

IAP P6/01 JUST-HIS.BE "JUSTICE AND SOCIETY"

ANNUAL REPORT 2007 - SCIENTIFIC REPORT

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I - Description of the state of the research conducted within each WP

Thematic Work Package 1: (re)Sources for Justice: Institutions, Competences, Organisation (P4: State Archives)

Since access to, and knowledge about the production of historical sources invariably and fundamentally determines the quality of scientific research on the past and its relations to the present, WP1 constitutes a cornerstone of this IAP research programme on the History of Justice Administration in Belgium. Whereas other research WP's making up the programme (WP 2-5) have been structured around key areas requiring targeted in-depth research efforts to increase and sophisticate existing knowledge, WP1 provides both the necessary foundations and collective tools for carrying out these different projects and develop the programme at large: information about and access to the archival sources for the history of Belgian justice, and research instruments to correctly exploit and analyse (interpret and contextualise) them.

First and foremost, archival support for the whole IAP network is being provided within the scope of WP1, by the responsible partner, the State Archives. This includes initiatives facilitating the research activities of the other IAP members, such as the provision of access for the researchers to judicial/penal archives kept in the different depositories of the State Archives throughout the country, and the provision of information, support and coordination for the localisation and preservation of previously unknown, inaccessible or not yet inventoried archival funds produced by different segments of the Belgian justice administration. The initiatives undertaken during the year 2007 are discussed more in detail under the heading "Research collaborations and general contributions", together with other collaborations between WP1 and other IAP researchers that have emerged in this first year.

Next to these support activities, WP1 includes the development of a research instrument, an "institutional research guide", offering an exhaustive overview of available sources for the history of Belgian justice. The realisation of this huge undertaking is not only based on the mobilization of existing expertise of the State Archives, it also implies setting up and carrying out a new large-scale preservation, inventorying and research programme. The development of the research instrument involves the elaboration of an archives inventory and an institutional guide, that will directly benefit the larger IAP research during this and future phases. The former will be crucial for opening up new possibilities and venues for research, while at the same time, the latter will provide better insights into the competencies, organisation and general activity of the different institutions making up Belgian justice during the 19th-20th c. The elaboration process of this research instrument will thus, gradually, enhance the existing knowledge about the institutional structure and development of the judicial system at large, and build up a more detailed framework for the analysis of general governmental policy in justice matters (WP2), criminal policy and penal administration (WP3), biographies of acting magistrates and barristers (WP4, WP3) and specificity of war and post-war justice administration (WP 5) in particular. As starting points and prioritized work areas the IAP network has selected, as has been outlined in the project proposal, two documentary sectors that manifest an urgent need for archival preservation on the one hand, and are the most indispensable for enabling research carried out within other WP's on the other: the penitentiary archives and the archives of the judicial police. The progress achieved in both work areas during 2007 will be discussed in the next section under the heading "Research guide".

On top of its collective contributions with respect to judicial sources, and drawing on the work done in the two documentary sectors mentioned above, WP1 also includes two targeted research projects adding crucial pieces to the puzzle of the history of justice administration in Belgium. These projects, which will ultimately result in two PhD theses, involve in-depth scientific research on the history of the Belgian prisons between 1770 and 1830 on the one hand, and on the history of the judicial police between 1919 and 1952 on the other. The state of this research at the end of this first IAP year will be discussed below under the heading "PhD research".

In order to carry out the large and diverse package of work planned under WP1, the team of the responsible partner, the State Archives, coordinated by Prof. Dr. Karel Velle, has been enlarged

with two archivists-researchers, L. Nguyen and F. Welter, from July 2007 onwards. They work on a full-time basis (as PhD-bursaries) on the IAP project.

Towards an Institutional Research Guide: the penitentiary archives and the archives of the judicial police

As has been noted earlier, the elaboration of an institutional research guide on the sources for the history of Belgian justice is a huge undertaking. In 2007, the first phase of this work process was launched for two prioritized documentary sectors: the penitentiary archives and the archives of the judicial police. The state of conservation of both types of archival sources is quite deplorable and characterised by enormous disparities between the Flanders and the Brussels and Walloon regions. It has to be stressed that these disparities make their preservation and their accessibility for university researchers particularly urgent. Furthermore, this is of fundamental interest for the larger society: a construction of history and memory that is potentially of great value is at this moment at risk because of the problematic state of conservation. A difference of scale between the state of conservation of different collections can lead to non-scientific views of the past. Further, recent debates launched by historians and archivists about the role of the State in history and memory have stressed the need for citizens' access to the memory of the State. As a consequence, the federal and scientific institution of the State Archives, who has been entrusted with this memory, and who is responsible for WP1, attaches particular importance to the project.

The first steps in the work process are oriented towards the creation of an archives inventory and involve the following activities: 1) checking the state of conservation and accessibility of funds kept at the State Archives, verifying whether they have been sorted and inventoried, and preparing actions to do so when this is not the case; 2) undertaking attempts to determine which other archival funds are likely to exist and where they are kept, by identifying the main archive producers and the nature of the documents these services have produced and received (identification and localisation); 3) conducting inspection visits in the field, at these services, to establish the state of preservation and volume of archival sources kept by the producers, and to prepare their selection and eventual transfer to the State Archives. Since they have been entrusted with these tasks in July 2007, the two archivists-researchers working on the IAP project, receiving support and help from other members of the State Archives' team, have already booked considerable progress in each of these three areas of activity.

WP 1a The penitentiary archives

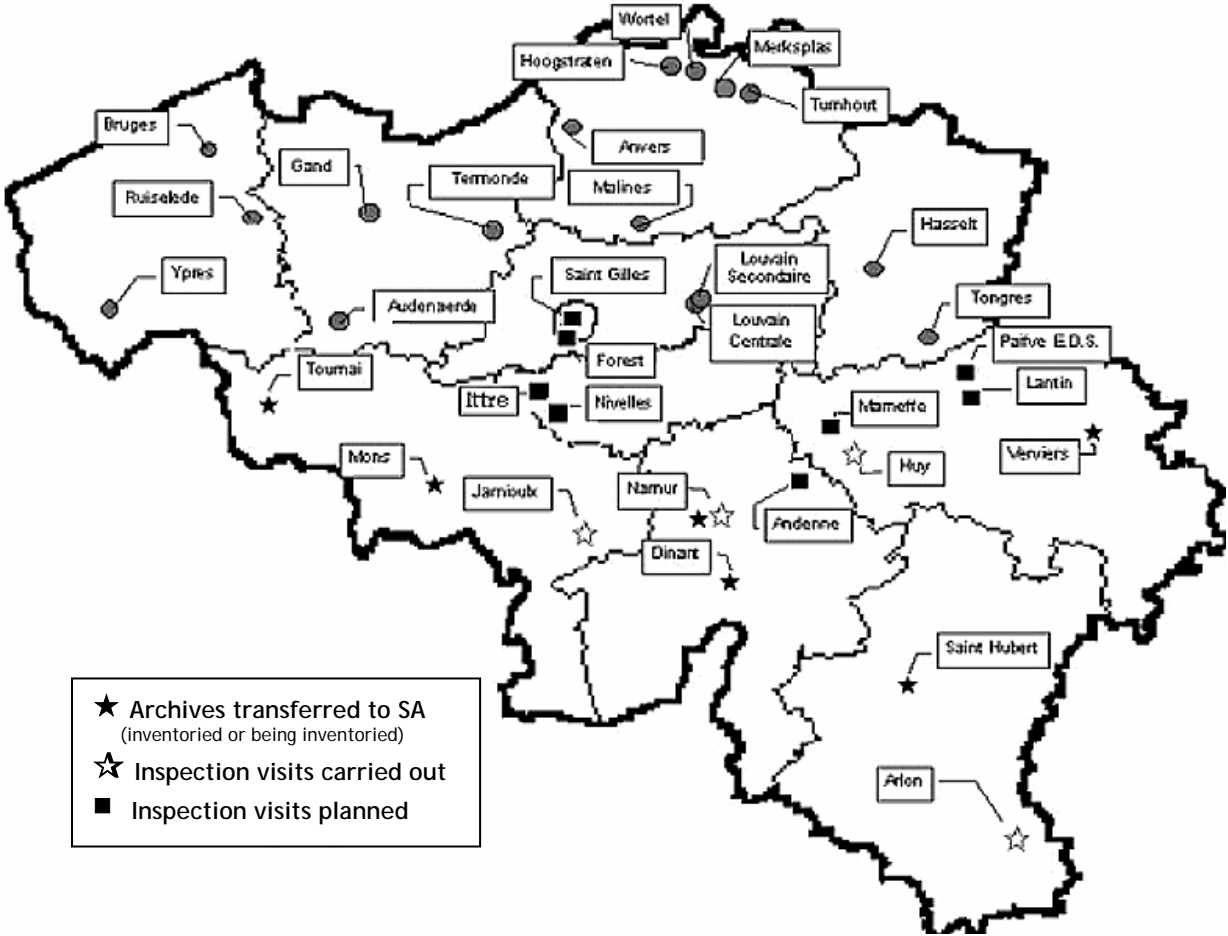
This first year of the project has allowed archivist-researcher Luc Nguyen to prepare a first overview of the situation with respect to the status of preservation and accessibility of the penitentiary archives in Belgium. The conditions of preservation, availability for research and accessibility of these archives prove to vary considerably between Belgium's main regions. For Flanders, large-scale recuperation, filing and inventorying campaigns have already been conducted in the past, as a result of which the vast majority of prison archives dating from before 1970 have been transferred to the State Archives. These records are kept for the most part in the State Archives depository at Beveren. All of the acquired archives have become available to research. In contrast, the prison archives for Brussels and Wallonia show a considerable delay in their availability to research. In fact, few funds have yet been transferred to the State Archives, some of which only partially (Arlon, Marche, Neufchâteau, Huy, Forest, St-Gilles). Consequently, most prison archives are still kept by their producers or their successors in law: the prisons of Forest, Saint-Gilles, Jamioulx, Huy, Arlon, Nivelles, Lantin, Marneffe.

It thus becomes clear that the preservation of archives must also be extended to the Judicial Districts in the Walloon and Brussels region. This extension concerns crucial periods and penitentiary developments such as the emergence of an archipelago of cellular prisons in the 1860's, the politics of social defence ("défense sociale"), 'moral arithmetic' of prisoners, 'scientific' observation of prison inmates (laboratories of penitentiary anthropology), the internment of civilians during both World Wars by the Belgian judicial powers, the courts of the occupier or of the liberation troops, the modernisation of penalties in the 1920's, etc. (see WP 3, WP 4, WP 5).

Since July 2007, benefiting largely from the possibilities offered by the IAP project, the State Archives have been able to restart the inspection process and transferral of Walloon prison archives dating from before 1970. Thus, by the next few years the entire collection of prison archives older than 30 years will have been transferred and made accessible to both researchers and the larger public. Finally, it should be noted that records schedules (systematic and methodical statements listing preservation and selection criteria for archives produced and received by a public service) are being created for the prisons (P. Drossens) and for the Directorate General of Prisons attached to the Ministry of Justice (K. Devolder). These schedules will allow the public services and instances producing archives to better manage their records, in the medium and long term, because they will they know the conservation and management prerequisites and the final destination of the various and numerous documents they produce. In other words, the schedules indicate whether and when the documents may be destroyed or if they must be preserved on a permanent basis and transferred to the State Archives.

The map shown below (figure 1), created by Luc Nguyen, provides a clear overview of the localisation of the different penitentiary institutions producing relevant archives, and indicates which archival funds have already (some only partially) been transferred to the State Archives, for which of the other archives and institutions inspection visits have already been carried out, and where additional inspection visits are planned for the near future.

Figure 1 : State of the penitentiary archives in Wallonia and Brussels (January 2008)
 (Reworked map. With the kind authorisation of the Directorate General of Penitentiary Institutions)



WP 1b The archives of the judicial police

Since he started to work on the IAP project at the State Archives in July 2007, archivist-researcher François Welter has found out that the archives of the Belgian police services have been turned completely upside down following the police reform of 2000, particularly as regards the judicial police of the Public Prosecutors' Offices. Therefore, the preservation of these archives constitutes both an urgent and difficult task. This urgency is even greater because these archives are crucial to the construction of the socio-political history of the 20th century. They inform us, for example, about the repression of uncivil behaviour after the First World War, the battle against forms of organised crime, political "subversion" during the period between both World Wars: nationalistic groups of left and right, arrangements with occupying forces and instrumentalisation during the occupation, the repression of collaboration, and political tensions in the post-war era.

The accessibility of the archives of the judicial police proves to be extremely limited. Indeed, only few sources are kept by the State Archives. A vast project for inspection, acquisition and transferral needs to be organised within the new and complex context of a reformed police system since 2001. The disappearance of the three traditional police institutions and the creation of a Federal Police force have provoked a radical transformation of organisational structures (the organigram). This becomes clear when one compares figures 2 and 3, presented below.

Figure 2 : Organigram of the judicial police (1919-1952)

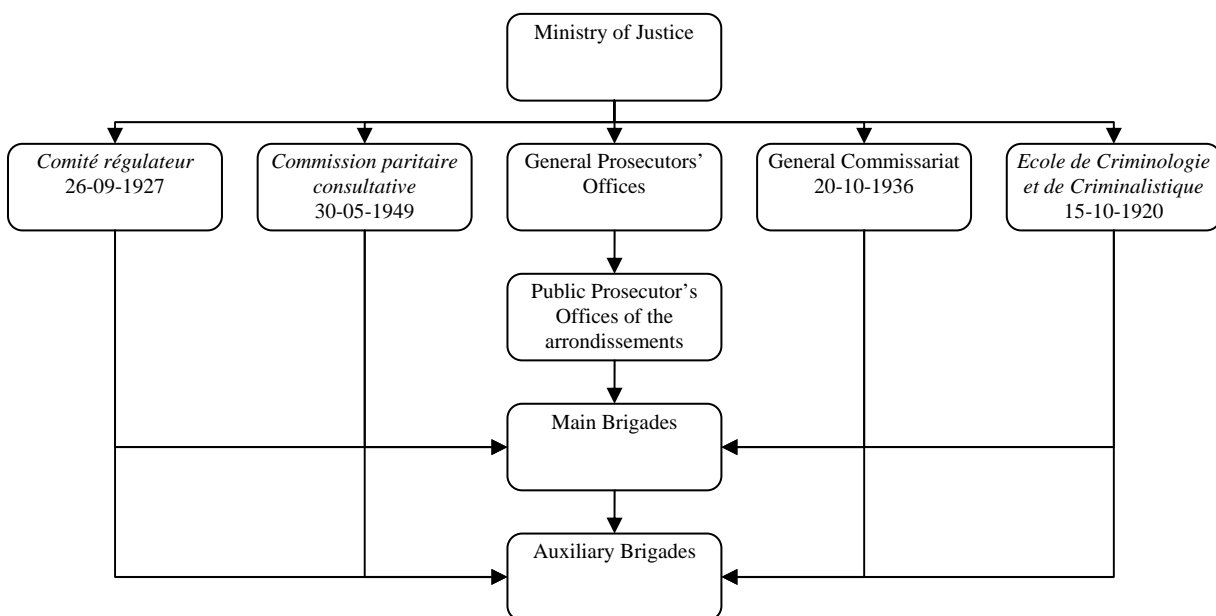
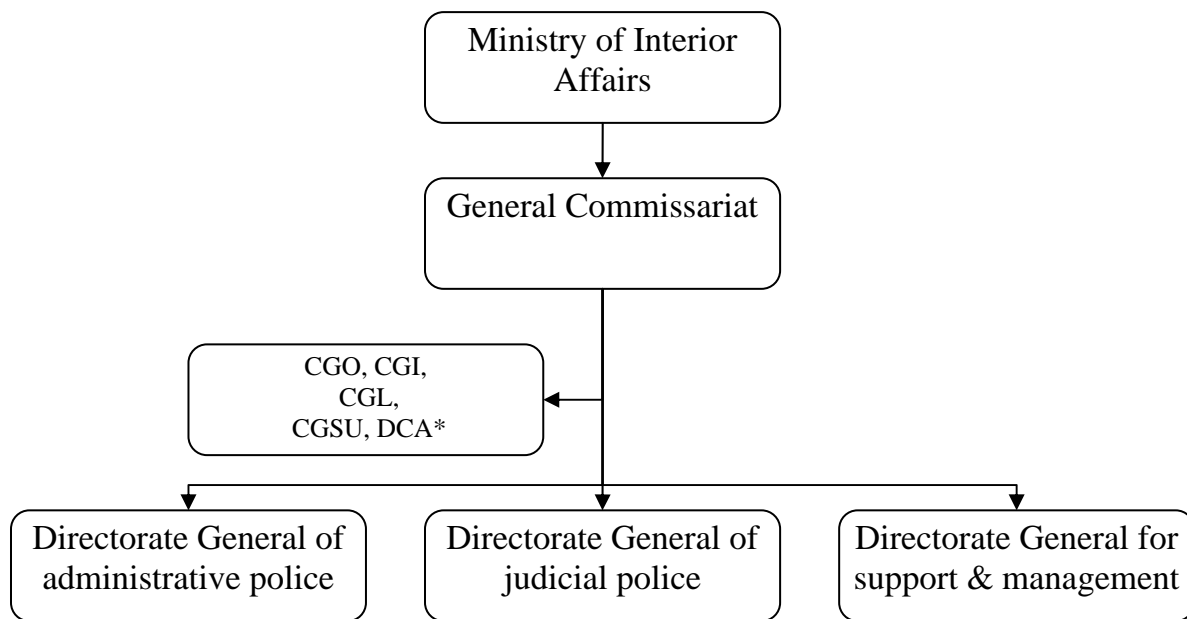


Figure 3 : Organigram of the Federal Police (since 2007)



* CGI : Directorate for international police co-operation
 CGL : Directorate for the relations with the local police
 CGO : Directorate for operational police information
 CGSU : Directorate of special units
 DCA : Deconcentrated directorates for co-ordination and support

Although the organisational framework in which the judicial police operates since 2007 (figure 2) thus differs completely from the past one, F. Welter has been able to identify the relevant services and archival records. It is now possible to quantify the multitude of producers of archives for whom prospecting / inspection visits should be organised.

