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Laudatio Jos Monballyu

Dirk Heirbaut

Jos Monballyu was born in Roeselare in 1948, but very soon moved to Kortrijk. In 1966 he was one of the first students of the then recently established Catholic University of Leuven, Campus Kortrijk. For his master's degrees in history and social law and his J.D. Monballyu had to study in Leuven, but he returned to Kortrijk for his academic career at the small university he cherishes, never to leave it again.

Kortrijk is a common element between Jos Monballyu and the great Flemish jurist, Philip Wielant, who lived around 1500. Although born in Ghent, the roots of Wielant's family were in Kortrijk. Wielant is still renowned for his ability to bring the best of legal erudition to practitioners. Jos Monballyu shares that talent. Although a legal historian and as such an academic lawyer, he is very familiar with legal practice in the court house and in politics. In the early 1990s when the competence for university education in Flanders had just been transferred from the federal level to the Dutch-speaking community, Monballyu wrote the new decrees on the universities. His experience with the real life of law has enabled Monballyu to turn his books on the history of family law and criminal law into fascinating literature. In his words the old law comes to a second life. Monballyu has never been satisfied with expounding legal theories. He delves into the archives to get to know every day legal troubles. No effort is beyond him, if it can help to unearth that last interesting detail about his subject. For the current crop of university bureaucrats, archival repertoires are not worthy of academic recognition. However, for the historian they constitute the foundation of his research. Monballyu has shown this in his career by publishing several surveys of archival records. Not coincidentally, his student Rik Opsommer, a part-time professor in legal history, became the archivist of the city of Ypres.

Wielant was a learned jurist who wanted his fellow men to profit from his knowledge. Hence, he wrote on Flemish law in the vernacular, so that his countrymen could read and understand his texts. Jos Monballyu has, once again, stepped in Wielant's footsteps and worked on local legal history. His research concerns not only the old county of Flanders in general, but also its many towns, villages and hamlets. A recurrent theme of Monballyu's research are witch trials, but his extensive bibliography deals with a variety of subjects. In some cases the reader may be, at first, a bit baffled and wonder whether the topic of an article is really worthy of an academic's attention. In the rich treasure of Monballyu's publications, one can find articles on e.g. suicide at the devil's request (Sint-Eloois-Vijve, 1601), a dangerous pig (Kortrijk, 1562), a failed hanging (Bruges, 1613); a poison case (Ypres, 1785-1786). Yet, although in all these cases small events are studied, Monballyu always demonstrates that they go beyond local problems. Cases of little importance, concerning ordinary people in Flanders, are still embedded in a broader context and reveal processes of transformation taking place all over Europe. Monballyu who knows the local situation like no one else, manages to present both the broader picture and the complexity of local reality. His studies of criminal and civil procedure, but also of the Council of Flanders and witch trials have become real gems of academic research thanks to his thorough knowledge of both the local and the general perspective.

Wielant was not a scholar locked up in the ivory tower of legal science and neither is Jos Monballyu. Unlike Wielant, he has never been imprisoned for his ideas, but he has been a very active member of

Flemish society nonetheless. His 'Sunday hobby', as he calls it, has been the chancellorship of a vocational college. He was the key person in many social credit and building companies. In the academic world the esteem of his colleagues for Jos Monbally is so high that he was chosen to succeed R.C. Van Caenegem as the president of the Scientific Committee of the Royal Flemish Academy of Belgium for Science and the Arts. For seventeen years he was on the daily board of editors of the *Tijdschrift voor Rechtsgeschiedenis*/The Legal History Review, the flagship of legal history in the Low Countries. He was also a member of the Royal Commission for the publication of the old statutes and customs of Belgium and a member of the board of editors of the *Handelingen van het genootschap voor geschiedenis te Brugge*.

As there are many parallels between Monballyu and Wielant, it should come as no surprise that Monballyu has been studying all aspects of Wielant's writings. In fact, he initiated the modern edition of Wielant's manuscripts. Unfortunately, outside Flanders Wielant never received the high acclaim which should have been his due. Likewise, Jos Monballyu is somewhat the best kept secret of legal history in the Low Countries. His reputation amongst Dutch-speaking colleagues is towering. Yet, one of his greatest achievements, his Ph.D. thesis has not (yet) been published. Fortunately, his colleagues in Flanders and the Netherlands have many other occasions to learn from Monballyu. To their sadness, they have noticed several times that a foreign scholar reaped worldwide success with books and articles that are inferior to Monballyu's analysis. Therefore, Flemish and Dutch legal historians have greeted with joy the announcement of an English translation of Monballyu's wonderful book on the history of criminal law.

In the meantime, Monballyu himself has started on another chapter in his academic career. Scholars who are retired either fade away, or are taking off again and become even more productive. Freed of administrative and teaching duties, Monballyu, finally, can devote himself completely to his research with impressive results. Recently, almost no year passes by without a new book of Monballyu on World War I and the law. Needless to say, in every case Monballyu's newest output is based on painstakingly thorough research of the original sources. The reader who wants to enjoy this latest research of Monballyu first hand, only has to turn to the next page...