showed that Brussels (Freethinking, 2 034 students in 1937–1938) was of a size comparable to Ghent (State, 1894), the universities of Liège (State, 2 731) and Leuven (Catholic, 4 073). It should however be underlined that access to university was restricted in Flanders before the war. The Dutch-speaking part of the country clearly lagged behind (Tyssens 1995, 41).

³³ Gilissen proposed to hire three fulltime professors for medieval, early modern and contemporary history, or, alternatively, to attract part-time colleagues. In the first cycle, the law courses of Natural law, Historical Introduction to Civil Law (Gilissen), Roman Law and Encyclopedia of Law had been taught in Dutch since 1938. Besides historical and literary courses, the exams in the first year included logics, psychology and anatomy (first period). Later documents on efforts to "double" all training programmes at the ULB listed the number of degrees in history delivered to Dutch-speaking students in Leuven and Brussels between 1956 and 1961: 69 "licenciés" (masters) and 77 "agrégés" (high school teachers) and 5 doctors for the former, one single "licencié" for Brussels in 1961 (ULB/Archives Gilissen, no. 29).

alumni from Flemish secondary schools were to enrol at the ULB, they ought to be able to follow the full curriculum in Dutch. This included the provision of tutors for Dutch-speakers, the compulsory study of Dutch terminology for students in the French-speaking section and the “defense of our own candidates at state exams” (which could allow a candidate to obtain a qualification to teach in both languages).

Gilissen and Van Tichelen vibrantly pleaded for equal treatment of Dutch-speaking students and academic staff. They refuted the idea that the ULB should only harbour “reasonable” (read: bilingual or predominantly French-speaking) Flemings.³⁴ The statistics accompanying the commission’s works showed that the ULB’s enrolments had not declined after the State University of Ghent had switched to exclusively Dutch teaching (1930). This could be interpreted as a sign that the ULB’s natural audience was averse to an education in Dutch. Especially students from Antwerp seemed to prefer Brussels over Ghent.³⁵ Quite the contrary, Gilissen and Van Tichelen argued, the university ought to show its benevolence to the Flemish provinces, rather than entrench the wartime perception of Flanders as the harbour of widespread collaboration with the German occupant. This statement is to be taken seriously, in view of Gilissen’s eminent role as assistant military prosecutor at the Military Court. They considered the university to be incomplete or only operating at a restricted level of its true potential, and suggested the inclusion of Dutch-speaking personalities from outside academia in the Board of Administrators.

Before World War One, only elements of criminal law and criminal procedure and practical exercises in these matters had been taught in Dutch (Tyssens 1995, 61).³⁶ The early linguistic legislation in Belgium had first introduced the use of Dutch in criminal procedure in Flanders. After the Great War, exercises in commercial law in the final year were equally taught in Dutch. Doubling the second cycle (from 1935–1936 on) had only resulted in a meagre two students in 1938–1939, and six in 1938–1939 (first year), eight and five (second year) and a single student in the final year (in both years). The French-speaking programme in law had only a handful of Flemish students left. The linguistic legislation had thus clearly produced the legislator’s intended effect. Gilissen and Van Tichelen pleaded that the 506 students pursuing their final year of high school in the

³⁴ ULB/Archives Gilissen, no. 24, Letter by Gilissen and Van Tichelen.

³⁵ The statistical note mentions 162 students from Antwerp in Ghent and 206 in Brussels for the academic year 1937–1938.

³⁶ The Law of 10 April 1890 had introduced a course of Criminal Law in Dutch. In 1924, both Criminal Law and Criminal Procedure were taught in Dutch. The introduction of practical exercises in the law programme was a German-inspired innovation, in which the ULB was a pioneer (Magits 1990).

Flemish state schools (traditionally affiliated to non-Catholic families) ought to be seen as the future students of the ULB.³⁷

Van Tichelen drew up a note with various reflections that illustrate the complex relationship between the Dutch-speaking and French-speaking elements in the ULB's academic community.³⁸ He thought that the cultural renewal in Flanders in the course of the past century should not lead to a break-up of Belgian unity. Flanders had managed to inverse its position in fifty years, due to the rise of the Flemish movement and the extension of suffrage. "Quislings" were common all over Europe. The totalitarian excesses of the Flemish movement during the war, according to Van Tichelen, should not obscure that "the Flemish movement had belonged to the left" before World War One. He framed the emancipation of Dutch culture in Belgium as a final correction on the state of "isolation and regression" caused by the split of the Low Countries in the revolt against Spain in the late sixteenth century. Only after the Great War would the Flemish movement have come under Catholic control. French was seen as a tool to liberate the mind in Flanders in 1830, but the reverse should be true more than a century later: the study of Flemish culture, and the practice of teaching and research in Dutch would enrich the mind of a university whose devise was *le libre examen* i.e. free investigation (Stengers 2004). He suggested the academic authorities ought to speak out publicly and plead for a regeneration of the country after the war.

This major constitutional redesign, which Van Tichelen hoped for, was not realised in the immediate years after the war. Yet, Gilissen and Van Tichelen clearly saw the danger of the intertwining of the confessional/non-confessional divide with the linguistic opposition in the country. The ULB's potential to attract Dutch-speaking students was a symbol for the ties that could preserve the country's pluralism. Belgium would fend off the introduction of federalism. A lengthy process of "reform of the state" only started in 1970. The "Royal Question" on the attitude of King Leopold III (1901–1983) during the Second World War, would divide the country, along the left-right and linguistic conflict, until the King's abdication in 1950.

³⁷ The relatively modest numbers should be contextualised within the legal and social framework of higher secondary education. Schooling was only compulsory (for boys and girls) until the age of fourteen. Consequently, those pursuing their studies until the age of eighteen were doing so with the aim of enrolling at a university or at another institution for higher education. In 1939, the *athenea* (state institutions for secondary education) had slightly less than 18 000 students enrolled (Tyssens 1993, 281). Various pieces in his personal archives indicate Gilissen's willingness to promote Dutch-speaking studies at the ULB, e.g. letter of L. Madelein, assistant to the Rector to John Gilissen, Brussels, 26 March 1965, ULB/Archives Gilissen, no. 30: Gilissen was listed as speaker on a "propaganda day" (*voorlichtingsdag*) for students from the Royal Athenea of Berchem (Antwerp) and Termonde (East Flanders). The softening of the ideological divide resulted in a break-even point in the 1990s, when half of the VUB's students were recruited from the free (Catholic-inspired) education network, which is still by far dominant in Flanders (Witte 1995, 21).

³⁸ Note Van Tichelen, s.d., ULB/Archives Gilissen, no. 24.

In the immediate aftermath of the Committee's report, the ULB confirmed its decision to "double" the full law program in 1946.³⁹ The first alumni of the fully Dutch-speaking law programme graduated in 1951 (Tyssens 1995, 63). However, the operation would not be extended to the other faculties.⁴⁰ Linguistic issues would only resurface in the 1960s, together with new social movements and growing democratisation in secondary education, intimately linked with the post-war growth of the welfare state and the "baby boom."⁴¹

3. RESEARCH

Gilissen's research was very broad. He authored over eight thousand pages. His publications proliferated after the end of his assignment to the repression of collaboration (1950). However, it should be underlined that Gilissen combined this prolific writing with an exceptionally dense activity as a central hub in many scientific networks.⁴² He took up the prestigious function of secretary-general of the *Société Jean Bodin pour l'histoire comparative des institutions*. Gilissen's scientific renown stems in part from the extensive, clear and insightful syntheses he managed to produce (e.g. *Société Jean Bodin pour l'histoire comparative des institutions* 1969: 134 pages). The society's collective thematic volumes' sweep was astonishingly large, as scholars from all major legal systems contributed (Gilissen 1970). Gilissen aimed to discover the *grands courants* of human and institutional behaviour. When criticized by the famous French political scientist and constitutional lawyer Maurice Duverger (1917–2014), Gilissen replied that comparative legal history was different from sociology, since it did not pretend to discover universal truths (Gilissen 1973; Gilissen 1975).