The archives relevant to the study of the judicial police are divided between the central and the decentralized services of the current Federal Police. While the former retain documentation which is national (organisation, recruitment, personnel files,...) or international in scope (international co-operation in criminal policing), the latter feature archives essential to the analysis of local phenomena (investigation files, laboratory evidence) and of the relationships with the hierarchy (departmental circulars).

At the head of the entire Federal Police, a new General Commissariat has been established. It does not, however, cover all the competencies of the former body of judicial police. This raises the question of the relevance of the archives kept by the current agency for a historical study of the JP. In fact, the complexity of the problem can be quickly swept away, taking into account the transferral of archives of the former GC with judicial delegations to the State Archives depository in Anderlecht (AEBA/RABA). Indeed, in 2000, State Archives-collaborator R. Depoortere has urged the service to proceed to the sorting and transfer of records dating from before 1994. Stretching over 25 meters, the fund of the GC with judicial delegations reflects international, national and local phenomena, as well as their interrelationships. Therefore, its archives deal both with the organisation of the JP, provisions taken against political demonstrations, and police cooperation in the field of international crime or terrorist attacks and sabotage. The mix up of competencies and archives of the GC and the JP of Brussels prevailing until the funds' transferral explains the presence of archives in this fund that precede the creation of the GC. As a consequence, the researcher can find useful information on the 1920s decade in this fund, particularly with regard to the ideological demonstrations that shook the country.

Attached directly to the General Commissariat, the Directorate for International Police Cooperation (CGI) keeps at its premises a series of files from general Interpol meetings since 1946. As part of a history of the judicial police near the Public Prosecutors' Offices, consulting these sources is essential, to the extent that these forces of law and order were to play an important role in the International Commission for Criminal Police (CIPC). Founded in 1923, this commission hosted representatives of the Belgian judicial police at its meetings, including some emblematic personalities. Thus, the choice of Florent Louwage, former Commissioner General with judicial delegations, to preside over the commission from 1946 onwards, urges to study more precisely the weight and effectiveness of the Belgian police services at the international level. However, the documentation kept by the current Directorate for international police cooperation does not allow examination of the early days of JP activities within the CIPC. Returning to the GC fund can to some extent fill the gaps, since information dating back to the 1920s can be found there.

While the Directorate General of the administrative police does not seem to include services that might keep relevant archives for the history of the JP, the Directorate General of the judicial police is clearly of major interest to our work. It includes more specifically a set of deconcentrated judicial directorates (PJF) born, for the most part, from the merging of JP brigades and the BSR of the old gendarmerie. Anyone wanting to study the judicial police from the top to the base thus has to venture into the premises of the PJF's.

In order to localise and evaluate the state of preservation of the archives of the judicial brigades, and identify the research possibilities offered by them, François Welter has conducted several prospection and inspection visits at these PJF's in 2007. Mainly focused on Wallonia so far, these successive inspection visits have revealed important disparities in the preservation of archives between the different arrondissements; the main results per arrondissement are the following.

In Hainaut, the situation is deplorable following the widespread destruction orchestrated by the police services. In Tournai, all documents until 1986 appear to have been destroyed, while in Charleroi, only one case file concerning the repression of war crimes after World War II and seven internment records of the prison have escaped the intemperate destructions. In Mons, moves of the service to new premises have led to the disappearance of documents; yet, the visit paid to the premises of the PJF has allowed François Welter to get his hands on some circulars issued by the Public Prosecutors' Office, on technical works from the interwar period, used once by the laboratory, and finally, on photographs stored on glass plates.

In the Namur region, the principles of the Archives Act of 1955 are unconsciously being respected. The transferral of archival records of the judicial police of Namur reveals nearly fifty linear metres of documents: these are, for example, records of investigation and reporting, circulars, personnel files, and they sometimes go back to the origins of the activity of the JP of Namur (1920). However, the state of preservation of the archives of the laboratory proves to be catastrophic. Only a set of activity reports starting in 1943 is noteworthy. The photographic archives on glass plates, on the other hand, have been eliminated in their entirety.

In Dinant, there is no reason for great optimism either. Indeed, none of the documents covering the period 1919-1952 have been or will be kept. Yet, the researcher can draw upon series of sufficient scale to examine judicial practices, since the origins of the JP of Dinant's activities. Indeed, the PJF still keeps series of investigation files or thematic files, service notes, personnel records and circulars.

In the Liège region, the contrast between the old auxiliary brigades - Huy and Verviers - and the main brigade is striking. Whereas the JP of Liège is directly linked to the Prosecutor's Office of one of the three main courts of appeal, the service hardly leaves any traces of its activity prior to 1952. Only a few inquiry files from 1949 have been preserved, having escaped from destruction practices for which very vague explanations are being offered. Also, some copies of the famous "Bulletin Central de Signalement" from 1949 onwards remain. But, to date, not one document relating to the administration of the JP could be identified, at least for the period 1919-1952. The perspectives for a history of the laboratory of the JP of Liège are decidedly more optimistic. Recent inspection visits and information collected from the services of the laboratory of the PJF reveal the conservation of the entire archives since the creation of the laboratory of Liège in the early 1920s. Future initiatives will endeavour to establish the exact magnitude of this highly informative documentation. Although emerging belatedly, the auxiliary brigades of Huy (1944) and Verviers (1947) have produced a relatively well preserved and very interesting corpus of archives. In this stage, it appears that few documents are subject to elimination. Both brigades retain, in fact, files dating from the beginning of their activity: personnel files (Huy), records of investigations, thematic files, service memos,...

Regarding the brigade of Arlon, providing an estimate proves to be difficult. The provision of the archives in bulk complicates an accurate census of exploitable sources. Here too, the identification of useful series requires a systematic analysis of all documents. The first contacts established with the judicial directorate of Arlon seem to indicate that there have been no major destructions. The fact that the service was established after World War II and that certain records (lists of the case files, etc.) could be identified dating back to 1946, offers the hope that most of the documents have been preserved. With respect to the auxiliary brigade of Marche-en-Famenne (1948), the guidelines comprised in the archives schedule concerning JP archives are scrupulously being applied by the PJF. Consequently, only the investigation files prior to 1951 are being kept.

In Flanders, the exploration of the archives of the former JP brigades is also in its infancy. It is clear that local contrasts are also apparent in the north. In Brugge, recent contacts of archivists with the judicial authorities of the arrondissement provide an opportunity to measure the widespread destruction that has been carried out to allow the multiple moves of the services. The sorting of the archives and the preparation of transferral has shown that, so far, no documentation prior to 1950 has been preserved¹.

In Ghent, several inspection visits reveal the very problematic conservation of JP archives. In 1997, photographic negatives from the laboratory covering the period 1950-1974 and case registers have been transferred to the State Archives depository in Beveren (RABN). An inspection of 2001 has shown, on the one hand, intentional destruction of archives prior to the wartime occupation and, secondly, a heavy sorting of documents produced or received between 1945 and 1970. Some key documents, however, have escaped from these eliminations. For example, a complete series of circular directives issued by the Prosecutor General and the Public Prosecutor since 1921 and a full collection of personnel files from officers recruited between 1920 and 1970 have been preserved. This is also the case for documents relating to all political parties that have been the subject of a criminal record since 1950. Active since the origins of the JP, the brigade of Antwerp has produced substantial documentation, both quantitatively and qualitatively. Also kept in the RABN, this archival fund exceeds the strict arrondissemental borders and thus covers national issues.

Once the necessary prospection and inspection visits have been carried out, François Welter's activities will focus on the transferral and centralising of the archives in the depositories of the State Archives (in Beveren for the Flemish brigades, in the provincial and arrondissemental depositories of Wallonia, and in the General State Archives in Brussels for the central institutions). This will be a long process and some difficulties can be expected. For example, internal regulations of the Federal Police services will prevent transferring the complete set of documents that are indispensable for research on the history of the JP. Because of the large-scale destructions that have occurred within the police archives, and the importance of the particular case of World War II for this research (see the next section, 'PhD research'), François Welter also carries out prospective work in the archives of the Public Prosecutor's Offices kept in the State Archives and in specialised documentation centres (Centre for Historical Research and Documentation on War and Contemporary Society - SOMA/CEGES, Instituut voor Sociale Geschiedenis,...).

PhD research on the history of the prisons and the history of the judicial police in Belgium

Next to the different activities developed for the localisation (inventorying of existing collections), prospecting and inspection of archives in the two documentary sectors mentioned above, both archivists-researchers have defined the precise topic, focus and main approaches of their research projects, which are being conducted in the context of the preparation of PhD theses.

The history of the central prisons in Belgium, 1770-1870 (Luc Nguyen)

This research project aims to reconstruct the history of the first central penal prisons (prisons pour peines) in Belgium between 1770 and 1870. The choice has been made to start off in the late eighteenth century, for this will allow the tracing of the emergence of the prisons of Ghent and Vilvoorde, and to extend the research period up until 1870, the moment when the cellular regime was legally implemented. The project focuses on the Prisons of Ghent (1775) and Vilvoorde (1779) because they were the first most important penitentiary institutions, constituting large penal

¹ We sincerely thank Mr. Maurice Vandermaesen for transmitting this information.

'factories' that have played a pioneering role in our regions and have been active in the penitentiary field over a long period of time. Moreover, the choice for these prisons makes it possible to conduct an in-depth study of the criminal population of convicted and detained persons in central prisons between 1770 and 1870.

The approach proposed by Luc Nguyen is new in this sense that it implies the integration of a long term perspective, on both the prisons' activity and the prosopography of detainees, to apprehend the history of the first penitentiary system in Belgium. Further, examining the prisons' activity from an internal (*intra-muros*) perspective constitutes a first, indispensable step, but ending the research there would be a totally inadequate, far too simplistic way of writing their history. The prison is a microcosm in itself, of course, but it is one that does not operate in a vacuum. For this reason, both an internal and external (*extra-muros*) perspective on the prisons will be combined, drawing on a large and sometimes disparate corpus of archival and published sources that will allow investigating all levels of the prison hierarchy.

The research analysis will inevitably start with an introductory approach to the history of prisons in Belgium since the end of the Ancien Regime. For this part, Luc Nguyen attempts to integrate an institutional and budgetary approach (criminal policy and the ministries) with an approach dedicated to the history of ideas and attitudes (development of the criminal prison and emergence of solitary confinement). Further the project aims to produce overviews of the development of the central prisons of Ghent, Vilvoorde, St. Bernard and Alost. This monographic approach will permit to follow and reconstruct each of these prisons' evolution in detail, before moving on to an examination of their inter-relationships and mutual contacts, as well as their interactions with the outside world. All this will be done on the long-term, which will allow us to consider on a solid foundation, the emergence and development of the first Belgian prison system. All of this will be studied on the long term, such that the study of the emergence and development of the first Belgian penitentiary system will rely on a solid basis. Finally, Luc Nguyen proposes to draw a sociological profile of the population of criminal convicts in Belgium, on the basis of a quantitative and a qualitative analysis of the internment registers. This will allow the construction of statistics on the population of inmates of the central prisons, which is important because official statistics for the period researched are limited or simply non-existent. On the other hand, a sample of internment files will be examined in order to conduct a prosopographical analysis of these individuals.

The Judicial Police of the Public Prosecutor's Offices (1919-1952): The difficult choice between efficient criminal investigation and ideological convictions (François Welter)

Established by law on April 7, 1919, the judicial police near the Public Prosecutors' Offices (JP) remain an institution largely unknown to the general public and the scientific community, despite its intense repressive activity until the police reform of January 2001. Today, the few traces left of its organization and activities are still being put forward, either by the media in connection with spectacular criminal cases or internal strife, or by some of its actors. However, the institution has never been studied over the medium term, the main reason for which is simple: at present, few sources are easily accessible. Now that a large exploration project of the archives of the former JP has been started off (see 'Research guide', WP1b), it is possible to get an overview of the producers and preservers of relevant archives and of the prospects they offer for a historical study of this police force.

This research project will, however, not concern the entire period of JP activity. On the one hand, since the origins and organization of the police force are known only through legislative and legal texts, the study of the early years of this institution must be supplemented by sources arising from its practice. Therefore, the investigation begins with the material produced since the creation of the JP in 1919.

On the other hand, the determination of the Belgian authorities to turn the JP into an institution for the punishment of crimes against common law calls for an investigation of the attitude and the role played by the JP during the Second World War and the Liberation. At that time, the political dimension of the functioning of the State and therefore also that of the judicial system took on a particular importance. Taking this into account, the choice to conclude this study in 1952 stems

from the fact that this year saw the last resignation of a Minister of Justice for reasons relating to the repression of the collaboration [see the work of Luc Huyse & Steven Dhondt (eds.), *Onverwerkt verleden : collaboratie en repressie in België, 1942-1952*, Leuven : Kritak, 1991, p. 11.].

The destructions that have affected the archives in some key brigades of the JP significantly reduce the ambitions for this historical research. First, the history of police activity during the interwar period will necessarily remain incomplete, since the first prospection visits paid to the Public Prosecutors' Offices have not revealed a plethora of available documents for that period, on the contrary. Second, a national and serial approach on the medium term, already a very ambitious undertaking in itself, of the brigades' activity seems not to be an option for research in this stage. At most, an analysis of certain brigades for which the documentation is more consistent will allow formulating some hypotheses, which will, however, not reflect the strict reality, given the variable scale of the activities of the different brigades.

