This postdoctoral research projects build further on the typology established by its author concerning practical legal argumentation in diplomatic practice (Dhondt, “La représentation du droit dans la communauté des diplomates européens des ‘Trente Heureuses (1713-1740)’”, The Legal History Review LXXXII (2013), No. 3-4, 595-620. The multilateral Big Power guarantee of the Kingdom of Belgium’s independence and perpetual neutrality, as established in the Treaty concluded in London on 19 April 1839 (‘Treaty of the XXIV Articles’) is situated in a long-term context (Dhondt, “So Great A Revolution ! Charles Townshend and the Partition of the Austrian Netherlands, September 1725”, Dutch Crossing XXXVI (2012), No. 1, 50-68), considering the European interstate system as a continuum. More specifically, extensive legal and political memoranda drafted by diplomats and bureaucrats in the French and British Foreign Offices, as well as the files kept in the Belgian Ministry of Foreign Affairs’ Archives, help to unearth the practical application of the law of nations from the Congress of Vienna (1814-1815) to the run-up to the First World War (1912-1913).

Over this extensive time span, the “classics” of positivist international law scholarship were published. Teaching international law was geared to practical diplomacy. Yet, the rise of the ‘Gentle Civilizer of Nations’ (Koskenniemi) brought a revival of the normative aspects of international law (leading to the 1899 and 1907 Hague Conferences and the establishment of the Permanent Court of Arbitration), and even of natural law-thinking. ‘Internationalist’ movements were very active in Belgium, e.g. the creation of the Revue de droit international et de législation comparée, and the International Law Institute (1873), leaning on Belgian or Belgian-based authors as Laurent, Rivier, Rolin-Jaqueyns or Nys. However, this activism should not obscure continuity in actual diplomatic practice. What were the legal views of Talleyrand, Palmerston, Napoleon III, Bismarck, Granville or Aberdeen?

The external crises of the 1848 Revolutions, the Crimean War (1852-1856), the American Civil War (1861-1865) or the Franco-Prussian War (1870-1872) help to position legal conceptualisation of Belgium as an object of international relations and pass on to the context or legal culture in which processes of legal structuring took place. The present research is a study of law in context or contextual legal history (Heirbaut), aiming at the operation of international ‘law in minds’, or the mental categories used by diplomats and politicians in a quest for legitimacy and acceptability (Bourdieu). This research starts from a large body of manuscript and print archival material (Archives diplomatiques, La Courneuve/National Archives, Kew Gardens) and pre-existing literature in political and legal history. In order to find new patterns in these masses, social science research tools such as network and discourse analysis will be brought into play. Theoretically, the multidisciplinary perspective involves history of political thought, sociology, anthropology, diplomatic history and legal theory. Did the implicit logic within the diplomatic field continue an established habitus, going back much further than 1814 ? Or, quite the opposite, how did diplomats amalgamate with the booming corpus of legal scholarships in books, journals and, last but not least, press and public opinion ?

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