Gilissen was equally a Belgian member of the board of editors of *The Legal History Review* (*Tijdschrift voor Rechtsgeschiedenis*; Winkel 2019) for over three decades. This leading journal of legal history, founded by Dutch lawyers in 1919, became a truly Dutch-Belgian review after the Second World War. Gilissen served on the board for more than thirty years, together with – among others – Robert Feenstra (1920–2013), Felix Wubbe (1923–2014), Egied Strubbe (1897–1970), François Louis Ganshof (1895–1980) and Raoul Van Caenegem (1927–2018). The journal dedicated a special section to him in 1982, with articles by Felix Wubbe,

³⁹ Thirteen years after the Catholic University of Leuven (Waelkens, Stevens 2014, 234–241).

⁴⁰ Optional courses in Dutch could be taken at the Faculty of Arts and Philosophy by students from Social Sciences, Dutch terminology was made available to the Faculty of Engineering. *Ibid.*

⁴¹ Which caused an *explosion scolaire* (Tyssens 1995, 31–33). In 1961, Belgium counted 51 000 students enrolled in higher education, compared to only 22 000 in 1954. This would continue to rise to 71 000 in 1971 (Tyssens 1995, 40).

⁴² "Il lui arrivera, certaines années, d'être président de trois associations, et, simultanément, d'exercer le secrétariat général de trois autres sociétés savantes..." (Ingber 1983, X).

Raoul Van Caenegem, Pieter Gerbenzon (1920–2009) and Philippe Godding. He was equally a board member of the Franco-Belgian-Dutch *Société d'histoire du droit et des institutions des pays flamands, picards et wallons*, founded in 1929 and of the Royal Commission for the Publication of Old Laws and Ordinances at the Belgian Ministry of Justice, established in 1846, an institution he presided over from 1969 to his decease.⁴³

In his own publications, themes vary from family law (the legal status of women in the Low Countries), the historiography of law (Gilissen 1980a), judiciary institutions (Gilissen 1980b) to constitutional law (Gilissen 1981, 1984, 1986), sources of law (“the phases of codification and homologation of customs in the XVII Provinces of the Low Countries,” Gilissen 1950) and the teaching of law (Gilissen 1985). His work on representative institutions before and after 1790 has been the work of reference for decades (Gilissen 1952, 1958a). Part of John Gilissen’s source material for his famous articles on customary law (and, as illustrated below, probably for student exercises), still resides in the VUB’s library, which contains several *Coutumiers* (Ferriere 1714; Richebourg 1724; Kersteman 1772).

4. TEACHING

Gilissen’s *Introduction historique au droit*, published by Bruylant in 1979, is a classic.⁴⁴ The originality of the work lies in its approach of the course, which is designed to teaching concepts to students. Three themes are treated: a comparative introduction to legal systems (see below), an overview of the sources of law (which implies institutional history before 1795) and elements of private law. Teaching on the sources of law meant that Gilissen elaborated on the empire of custom and, after 1795, that of (French) law (Gilissen 1979, 14). Gilissen astutely quoted the monument of Belgian civil law doctrine, ULB-professor Henri De Page (1894–1969) (Heirbaut 2019). In his *Traité élémentaire de droit civil belge*, the oracle of positive law had stated that legal history alone could clarify the origins of rules, and was, in that sense, superior to philosophy and theory of law (Gilissen 1979, 11). This endorsement ought to have impressed Gilissen’s students, as references to De Page were practically mandatory for all student writing and pleading. Of course, Gilissen did not stick to a mere genealogy of legal rules, but questioned concepts and multiple types of normativity.

⁴³ See the commission’s website: https://justitie.belgium.be/nl/informatie/bibliotheek/koninklijke_commissie_uitgave_belgische_oude_wetten_en_verordeningen

⁴⁴ A Dutch version (succeeding a polycopied course) was published in 1991, adapted by successor Michel Magits (Gilissen 1991). Part of the preparatory documentation for the manual is to be found in ULB/Archives Gilissen, nrs. 75–76. See also Gaudemet (1980).

4.1. Gilissen's course at the VUB

At the newly established VUB (1969–1970), Gilissen taught two mandatory courses in the first year. The manual was written for Gilissen's crown course *Historische Inleiding tot het Recht* ("Historical Introduction to Law," 60 hours), which ran over a whole year. Students had to follow his course on comparative institutional history (60 hours), as well as Roman Law (Jacques-Henri Michel, 60 hours).⁴⁵ An optional course *Geschiedenis van het recht* ("History of Law," 45 hours) and a seminar in legal history on "doctorate" (master) level (30 hours) were equally under his responsibility.

As a young institution, the VUB's Faculty of Law and Criminology could flexibly innovate and alter the teaching scheme. Faculty council reports indicate a certain responsiveness to student requests in the creation of courses and assistant positions. In the course guide for 1977–1978, Gilissen's course *Geschiedenis van het Recht* ("History of Law," 45 hours) in the second year mentions that hours have to be "agreed with the students."⁴⁶ In this year, the teaching staff for legal history and legal theory counted four professors (Frédéric Dumon,⁴⁷ S. Frey, John Gilissen, Jacques-Henri Michel), six assistants (among whom Gilissen's successors Frits Gorlé (Gorlé 1980) and Michel Magits), three language instructors and one monitor (the future professor of constitutional law and judge in the Council of State André Beirlaen).⁴⁸

⁴⁵ Request by René Dekkers to be discharged of the course "Institutes of Roman Law" (120 hours) in Dutch (second year of the Candidature preparatory to the Doctorate in Law) to the benefit of his "ancien et brillant élève" Jacques Michel, 29 June 1966, ULB/Archives Gilissen, no. 30. The decision of the committee to nominate Michel as "professeur extraordinaire" cites the unanimous praise of students for his teachings, and eight publications in the past three years, as well as his international scientific activity. The pedagogical priority of the university is illustrated in an earlier report on the attribution of the course "Pandects" in Dutch (45 hours), which had become vacant due to the resignation of Wilfried Roels in 1964. Michel, the only candidate, was not recruited, since his mastery of Dutch was considered insufficient. Consequently, in spite of Michel's nomination by the Board of Administrators, the committee (composed of Gilissen, Jean Van Ryn and... René Dekkers) managed to convince René Dekkers, "in spite of the numerous burdens he was already charged with," to continue teaching this course, although assisted by Michel, who equally taught a course on Latin philology in the Faculty of Arts and Philosophy. This case perfectly illustrates the many complexities of a law program caught between two faculties, in a double linguistic environment (Magits 2014). Jean Van Ryn, professor of commercial law and influential attorney at the Bar of Brussels, was among the seminal figures at the origin of the French-speaking party *Front démocratique des Francophones*.

⁴⁶ VUB, CAVA, coursebooks, Collegerooster 1977–1978, 28.

⁴⁷ Frédéric Dumon (1912–2000), Head of the prosecution department at the Court of Cassation, 1978–1982 and professor at the Vrije Universiteit Brussel. "Dumon, Frédéric." In *Digithemis. Prosopographical Database of Belgian Judges*, <http://prosopo.sipr.ucl.ac.be:8080/prosopographie3/>.