These scientific limitations notwithstanding, the quality of the JP archives, resulting from the documentary tasks the institution has taken on, and the use of supplementary sources produced by other institutions offer sufficient and different possibilities to conduct detailed, although not exhaustive, research. The research possibilities do not solely depend on the access to primary sources; it is also up to the researcher to diversify the ways in which he reads and exploits the different documents. In other words, a creative eye and, of course, critical thinking are two essential tools for explaining the realities of the past.

Research collaborations and general contributions to the project

The wider importance of the activities developed by WP1's archivist-researchers, in order to elaborate an institutional research guide, for the research projects of other WP's of the IAP project has already been highlighted above (see 'Research guide').

In terms of collaborations in PhD research between these and other IAP researchers, the following is noteworthy. As a result of the time period studied and the main approaches (combining intra- and extra muros, study of the prisons' activity and populations) chosen by Luc Nguyen for his PhD research (WP1a), this subproject has come to complement the WP3a subproject on penal policy between 1870 and 1920 (PhD student Nathalie Fally), and vice versa. The researchers have established contacts for the exchange of information and results. With respect to the other WP1 research project of François Welter (WP1b), it has to be noted that a link with both the WP5 subprojects (PhD students Mélanie Bost and Lawrence Van Haecke) and the WP4b subproject (PhD student Kirsten Peters), dealing with the justice administration during and after the two world wars, has been established following François Welters' decision to pay particular attention to the functioning of the judicial police during World War II and the liberation. This will undoubtedly stimulate exchange of information on interesting source material and findings between the researchers, and thus contribute to the quality of the results of their different projects.

Following the particular importance of archival expertise and support by WP1 (see further, archival support function) for the research conducted within WP5, since limited access to archives has often hindered research on justice in wartimes and both WP5 subprojects use a large variety of archival sources, a formal WP1-WP5 collaboration has been set up via the appointment of WP1 coordinator and State Archives' director, Karel Velle, as promoter for the WP5b PhD project of Lawrence Van Haecke, next to Dirk Luyten, WP5 coordinator, who is acting as co-promoter.

With respect to the archival support function of WP1 for the larger IAP network, already discussed above, the following initiatives undertaken by the WP1 coordinator, the State Archives, should be mentioned.

Following the advice of the State Archives, the IAP promoters have decided to address a collective petition to the judicial authorities, requesting them to authorize all IAP researchers (including the promoters) to access a broad series of judicial archives. The State Archives have prepared the submission of this collective request and ensure its follow-up, together with the post-doctoral researcher attached to the IAP coordinator's team (P1). The request concerns archival funds from all levels of the judicial system, needed to carry out the different research projects of the IAP (WP1-5). These are kept in the State Archives but are less than 100 years old and contain privacy sensitive information, and therefore require a special authorization issued by the judicial

authorities (the General Prosecutors of the Courts of Appeal) to be accessed (archival law of 1955). Normally, scholars submit a motivated request to these authorities on an individual basis, thus only for those archival sources immediately linked to their own research. Since the IAP researchers need to consult a very broad range of archives from different judicial institutions and jurisdictions, and because several researchers work with the same types of funds or conduct complementary projects (which implies exchanges of source material and information), the IAP network has opted for a collective strategy, integrating all the different requests into one.

In doing so, and thanks to the fact that the State Archives coordinate this process, it will probably be easier to obtain all the necessary authorizations at once, and for all IAP researchers at the same time, guaranteeing equal access for all and avoiding individual delays in the execution of the research projects. Moreover, the access obtained will be collective, that is, it will include all the funds used by all the researchers. This offers the important advantage that the researchers will be able to easily extend their analysis of sources to other funds, without having to submit a new request and having to wait (often quite long, between 2 and 3 months) for the authorization to be granted. Another consequence is that the exchange of source material and information between the different researchers and WP's will be facilitated. Further, the IAP coordinators, most of whom act as promoter for different PhD research projects, will automatically obtain access to the funds as well, facilitating the follow-up of the projects.

Next to its numerous advantages in terms of possibilities for research, collaborations and coordination by the promoters, the submission of the collective request for access to judicial archives has already, even before the requested authorization has been granted, proven beneficial to the larger IAP project, for other reasons. More precisely, the preparation of the request, which required all IAP researchers to enlist all archival funds of interest to their research theme, has resulted in an exhaustive list of archives providing a unique first overview of available sources for the history of justice in Belgium (those kept in the different depositories of the State Archives). Some of these sources were already known to the individual researchers previously, because inventories exist for most of the funds, but now these different areas of knowledge have been brought together through a concentrated effort of the whole IAP team. This is a non negligible step forward in the realisation of a comprehensive inventory of sources for the history of justice in Belgium, one of WP1's main objectives (see 'Research guide'), and its integration into the publicly accessible online JUST-HIS database (see WP 7).

The State Archives have also supported initiatives, through their expertise in this matter, to obtain other public and private collections of archives that are crucial to the IAP research, kept outside the State Archives' depositories and often still inaccessible. In all these cases, the actions and negotiations with the relevant institutions undertaken have been formally supported by the whole IAP network: they have been accompanied by an official document signed by the IAP promoters, explaining the scientific and wider social relevance of the IAP project and expressing their support to the request concerned.

First, contacts have been established with the judicial authorities to obtain access to the archives of the Court of Cassation, still kept by the institution itself. These archives are of particular importance to the research conducted within different WP's of the IAP project (WP2a, WP4, WP5). To date, only a few researchers have been authorized to consult these archives, J.-P. Nandrin (WP4 coordinator) being one of them, for his earlier research on the magistracy in Belgium. Therefore, he has coordinated the negotiations, together with X. Rousseaux (IAP coordinator and WP3 coordinator), as a result of which, a small group of IAP researchers has been invited to discuss conditions of access. Hopefully, their prospecting visits will lead to the identification of useful collections and permit negotiations to discuss a possible transferral of some of these.

Similar action has been deployed by members of the team of the University of Ghent (P2), B. Quintelier (PhD student WP2b) and G. Martyn, in order to obtain access to the archives of the different Bar Councils. The state Archives are providing advice and assistance for these initiatives. This has produced promising results, although some serious drawbacks due to refusals have to be noted as well (see WP2b for details).

Finally, members from the IAP and WP3 coordinator's team, V. Massin (PhD student WP3b) and D. Niget, have taken up contact with the penitentiary institute for young female delinquents in Saint-Servais (Namur) to negotiate the transferral of a series of yet non-inventoried sources to the State Archives. The State Archives provide assistance by preparing an inspection visit to the institution.

The State Archives and the WP1 researchers are also coordinating initiatives for the digitization of important series of judicial sources, in order to insure efficient preservation and make these sources more easily accessible. The digitalized source collections will be entirely integrated into the common JUST-HIS database and internet portal (see WP 7). During 2007, contacts have been set up with Eric Maes, who has brought together a huge collection of unpublished and published sources concerning the penitentiary sector in Belgium (19th-20th c.), and has been found willing to open up this collection to the IAP researchers. In a first phase, the series of (extremely numerous!) circulars from the penitentiary administration contained in this collection will be digitized. This initiative will also directly benefit three IAP research projects on the penitentiary world in Belgium: WP1a (Luc Nguyen), WP3a (Nathalie Fally) and WP3b (Veerle Massin).

On January 25th 2008, the State Archives have organised the conference "Justice and Society : Sources and perspectives for the socio-political history of justice in Belgium (1795-2005)" in their new depository in Louvain-la-Neuve. On this occasion, the ten IAP PhD students have presented their progress in identifying and collecting source material for their research projects, which has greatly benefited internal network communication and collaboration and has allowed the network to present the IAP project to external scholars and archivists. Further dissemination will follow through the publication of the conference proceedings in the summer of 2008 (see chapter II, section 3, 'scientific activities and dissemination of results').

Finally, the IAP post-doc, M. De Koster, and another member of the IAP and WP3 coordinator's team, J. Campion, have organised a seminar on January 24th 2008 on the sources for the history of police services in Belgium, involving a collaboration between the IAP network and the FNRS Contact Group "Sources for the history of social control", that has launched the initiative to create a research guide for the history of the police that will adequately supplement the work conducted in WP1. The information gathered by this project will also be integrated into the JUST-HIS database (WP 7). The proceedings of this conference will also be published, presumably in the autumn of 2008 (see chapter II, section 3, 'scientific activities and dissemination of results').

Thematic Work Package 2: Civil Justice: Ministries of Justice and Barristers (P2: Ghent University)

It may look strange that ministers of justice and barristers have been brought together in one thematic work package, because at first they seem not to be that closely connected. However, research about the ministers of justice and their policies outside the field of criminal law and order has shown that after 1848 (and during most of the years between 1830 and 1848) it is impossible to study the ministers without taking the barristers into account, because all ministers were or had been members of the bar and this shaped their policies. Thus, whereas it may be possible to study the barristers without the ministers, the reverse is not true, as, with some simplification, the ministers were only one special group of barristers, who, temporarily, distinguished themselves from their colleagues and this only through their office, not through their world's view. It is interesting to note that this was a feature of the ministers' policies for civil justice but not for criminal justice, as for the latter the views and wishes of one group, the barristers, did not dominate policies and political debate. Civil justice, in Belgium, to a large extent was an internal affair of the barristers, whereas criminal justice was anything but that, which justifies that it is the subject of another work package (WP3).

Although an integrated study of both the history of the Belgian Bar and the ministers of Justice and their civil law policies is thus required in order to substantially increase and renew existing scientific knowledge about the history of civil justice in Belgium, each of these domains of research imposes its own specific needs and problems in terms of both the collection of source material, research approaches and analysis. This is why the work within this WP has been organised into two subprojects treating each domain (WP2a and WP2b). The structuring of the research activities within WP2 along these two lines means that in the initial research phase, which has been started off during 2007, both topics are being treated separately, in a parallel way, whereas in a next phase, the insights and results obtained will be gradually integrated so that the one area of knowledge can come to inform the other, in the ways described above.

For the realisation of both subprojects, two researchers, Bart Quintelier and Bram Van Dael, have been recruited to work on a full-time basis on the WP2 part of the IAP project. They started to work on August, 1st 2007 and have been provided with work spaces on the premises of the partner responsible for WP2, the Institute of Legal History at the University of Ghent, where the infrastructure of the institution has been made available to them and equipment has been provided (laptops). Both projects have been set up, and the formal steps required to link the projects to the realisation of two PhD theses have been taken. The promoters appointed for both PhD theses are the two major specialists in Belgium in the fields of research treated by the subprojects, so that a maximum input of relevant expertise has been guaranteed: Dirk Heirbaut (WP2 coordinator) for the PhD thesis of Bram Van Dael, and Georges Martyn for the PhD thesis of Bart Quintelier. Moreover, external experts (prof. J.-P. Nandrin (P3 in the IAP network), prof. P. Taelman (specialist of procedural law); prof. em. G. Baeteman (former first president of the Council of State and also a specialist of family law) have also been appointed to advise the promoters in a special commission. In the next section, the work carried out by both researchers throughout 2007 is discussed more in detail. During this first year, this has been oriented towards the elaboration of a precise research focus and relevant questions, the collection and 'testing' of source material, and the determination of possible approaches and methodologies for analysis.

WP2a The Belgian Ministers of Justice and their civil policies : A prosopographical and quantitative analysis (Bram Van Dael)

So far, no objectively quantifiable research has been carried out with respect to the policies of the minister of Justice in the civil sphere. The only scientific work available is the groundbreaking, but fairly brief Thorbecke-reading by Bram Van Dael's promoter, Dirk Heirbaut [D. Heirbaut, *Hebben / hadden onze ministers van justitie een 'civiel' beleid?*, Gandaius Thorbecke college, XXVII, Mechelen : Kluwer, 2005]. As a consequence, if Belgian justice administration has a rather negative reputation, this must result - at least in this area - from either a lack of familiarity with the laws and civil justice, or the negative impressions and hearsay from others. In any case, there is a need for objective research on the civil policies of the minister of justice in Belgium that quantitatively analyses these policies.

Bram Van Dael has structured his research project on this topic along three major lines. First, the apparatus responsible for developing civil policy, the minister of justice and his administration, are examined. This requires a good understanding of the functioning of the departments of the Ministry of Justice; it is necessary to know the 'machine' that assisted the individual minister in the design and implementation of his policies in order to evaluate these policies correctly. The examination of this aspect of civil policy is purely additional and will therefore be limited to a study of relevant literature. It is nevertheless true that many departments of the Ministry of Justice have transferred their archives to the State Archives. The archives of the General Secretariat will possibly be consulted if this proves to be necessary in the course of the research.

Second, Bram Van Dael has decided to focus on the person of the Minister of Justice. Who were the 67 individuals (without Secretary of State Mundeleer and the current Minister Vandeurzen) who held this office in the past? This focus implies an examination of the personal backgrounds and preferences of the ministers of justice. The purpose of this work is twofold. First, the objective is to gain new insights into the minister of justice as persons, constructing a model of the "average curriculum vitae of the average minister of justice." Furthermore, it also provides the necessary basis for the third part of the research, the study of civil policies, that aims to explain these policies - examined on the basis of the resources of the minister - through the personal background of the responsible minister of justice. The research on the Belgian ministers of justice involves a prosopographical approach. The methodology used for this comes from sociology and is that of social network analysis (SNA). This method examines social structures, whereby structure is being defined as "the pattern of social relations that bind social actors". Via SNA two kinds of patterns can be uncovered: those revealing the existence of organized subgroups, and those mapping out players with equivalent social positions. This research is primarily interested in the organized subgroups existing amongst the ministers of justice. It adopts the 'whole network approach', which means that all relationships between all actors (ministers of justice) are being examined. The first phase of the social network analysis consists of collecting the necessary data. In this respect, different kinds of relationships need to be taken into consideration, not only professional ones. Even family ties may

have a role to play, and the same is true for philosophical preferences, joint publications, and even membership of the same sports or youth clubs. Moreover, next to positive relationships, negative ones (conflicts, hatred) are worth investigating as well. In a second phase, the data thus collected will be processed. They are visualized in an n-by-n matrix, where n stand for the number of social actors. When there are more than 3 social actors, SNA uses an algebraic or logarithmic method to permit a visual representation in three dimensions. Finally, the obtained visual pattern has to be analysed. Here, one should keep in mind that the importance of a social actor in a network is shown by his 'centrality' in the network. Centrality is indicated by the 'degree' (the number of other players with which an actor is connected) and the 'betweenness' (the extent to which an actor is essential for the transmission of something in the network). In the visual representation, the actors who are the most connected socially are also the closest visually. In order to execute this step, Bram Van Dael will make use of specialised software such as UCINET, Sociometrica or Network Workbench.

The collection of data required to conduct the social network analysis of the ministers of justice will probably not encounter serious problems. The necessary information is abundantly present in published sources (general reference works, (auto)biographies,...). Further, numerous archives of individual ministers or their families are available, kept at the different depositories of the State archives across the country but also in other archival institutions and even in the Royal Archives. Some have not been sorted and inventoried yet. An additional possibility is to consult the archives of the universities where several ministers of justice have worked. Yet the study of unpublished sources will only be secondary, i.e. the archival data about a particular minister of justice will only be consulted when the necessary information can not be drawn from published works.

Finally, Bram Van Dael proposes to examine the 'tools' used by the Minister of Justice to implement his policy: the laws, royal decrees and if possible, also departmental circulars. This last part concerns the actual study of civil policy: the analysis of these sources should, indeed, show whether the Minister of Justice developed a coherent civil policy - and if this was the case, what its content was - or merely reacted to explicit calls for change from the public. In this section, the research finally moves towards an examination of civil policy *sensu stricto*, whereas the first two parts concern civil policy *sensu lato*. It is, however, impossible to examine all aspects of civil policy developed by the ministers of justice within the scope of this research project, and so limits have to be imposed to the research field. Formally this investigation is limited to the (formal) legal acts that concern civil law, although royal and ministerial decrees are interesting as well, but these can only be examined in a second phase, once it has been established whether and to what extent the minister used laws to implement a civil policy. In terms of content, this part of the research will be confined to those areas that are particularly relevant to the study and at the same time to some extent representative for entire civil law. Traditionally, Belgian civil law is characterised by a dichotomy between civil law in the narrow sense on the one hand, and commercial law on the other. In the area of civil law in the narrow sense, the focus will be on family law. Here one can expect to see one of the main political cleavages of Belgium at work, that between Catholics and anticlerical groups (mostly present in the Liberal Party). With respect to commercial law, the focus will mainly be on the law on legal persons, i.e. legislation concerning associations and companies, and bankruptcy or a reorganisation under court supervision. Here, the contrast between landowners and industrialists - another important political cleavage - and thus between the Catholic Party and the Liberal Party, is likely to be important.

