

In search of ‘the decisive constitutional moment’.

Romantic artists’ quest for the portrayal and staging of Belgian constitutional history in a comparative perspective.

This paper on the crossroads of art, legal and political history, aims at baring the political and legal motives behind the artistic choices of romantic painters, sculptors and engravers obtaining official commissions asking for a representation of the constitution or its history. These artists were by definition incapable of grasping the split second in which all crucial elements appear in a well-balanced composition and tell what has to be told, making Henry Cartier-Bresson’s photographic term ‘the decisive moment’ inapt. On the other hand, Bruce Ackerman gave a constitutionalist meaning to ‘the constitutional moment’, in which national consensus leads to constitutional change. However, melting these two iconic terms together allows an application on the analysis of nineteenth-century legal iconography. In staging the history of Belgium’s constitution within a constitutional cult, artists did show a typical romantic search for the right – mostly invented – moment, whilst aiming at a national sentiment of gratitude towards the constitution, and thus at a national consensus, making them true hunters for ‘the decisive constitutional moment’.

Stefan Huygebaert

Wetenschappelijk medewerker (IUAP-bursaal)

Scientific researcher (PhD-student)

Instituut voor Rechtsgeschiedenis

Institute for Legal History Universiteitsstraat 4

9000 Gent

Tel.: 09 264 97 73

Stefan.Huygebaert@UGent.be

<http://www.rechtsgeschiedenis.be/>