⁴⁸ Teaching assistants assigned to the courses in legal history (and publishing on legal history) did not necessarily pursue a further academic career in this field, e.g. Maxime Stroobant, who was

Gilissen's teaching, which always eyed for the contemporary relevance of the past, also created a logical and automatic bridge to popularisation in the series *Actuele geschiedenis* ("Current History"). In a note dated 5 May 1969, John Gilissen explains that he had conceived the course "Contemporary History" (1958) as one in "Current History," focusing on the historical background of present-day questions of public law. The letter enumerates the following cases: the presidential elections in the USA (at the occasion of Nixon's election in 1968), the "negro question" in the USA⁴⁹, the British Labour Party, the evolution of public law in the USSR, the constitutional revision in Belgium and the problem of abstentions, the genesis and evolution of political parties in the German Federal Republic since 1949, fascism and Christian Democracy in Italy, Chinese Communism, colonisation and decolonisation in Africa. The letter gives us a glimpse of how Gilissen organised his tremendous teaching load: the first five cases were destined for the history students, the latter four for the law students. There was no immediate link in content: the law students took 60 hours of class, whereas students in history and political science only followed 45 hours. Gilissen foresaw for the next year (the first "independent" academic year for the VUB), "the third revision of the Belgian constitution," "De Gaulle and après-Gaullism," "South-Africa and Rhodesia," "South-America" and the "question of famine in North-America."

He published small booklets on "The third revision of the Belgian Constitution 1954–1971" (Gilissen, Croisseau 1974), "The USSR" (Gilissen, Gorlé 1978), "South-Africa" (Gilissen, Magits 1978) or "The Irish Question" (Gilissen, Nauwelaerts 1974), "China" (Gilissen 1977) and "The French Fifth Republic." All of these themes had been the subject of practical exercises at the VUB in his course on comparative institutional history.⁵⁰ The main course started with the constitutional history of Britain and the United States (Part I), before turning to France, Belgium and the Low Countries 1789–1831, the Netherlands and the USSR (Part II). Germany, Italy, Spain nor the Scandinavian countries were treated.

4.2. In the Master's workshop: Course preparations

John Gilissen's handwritten course preparations in his archives at the ULB give insight into the practical ordering of the major mandatory course *Introduction historique au droit civil* and the genesis of the manual, as the eventual pagination in the following paragraph indicates. The start of the academic year

assigned as assistant to Gilissen's course in 1969–1970, but became a professor of labour law and member of the Belgian Senate (1988–1995).

⁴⁹ Note by John Gilissen, 5 May 1969. In the text: "Het negervraagstuk in de V.S.A."

⁵⁰ See also ULB/Archives Gilissen: John Gilissen, *Hedendaagse Geschiedenis. Historische Inleiding tot de Instellingen van de Voornaamste Moderne Staten* (Brussels: VUB, 1977), vol. I, I–III. The chapters on France since 1958, the USSR, and three chapters of 'current history' are published separately.

1959–1960 was on 14 October, the last course on 17 May, with a small interruption for the Christmas break. Twelve sessions were dedicated to external legal history (pp. 12–489). “Primitive legal systems”⁵¹ (pp. 31–52, with examples in the 1979 manual on Zaire (Congo) and “Antiquity” (pp. 53–84: Egyptian, Cuneiform and Hebraic law) were the subject of a single course. Two courses were devoted to the sources of Roman, Germanic and canon law, including (annotated *in margine*) the *Haut Moyen Âge* or Early Middle Ages (pp. 120–182, 219–313). Customary medieval law (*Bas Moyen Âge* or Late Middle Ages) occupied one session and a half (the latter being complemented by half a session devoted to legislation). Roman law and canon law occupied the first session of December, the second one being earmarked for Roman law and customary law in the early modern period (pp. 258–267, 358–377). The second session devoted to the early modern period treated codification and doctrine (pp. 314–357). External legal history continued well into the new year, as the revolutionary and 19th century legislation (379–447) occupied the first two sessions of January, and the final one doctrine, custom and the judiciary branch (pp. 454–479). Hindu, Muslim and Chinese law, or Soviet and Communist Law, which were included in 1979, did not figure in the program yet (pp. 91–120, 198–217).

This schedule implied that Gilissen could only devote nine sessions to the internal history of private law, divided into family law (3: marriage, divorce, tutelage, emancipation, pp. 505–564), real property (2, pp. 565–588), succession (589–622) and the law of obligations (2, pp. 637–674).⁵² The handwritten course preparations include clear and well-structured schemes and extracts of own contributions to reviews.⁵³ Copies of recent relevant book reviews or articles are a sign of the author’s continuous attention to the development of legal historical scholarship.⁵⁴ Gilissen’s files furthermore contain elaborate offprints from legislative publications and contemporary jurisprudence, in order to remain up to date in teaching. Legal history had to serve as an historical introduction

⁵¹ ULB/Archives Gilissen, no. 78 for documentation regarding “archaic, hindu, muslim, antique, canon” law. Gilissen kept communications by foreign colleagues thematically related to his teachings, e.g. typed book review of Ander Csizmadia, “Le développement des relations juridiques de l’État hongrois et des églises et leur pratique à l’époque de Horthy 1919–1944,” extract of Václav Vaněček’s “La penetrazione del diritto romano e canonico nel territorio dell’odierna Cecoslovacchia a partire dalla seconda metà del IX secolo sino alla prima metà del secolo XIV” from the *Convegno Internazionale di studi Accursiani* (Milano: Giuffrè, 1968).

⁵² ULB/Archives Gilissen, no. 77.

⁵³ E.g. ULB/Archives Gilissen, no. 77: extract from the *Tydskrif vir Hedendaagse Romeins Hollandse Reg* (1955, Pretoria) on Roman law and customary law in the Southern Low Countries.

⁵⁴ E.g. ULB/Archives Gilissen, no. 77: review of Hans-Achim Roll, *Zur Geschichte der Lex Salica Forschung* (Scientia Verlag: Aalen, 1972).

to positive law. It is thus hardly surprising that his archives contain a consistent section devoted to the Belgian Judiciary Code of 1967.⁵⁵

The course preparation for the Dutch-speaking variant *Geschiedkundige Inleiding tot het Burgerlijk Recht* informs us of the number of students for this mandatory course in the preparatory candidature (“Bachelor”) leading to admission in the “Doctorate” (Master) of Law: twenty-six students for 1957–1958 and seventeen students for 1959–1960.

4.3. Students at work: Exercises in legal history

The archives at the ULB contain copies of student essays written for the course *Legal History* in the second year of the “preparatory Candidate Degree to the Licentiate in Law and Notarial Sciences” from the 1950s. Only the “Doctorate” was exclusively reserved for law courses. In the first cycle, law students were instructed with matters taught at the Faculty of Arts and Philosophy (see also Waelkens, Stevens 2014, 230). The programs of Economics and Political Science equally contained many historical courses.⁵⁶

Gilissen ordered his students to work on the legislation of the Prince-Bishopric of Liège, an immediate member of the Holy Roman Empire, comprising the major part of the Belgian provinces of Liège, Limburg and parts of Luxemburg, Namur and Hainault. The neighbouring abbatial principality of Stavelot-Malmédy was equally scrutinized.⁵⁷ The “democratic” representative regime in Liège guaranteed a right of advice and in many cases co-decision for the Estates. However, the exact degree to which the Prince-Bishop was bound to respect the Estates, varied across the ages.⁵⁸ Gilissen requested his students to work on specific constitutional documents⁵⁹ and legislative acts, which had all been published in the 17th, 18th and 19th centuries.⁶⁰ This allowed him to map

⁵⁵ ULB/Archives Gilissen, nrs. 75 and 76. The most recent work on the matter is Maarten Vankeersbilck, *Justitie in de steigers : gerechtelijke hervormingen in België : de moeizame weg naar het gerechtelijk wetboek*, Gent, UGent, 2019 (unpublished doctoral thesis in law).