The objective of the research on the resources used by the minister of justice for his civil policy is twofold. First, it aims to provide a statistical overview of the most important developments in civil law. Second, it attempts to explain the civil policies carried out in Belgium from 1831 onwards by drawing on the results from the prosopographical analysis of the various ministers (part 2). Again, the method of social network analysis will be used, in this case to identify organized sub-groups among the various laws concerning civil policy. Next, these subgroups will be explained on the basis of the personal characteristics of the ministers of justice who were in office at the time the measures were taken. For this part of the research too, finding the right sources will not constitute a problem. All required information has been published. For the period between 1831 and 1845 there is the *Bulletin officiel des lois et arrêtés royaux de la Belgique*, the official publication for Belgian laws and decrees. From 1845 onwards, this is the *Moniteur Belge*. Finally, the annals of parliamentary sessions, edited by the Ministry of Justice itself, can also shed an interesting light onto the making of civil policy.

WP2b History of the Belgian bar from the French Revolution to the present (Bart Quintelier)

The subproject on the History of the Belgian Bar is both an entirely novel and ambitious one, for almost everything in this field of research remains to be done. Apart from one article by Bart Quintelier's promoter, Georges Martyn [G. Martyn, « Evoluties en revoluties in de Belgische advocatuur », in D. Heirbaut, X. Rousseaux and K. Velle (eds.), *Politieke en sociale geschiedenis van justitie in België van 1830 tot heden*, Bruges : Die Keure, 2004, p. 227-255], comprehensive scientific studies on the history of the bar and barristers in Belgium are lacking entirely. Only a few nineteenth- and early twentieth-century works, often little scientific, are available, presenting a rather incomplete picture of the Belgian history of the advocacy in these periods, as well as some publications on the role played by lawyers in the struggle for Belgian independence. Further, some bar histories exist for local Councils, Conferences of the Young Bar or Flemish Conferences, yet these have generally been written for a jubilee or an exhibition, and thus often have a low scientific and anecdotal nature. This state of the research in Belgium stands in sharp contrast to the prominent presence of similar studies in our neighbouring countries, where the history of the bar has already been the object of scientific research for a long time. A relative recovery is possible, insofar as the research agenda in Belgium is reoriented. This is precisely the main objective put forward by Bart Quintelier, whose doctoral research is to culminate in "The History of the Belgian bar from the French Revolution to the present".

Mapping out the entire history of Belgian lawyers from the French Revolution to the present, treating all its facets, in just a few years' time, is a rather utopian goal. A first problem is that this issue is so substantial, both in terms of time, in terms of space and in terms of content, that Bart Quintelier will continuously have to adjust the scope of his investigation. The evolution of the research process itself, that is, the progress booked and the problems encountered, will therefore need to show whether the entire period from the French Revolution to the present can be studied. In any case, Bart Quintelier can already establish at this point that not all sub-periods will be examined in detail. The period of the French regime, the "Neuf Départements Réunis", and that of the United Kingdom of the Netherlands will, in fact, receive less attention than the period of the independent Belgium. This necessary limitation of the research scope will, however, be partly compensated by the input of the European IAP-partners (University of Lille 3 and Free University of Amsterdam), since they cover the period from the French Revolution to the Belgium's independence and are orienting a large part of their research activities onto the study of legal professions, among which the group of barristers (see WP6).

Similarly, the research process will also need to reveal which Bar Councils can be studied, and which have to be left out, for it is simply impossible to subject each of Belgium's 31 Bar Councils to an equally thorough examination. Therefore, those Bar Councils likely to provide the most representative picture will be selected. However, it is important to stress that this selection will also, inevitably, depend to a large extent on the availability of source material produced by the Bar Councils.

Bart Quintelier has identified a large set of themes related to the history of the Belgian Bar that remain to be addressed; the possibilities to do so depend, again, largely on the availability of relevant sources: the organizational structures such as the local bar associations and councils and the larger associations of Bar Councils, their disciplinary regulations, institutions and jurisprudence; the Conference of the Young Bar, the Flemish Conferences,...; evolution in the lawyer's profession from *Einzelgänger* to international offices, from specialist to generalist,...; the relationship between lawyers and magistrates, between advocacy and politics, between lawyers and advocates, between lawyers and trainees, between lawyers and clients,...; the place of women in the profession, the place of the Dutch language in law practice; the socio-economic and geographical profile of lawyers; public opinion on lawyers,...

Since scientific literature on the topic is lacking, Bart Quintelier has examined which non-historical and non-scientific works contain useful information. General legal reference works such as the *Pandectes belges* contain entries on lawyers and advocacy. Biographical reference works such as the *Biographie nationale*, *Nouvelle biographie nationale* and the National Biographical Dictionary can be used to look up famous Belgian lawyers, after having identified them using works such as Pierre Henri's "*Grands avocats de Belgique*" (Brussels : Collet, 1984) or Wladimir Plavsic's "*Le premier ministre. Vie et mœurs, œuvres usages et du premier ministre du roi des Belges de 1830 à nos*

jours" (Brussels : Didier Hatier, 1988). Moreover, the data from WP2a will also be used, as since 1848 almost every minister of justice has been at one moment or another during his career a practising lawyer. Additional information can be drawn from old and recent publications on the legal professions, and on the profession of lawyers in particular, on the organisation of this profession in bars and councils, on trainees and young lawyers, on ethics and discipline, on rights and privileges in general and on certain specific rights such as the lawyer's monopoly (the exclusive right to represent people in court), on the relationship between jurists, barristers and advocates,...

In order to conduct a thorough study on the Belgian bar from the French Revolution to the present, it is, however, indispensable to complement such published works with an in-depth analysis of archival source material. This includes personal and family archives, but also, and mainly, the archives of the bar councils. At present, there are 31 bar councils. Since the Act of July 4, 2001, the 28 of these attached to the ordinary courts either belong to the Flemish Bar Association (OVB) or to the Council of French- and German-speaking Bar associations (OBFG). Before 2001, however, the situation was entirely different: all Belgian bar associations were integrated into the same National Bar Association of Belgium, introduced by the Civil Code of October 10, 1967. This brings the total number of institutions producing archives on 32. To date, only two of these institutions have transferred their archives to the State Archives: the National Bar Association of Belgium and the Bar council of Dendermonde. The archives of the latter have been inventoried by Karel Velle and Paul Drossens. It is important to note that they can only be consulted by researchers or the public after a written approval issued by the bar council's president and the Archivist General has been obtained. Therefore, Bart Quintelier has addressed a request for permission to consult the archives to the president of the bar council of Dendermonde, followed by requests to all his colleagues of the other bar councils, as well as to Bruno Van Dorpe, lawyer at the Bar of Kortrijk and liquidator of the National Bar Association of Belgium, to get their permission to consult their archives.

As of this moment, 11 of the 31 bar authorities have not yet answered: the National Bar Association of Belgium, the bar councils of Ieper and Oudenaarde on the Flemish side and the bar councils of Arlon, Mons, Dinant, Tournai, Huy, Namur, Nivelles and Verviers on the Walloon side. It should, however, be noted that Van Dorpe has already declared orally that there are no fundamental objections against consulting the archives of the National Bar Association of Belgium. Among the answers obtained so far, only 3 were negative: that of the Association of French-speaking lawyers of the Brussels Bar, in whose archives the documents of the Joint Association of Lawyers at the Bar of Brussels are stored, and the Council of lawyers at the bars of Ghent and Marche-en-Famenne. The refusal of the latter is of secondary importance, but that of the others is very problematic. The Association of Lawyers at the Bar of Brussels is the oldest and largest in the country and the bar of Ghent is definitely the oldest and probably the most important of Flanders. Their refusal could therefore have disastrous consequences for the remainder of the research.

In contrast, a large willingness to cooperate has been expressed by a number of other bar councils, in particular those of Dendermonde and Charleroi. Denis Gheys, president of the Dendermonde Bar, has not only granted permission to consult both the archival fund kept at the State Archives depository of Beveren and the current archives kept at the Court, but has also contacted, on his own initiative, Jozef Dauwe, archivist of Dendermonde's bar council, who then took up contact with Bart Quintelier to offer his personal cooperation. Hubert de Stexhe, president of the Bar Council of Charleroi, has also done more than just granting his permission to consult the archives. He provided Bart Quintelier with a detailed description of their contents, being the barristers' register, the minutes of the Bar Council, a gallery of portraits of former Bar Council's presidents and the inaugural addresses of the Conference of the Young Bar. In addition, his letter was accompanied by a copy of the special edition of *Le Pli Judiciaire* published on the occasion of the 100th anniversary of the Conference of the Young Bar of Charleroi as well as a copy of the inaugural address Jules Destrée held on November 25, 1886 for the official opening of the new judicial year.

Furthermore, Bart Quintelier has obtained the permission to consult the archives of the Bar Councils of Antwerp, Bruges, Hasselt, Leuven, Mechelen, Tongeren, Turnhout, Furnes, Eupen, Liège, Neufchâteau, and those of the Association of Dutch-speaking Lawyers at the Brussels Bar. There is, however, no reason for euphoria. The presidents of the Bar Councils of Antwerp, Hasselt, Turnhout, Liege and Neufchâteau gave only their provisional consent, subject to further consultation, which means that it is still uncertain whether Bart Quintelier will be allowed to access the desired records. Moreover, the president of the bar council of Hasselt has already made clear that he is not

eager to grant a permission to consult disciplinary files and the president of the Dutch-speaking Association of Dutch-speaking Lawyers at the Brussels Bar has already refused to authorise the consultation of such records. Although this is understandable in view of the personal information contained in such records, it is nevertheless deeply regrettable, since these are precisely the files providing information on the relationships between lawyers and judges, among lawyers and between lawyers and clients. Moreover, the consents of the presidents of the bar councils Veurne, Eupen and Neufchâteau should be considered as a pure formality because their archives contain close to nothing. The same applies to the archives of the OVB and the OBFG. However, Luc Marechal, president of the OBFG, has offered his personal help to obtain permissions from the presidents of local councils integrated within his organisation.

Bart Quintelier plans further consultation with the presidents of the OVB and OBFG, the IAP promoters and the Director of the State Archives, Karel Velle, in order to prepare and submit a second request and persuade the presidents of bar councils who have remained silent so far to react, to urge the presidents of the Bar Council of Ghent and of the Association of French-speaking lawyers of the Bar of Brussels to reconsider their answer, and to provide more information to the bar council's presidents who gave their conditional consent.

Research collaborations and general contributions to the project

Through its combination of research on the Ministers of justice with research on the Belgian bar - the particular relevance of which has been discussed above - and because the persons, networks and practices of Ministers of justice and of lawyers are crucial to the study of numerous areas of judicial policy (civil, criminal, penal) and justice administration in Belgium, WP2 has established different links with other WP's and research projects of the IAP programme. These links will stimulate mutual exchange of source material, data, methods, results between different IAP researchers.

First, B. Van Dael's choice to conduct a prosopographical analysis of the personal backgrounds and networks and the resources of the Ministers of Justice since 1831 (WP2a), is important to the research conducted within WP3, given the importance of Ministers of Justice in the development of penal policy and governance (through their penitentiary administration). Second, this WP2 subproject will directly benefit the prosopographical research on Belgian magistrates (WP4), because before 1848, judges and prosecutors could also be Ministers of Justice, which leads the question whether there were differences between the pre and post 1848 situation. Finally, it is related to WP 5, because during the German occupation in both World Wars high magistrates at the court of cassation acted as Belgium's Minister of justice. In all these cases, the databases constructed for the WP2a research will be shared with the other researchers in the network's common database JUST-HIS (WP7). For the elaboration of these databases, contacts have been set up with the IAP IT Officer attached to the IAP Coordinator's team (P1), in order to obtain advice and assistance. Conversely, both the research on inaugural addresses of the highest magistrates and the biographies (propography) of magistrates (WP4) will offer useful data for the WP2a project.

Further, the initiatives deployed within WP2, by B. Quintelier (PhD student WP2b) and his promoter G. Martyn, to obtain access to the archives of the different Bar Councils, which are being supported by the state Archives (see WP1), and the research on the organisation of the bar and the functioning of barristers (WP2b) are also likely to be beneficial to other WP's. They will add data and results on an additional category of judicial personnel to the prosopographical research and data collection carried out within WP4, and they might provide access to private archives of barristers who defended persons accused of collaboration (WP5).

Another contribution of WP2 to the global IAP project has been realised, in this first year, in the area of the networks' external communication and dissemination of research, and stems from WP2's integrated research approach: the two WP2 researchers have jointly presented their projects at the IAP session at the Dag van de Nieuwste Geschiedenis in Brussels on March 15th 2008 (see part 2 of this report, heading 'integration through dissemination' (WP8))

Further, WP2 coordinator Dirk Heirbaut has organised the session "L'Empereur et ses fidèles: le droit privé belge après 1804" on February 21st, 2008 for the doctoral research seminar « Justice et

régulation sociale en Belgique, 1795-2005», which has been set up within the framework of the doctoral school « Histoire, art et archéologie (ED4) » (F.R.S.-FNRS) to the benefit of the PhD students of the IAP network (see chapter 2, 'functioning of the network: Doctoral school').

The work carried out within WP2 has been solidly integrated into the larger research activities of the responsible partner's team, the Institute of Legal History at the Ghent University (P2), through the integration of Georges Martyn's expertise and his participation as promoter of B. Quintelier's PhD research. Finally, this team has developed a number of international collaborations that hold particular relevance for WP2 or the IAP project at large. Apart from the ongoing international collaborations (e.g. MPI and colleagues at universities in other countries), a special effort has been undertaken to contact Dr. M.E. Verburg. Dr. Verburg is writing a history of the Ministry of Justice in the Netherlands, of which two volumes have already been published (a third is almost finished; a fourth is in preparation). Those volumes published in 1994 and 2001 were not available in any Belgian library (it seems Dr. Verburg's work is largely unknown in Belgium) and are no longer in print, but thanks to a personal gift from Dr. Verburg copies of them have been obtained. Dr. Verburg has also agreed to give a lecture in Ghent about his work (a date has not yet been set) and to advise the Ghent researchers and the other researchers of the network. A next step will be to contact French researchers working on the civil policy of their ministry of justice, as many of them, like Dr. Verburg, not always seem to have made the effort to bring their work to the academic community outside their own country. For this, the help of V. Bernaudeau (working in the team of partner 3, FUSL) will be enlisted, as he has recently finished research on the role of the French ministry of justice in drafting legislation at the beginning of the 20th century.

Together with Xavier Rousseaux (IAP coordinator, P1), Dirk Heirbaut also coordinates the IAP networks' activities for scientific information dissemination (see chapter II, section 3, 'functioning of the network: scientific activities and dissemination of results').