⁵⁶ E.g. model of the curriculum for the degree of Candidate and Licentiate in Economics, March 1954: four historical courses in the first year, two in the second, third and final year. Students in economics equally had to take three legal courses in the first year, two in the second, third and final year. ULB/Archives Gilissen, no. 26, minutes of the Faculty Meeting of the School for Political and Social Science, 8 March 1954.

⁵⁷ “Les ordonnances territoriales de Stavelot-Malmédy,” ULB/Archives Gilissen, no. 52.

⁵⁸ E.g. F.D. “Dans quelle mesure le prince-évêque de Liège se passait-il de l’intervention des Etats dans l’exercice du pouvoir législatif (entre 1621 et 1684),” ULB/Archives Gilissen, no. 52.

⁵⁹ E.g. the “Peace of Fexhe,” considered as the “palladium” of “liégeois” civic liberty. J.P., “La paix de fexhe (1316),” ULB/Archives Gilissen, no. 52 (on this topic see Masson and Demoulin 2018).

⁶⁰ The theme of Liège’s democratic roots is a commonplace in Belgian legal history. It figured prominently in the first stand-alone treatise on Belgian public law (Thimus 1844: 27–33).

all areas of material⁶¹ and procedural law.⁶² A similar approach was taken for early modern legislation in France, Germany and the Dutch Republic.⁶³

In 1955–1956, the Dutch-speaking law students worked on the legal status of women. Four female and eighteen male students studied regional variations of customary law⁶⁴, positions in doctrine⁶⁵, published case law⁶⁶ and applicable legislation in various periods.⁶⁷ A single synoptic note grouping student names, topics, marks and comments allows to reconstitute the pedagogical nature of Gilissen's approach. Five students failed the course, three of them having been "often" and "almost always" absent, one student "silent, even when he has something to report" and a final one who "never understands what he had to do."⁶⁸ By contrast, praise for excellent students is rendered clearly as well: the "excellent" B. (18/20), "intelligent" D.C. (16/20) and "very good" V. (16/20) who had "thoroughly researched, although he had failed to understand everything."⁶⁹ According to Gilissen's assessment, some oral presentation was mandatory.⁷⁰

Interestingly, Gilissen blended polemic issues of his own times and institutional history.⁷¹ The folder dedicated to exercises for second year law students contains press clippings evoking the major political controversies of his lifetime. For example, a piece written late in 1958 by right-wing Catholic senator Pierre Nothomb (1887–1966) questioning the appropriateness of proportional representation, drew Gilissen's attention. Belgium had adapted proportional representation in 1899, with major adjustments in 1919. The majority system

⁶¹ E.g. F.L., "Les Ordonnances du Pays de Liège: XVI^e au XVIII^e siècles. Ordonnance touchant l'impression et le débit des livres – 29 janvier 1766," ULB/Archives Gilissen, no. 52; L. L., "Le 'Cri du Perron' du 9 juin 1533 et les Ordonnances du 5 mars 1562 et du 10 septembre 1566 contre les hérétiques," (*Ibid*).

⁶² E.g. D.D.P., "Ordonnance du Pays de Liège portant règlement pour la réformation des abus existant dans l'administration de la justice (Georges d'Autriche, 6 juillet 1551)," ULB/Archives Gilissen, no. 52.

⁶³ ULB/Archives Gilissen, no. 53.

⁶⁴ Malines, Artois, North-Brabant, Antwerp, South-Brabant, Bruges, Hainault, Looz-Maastricht, Namur-Luxemburg, Ypres-Courtrai, Tournai-Cambrai-St Amand, Liège, Franc of Bruges, Ghent and Cassel.

⁶⁵ Fourteenth-fifteenth, seventeenth-eighteenth centuries.

⁶⁶ Seventeenth-eighteenth centuries.

⁶⁷ Fifteenth-eighteenth centuries.

⁶⁸ ULB/Archives Gilissen, no. 77.

⁶⁹ The student was assigned the subject of the legal status of women in Roman law. Gilissen downgraded his original mark (17/20). ULB/Archives Gilissen, no. 77.

⁷⁰ E.g. D.S. (15/20): "regular, sometimes lacunae in his research, speaks well in public."

⁷¹ At the VUB, Gilissen equally acted as supervisor for many master theses in contemporary history with political and institutional subjects, which can count as a proof to support Ingber's statement that he is to be thanked for the "origin and growth in difficult circumstances" of the VUB's History section (Ingber 1983, XII; François, Vanhaute, Vrielinck, 1995).

(1830–1899) threatened to obliterate the chances of minorities (Catholics in Wallonia, Socialists in Flanders) to be represented, and posed a threat to the Liberal party, due to the extension of suffrage in 1894. After the First World War and the introduction of universal male suffrage (one man, one vote), the system was perfected to guarantee smaller parties that their “residuary” votes in small constituencies would be added up at the intermediate, provincial level, in order to ensure accurate representation of minority opinions in parliament. This system of *apparentement* ensured pluralism, as no votes in smaller constituencies would be “lost.”

Nothomb’s article criticised the governmental agreement concluded by the Christian democrat Prime Minister Gaston Eyskens (1958–1961). His party, the CVP/PSC, had just won an overall majority in Flanders (56,6% of votes), controlled the Senate, but fell just short of a majority nationwide (46,5% of votes, 104 seats out of 212 in the Chamber of Representatives). Eyskens was accused by the notoriously Conservative Nothomb of “conceding” to the Liberals’ demands: by lowering the threshold for participation in the repartition of parliamentary seats at the provincial level, Eyskens gave in to the “moral advantages” of “sticking as closely as possible to justice.” For the Chamber of Representatives, the CVP/PSC had obtained 49% of the seats with 46% of votes, its coalition partner had 9,4% of the seats with 11% of the popular vote, and was thus slightly under-represented.⁷²

Yet, Nothomb thought Eyskens was reinforcing a “very bad governmental system” by conceding to the Liberals. Nothomb’s remark referred to the crisis of the French Fourth Republic (1944–1958), where governmental majorities tried to defend themselves against the pressure of Gaullist and Communist electoral successes.⁷³ He accused the Liberal party of aiming at the instauration of a nationwide system of *apparentement*, which would *de facto* take the national vote count as a decisive criterium for the attribution of seats. As a Conservative Catholic, Nothomb wanted to restrict the impact of “systems built on mathematics,” which he saw as a “destruction of personalities, local forces and independences.” Any “strong government” would be rendered impossible if smaller parties were granted their full electoral weight in parliament. Furthermore, small constituencies (where the principle of proportionality is almost cancelled out due to the high factual threshold) would constitute the guaranty for a close link between electors and politicians.⁷⁴

⁷² In Limburg, a traditionally Catholic-dominated province, the CVP obtained 71,82% of the vote, against 24,48% for a joint list (“cartel”) of Socialists and Liberals. Eight seats went to the CVP, three to its opponents. Without *apparentement*, the Socialist-Liberal cartel would have lost at least one seat, which would have further increased the slight overrepresentation of the victorious CVP-PSC. *Le Soir*, 3 June 1958.

⁷³ Gilissen’s archive contains a map of the Fourth Republic’s last *Assemblée Nationale*, cut from *Le Figaro*, 21 November 1958.

⁷⁴ Nothomb, “Le ‘S.U. Intégral,’” s.d., ULB/Archives Gilissen, no. 48.

Nothomb's remarkable opinion pleaded for "true and integral universal suffrage." After the introduction of female suffrage for parliamentary elections (1948), the next logical and necessary step ought to be suffrage for "men, women and children." Nothomb suggested all "members of a society of free men" had been entrusted by "natural law" with the right to participate in elections. The actual exercise of this right was logically limited by the threshold of majority, but why couldn't children be represented by their head of family (ergo, the father)? True "familial suffrage" would be rejected by Socialists and Liberals, added Nothomb, just as they had "ridiculously and uselessly" opposed female suffrage.

Just as with the Old Regime ordinances, Gilissen presented a thematically coherent corpus of primary to his students for exercises on electoral law and its practice. In one case, sixteen Dutch-speaking students were attributed the constituencies of Brussels (pre 1878, post-1878), Antwerp, Mechelen-Turnhout, Louvain and Nivelles, Ghent-Eekloo, Termonde-St Nicolas, Alost-Audenarde, Bruges and Ypres-Ostend-Furnes-Dixmude, Courtrai-Roulers-Tielt, Tournai-Ath-Soignies, Mons-Charleroi-Thuin, "Limburg," Liège/Huy-Waremme, Namur, and Luxemburg/Verviers. Gilissen associated constituencies from various provinces. Four out of sixteen students failed the course (their paper being annotated as "weak"), five excelled (with a "Miss Van Mieghem" receiving the highest mark). Six out of sixteen students were female.⁷⁵

Gilissen's notes contained calculations on the relationship between popular vote and seats in the Chamber of Representatives, or on electoral abstention.⁷⁶ Unsurprisingly in view of the linguistic and confessional situation,⁷⁷ he noted with interest that in Roulers, Tielt (both in West-Flanders) and Maaseyck (Limburg), no Liberal candidates had been presented at the 1857 parliamentary election, which was held under a system of suffrage based on a tax threshold. Without *apparentement* and in a majority system, the Catholics obtained all available seats, unopposed. Conversely, no Catholic candidates had been presented in Dixmude (West Flanders), Mons (Hainault), Waremme (Liège), Arlon (Luxemburg) and Philippeville (Namur). Gilissen tried to adapt the popular vote numbers by adding

⁷⁵ In another case, twenty-four electoral results were attributed to a class of nine female and fifteen male students.

⁷⁶ E.g. "Uitslagen 1857," ULB/Archives Gilissen, no. 48. In 1893 (at the first reform of the Belgian Constitution), voter turnout was rendered mandatory.

⁷⁷ The elections of 1958 forced Gaston Eyskens to seek a coalition with the Liberals. Under the preceding Socialist-Liberal Government Van Acker III (1954–1958), a political storm over education pitted Catholics and Non-Catholics against one another. Lacking an absolute majority in the Chamber of Representatives, the CVP/PSC was ready to negotiate with both Socialists and Liberals to accommodate the issue. This gave rise to the "Schoolpact," which foresaw increased budgets and beneficially influenced the participation of lower social classes and women to higher education. This logic of compromise would provide the societal and political context for the split of the ULB, as the representation of both sides of the confessional divide within each linguistic community was deemed necessary (Witte, De Groof, Tyssens 1999).

the electors who had failed to turn up. The contrast with the proportional system as adopted in 1899 and, most importantly, the *apparentement* introduced in 1919, was clear.

Investigating the technicalities of the nineteenth-century's electoral system rendered students more aware of the specificity of the contemporary system, and of the implications of future modifications. The life of constitutional and legislative texts was heavily documented. Gilissen's notes and course documentation emphasise the only partial renewal of the Chambers between 1830 and 1914, save for the full dissolution of Parliament (1833, 1848, 1857, 1864, 1870, 1884, 1892, 1894, 1900, 1912), as well as the elitist nature of the Senate, for which 507 people were eligible in 1880.⁷⁸ The system of voting with a fiscal threshold was documented with statistics on population and electors, including statistics on the various professional categories included and excluded by fiscal criteria.⁷⁹ This was relevant, as the competing Liberal and Catholic ministries tried to eliminate part of their rival's sociological support groups from voting, with the most famous controversies focusing on priests and bar-tenants.⁸⁰

Another theme, treated in the tumultuous sixties, was the imminent reform of the Belgian state. In his Dutch-speaking seminars for master students in political and diplomatic science,⁸¹ Gilissen decided to study the preceding proposals for constitutional reforms, which contained several elements that would return in the constitutional debates of the 1970s, 80s and 90s.⁸² These attempts only rarely receive attention nowadays, as the full deployment of the process of state reform from 1970 on has introduced a complex form of federalism. Gilissen's students examined the proposal by Herman Vos (1889–1952) of 23 April 1931. This left-leaning Flemish Nationalist proposed to introduce a “Federal Statute”

⁷⁸ Every two years, half of the members of the Chamber of Representatives were elected (art. 51) and every four years, half of the senators (art. 55, Belgian Constitution of 1831). Dissolutions of both Chambers, or of the Chamber of Representatives or the Senate alone, gave rise to a full renewal of all seats. The number of eligible citizens for the Senate was determined by a high fiscal threshold of a thousand florins (art. 56, 5°, Belgian Constitution of 1831). On 5,5 million inhabitants, the number cited above represented 0,009218% of the population. Until 1993, the Belgian Senate enjoyed full competence in a perfect bicameral system.

⁷⁹ ULB/Archives Gilissen, no. 48.

⁸⁰ Statistics revealed that only 6 lawyers and proctors and 14 judges and councillors could vote in the predominantly rural constituency of Turnhout in 1880, on a total of 1 712 electors and a population of more than 100 000 people. In the capital (Brussels), 279 lawyers and notaries were on the electoral roll, as well as 116 judges and councillors, on a total of 18 154 electors and a population of over 600 000. Farmers and landowners were the most numerous category, even in the province of Brabant (where both counted about 3 500 electors). ULB/Archives Gilissen, no. 48.

⁸¹ ULB/Archives Gilissen, no. 73 (“Grondige studie van een vraagstuk uit de hedendaagse politieke geschiedenis van België”).

⁸² ULB/Archives Gilissen, no. 73.

for Belgium (Van Causenbroeck s.d.).⁸³ His proposal, elaborated with the help of the Dutch historian Pieter Geyl (1887–1966) and the Dutch constitutional lawyer Frederik Gerretson (1884–1958), was not thought fit for consideration and was never treated in Parliament.⁸⁴ At the occasion of the (procedural) vote on consideration of the proposal, solely the communist Jacquemotte supported the treatment, insisting on the fundamental nature of the right of self-determination and secession (*Parliamentary Transactions – Chamber of Representatives*, 19 July 1932, Paper L.R., 8–9). Chamber president Frans van Cauwelaert, a Catholic and Flemish nationalist, thought the proposal merely intended to “destroy the Belgian state” (*Parliamentary Transactions – Chamber of Representatives*, 19 July 1932, Paper L.R., 8).