Thematic Work Package 3: Criminal Justice: Criminal Policies and Penal Practices (P1: Catholic University of Louvain)

The research conducted within this work package is situated within the larger framework of a comparative historical study of criminal law policies and administrative practices regarding penalties (penal management) (1795-2005). The concept of criminal policy refers to two realities: (1) The administrative conception of the management (criminal governance) of resources for crime control, in function of precise objectives. The ideas of effectiveness and efficiency which are part of the process of public policy evaluation mostly guide the decisions and practices of the managers of a system of penal administration. (2) A more classical conception is that of the political view on criminal and penal policy. For governments, this is a matter of making choices determined by various societal projects, often put forward by political parties or other interest groups and social movements. In Belgium, such policies often result from compromises between groups with different interests implemented by the Minister of Justice in the name of the government, whatever its political colour. Such policy measures are, however, not a constant of political life but rather emerge during periods of political, economic or social crisis, or when cultural identity is at stake. Further, criminal and penal policy in Belgian society is elaborated, translated, and implemented on different levels. In the legislative, executive and judicial sphere, national actions (by the king, the government, parliament or political parties) are combined with local and regional practices (courts, administrations). Finally, increasing democratisation of society caused the emergence of forms of public opinion structured by the press and relayed through associations and political parties.

This WP is thus structured around the study of crime control between policies and governance. Into this research, the WP3 and IAP coordinator (P1) integrates the expertise of his research team, the Centre for the History of Law and Justice, concerning the social control of crime through criminal justice in the broadest sense. Starting from work that has appeared in the area of 'criminal policy', police studies, military justice, courts, and violence, this research centre at the UCL is trying to develop a synthesis on criminal policy and penal management (1830-2005). These two research lines converge in an approach privileging the 'longue durée' between 1830 and 2005, weaving together analyses of programmatic discourses, norms, statistical analysis, and the study of administrative

practices. This developmental approach aims at blending the work of historians with that of contemporary specialists in criminal and penal policy working on ongoing policies (criminologists, sociologists, jurists). Linked to and informed by this larger research programme, WP3 of the IAP project, has been structured around a main field of penal policy and management: the penitentiary world.

Fuelled by debates in the public sphere, in which both elites and the public participate, this area of penal policy concerns the evolution of debates on criminal and penal management, and the practices eventually developed within penitentiary institutions (prisons). The narrative thread is the succession of parliamentary debates: penal code reform (1867, 1997), prison modernization (1887, 1920, 1944). Further, the role played by various actors has to be taken into account: intellectuals and politicians, journalists and citizens, parliament and governments, as well as prison inmates themselves. Moreover, this implies an examination of the interactions between social issues (banditism, recidivists), criminological theories (social defence, new social defence, new penology), political debates, and penitentiary regimes and practices. These points make up the main focus put forward for the WP3a subproject on the penitentiary question and the prisons in Belgium between 1870 and 1920. The other WP3 subproject is oriented towards an examination of the particular 20th-century development of justice for juveniles along the passage from classical penalties towards more moderate (?) measures, whereby penal practices mutated from repressive to protective custody. The main focus of the project WP3b has been placed on public penitentiary institutions for young female delinquents in Belgium (1912-1965).

In order to realise both subprojects and the general objectives outlined above, WP3 coordinator's team has been enlarged with two researchers, Veerle Massin and Nathalie Fally, in February and in October 2007. They have been provided with work spaces on the premises of the Centre for the History of Law and Justice (UCL), and have been equipped with laptops connected to the Centre's network. Further, the whole infrastructure of the Centre has been made available to them, allowing them to conduct their research activities in optimal conditions. During 2007, both projects have been set up and the formal steps required to link them to the realisation of two PhD theses have been taken. Xavier Rousseaux, IAP coordinator and WP3 coordinator (P1), has been appointed as promoter for the PhD project of both researchers. In the next section, the progress booked by both researchers throughout 2007 is discussed. During this first year, their work has logically been oriented towards the elaboration of a precise research focus and relevant questions, collection and 'testing' of source material, and the determination of possible approaches and methodologies.

WP 3a Cellular Regime and 'défense sociale': the penitentiary question in Belgium between 1870 and 1920 (Nathalie Fally)

Nathalie Fally has chosen to start her PhD research from a developmental perspective that has been eloquently articulated by Jacques-Guy Petit: "Writing the history of the prison always comes down to a history of a dual political and social language, always invoking a reform that has to be renewed" [Christian Carlier, « La prison vue par les historiens », in Florence Raynal (ed.), *Prisons : quelles alternatives ?*, Paris : Corlet, 2000, p. 19]. Indeed, it appears that the discourse on the prison, usually preceded by a denunciation of the harmfulness of the institution, is invariably associated to that on its reform. Like many other countries, Belgium is currently facing a phenomenon of carceral inflation: overcrowding, resulting management problems and the negative social and human consequences, regularly featuring in news headlines and stirring up political debate, have inspired the development of so-called alternative penal measures, aimed at reducing the use of the prison. This movement to modernize criminal policy and sentencing, described by some as a "new criminal law" [Georges Kellens, Tony Peters, *Mesures et peines alternatives. Vade-mecum pénologique*, Liège : UGA, 1997, p. 1-3], appears not to have prejudiced the supremacy of the prison within the penal arsenal: although it continues to be criticized frequently, the rising numbers of inmates show that the prison is not used less than before [Hilde Tubex, Sonja Snacken, « L'évolution des longues peines de prison : sélectivité et dualisation », in Antoinette Chauvenet, Philippe Combessie, Claude Faugeron, *Approches de la prison*, Paris-Bruxelles : De Boeck & Larcier, 1996, p. 223]. This kind of 'penitentiary crisis' is not new: in the second half of the 19th century the penitentiary question already fuelled fierce debates, reflecting a growing fear of elites for the disrupting consequences of demographic, economic and social transformations.

These interesting parallels between past and present debates has prompted Nathalie Fally to study the modernization process of Belgian prisons between 1870 and 1940, a period marked by profound discussions on the carceral system. A sort of international cooperation was emerging, a network of regular exchanges between lawyers, politicians, prison specialists, doctors, all led by the same desire for reform. Belgium's role in this would prove to be particularly dynamic and even serve, in some ways, as an example.

Forging the link between criminal policy and criminal governance that is central to WP3's research objectives, Nathalie Fally's project stretches beyond a mere analysis of ideological discourses and (intended and implemented) penal reform measures: the penitentiary reality is being examined as well. This concerns the living conditions of detainees, their sociological profile, their number, their strategies of resistance to incarceration, the organization of prison labour, the daily functioning of penitentiary officials and prison employees and of the various prison services (education, medical,...). Next to the reality 'intra-muros', the relationship with the outside world ('extra-muros') is also being addressed. In short, Nathalie Fally attempts to write a history of the prison that is, in the words of Ignatieff, truly "social", and not purely institutional. Such an approach obviously implies raising the question about the nature and explanations for the gap between the objectives of prison reform and penitentiary practices. Answering it requires an examination of the political process of policy-making and its impact on the ideals promoted by theorists, of the question of the relative autonomy of the institutions, of the manoeuvring space available to local prison authorities in their implementation of the Department of Justice's directives, and of the adaptation mechanisms and norms developed by the penitentiary institution itself.

The methodology used for this research has been developed by John Conley in the field of prison history; it involves following penitentiary change through three phases: conceptualisation (design), legitimization and implementation, operation (practice).

Nathalie Fally has chosen to analyse the evolution of ideas and practices in penitentiary matters through a detailed study of two Belgian central prisons, those of Ghent and Leuven. These prisons hosted exclusively male, both civilian and military criminal and correctional convicts sentenced to long-term imprisonment, while the secondary prisons were meant for male correctional convicts and all female convicts, as well as special categories of detainees placed under supervision of judicial or administrative authorities. The history of both institutions is somehow linked: it was indeed to deal with overcrowding in the central prison of Ghent, charged to host all criminals of the country, that the decision was made in the 1870s to transfer criminals sentenced to penal servitude or forced labour, as well as correctional convicts sentenced to more than 5 years of imprisonment to the prison of Leuven, where solitary cellular confinement was in effect. Between 1880 and 1887, a separate section also received military convicts sentenced to short-term imprisonment and not deprived of their rank. 1881 saw the creation of a section for juveniles between 11 and 18 years old convicted for offences other than vagrancy or begging and placed under governmental supervision until their majority, and in 1887 a section for unruly pupils of reform schools was put up. Between 1921 and 1931, a 'prison school', established within the central prison of Ghent, hosted 16 to 21 year-old convicts, receiving professional training. In the wake of the Social Defence Act of April 9, 1930 a special section for 'abnormal' convicts was created in the prison of Ghent. Finally, Nathalie Fally's first investigations have led to the discovery of records indicating the presence of women in the Ghent prison Ghent during the First World War. By focusing on the prisons of Ghent and Leuven, the research will thus be based on a fairly representative sample of the overall prison population, and at the same time allow comparison between the penitentiary regimes of cellular and common confinement.

The research will be based on a large variety of sources. First of all, published sources such as the works of the leading prison reformers, proceedings of the international penitentiary conferences organised fifteen times between 1848 and 1935, the professional journals of the penitentiary world, especially *L'Ecrou, Organe de la Fédération des Fonctionnaires et Employés des Prisons*, published from 1920 to 1939, and those destined to social workers, who became active in the prisons from the 1930s onwards, such as *Le service social*. Further, periodical publications for prisoners and written by have also been preserved: for example, *L'Effort vers le bien*. In addition, the official legal publications containing relevant laws, decrees and departmental circulars with respect to penitentiary matters will be consulted. This will be complemented with an in-depth analysis of archives of the Ministry of Justice relating to the organisation and management of prisons, and of personal archives of key players such as the Ministers of Justice Jules Bara, Jules Le Jeune and Jules Van den Heuvel. Archival sources produced by or concerning the penitentiary personnel (directors,

guards,...) and even prisoners themselves are, of course, of great interest to penetrate even deeper into the world of the prison. Nathalie Fally has found out that such documents, belonging to Ernest Bertrand, former director of the central prison in Leuven, are kept at the Centre for Historical Research and Documentation on War and Contemporary Society in the fund Maindiaux Mauritius. Finally, next to penitentiary statistics, she will obviously also examine the archives of the central prisons of Ghent and Leuven that contain both the archives of the institutions themselves and archives of the administrative commissions, of Social Defence committees and of patronage committees.

The analysis of the source material described above should provide new or better insights into the various aspects of the organisation and functioning of both prisons - such as the daily experiences of the prisons' staff or the relationship of local prison authorities with the central administration, shed light onto the lives of the individuals imprisoned and allow to map out their penitentiary 'journeys' or 'careers'. Once the most comprehensive and most relevant series of documents have been selected, the data will be inserted in a relational database, which will enable to analyse them from different angles, adopting both qualitative and quantitative approaches.

WP3b To observe, care, and discipline. Public penal institutions for young female delinquents in Belgium (Bruges, Saint-Servais, 1912-1965) (Veerle Massin)

Veerle Massin has decided to focus her PhD research project on the particular process through which the State came to impose a separation in penitentiary institutions between children and adults, and between individuals 'at risk' and dangerous individuals. In Belgium, this evolution has to be situated within the context of the establishment of new criminal policies culminating, in 1880, in a 'social defence' strategy, i.e. in the birth of a new "total" welfare system. Nearly thirty years later, these new policies lead to the enactment of the Child Protection Act of 1912, that removed children from the classical penal justice system and created special juvenile courts. From that time, the child offender was no longer regarded as a culprit, to be punished in prison, but as a victim, in need for protection and re-education in specially designed penitentiary institutions. This move from a punitive to a protective penal system has been rightfully described by Marie-Sylvie Dupont-Bouchat, as an evolution "from the prison to the school".

To date, Belgian research on this important criminal policy development and its translation into penitentiary practice remains limited for the largest part the 20th century. There is a flourishing historical and criminological research for the period prior to 1912 as well as for the post-1965 period, following a reform of the child (youth) protection system, but the period in between these two dates has never inspired much research, neither from a historical nor from a criminological perspective. The primary reason for this gap is easily found: a very limited access to relevant archival sources, whether from the juvenile courts, the penitentiary institutions for juvenile offenders or from the Administration for Child Protection at the Ministry of Justice. Since recently, some of these archival funds have been transferred to the State Archives and made available to researchers, and given the fact that Belgian research is lagging behind in comparison to the recent 'boom' in international research on juvenile delinquency and justice, Veerle Massin has taken the opportunity to invest new research efforts into this field.

Through its focus on public penitentiary institutions for juveniles during the 1912-1965 period and on the particular, largely under-researched category of female juvenile delinquents, this project adequately complements other recent research on juvenile courts and penitentiary institutions for juveniles in 20th-century Belgium, conducted mostly by other IAP researchers and members of the research team of the WP3 and IAP coordinator, partner 1 (see "Research collaborations" below).

This doctoral research lies at the junction of three research domains: one on imprisonment, a second on juvenile delinquency, and a third on female criminality. While these three issues have a joint interest and are widely treated abroad, mainly in the Anglo-Saxon world, the Belgian research on the subject is still incomplete. The project will make use of various sources allowing to address these issues and thus contribute to both criminal history, the history of deviance, and the social history of gender-relations. Here, an examination is needed of the evolution of the variable concepts of children and crime that influence how the State handles and 'protects' these young deviants.

A priori, four basic issues are being put forward: 1) the motivations of the state to place the child under his supervision, or why the child is withdrawn from its family; 2) the objectives of this intervention. Is it really only a protective and educational measure rather than a punitive one?; 3) the efficiency of the system, or the results of the re-education and "re-moralization" process; 4) the legitimacy of the institution and of confinement itself.

Thanks to the wealth of sources, light can be shed onto various realities, such as: relationships and power struggles between the Department of Child Protection, the penitentiary institutions' heads and the juvenile judges; regulatory mechanisms and disciplinary measures remaining important, even being nascent; changes in the emphasis on the re-education within schools, in education techniques, professional training, and medical and social work; the way in which penitentiary institutions and administrations view the individuals under their supervision, and the impact of this in terms of results.

The network of public penitentiary institutions for juvenile delinquents, and here the focus is on those institutions receiving girls, should not be viewed as being homogenous. Each institution has its particularity, and was used to deal with a different population of girls, from all across Belgium. In 1912, only two public institutions existed for girls: one, located in Beernem, received girls under the age of 13, and the other, located in Namur, girls from 13 to 21 years old. In the context of a categorization of juvenile delinquency, this distinction based on age gradually disappears to make room for a distinction based on the possibilities for re-educating the child. A number of public observation institutions were set up in order to determine the appropriate measure to be taken for minors placed by the juvenile judges. Through observation and psychological, medical, moral and intellectual, more or less 'in-depth' examination of the juveniles, the appropriate placement had to be determined: an institution, public or private, or within the family. Specialization did not stop there and during the period up until the Second World War, the network of public institutions for young offenders changed significantly. Five institutions for delinquent girls must be distinguished for the 1912-1965 period: 1) a reform school in Saint-Servais, heir to the state reformatory for juveniles in Namur; 2) an observation institution, also in Saint-Servais, established during the First World war; 3) a maternity clinic, for pregnant girls and young mothers, located in Uccle; 4) a clinic for girl delinquents carrying venereal diseases in Bruges, from 1922 onwards; 5) finally, a disciplinary section, designed to deal with the most difficult cases that no other institution wanted to take care of, also in Bruges, from 1928 onwards.

The archives of these five institutions come from the same archives producer, the Office of Child Protection, operating under the Ministry of Justice. The consultation and comparison of the records of these institutions is being facilitated by the fact that two of them were located in Saint-Servais, having the same director, and two others were located in Bruges, again under one directorate. The classification of the archives, especially in all matters relating to the administration, inevitably reflects this, implying that the examination of the records of one institution can hardly be achieved without looking at the other. Although they were oriented at different segments of the population of female juveniles and knew a different staff, these five institutions shared, moreover, a common administration at the Department of Justice, thus the same *modus operandi*. This necessarily implies a production of very similar archives, offering similar possibilities for analysis. However, the manner in which the files were kept in the institutions differs largely.