Vos aimed to transform the unitary Belgian state into a “United Kingdom of Flanders and Wallonia.” The formula was not a coincidence, as the previous “United Kingdom of the Netherlands” (1815–1830) had united Belgium and the Netherlands. Vos proposed to let the capital alternate between Brussels (which he considered as the capital of Flanders) and a city in Wallonia, following the example of The Hague and Brussels in the nineteenth century. Both member states would have a bicameral parliament, following the American model. At the federal level, the “Federal Assembly” would be constituted by an equal number of representatives from both parts of the country. This parity was equally present in the Federal Government, which controlled the Executive Branch. Only foreign policy, customs and transport, common finance and the colonies would remain a joint competence. Vos thought an army was not necessary. The state ought to be permanently neutral and disarmed, with a constitutional interdiction of alliances, exclusively reliant on the League of Nations and the Locarno Pact (Paper L.R., 6). Needless to say, this very restricted form of bipolar federalism loosened the link between Flanders and Wallonia, and was a poorly disguised conception of a confederation to be dissolved as soon as the occasion would present itself.

Several proposals for the introduction of federalism by Walloon politicians equally received attention, including one by three Socialist members of the Chamber of Representatives in 1938, proposing a federalism with three constituent entities: Flanders, Wallonia and Brussels (Paper L.R., 12–14).⁸⁵ These three entities

⁸³ ULB/Archives Gilissen, no. 73, paper by L.R. (Political and Diplomatic Sciences, 1964–1965).

⁸⁴ The proposal was sponsored by Staf Declercq and Gerard Romsée, who would become leading figures of the VNV, a party at the forefront of collaboration with the Nazi occupant (De Wever 1994). As customary within the Flemish movement, Vos was accused of “treason” by the most radical Flemish nationalists, who accused him of delaying the absorption of Flanders into a United Kingdom of the Netherlands, by prolonging the “Belgian deceit” (Paper L.R., 7).

⁸⁵ The emphasis on the difficulties within the Socialist movement concerning the linguistic issue has recently been highlighted (Van Velthoven 2019).

would obtain an equal number of Federal Senators. Brussels would return 30 MPs for the Federal Chamber, Flanders and Wallonia each 90. A “Constitutional Supreme Court,” inspired on the US Supreme Court would exercise judicial review on federal and state legislation, as well as enforce the competence structure (Paper L.R., 12–14). The text aimed to constitutionalise social measures taken in the aftermath of the First World War and the major strikes of 1936.⁸⁶ This proposal was not thought fit for consideration either, although Flemish nationalists, Communists and Walloon Socialists provided 62 votes in favour of its discussion. At the end of the Second World War, the dissolution of the Flemish nationalist and totalitarian party VNV put an end to these proposals, but did not prevent the Walloon Socialists from introducing new attempts (Witte, Van Velthoven 1999).⁸⁷ Another case treated was the proposal of the CVP/PSC-government Van Houtte (1952–1954) to modify the constitution in order to incorporate “Belgian accession to the European supranational institutions” (Paper L.R., 29).⁸⁸

The thorough treatment of these proposals in the preceding paper was greatly appreciated by Gilissen and resulted in a 16/20. The archives give us the occasion to see both positive and negative comments on student works. A paper submitted on the political workgroup constituted by the Lefèvre-Spaak government (1961–1965) to prepare a constitutional revision was criticised as “weak”: the student had copied the report by Minister of Justice Piet Vermeylen, displayed a total “lack of critical sense.” The literature review was incomplete, “although not much material is available,” and, most importantly, “no solid historical criticism or comparison of sources” were present, which justified a meagre 8/20. A similar work on the roundtable conference devoted to constitutional reform in 1964–1965 received a 15/20. Gilissen justified this shortly, but did not forget to include a copy of a student’s letter arguing that she had been able to obtain the official records of the relevant meetings from the Minister of Justice himself.⁸⁹

Gilissen’s teaching on more contemporary institutional and political issues was logical in the context of the law faculty at that time. The administrative documents in the archives render clearly that many courses were open to (or even mandatory

⁸⁶ The eight hours working day, maximum working time of 48 hours per week, equal pay for equal work, abolition of child labour (art. 8 and 31 of the proposal; Paper L.R., 13).

⁸⁷ Most notably, in October 1945, the ‘Walloon National Congress’ in Liège asked for autonomy. This was translated into a proposal for the transformation of Belgium into a confederation, introduced by various French-speaking Socialist, Liberal and Communist MPs in 1947 (Paper L.R., 17).

⁸⁸ Belgium’s accession to the European Community for Coal and Steel and the European Defence Community was seen as unconstitutional by leading legal scholars Walter Ganshof van der Meersch (ULB) and Charles De Visscher (Louvain), who called for a revision of the constitution. The legislative elections of 11 April 1954 created a new political situation, whereby the CVP/PSC refused to cooperate with the new Socialist-Liberal government Van Acker-III (Paper L.R., 31).

⁸⁹ Letter of L.M. to John Gilissen, Brussels, 4 July 1967.

for) students in political science or economics.⁹⁰ The correspondence contained in the preparatory documents for courses tend to suggest that a considerable part of the course documentation was not yet available at the university, and had to be collected by the Professor himself.⁹¹ As Substitute and Chief Military Prosecutor at the Military Court, Gilissen used his authority to request documents for teaching purposes at the Ministry of Justice.⁹²

5. ADMINISTRATIVE RESPONSIBILITIES

John Gilissen's involvement in teaching was intimately linked to his own research. Of course, the hierarchical nature of his position involved his participation in the direction of the common policy of the university and its faculties, beyond the linguistic question. Gilissen acted as president of the ULB's Faculty of Arts and Philosophy (1962–1964)⁹³ but was of course a member of many deliberative organs. His archives contain an interesting note on the perspectives of scientific research. The Belgian National Fund for Scientific Research, set up in 1927, emphasised the need to generalise the mandatory writing of a thesis, in order to test student abilities for research, and evoke vocations.⁹⁴ To enliven academic research, the note proposed to create six month research-sabbaticals for maximum five professors per

⁹⁰ E.g. Draft of a study program for Studies in Economics, to allow for the creation of a Licentiate Thesis, 8 March 1954, School of Political Science and Economics (ULB), 8 March 1954: the first two years in economics had six mandatory history courses and two law courses. The final two year-cycle counted four legal courses and four historical courses.

⁹¹ E.g. J. Temmerman, head of the Senate's Study and Documentation Services, to John Gilissen, Brussels, 29 January 1957, communicating information on the Senate's membership 1831–1912 and electoral results 1908–1954. The letter indicates that full data can only be provided "according to the advancement of our archival operations." A handwritten table of the membership of Chamber and Senate states that "these figures have been provided by the Ministry of the Interior, Administration of Electoral Affairs (M. Van Houtte). This administration does not have the full results of the numerical strength of the political parties in the Senate. M. Van Houtte considers it to be extremely difficult for his services to establish the political affiliation of Senators prior to 1932 [...] Van Houtte directs us to the Registry of the Senate. A check of M. Temmerman's figures is thus impossible [...] Nor M. Van Houtte, nor M. Backaert of the Chamber of Representatives' Registry, can explain the lacking two seats for 1866 to 1870, where only 122 seats can be found, although the Law of 7 May 1866 foresaw a total of 124 seats." ULB/Archives Gilissen, no. 48.

⁹² E.g. John Gilissen as Deputy Auditor-General to the Library Service of the Ministry of Justice, Brussels (Palace of Justice), N° S.A. 99/2, 3 November 1958. ULB/Archives Gilissen, no. 48. In this letter, Gilissen requested the Parliamentary Transactions of Chamber and Senate for the years 1848–1850.

⁹³ ULB/Archives Gilissen, no. 28–29.