Veerle Massin has thus identified three major archival funds for her doctoral research, concerning five institutions, and with quite similar contents. While one fund, that of Saint-Servais, knows a lot of lacks, these can be easily be remedied through the fund of Bruges. The directives and circulars issued by the Ministry of Justice were, in fact, in most cases destined to all state institutions, and often also to private institutions. The general regulations for the public penitentiary institutions were also common. The general policies deployed by the Office for Child Protection, which can be examined drawing on the correspondence conducted by the heads of Bruges, often concerns the institutions of Saint-Servais. Yet the best way to learn more about the population and the regime of Saint-Servais is, following the lack of records, by using the individual files of Bruges. Most of the juveniles arriving in Bruges came from Saint-Servais, almost always from the observation institution, and often from the reform school. As a consequence, their records contain observation reports made by the medical and teaching staff of Saint-Servais, as well as documents detailing the follow-up by the institution and their recommendations before transfer to Bruges. Transfers of the juveniles, in turn, mostly involved the starting up of correspondence between the heads and the

medical experts of the respective institutions. Thus, the majority of records of the Bruges institution are, so to say, also those of the institution of Saint-Servais. Again, within the network of public penitentiary institutions for female juvenile delinquents, it is clear that one institution can hardly be studied separately from the other.

The individual files of girls constitute one of the main sources for this doctoral research. They not only inform us on the successive episodes in the lives of the confined girls, and from which Veerle Massin will attempt to reconstruct coherent trajectories that are sometimes difficult to grasp, but also provide a fairly accurate picture of how the delinquent behaviour - in the case of girls we should rather talk about deviant behaviour - had been initially detected and was then labelled. More than the very identity of the juvenile still, the individual files reveal the re-education and categorisation mechanisms of the institution, both in discourse and in practice. Certainly, an adequate sample has to be defined in order to analyse this particular source, which is difficult from both a quantitative and a qualitative viewpoint, the risk being that the historian can not escape the so-called 'seduction by the source material', being attracted more to peculiar or spectacular files that are, however, not always the most representative ones. It should also be noted that the examination of the sources is not made easier by the fact that in Bruges, these individual records have been sorted on the date of entry of the juvenile in the institution, whereas in Saint-Servais, the classification is on date of birth, and finally in Uccle, in alphabetical order. In sum, however, the available sources offer considerable possibilities to shed new light onto the actual functioning of the penitentiary complex for female juvenile delinquents, as well as on the trajectories of these girls through this peculiar world.

Research collaborations and general contributions to the project

In terms of collaborations in PhD research between these and other IAP researchers, the following is noteworthy. As a result of the time period studied and the main approaches (combining intra- and extra muros, study of the prisons' activity and populations) chosen by Nathalie Fally for her PhD research (WP3a), this subproject has come to complement the WP1a subproject on penal policy between 1770 and 1870 (PhD student Luc Nguyen), and vice versa. The researchers have established contacts for the exchange of information and results.

Further, given the importance of the Ministers of Justice and their penitentiary administration in the development and implementation of penal and penitentiary policy, both WP3 projects will benefit from Bram Van Dael's (WP2a) choice to conduct a prosopographical research on the Ministers of justice since 1831: the data with respect to their personal backgrounds, ideological preferences and networks are as useful for an evaluation of criminal and penal policies, as they are for civil policies. Since the latter WP2a subproject will, in turn, be largely informed by the other WP2 subproject on the barristers (WP2b, Bart Quintelier) thanks to the overlap between this profession and the function of Minister of Justice throughout Belgian history, and because information on the practices of lawyers might be interesting for the study of the experiences of convicts, which is a common point of focus for both WP3 subprojects, fruitful exchanges between the civil justice WP and the criminal justice WP are to be expected.

The WP3 researchers are also involved in other internal IAP research collaborations and interactions structured around source collection and digitization activities undertaken during 2007. V. Massin (PhD student WP3b) and another member from the IAP and WP3 coordinator's team, D. Niget, have taken up contact with the State Archives (P4, see WP1) concerning the penitentiary institute for young female delinquents in Saint-Servais (Namur) to negotiate the transferral of a series of yet non-inventoried sources to the State Archives. The State Archives provide assistance by preparing an inspection visit to the institution. Both WP3 subprojects are also likely to benefit greatly from the IAP network's initiatives, coordinated by the State Archives, for the digitization of a series of judicial sources and their integration into the common JUST-HIS database and internet portal (see WP 7), since priority has been given to the digitization of a large series of circulars from the penitentiary administration, contained in the collections of Eric Maes (see also WP 1 and WP7). Finally, the IAP postdoc, Margo De Koster, attached to WP3 and another member of the IAP and WP3 coordinator's team, Jonas Campion, have organised a seminar on January 24th 2008 on the sources for the history of police services in Belgium, involving a collaboration between the IAP network and the FNRS Contact Group "Sources for the history of social control", that has launched the initiative

to create a research guide for the history of the police (archives inventory and bibliography). This will adequately supplement the work conducted within WP1 (see 'Research guide'). The information gathered by this project will also be integrated into the JUST-HIS database (WP 7). The proceedings of this conference will also be published, presumably in the autumn of 2008 (see chapter II, section 3, 'scientific activities and dissemination of results').

The police research conducted by the IAP post-doc within WP3 has also generated research collaboration with Catherine Denys from the University of Lille3, who is participating in WP6 of the IAP project (see WP6, CIRSAP project, participation of Margo De Koster and Xavier Rousseaux)

Another important internal IAP collaboration started off in 2007, is that involving the input and exchange of expertise between Xavier Rousseaux (IAP and WP3 coordinator) and WP5 with respect to the Belgian justice administration during the First World War. Xavier Rousseaux is acting as supervisor for the WP5a PhD project of Mélanie Bost devoted to this topic, next to Dirk Luyten (co-supervisor). Further, Xavier Rousseaux has recently published a book about postwar political retribution of 'uncivil behaviours' in Belgium (see list of publications, "*La patrie crie vengeance !*"). Finally, this collaboration has resulted in the joint organisation by Dirk Luyten and Xavier Rousseaux of the session "*Wars and the repression : Belgian Justice at a particular moment of crisis*" on 6th of March 2008 for the doctoral research seminar « Justice et régulation sociale en Belgique, 1795-2005», which has been organised within the framework of the doctoral school *Histoire, art et archéologie* (ED4, F.R.S.-FNRS) to the benefit of the PhD students of the IAP network (see chapter II, section 2, 'Functioning of the network: Doctoral school and supervision of PhD theses').

IAP and WP3 Coordinator Xavier Rousseaux is also involved in scientific collaboration with the WP 4 coordinator, Jean-Pierre Nandrin (FUSL, P3) within the scope of the FRFC project involving the elaboration of a prosopographical application for the study of judicial personnel, that has been integrated into the current IAP project to benefit the prosopographical research conducted within WP4 and the common IAP JUST-HIS database and portal (see WP7). This collaboration too has been extended to the co-supervision of IAP PhD theses: Xavier Rousseaux is co-supervising the PhD theses of Aude Hendrickx and Kirsten Peters (WP4), next to supervisor Jean-Pierre Nandrin.

Further, Xavier Rousseaux and his team, the Centre for Law and Justice History (UCL, P1), the State Archives (P4) and other Belgian research teams have developed an original methodological information retrieval system containing the data from Belgian criminal justice statistics, Quetelet.net, a project coordinated by CHDJ post-doc Frédéric Vesentini. This project too, has been linked to the IAP project, with the intention to integrate the application into the common IAP JUST-HIS database and portal (see WP7).

Within the coordinator's research team, the Centre for Law and Justice History (CHDJ), intense scientific collaboration is ongoing between IAP researcher Veerle Massin, conducting the WP3b subproject, other IAP researchers and other team members. Aurore François, currently engaged on the IAP project as IT Officer (WP 7) and Margo De Koster, the IAP post-doc in charge of the daily coordination of the IAP network, have recently completed PhD theses on juvenile justice in Belgium in the 20th century. Since both of them continue their research activities in this field within the scope of the IAP project, intensive contacts and exchange of expertise have been established with Veerle Massin. Similar daily collaboration has been set up with David Niget, member of the same research team (CHDJ), who has written a PhD thesis on juvenile justice in France and Québec and is currently working on the psycho-medical observation of juvenile delinquents in the institution of Saint-Servais in Namur. Moreover, all these IAP researchers and CHDJ-members, together with IAP coordinator Xavier Rousseaux, participate in an international research project (Belgium, Canada, France, Switzerland, the Netherlands) aimed at the publication of a comparative international history of juvenile justice in the 20th century. They are currently preparing the joint publication of chapters on Belgium and France. Veerle Massin, Aurore François and David Niget have also participated in the same session on juvenile justice at the Social Science History Conference 2008 in Lisbon, while Margo De Koster presented a paper on the policing of juveniles at this conference. Finally, the former three researchers have developed joint research within the scope of an UCL Coordinated Research Action on Youth and Violence, coordinated by the CHDJ.

Other members of the CHDJ team conduct research that stands in close connection to projects carried out within other WP's: Jonas Champion works on the French-Belgian-Dutch Gendarmerie after

World War II (link with WP1-WP5), Benoît Amez conducts research on military justice during World War 1 (link with WP5) and Françoise Muller works on the High Magistracy (link with WP 4). Finally, Guillaume Baclin's research concerns the production of criminal justice statistics and their uses in criminal and penal policy (link with WP3 but also with WP1 and WP5; see also the link with Quetelet.net above).

The WP3 researchers contribute, together with other members of P1's team CHDJ, to the Belgian representation in various international research networks on criminal and penal policy: CRIMPREV (6th European Framework Programme), IAHCCJ & GERN.

Thematic Work package 4: Prosopography of judicial personnel (P3: Facultés universitaires Saint-Louis)

In Belgium, research based on a prosopographical framework is almost non-existent, especially as regards the judicial world (magistrates, lawyers, ministers of justice, bureaucrats, police) . The supposed collective characteristics of these groups (social conservatism, client politics) often appears as an uncriticized argument in debates on the 'crisis of the judiciary'. The magistracy is particularly thought of, rightly or wrongly, as the bearer of a very strong professional tradition and as having questionable connections with the sphere of political, economic, or financial elites. A true socio-political history of justice can only be elaborated through a fine discrimination of characteristics, of preparation, of recruitment and promotion and the long careers of the men and women whose daily business is justice. The work package is thus concentrated on a scientific study of the judicial personnel (bureaucrats, magistrates, and lawyers) as a group from the time of its formation in 1795 under French control, later to become the subject of the social history of elites in modern Belgium. The central question is as follows: is the magistracy a socially conservative elite linked to the dominant groups in the State and Belgian society, or has it changed, becoming more representative of diversity in ideology, politics, social groups and social or ethnic origins, more representative of the population of the Kingdom as a whole?

The core of this work package lies in the potential for use of new technologies in order to create a database which will contain the names of all the magistrates who exercised functions during the period studied, and to integrate it into the JUST-HIS portal (WP7). In the framework of a FRFC project, two partners of this IAP (partners 1 and 3) have developed a specific computer application, and are pioneering in the exploration of this area of research. Two preliminary stages have been required for the realisation of this prosopography: a census of all magistrates and a definition for the institutional context. For the period 1830-1914, the census of magistrates was principally carried out by means of an examination of specialized judicial publications and official sources. The second stage has consisted of a reconstitution of the institutional context (that is, the composition) of each court and tribunal. For justices of the peace, it was a matter of retracing the development of judicial cantons (their creation, suppression, and transformation into judicial districts). This stage required a systematic examination of the *Pasinomie* in order to identify all the laws and royal decrees which caused modifications in the organization of the judiciary. At the same time as these stages were being carried out, it was necessary to elaborate categories of the data in order to be able to sketch the conceptual schema of the database. Five categories of data were settled on: personal data (data in relation to identity), socio-professional data (studies, curriculum vitae, membership in organizations), political data (political opinion and political mandates), relational data (kinship groups, alliances, friendships, enemies), and intellectual data (scientific and/or literary production).

The first phase of the project concerns the further development of the current database devoted to the Belgian magistracy from 1830 to 1914, and its extension to data from 1914 onwards (including the military magistracy (WP 5). The work concerned with the collection and input of biographical data on magistrates is based on new scientific research on Belgium's judicial personnel that will, in turn contribute to the realisation of the research objectives outlined above, and result in PhD theses. In this first phase, the focus is on research on the Belgian magistracy between 1830 and 1914, and during the Second World War.

In order to carry out the different data collection and research tasks proposed for this WP, two researchers have been recruited in July 2007, Aude Hendrick and Kirsten Mareke Peters, to work on a full-time basis on the project. Following the link of this WP with the joint FRFC project conducted by IAP partners 1 (IAP and WP3 coordinator) and 3 (WP4 coordinator), they have been provided with work spaces at the premises of both partners. Formalities for the coupling of both subprojects with realisation of PhD these have been arranged: J.-P. Nandrin is supervisor of both theses, X. Rousseaux acts as co-supervisor. In the next section, the research progress of both researchers is discussed.

WP4a Magistrates' Inaugural Addresses for the Start of the New Judiciary Year in Belgian High Courts (1832-1914) (Aude Hendrick)

The purpose of this PhD research is to identify and analyze all the inaugural addresses held in the superior courts in Belgium from 1832 to 1914. The year 1832 marks the beginning of the judicial organization of the young Belgian State; therefore, it seemed appropriate to choose this date to begin the analysis and to end it in 1914, when not one inaugural address was held for the start of the new judiciary year because the war was raging in Belgium since two months. Apart from the exceptional situation arising from the beginning of the First World War, the so-called *mercuriales* were delivered at regular intervals throughout the period studied. In addition, Aude Hendrick has chosen to integrate addresses for the installation of the presidents and seated magistrates into the scope of the research. These speeches are quite comparable to the inaugural addresses in terms of the choice of themes covered (see below), but they have the advantage of offering a much more detailed biography of the magistrates, which is crucial to the prosopographical research planned within this WP. They constitute a key source for studying the magistracy.

The inaugural addresses, dating from the Ancien Régime, express a judicial tradition of great interest to the historian of law and justice. The continuity of the series throughout the period studied (1832-1914), offers the possibility to study the magistracy from a relatively long-term perspective. The diversity of themes treated in these speeches should allow Aude Hendrick to gain new insights into, among other things, the preoccupations of magistrates, their philosophical or political preferences, and their views on Justice, as well as on their function in society. Further, the inaugural addresses often implied that the speaker drew up a list of the duties and virtues of the magistracy by praising a distinguished jurist, a newcomer or a retiring magistrate. These passages inevitably contain information on the self-representation of the magistracy (necessary qualities, duties, aspirations, etc). Such praise also provides the researcher with a wealth of information on the careers of magistrates and will thus be analysed in-depth for the biographical information they contain. In the same vein, Aude Hendrick looks at the magistrates asked to deliver these inaugural addresses (prosecutor or attorney general). An active contribution to the prosopography of the Belgian magistracy will thus be realised. Next to the biographical data, the entire collection of texts of the inaugural addresses used for this research will also be integrated into the prosopographical application developed within the FRFC project and further elaborated within this IAP project. The titles of the speeches will be directly linked to the magistrates' intellectual data already encoded (see also WP7).

Next to information on the persons and careers of magistrates, the Belgian inaugural addresses and installation speeches are characterized by a wide variety of topics reflecting their major concerns. Aude Hendrick has already conducted a first analysis of inaugural addresses held in Brussels, the results of which have allowed her to identify five main themes: legal history or the history of justice (42.3%), the organisation of the justice system (f.e. courts, penitentiary institutions and different types of procedures 32.1%), legislation and legal issues (19.2%), with a predilection for criminal law and, less often, societal events of the time, the "news" (3.8%). This raises the question whether certain historical topics were, in fact, chosen to indirectly address ongoing events; further analysis of secondary themes is required. Further, points of silence on certain topics should and will be questioned. Finally, the magistracy itself was also the object of a few inaugural addresses (2.6%), enough to allow an examination of how it was portrayed. A last type of information that can be found in the inaugural addresses concerns the judicial activity during the previous year. These statistics on the administration of justice are provided both in the form of a written text and in the form of a table, attached to the speech.