⁹⁴ "Réformes possibles ou souhaitables," National Fund for Scientific Research. ULB/Archives Gilissen, file 26, 11 pages.

year, diminishing the burdens of teaching and administration.⁹⁵ The rejection rates cited in the note are relatively modest compared to present-day standards.⁹⁶

In spite of the differences in scale (as a consequence of the democratisation of higher education) and the changes in governance structure (due to internationalisation and the scission of the Fund in a Flemish and French-speaking Foundation), the fundamental problems of scientific research are still familiar today: the available means only allow for a limited number of positions to be awarded, and scientific mandates that do not lead to a tenured position as professor (including other responsibilities besides research) can create a situation whereby a brilliant researcher runs out of funding.⁹⁷ This is of course explained in the terms of the generic professional and private life patterns prevailing in the 1950s: a brilliant researcher arriving at the end of his postdoctoral trajectory will be “over thirty, married, possibly a family father” (and will thus have to support a housewife and/or children). Without “the means to wait patiently and with dignity for a stable situation, conformably to his ideal, this person will easily become an angry man, suffering of social declassification. His bitterness will be even more poignant because he had the greatest and legitimate hope.”⁹⁸

The high hopes of the Fund for Scientific Research contrasted with the reality experienced in faculty meetings. At the meeting of the School for Political and Social Science of 8 March 1954, the eminent historian Jean Stengers pointed to the lack of professors to supervise thesis research by master students.⁹⁹ His colleague, the economic historian Guillaume Jacquemyns (1897–1969) thought students would not be induced to apply for a doctoral dissertation, nor would the master thesis... “allow us to chase the more mediocre students.”¹⁰⁰ Another council member, Lameere, complained that students tended to spend too much time in writing a thesis, which “fatally” damaged their “general culture.”¹⁰¹

⁹⁵ “Réformes possibles,” 9.

⁹⁶ “Réformes possibles,” 3: 27 applicants rejected out of 45 (60%), whereas present-day rejection rates hover between 90% and 75%.

⁹⁷ As a consequence, researchers looked at the State Archives or secondary schools for tenured positions, to wait for the vacancy of a professorial position. The illustrious medievalist and contemporary historian Jan Dhondt (1915–1972, Ghent) is a well-known example: he was appointed at university after the war, when opportunities abounded due to retirements. For the ULB, secondary schools were known as the *vestibule de l’université*, used to finish doctoral dissertations (Witte 2009, 50).

⁹⁸ “Réformes possibles,” 4.

⁹⁹ ULB/Archives Gilissen, no. 26, draft minutes of the Council meeting of the School of Political Science and Economics (ULB), 8 March 1954.

¹⁰⁰ *Ibid.* Jacquemyns was “well integrated in the PSB [*Parti Socialiste Belge*]’s establishment through the Brussels Solvay Institute [at the ULB].” He and Jean Stengers were part of the new generation of professors appointed after the war (Witte 2009, 50–51).

¹⁰¹ ULB/Archives Gilissen, no. 26, draft minutes of the Council meeting of the School of Political Science and Economics (ULB), 8 March 1954

6. A MAN OF MANY NETWORKS

Besides the activities of the *Société Jean Bodin*, Gilissen's international lecturing activities allowed him to extend his teaching to external audiences. He gave guest lectures at the University of Leiden,¹⁰² travelled to Rio de Janeiro for a conference on "Lacunae in law," and intervened at dozens of foreign institutions.¹⁰³ Of course, the master's pupils had to follow his trail. A dossier filed for renewal by assistant Ivan Roggen mentioned participation in the *Société d'histoire du droit's* conference in Algiers, besides the *Société Jean Bodin* and the *Société d'histoire du droit et des institutions des pays flamands, picards et wallons*.¹⁰⁴ Conversely, Gilissen equally invited his foreign colleagues for guest lectures, e.g. the invitation for Peter Stein's (1926–2016) lecture on "The notion of General Principles of Law, from a historical perspective."¹⁰⁵ As explained in Peter Stein's personal note to Gilissen:

I have prepared a lecture which I think is suitable for those beginning the study of law (while still having some interest for those who know some legal history) [...] I have prepared it in French but of course if you would prefer not to risk the possibility of my French being unintelligible to the audience, I could give it in English.¹⁰⁶

Stein's letter gives a privileged view of the international nexus of renowned legal historians in the 1960s, in a world without high-speed rail connections and with less frequent flights. He asked Gilissen whether it would be possible to move the lecture forward, as the eminent Dutch colleague Robert Feenstra had announced him to travel by train through Brussels on his way to Nancy, where a celebration for the late François Géný (1861–1959) was foreseen. As Feenstra projected to spend the night at Metz before reaching his final destination, Stein inquired whether he could be free to join his Dutch colleague there, sketching the perspective of taking only a later train the next day at 08:31 in the morning to Nancy.¹⁰⁷

Gilissen's archives show he had annotated a previous letter of Stein, dated two weeks earlier, in order to ask for lodging for his guest at the University Foundation, a traditional meeting point of academic sociability in the heart of

¹⁰² Letter of I. Schöffler to John Gilissen, Amsterdam, 28 November 1954. ULB/Archives Gilissen, no. 26.

¹⁰³ ULB/Archives Gilissen, no. 48.

¹⁰⁴ "Note relative à monsieur Roggen," s.d., 2. ULB/Archives Gilissen, no. 27.

¹⁰⁵ Invitation for a lecture by Peter Stein (Dean of the Law Faculty at the University of Aberdeen), auditorium 16 at the Faculty of Arts and Philosophy (which Gilissen presided), 25 October 1962. ULB/Archives Gilissen, 28. Another example of an international "star" of legal academia invited to Brussels is Michel Villey (1913–1988)'s lecture on "Jean Bodin and harmonious justice" on 17 March 1970. VUB, Cava, Gilissen Archives.

¹⁰⁶ Peter Stein to John Gilissen, Aberdeen, 19 October 1962, r^o. ULB/Archives Gilissen, no. 28.

¹⁰⁷ *Ibid.*, v^o.

Brussels.¹⁰⁸ An ensuing letter containing practical instructions showed how academic travel was arranged in a world without mobile phones or internet: Gilissen requested his guest to phone him after arrival at the University Foundation after a lengthy travel by ferryboat and by train, either at the ULB (between 10 and 10:15 AM), or at the Palace of Justice (from 10:30 AM on), with the kind request to speak in French.¹⁰⁹

One could wonder how Gilissen managed to combine a position as military prosecutor with a heavy teaching and administrative load, added to simultaneous activity in several national, bilateral and international scientific networks. A letter to the *Centre d'études René Marçq* of 31 January 1955 lifts a tip of the veil. Gilissen apologises for not having been able to attend a meeting, since he had been retained at the Military Prosecution Department. Gilissen notes that the legal history section of the *Centre René Marçq*, named after a model alumnus of the ULB, had fallen in "lethargy" in 1954, after only two years of activity. Two members had been called to other priorities, as Frans De Pauw (1929–2006, future dean of the VUB's Faculty of Law and Criminology; Scheelings s.d.)¹¹⁰ had obtained a scholarship for the United States, and Philippe Godding (1926–2013, from 1966 on professor of legal history in Louvain; X 2013)¹¹¹ had been appointed as substitute prosecutor in Brussels. Together with assistant Ivan Roggen (1921–1997, governor of the Province of Brabant from 1976 to 1989 for the liberal party PRL),¹¹² Gilissen had compiled some conclusions of past research, and presented them at the conference of the

¹⁰⁸ Peter Stein to John Gilissen, Aberdeen, 4 October 1962, r° (annotated by Gilissen: "Tel à F.U. OK"). The eventual subject of the lecture was erased by Stein and replaced by "Legal Elegance and legal principles in historical perspective". The letter also indicated that Stein planned to visit Feenstra in Leiden late in October, but that he realised that 1 November would be unsuitable to lecture in Belgium, as this was an official holiday.

¹⁰⁹ John Gilissen to Peter Stein, Brussels, 11 October 1962, ULB/Archives Gilissen, no. 28. Conversely, some of Gilissen's colleagues at the ULB were academics of international renown as well, linking their networks back to Brussels, e.g. letter of Chaïm Perelman to John Gilissen, Pennsylvania (Pennsylvania State University), 1 December 1962.

¹¹⁰ De Pauw graduated first in Germanic philology (1951), and five years later in law (1956). From 1951 to 1961 on, he taught at the teaching institute for secondary school teachers in Nivelles, before his appointment als lecturer at the ULB. In 1952, he worked on the customary law of Asse, highly probably under the direction of Gilissen.

¹¹¹ Philippe Godding was the son of Robert Godding (1883–1953), a Liberal Senator for Antwerp, who studied law at the ULB and was minister for Colonies from August 1945 to March 1947. Godding fled to France in 1940 during the German invasion. *Le Soir*, 14 June 1968.

¹¹² As Gilissen explained in a letter supporting the renewal of Roggen's appointment as assistant, he had been appointed as substitute of the Chief Military Prosecutor (5 December 1955), and entrusted with a teaching mission at the Royal Military School (John Gilissen to dean Madeleine Gevers, Brussels, 8 March 1956). ULB/Archives Gilissen, no. 27. According to his obituary published in *Le Soir* ("Dernier hommage ce jeudi à Forest. Le gouverneur Roggen était royaliste, unitariste et bilingue," 18 June 1997), Roggen was the "youngest general magistrate of Belgium." In 1983, Roggen, who had withdrawn from academia, still participated in the redaction of the *Liber Amicorum*.

Société Jean Bodin, “albeit in a geographically enlarged form” as *Le droit privé dans les villes médiévales belges* (Gilissen 1954). Gilissen proposed that the René Marçq center would work on the same theme as the *Société Jean Bodin* for 1955: “the status of strangers in old law” (*Société Jean Bodin pour l’histoire comparative des institutions* 1958). Furthermore, Gilissen appears to have counted on assistants acting as replacement lecturers.¹¹³

7. LEGACY

Besides the many citations of Gilissen’s work by historians and legal historians alike, the teaching program at the VUB still carries the distinct set-up that followed from the structure described above.

7.1. History of public law

Gilissen’s successor at the VUB, Michel Magits, took over the mandatory 60 hour-course on Institutional history (*Geschiedkundige inleiding tot de instellingen van de voornaamste moderne staten* – “Historical Introduction to the Institutions of the Principal Modern States”), as well as a mandatory course – *Historische inleiding tot het Belgische recht* (“Historical Introduction to Belgian Law,” 60 hours). As a compensation for this heavy teaching load, no master courses associated with legal history were taught.

In parallel, founding Dean Frans De Pauw taught the mandatory course of “Historical Introduction to Legal Philosophy including Natural Law” (30 hours) in the second year. This course disappeared at De Pauw’s retirement. The general course on Legal Philosophy in the first year (Jean-Marc Piret), however, does take an historical approach.

7.2. History of private law

Roman Law (45 hours of ex cathedra teaching, 11 hours of tutorials, Jacques-Henri Michel) still figured in the mandatory courses of the second year in 1987–1988, to appear in the first year in 1992–1993 for 75 hours of ex cathedra teaching and 15 hours of exercises (Robert Raes). Roman law was merged with the course

¹¹³ E.g. Letter of the ULB’s academic authorities to Paul Philippot, Brussels, 22 December 1955, confirming his appointment as assistant “*hors cadre*” for the replacement of John Gilissen for the course “Survey of art history and archaeology (Middle Ages and Early Modern Period).” ULB/Archives Gilissen, no. 27. This course was taught simultaneously by Gilissen at the ULB’s Arts faculty, and at the “Higher Institute for Art History and Archaeology” in Brussels. One can understand that the “apex” of a double career as “both judge and professor” (Ingber 1983, XII) required some adjustments.

“History of Law” (see below). This recreated the hybrid form of course Gilissen had imagined. Gilissen had also communicated at public lectures and conferences on Roman law, but preferred to stick to its external history and the reception in Western Europe. Gilissen lectured in South Africa on the matter.¹¹⁴

7.3. Comparative legal history

Gilissen’s courses at the ULB and VUB contained a strong component devoted to comparative law. His “Introduction” gives credit to his colleagues Frits Gorlé (for Soviet law), Jacques Vanderlinden (African law), Aristide Theoridès (Egyptian law) and Léon Anciaux (Islamic law) (Gilissen 1979, 9).¹¹⁵ The present-day reader is of course struck by the Cold War context in which the manual generated. Gilissen, as well as his Brussels colleague René Dekkers (X 1982)¹¹⁶ were interested in the functioning of a society without a concept of the state or law. The manual clearly stated that in spite of ideological pretences, the law of the USSR could not escape its filiation with Romanist systems (Gilissen 1979, 20). Gilissen devoted attention to the separate development of Chinese and Maoist conceptions. In spite of the recent Cultural Revolution (1968), the manual thought that the PRC had started to develop just a new Confucian ethics (*li*) from 1958 on. African customary law, finally, was characterised as “archaic, but not primitive,” in the sense that African, non-written, collective and solidarity-based legal systems had been the fruit of a long evolution and multiple subjections by non-African political systems (Gilissen 1979, 21).

After his retirement, *Geschiedenis van het Recht* (“History of Law [including the evolution of the main legal systems]”) was taught by Frits Gorlé (30 hours, 15 hours of exercises). The first section “Sketch of a universal history of the main legal systems” in the “Historical Introduction to Law” has been trimmed down to the benefit of a broader internal history of private law, with a focus on real property, contracts and trade. Since 2018–2019, the course’s name has been modified to “Historical Introduction to Private Law.”

Legal history and political history still occupy a prominent position at the Vrije Universiteit Brussel and the Université libre de Bruxelles. At the VUB – besides the course *Politieke Geschiedenis van België* (“Political History of

¹¹⁴ ULB/Archives Gilissen, nrs. 35–37, with a calendar of Stellenbosch (18 August: 11 hours, 50 students and 4 professors), Potchefstroom (9 September: 20 hours, 40 students) and Johannesburg (17 September: 40 students).

¹¹⁵ Gilissen did keep track of developments in the Islamic world, as his papers on Tunisian family law, or on the Algerian Civil Code demonstrate. Another example is the extract “Le droit islamique et sa socialisation dans les pays en voie de développement” by Gabriele Crespi Reghizzi from the *Rapports généraux au IX^e congrès international de droit comparé* (Teheran, 1974). ULB/Archives Gilissen, no. 78. See also Gilissen 1972.

¹¹⁶ René Dekkers was an eminent civil lawyer, but he also taught comparative law, Roman law and social law (Dekkers 1951).

Belgium,” 6 ECTS) – *Historische en Vergelijkende Inleiding tot het Publiekrecht* (“Historical and Comparative Introduction to Public Law, 6 ECTS conforms to *Inleiding tot de Voornaamste Moderne Staten*) and *Historische Inleiding tot het Privaatrecht* (“Historical Introduction to Private Law,” 6 ECTS) can be traced back to the *summa divisio* set out in Gilissen’s 1979 manual.

At the ULB, the courses *Histoire du droit et des institutions* (10 ECTS) and *Histoire de la Belgique contemporaine* (6 ECTS) are mandatory in the first year. The former course is the direct successor to John Gilissen’s course (Beauthier 2007). Roman law has been integrated into a broad course *Droit civil et fondements de droit romain* (10 ECTS).

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