Next to the thematic content of the inaugural address, Aude Hendrick also tries to define the broad stylistic characteristics permeating them. The rhetorical techniques used by the speaker to convince his audience and draw its attention are also being examined. This linguistic analysis of the texts allows to put forward new questions. For example: Which words or phrases are characteristic for some of the actors? Is there a chronological evolution in the texts (words abandoned or employed increasingly)? Is there a certain closeness between the inaugural address of different speakers? Where the speakers also the authors of the inaugural address? If possible within the scope of this research, Aude Hendrick will also compare her data with other types of speeches from the judicial world, in order to highlight the specificities of the discourses researched.

The research follows a methodology developed by Jean-Claude Farcy [*“Les discours de rentrée aux audiences solennelles. Note méthodologique”*, *Recherches contemporaines*, n°2, 1994, p. 227-228], who has conducted ground-breaking research on the French *mercuriales*. It involves the creation of a database that allows classification of the texts by theme, author, and many other variables. An exhaustive check list completed for each inaugural address will provide the structure for the database. The examination of the stylistic characteristics will be carried out in large part through lexical statistical analysis, a discipline that emerged over forty years ago with the seminal work of the linguist Charles Muller [*Étude de statistique lexicale. Le vocabulaire du théâtre de Pierre Corneille*, Paris : Larousse, 1967]. Gradually, other linguists, but also sociologists, political scientists and historians have explored such methods for the analysis of textual data, which has inspired a great deal of research. This project can therefore benefit from these multiple experiences and the increasingly successful development of tools such as the software *Hyperbase*.

Before systematic textual analysis can be carried out, however, the entire collection of inaugural addresses has to be digitized and then submitted to Optical Character Recognition (OCR). Aude Hendrick has started this long and difficult process, with the assistance of a company that specializes in this type of treatment (IRIS), and has already booked considerable progress. The fully digitized collection of inaugural addresses will be finalised in the near future and made available to the other IAP researchers, first on the IAP intranet, to be integrated afterwards in the JUST-HIS portal (WP7).

WP4b Belgian Magistrates during the Occupation of the Second World War (Kirsten Mareke Peters)

The second WP4 subproject has been focused on the Belgian magistracy during the Second World War. Although the ambiguous situation of the magistracy during WW II is obvious, this issue has never been studied as a whole. No monographs exist on the subject. The aim of the doctoral research of Kirsten Peters is therefore to address the gaps in the existing knowledge. The fact that no in-depth research on the topic has been done so far, has largely resulted from difficult or restricted access to the relevant sources in the past. Scholars wanting to investigate this page in the history of the occupation had to limit themselves to a small number of records, since consultation depended on the goodwill of private individuals, interviews or sporadic memoirs of magistrates or other eye-witnesses. As a consequence, the Belgian historiography on the magistracy during the WW II occupation of the country remains rather limited and confined to the major issues: the policy “du moindre mal” and the reasons that have inspired the maintenance of a Belgian magistracy under the German occupation; the problems posed to the public prosecutor’s offices following the repression of the resistance; and the tension between the magistracy and the occupier, including two large-scale and public conflicts from March to July 1942 and between December 1942 and January 1943, known as periods of judicial crisis.

Much less, close to nothing, is known about the individual magistrates, their political opinions or their family ties with other magistrates. Information on Jewish magistrates, dismissed from their functions at the beginning of the occupation, is also lacking. To address these shortcomings, it is necessary to conduct a comprehensive study, and ask other questions. A more detailed description of the moments of crisis is needed, for example, but also a description of the more ‘ordinary’, calmer periods. Further, in order to assess the impact of the policies of the occupier on the magistracy, it is also necessary to focus on German decisions and decrees on this matter, and above all, their impact on the fate of certain magistrates. Even if it is true that the magistracy remained in place throughout the occupation, this judicial body did not remain intact. It is known that a

number of magistrates have been discarded by German ordinances. Further, there are the temporary absences of some magistrates who - taken hostage by the Germans - were imprisoned or forced to accompany the military trains. During the occupation, 272 new judges were appointed, which was done under the control and influence of the occupier, even if the right to nominate magistrates was formally restricted to the Secretaries-General. The fate of dismissed magistrates, as well as that of those appointed during the occupation constitutes a largely unexplored, complex but highly interesting research question. Therefore, it has been chosen as a main area of focus for this research project.

Further, it is necessary to study the policies of the Secretaries-General for a more comprehensive approach to the topic. Given the number of conflicts that have arisen around the question of the legitimacy of the legislation enacted by the Secretaries-General, the history of the magistracy under the occupation is actually inseparable from the history of the Secretaries-General. The objections of magistrates against the exercise of powers by the Secretaries-General continuously increased, especially when the military administration tried to withdraw the Secretaries-General's decrees from judicial control. Given the mutually entangled history of the magistracy and the history of the police, this issue is also taken into consideration. Again, the uncertainty with respect to the allocation of powers during the occupation provoked violent protests against the occupier. For example, only the public prosecutor's offices could give instructions to judicial police officers for the execution of arrests. However, the president of the military administration Eggert Reeder demanded the cooperation of the Belgian police services to provide information on the addresses of Belgian workers in order to organise forced labour in Germany, which led to the arrest of the general prosecutor of Mons. This is just one of the many examples of the opposition between the public prosecutor's offices and the military administration. Finally, Kirsten Peters will attempt to learn more about the activities and the influence of magistrates who were also active as university professors, since apart from the case of Léon Cornil, very little is known on this topic.

The research draws on a large variety of sources. First, the nomination records of magistrates, produced by the Ministry of Justice and kept in the State Archives, will be examined to learn more about the ways in which the nomination policy under the occupation was influenced by the military administration, and how the nominations were justified to the government in exile, taking into account that many of them were cancelled in the post-war period. Second, the archives of Joseph Jamar, first president of the Court of Cassation during the Second World War, kept at the Centre for Historical Research and Documentation on War and Contemporary Society, will be consulted. This fund offers different possibilities for the study of the situation of the magistracy under the occupation of the First and the Second World War. Several documents contained in it also allow to study the prosopography of the magistracy. The data gathered through this archival research will be encoded in the FRFC database on the prosopography of Belgian magistrates (see WP7). For the examination of the relationship between magistrates and the Secretaries-General the archives of Gaston Schuind, secretary-general of the Ministry of Justice, will be used. Most of the documents in the Schuind archives, also kept at the Centre for Historical Research and Documentation on War and Contemporary Society, date from the year 1942, a time of judicial crisis. Using these documents, it is possible to follow the crisis events step by step and to reconstruct the opinions and decisions of the magistracy, the Secretary-General and the military administration, and even study the reactions in the clandestine collaborating press.

In order to gain new insights into the actual influence exerted by the military administration onto the activities of the magistracy, Kirsten Peters has decided to consult the archives of the German military administration. The largest part of the archives of the German military administration in France and Belgium is kept in the Freiburg Federal Military Archives in Germany. Through analysis of the records of the section of the administration in charge of monitoring Belgian justice, the 'Justiz- und Rechtsstelle', Kirsten Peters has established that the surveillance of the Belgian administration posed many challenges to the occupier, who was clearly under-equipped in terms of personnel and material resources to ensure effective surveillance. Further, several documents reveal an apparent mistrust of the 'Justiz- und Rechtsstelle' department officials in Belgian magistrates and lawyers. The archives also contain notes with respect to the judicial crises, viewed from the occupier's standpoint. More interesting still, Kirsten Peters was able to find notes on the monitoring of certain magistrates perceived as disturbing by the German military administration. In addition, the fund contains lists with the changes in personnel of the Belgian magistracy, that are incomplete but will without any doubt greatly benefit the research. Further, the Fribourg archives contain notes on the supervision of Belgian legislation in relation to certain matters, particularly as regards illegal

possession of weapons. Finally, they contain letters sent by various members of the *Vlaamsch Nationaal Verbond*, which are particularly interesting because they show how the supporters of the New Order have tried to influence the military administration, particularly for new nominations to the magistracy. In sum, the archives of the German military administration provide several possibilities to come to a better understanding of the context in which the magistracy has operated during the occupation.

Research collaborations with other IAP WP's and teams and general contributions to the project

As has been mentioned earlier, WP 4 coordinator, Jean-Pierre Nandrin (FUSL, P3) is involved in scientific collaboration with IAP and WP3 Coordinator Xavier Rousseaux (UCL, P1) within the scope of the FRFC project involving the elaboration of a prosopographical application for the study of judicial personnel. This project has been linked to and is extended within the IAP project to benefit the prosopographical research conducted within WP4 and the common IAP JUST-HIS database and portal (see WP7). The research collaboration between these partners has been extended to the co-supervision of the PhD projects conducted within WP4: next to Jean-Pierre Nandrin, who is acting as supervisor, Xavier Rousseaux is co-supervising the PhD theses of Aude Hendrickx and Kirsten Peters. Both WP4 researchers are encoding their research data in the prosopographical database.

This application, and the prosopographical research based on the data contained in it, will also benefit from the input from the WP2 projects on the ministers of justice and barristers: since many magistrates had been barristers before postulating to the magistracy, the information can be easily extended to the members of bar (WP2b), to whom most Ministers of Justice belonged from 1848 onwards (WP2a).

Since the WP4b subproject (PhD Kirsten Peters) focuses on magistrates during World War II, it also stands in close relation to the WP5 research on justice in wartimes. Contacts between the researchers working on these projects are frequent and have informed choices that guarantee complementarities of the projects' focus and scope, stimulated exchange of information on available archival material and of main approaches (an integrated approach to both wars; a focus on the magistracy and study of the *modi vivendi* between the judiciary and occupying powers for WP4b and WP4b). Particularly important is that the WP4b project adds a comparative perspective to WP5, since it includes research on German military justice administration, based on German archival sources. Moreover, this also means that the occupier's perspective comes into view, which is rather unique in Belgian research on the world wars. The mutual 'synchronization' of the three subprojects concerning war experiences and the regular daily contacts and exchanges between the researchers add an important collective layer to the individual projects, which will undoubtedly benefit the coherence and output of this research work, as well as that of the larger IAP project. This has already proven to be the case in this first year of the project, more particularly in the area of dissemination of information and research results: the three researchers involved have collectively presented their projects at the IAP session at the "Dag van de Nieuwste Geschiedenis" in Brussels on March 15th 2008 (see part 2 of this report, heading 'integration through dissemination', WP8).

The research collaboration between WP4 and WP5 will be further extended to WP1, since a link with the WP1b project (PhD François Welter) has been established following François Welter's decision to pay particular attention to the functioning of the judicial police during World War II and the liberation. The source material used for this and the analysis in itself will probably provide interesting data and results for the WP4b and WP5 researchers to integrate into their research.

WP4 coordinator J.-P. Nandrin has coordinated the establishment of contacts with the judicial authorities to obtain access to the archives of the Court of Cassation, still kept by the institution itself. This initiative is supported by the State Archives (P4, WP1) and the IAP coordinator (P1, WP3). The archives of the Court of Cassation are of particular importance to the research conducted within different WP's of the IAP project (WP2a, WP4, WP5). As a result of the first negotiations, a small group of IAP researchers has been invited to discuss conditions of access. Hopefully, their prospecting visits will lead to the identification of useful collections and permit negotiations to discuss a possible transferral of some of these to the State Archives.

The research activities developed within the scope of WP5 share the objective to study the Belgian judicial system during and after the two World Wars in an innovative way, in order to fill important gaps in the existing knowledge about Belgian justice during these specific periods of crisis. The novelty of the research carried out within this part of the IAP project lies within its integrated approach to both wars. To date, researchers of the post World War II purge have often been struck by the (often) implicit influence of the experiences of World War I. It seems that in the eyes of the judiciary, the punishment of the First World War's collaborators had been a failure and that the purge after the Second World War had to be undertaken in a different and a better way. The post-war purges have generally been studied separately, even though it seems natural to examine them both at the same time, Belgium being a unique case in this sense that it was the only Western European country whose integral territory was (almost) fully occupied during both wars. This brings to the forefront the obvious question of how, and to what extent, the experiences of the First World War and its aftermath shaped policies during and after the Second World War.

Some elements of both wars' impact on the justice administration have already been formulated as hypotheses or partly described by earlier research. However, many aspects remain under-researched or have only incidentally been touched upon. This is especially true for the World War I, for which a general overview has been published only recently. The activities of the judiciary during both wars have mainly been studied from the perspective of collaboration and resistance, ignoring the implications of the repression of collaboration by members of the judiciary and other state agencies and their interactions. This lack of research largely stems from the fact that the archives were not accessible to scholars. Therefore, the historical research carried out within this WP has been coupled with actions to uncover new archival funds and inventory them.

Although the judicial system is the central focus of the projects involved, they also aim to contribute to a better knowledge of the Belgian state and its relations with its citizens. In the Netherlands, after World War II, the State prioritized the 'moral education' of its inhabitants, for which purpose several new institutions were created. Was this also the case in Belgium? Which institutions or organizations were created, and which were their goals and impact? This questioning can bring the link between the judicial system and social welfare efforts to the attention of historians. The central question is whether the wars and their judicial aftermath gave an impetus to new practices or institutions, or whether the old structures of 'pillarization' were used to link the citizen to the State.

In order to realise the objectives outlined above, two researchers, Lawrence Van Haecke and Mélanie Bost, were recruited in July and September 2007. They have been provided with work spaces on the premises of the partner responsible for WP5, the Centre for Historical Research and Documentation on War and Contemporary Society, and have been equipped with laptops connected to the Centre's network. Thus, the whole infrastructure of the institution has been made available to both collaborators, allowing them to conduct their research activities in optimal conditions. The research focus and theme of both projects have been determined more in detail, tasks to be carried out have been divided, and the formal steps required to link the projects to the realisation of two PhD theses have been taken. Xavier Rousseaux (IAP coordinator and WP3 coordinator) and Dirk Luyten (WP5 coordinator) have been appointed as promoter and co-promoter for the PhD project of Mélanie Bost, while Karel Velle (WP1 coordinator) and Dirk Luyten have taken up these roles for the PhD project of Lawrence Van Haecke. Thus, both projects have been integrated into an official framework for the exchange of knowledge, expertise and support between WP5, WP1 and WP3 of the IAP project. In the next section, the work done by both researchers throughout 2007 is discussed more in detail. During this first year, this has logically been oriented towards the elaboration of a precise research focus and relevant questions, collection and 'testing' of source material, and the determination of possible approaches and methodologies.

WP 5 The Attitude of Belgian Magistrates during the First World War (Mélanie Bost)

During the year 2007, Mélanie Bost has first of all chosen to focus her doctoral research on the attitudes of the Belgian magistracy towards the German occupation and, more broadly, on the

functioning of the Belgian justice system during the Great War. From this unique experience in the history of justice, the collective memory particularly remembers the peculiar episode of the “magistrates’ general strike”, which paralysed judicial activity from February 1918 onwards and up until the armistice, and prompted the occupying forces to create German-language courts staffed with German judges. The cohabitation between the occupying and occupied powers in the legal sphere during the three years prior to this, remains largely unknown.

The majority of sources and works on this topic have been published during the 1920s, in a context of re-legitimation of the Belgian state and the gathering of evidence against the German state. Attacks on the organization and functioning of justice (interference, encroachment or suppression of competencies, violations of the independence of the judiciary), such as harassment or mistreatment of its members (suspension of functions, hostages taken, convictions and deportations), receive a special place in the numerous reports of the commission for inquiry into violations of the rights of citizens and war laws and customs, whose work was restarted as the territory had been liberated. The judiciary personnel participated to a large extent in the writing of this chapter of patriotic history: while some of its senior members occupied key functions in the Commission and directed its investigations, General Prosecutors gave ceremonial inaugural addresses in the months following the armistice that either stressed martyrdom or meticulously listed the abuses suffered, in order to highlight the sacrifices and resistance of the judiciary. Neither institutional history, nor legal history has since then truly investigated this issue. Recent Belgian historiography has been more concerned with the repression of various forms of collaboration; only Philippe de Selva-Dewint’s master thesis, written in the early nineties, examines the major incidents between the judiciary and the occupying powers during the four war years, drawing on a few sets of published sources. No court records have been analysed at the time, because the necessary authorizations to access these sources and detailed search instruments were lacking.

Fifteen years have passed, during which the state of preservation of judicial archives kept in the State Archives has evolved considerably. New funds have been transferred and inventoried, at least for the Brussels region and the Flemish provinces. For the Walloon region, the delay in sorting and inventorying gradually subsides. However, despite these advances, the archives for the 1914-18 period remain largely unexploited, with a few exceptions.

Mélanie Bost has established that the archives of courts and prosecutors, contained in the various depositories of the State Archives or possibly still *in situ*, in the courthouses, appear to be well suited to increase our knowledge of the attitudes of the magistracy during the occupation. However, this impressive mass of documents requires a careful and critical examination of the different types of sources in order to obtain a relevant and solid selection of source material. Mélanie Bost has started off this process of examination of the sources, and although this work is not yet finalised given the huge volume of the available material, an important conclusion can already be drawn in this stage of the research: as a result of destruction linked to the wars and other severe sorting procedures, the documentary series of interest for this project appear, at first glance and with respect to World War I, to be highly inadequate. This is particularly the case for general documents and the funds of the courts of appeal, which are characterised by limited conservation and huge disparities between different series, making comparison a difficult exercise. The archives of the lower judicial layer, especially those of courts and prosecutors thus offer more opportunities. Yet at this level too, the disparities may unintentionally steer the scope of the research: while some Flemish Public Prosecutors’ Offices, such as those in Antwerp, Leuven and Mechelen, or the Walloon office of Neufchâteau seem to be particularly well documented, the archives of the public prosecutors of Liège, for example, are still kept at the premises of the courthouse and are therefore inaccessible in the short term.

In this initial phase of her research, Mélanie Bost concentrates more particularly on the examination of court records kept for the chosen period. Depending on their availability and in function of the research questions arising from this, a choice will then be made between some jurisdictions, preferably situated on both sides of the line between the central government and the ‘zone des étapes’. The jurisdiction of the Court of Appeal in Brussels, which is well documented, will certainly be studied. The impact of particular events (start and end of the war, changes in the jurisdiction of the courts, deportations of workers, administrative separation and the splitting up of the Ministry of Justice, the magistrates’ strike...) will also be studied in a synchronic way, taking a larger number of jurisdictions into account.

With respect to the approach prioritized for the research, the following can already be noted. Whereas the normative aspect will certainly be treated in this study, looking at the interpretation by the courts of laws issued by the occupant, in constant reference to the nascent occupation law, it is more the history of the actors and their practices that holds our attention. Examining the coexistence of the judiciary and occupying powers for the duration of the war should allow to identify the areas of German intervention and to understand their motivations on the one hand, and to measure the adaptation of the Belgian justice system to the situation created by the occupation on the other. The perspective chosen here is that of the study of the *modi vivendi*: sources of conflict (deportations, interference, protection of activism) and solutions devised to resolve them, the persistence of certain blockages, the forms of coexistence and possibly also of collaboration. The magistrates' strike itself, a unique phenomenon in its magnitude in the history of the Belgian judicial world, deserves serious consideration. This will allow testing of the official view of a unanimous attitude of judges and to measure the direct effects of the "trial of justice" and in particular the residual functioning of the Belgian courts until the establishment of German courts. The confrontation of different war experiences, allowed by the national scope of this study, should be enlightening.

Concerning the methodology used, finally, Mélanie Bost has chosen a qualitative approach that does not, however, exclude attention being paid to the quantitative aspects of some issues. For instance, the activity of courts and tribunals during the strike will be examined systematically, drawing on minutes of judgments, reports of court sessions and, as regards the Public Prosecutors' Offices, case registers and registers of the execution of sentences. The research questions will be contextualised and solidified through the integration of international scientific literature on the judiciary in wartime. For example, the situation of the French occupied departments described and analysed in the thesis devoted by Annie Deperchin to the family court during the First World War provides interesting venues for comparison, both for the judicial policy pursued by the Germans, and for the latitude of action and the choices made by local judicial powers [A. Deperchin, *La famille judiciaire pendant la Première Guerre mondiale*, thèse de doctorat, Histoire du droit, Lille 2, 1998]. Moreover, research conducted by Alain Bancaud on the professional habitus of French magistrates, applied particularly to the understanding of their position under the Vichy regime, will provide relevant analytical tools [A. Bancaud, *Une exception ordinaire. La magistrature en France 1930-1950*, Paris : Gallimard, 2002].

Ultimately, the proposed research aims to contribute, primarily, to the history of a key player amongst the judicial personnel in Belgium - the magistracy - which has been studied very little so far and, secondarily, to the history of the German administration in occupied Belgium, viewed from the particular angle of the administration of civil justice. In this way, the project situates itself within the current renewal of historiographical approaches to the First World War.

WP 5b The Repression of Collaboration after the Second world War as a Policy Problem for the Judicial System (Lawrence Van Haecke)

Lawrence Van Haecke's research project on the repression of the collaboration after the Second World War is important and new in this sense that it decidedly takes up the debate with earlier work on this topic, in particular that of Huyse, *Onverwerkt verleden*, exploring new sources and proposing new or more sophisticated approaches. Huyse's work has focused primarily on the output of the judicial system and less on its functioning and is based on a limited set of sources (several archives were still inaccessible) that provide only a partial understanding of the actual functioning of the institutions. Most are normative sources, raising the question whether practices followed the norm and whether magistrates did not develop their own specific strategies within the legal framework put at their disposal. An examination of the *Instructions Generales*, the institutional archives of the office of the Judge Advocate General, can probably shed more light onto this. One of the few times this fund was used for this purpose, in an article from 1998, the authors have shown that some of Huyse's conclusions about the administration of justice possibly need to be qualified or corrected.

Next to using new or largely unexploited sources, Lawrence Van Haecke proposes to study the repression from a different perspective, that of the State. The institutions that have been important in the repression are being examined in their interrelationships with society. The main research

questions put forward in this respect are the following: which ideas lay behind the initial design of the judicial system developed in London? Which problems did the political leaders face in London, and once they were back in Belgium, with respect to the establishment of the judicial apparatus? How did the Belgian State manage the repression and the problems arising from it? Were the political leaders sufficiently prepared to implement their London plans? How were these plans put into practice?

These questions imply that the functioning of the military public prosecutor's office and other related institutions are being examined, in order to establish how the judicial output has been produced. Therefore, the first part of the research project deals exhaustively with the legal preparation of the repression, organised by the Pierlot government in exile in London through the issuing of Decrees ("Besluitwetten"). Lawrence Van Haecke pays particular attention to the testing of a hypothesis formulated by L. Schepens in *Belgen in Groot-Brittannië* and reworked by Huyse in *Onverwerkt Verleden*. These authors suggest that the Minister of Justice, Antoine Delfosse, should be held solely responsible for the severe nature of the measures implemented by the Decree of December 17, 1942. The repressive character of this Decree is viewed by Huyse as one of the main reasons for the derailment of the Belgian post-war repression: the number of possible suspects was extended far too much and except for betrayal, the only punishment meted out was the death penalty. Lawrence Van Haecke views this hypothesis about Delfosse as problematic, for it is based on too little and insufficiently solid sources that have, moreover, not been analysed critically enough (for example, Huyse used the memoirs of Jef Rens, the secretary of the *Comité pour l'Etude des Problèmes d'Après-Guerre* (CEPAG) and a statement by Albert De Vleeschauwer during one session of the Chamber of Parliament in 1949). Both authors lacked the necessary sources to investigate how and for what reasons the Belgian government in London began with the preparation of the repression.

Since new sources have become available to research, Lawrence Van Haecke has decided to conduct a new in-depth inquiry into the creation of the legislation for the repression, aimed at identifying the persons and institutions responsible for it, and at revealing the ideological assumptions shaping it. Examining the Cabinet archives of Hubert Pierlot constitutes a first necessary step. This fund contains documents from almost all policy areas of the Belgian government in London. Justice and Defence are both represented. As Prime Minister, Pierlot was involved in everything that was related to the preparation of the post-war situation. Many of the activities undertaken under the aegis of the government with respect to the repression, therefore left their traces in these archives. Moreover, this fund permits to interrelate various policy aspects and situate them within a broader context. Further, following a first examination of these funds, the decision has been made to integrate the archives of the CEPAG and the personal archives of Jef Rens into the selection of source material. This will permit to clarify the functioning of the CEPAG, from the perspective of the repression, and will probably reveal different and sometimes direct connections with the Pierlot government. The aim here is to determine whether the statements in the activity report of the CEPAG about assistance provided for the preparation of the Decree of December 17, 1942, are correct. This could, for the repression at least, confirm, refine or qualify the picture on the CEPAG. More generally, these archives provide the opportunity to identify the networks existing or emerging around the policy makers in London. One can assume that these networks had an impact on post-war public policy. Equally very important for this research project is that the personal archives of Antoine Delfosse are likely to be transferred to the State Archives in the near future. If this fund is made accessible for researchers, it will probably provide important new and the most complete information on the preparation of the repression.

The second part of this research project obviously concerns the actual execution of the repression. As has been mentioned earlier, this will be done using the *Instructions Générales*, kept at the Centre for Historical Research and Documentation on War and Contemporary Society. The contents of this archival fund vary widely: they document the internal functioning of the office of the Judge Advocate General, from the start to the end of its activity. Ganshof van der Meersch held the reins of this institution very tight and tried to create a criminal policy as uniform as possible, which is clearly reflected in these archives. It is possible to examine the problems emerging amongst the different military auditorates and between these judicial institutions and the office of the Judge Advocate General, as well as the practical interpretation and implementation of the repression laws issued after the liberation. Moreover, Ganshof and his substitutes held an extensive correspondence with the ministries, especially with the departments of Justice and Defence, which allows to situate

the office of the Judge Advocate General within the volatile political context of that period. Finally, it is important to note that the files contained in this archival fund were not meant to be accessible to the public, as a result of which they provide extremely rich information, with the different actors speaking freely. In sum, the overall picture resulting from these archives will be both broader and more complete than the one known to date.

Decisions of the Court of Cassation with respect to judgments pronounced by the military tribunals are also taken into consideration because they make up the normative framework for further judicial practice. The aim here is to establish at which moments in time the Court of Cassation made decisions on the repression, what their nature was, and how the office of the Judge Advocate General dealt with them. Other civil courts are equally integrated into the scope of this research because of their role as special courts of appeal, as defined in the Decree of September 19, 1945. This issue has not yet been the object of research, which allows the formulation of hypotheses: how do the cases treated relate to each other, and why? Did the opinions of standing magistrates of the military public prosecutor's office differ from those of the personnel of the civil courts?

Further, the archives of the penitentiary authorities attached to the Ministry of Justice can prove to be important. How did these authorities deal with the reality of the internment camps? Can we identify a structured policy, despite the frequent changes in the function of the Minister of Justice? Scholars tend to doubt the existence of such a policy but have tended to overlook the administration, although it remained active during the war and can therefore have had an important impact on policy-making.

Lawrence Van Haecke proposes a different approach not only to the institutions of the repression, but also to the repression itself, in this sense that the traditional focus on the judicial sanctioning of the collaboration is being replaced by a focus on the policy of order maintenance developed by the Pierlot government. The repression was crucial to this policy and thus stands in close relation to governmental actions shaping the relations with both the allied forces and the resistance movements. It is important to acknowledge that the repression took place in a period of transition from a war situation to a legal State structure; the Belgian State had to be restored. It was in this uncertain context that the Belgian liberation policy, and within it the repression, took shape. Later, the allied armies put an end to the transition period by liberating most of Belgium's territory. The impact of the presence of these outlandish armies on Belgian territory has so far never been examined, which illustrates that the impact of the war on the post-war situation has almost always been forgotten or taken for granted by scholars. After the liberation, the royal question came to the forefront. This raises the question of how the management of this conflict, the need for the restoration of the country and the repression have influenced each other, in a context of troubled relations with the resistance and fierce calls for a severe repression. Further, drawing on the archives of the High Commissariat For National Safety, reactions from the state level towards the internment camps and the different problems they brought about, will be examined. An additional question is from what angle pressure was exerted on this policy. For this, the Consultative Commissions, established to free persons unrightfully imprisoned from the internment camps, have to be taken into account. A targeted analysis of these commissions' archives will be conducted to establish how they have been incorporated in the policies and which functions they were supposed to serve.

A new approach to the repression also implies attention for the period prior to its legal start in December 17, 1942. With respect to the repression of the collaboration, Belgium is a special case, in this sense that the country had already organised a repression after the First World War. Hence, the question arises of how memory and experience from this earlier post-war situation have influenced the later one, in terms of both the preparation and the actual execution of the repression. Answering this question can prove to be more difficult than one could expect: lessons from WW I can have been so self-evident in the minds of policy makers that they did not necessarily render them explicit. A long series of amnesty laws stands in close connection to the first repression; 1937 saw a general amnesty for convicted activists. At the outbreak of the Second World War it became clear that this amnesty had not reconciled the activists with the Belgian state; in Flemish-nationalist circles, collaboration with the occupier was taken up again. This undoubtedly influenced the policy with respect to the repression.

The archives listed above make up the core source material for this research project. They will be supplemented, however, with personal archives of politicians playing a prominent role in London and in the first years after the liberation, such as Hubert Pierlot, Paul-Henri Spaak, Camille Gutt,

Albert De Vleeschauwer and August De Schryver and some of the Ministers of Justice. Other personal archives worth examining are those of Ganshof van der Meersch, Achille Van Acker as prime minister after the liberation, Camille Huysmans because of his role in the Advice Council and his post-war influence, Jean Terfve for the Communist Party, Pierre Vermeylen and Henri Fayat. Finally, drawing on Parliamentary annals and archives of the political parties, the ideas circulating within these parties about the repression will be reconstructed, which is important because due to the use of Decrees issued outside of Parliament, the political parties were largely excluded from the policy-making process.

Research collaborations and general contributions to the project

During the year 2007, close co-operation with the IAP partner State Archives, responsible for WP1, has been set up, because of its great value for the research conducted within WP5, since difficulties accessing archives have often hindered earlier research on justice in wartimes, and because both research projects making up the core of WP5 draw on a very large variety of archival sources. The initiatives undertaken by the State Archives (see WP1) to facilitate access to its funds for the IAP researchers and to obtain new archives such as those of the Court of Cassation, promise to result in considerable new research possibilities for WP5. As has been mentioned earlier, this collaboration with WP1 and the State Archives has been formalised through the appointment of the State Archives' director, Karel Velle, as promoter of the PhD project of Lawrence Van Haecke, WP5 researcher, next to Dirk Luyten, WP5 coordinator, who is acting as co-promoter.

The same approach has been applied to another important internal IAP collaboration started off in 2007, involving the input and exchange of expertise between partner 1, represented by Xavier Rousseaux (IAP coordinator and WP3 coordinator) and WP5 with respect to the Belgian justice administration during the First World War. Xavier Rousseaux is acting as promoter for the WP5 PhD project of Mélanie Bost devoted to this topic, next to Dirk Luyten (co-promoter). Further, partner 1 has recently published a book about postwar political retribution of 'uncivil behaviours' in Belgium (see list of publications, "*La patrie crie vengeance*"). Finally, this collaboration has resulted in the joint organisation by Dirk Luyten and Xavier Rousseaux of the session "Wars and Repression: Belgian Justice at a particular moment of crisis" on 6th of March 2008 for the doctoral research seminar "Justice et régulation sociale en Belgique, 1795-2005", which has been organised within the framework of the doctoral school *Histoire, art et archéologie* (ED4, F.R.S.-FNRS) to the benefit of the PhD students of the IAP network (see chapter II, section 2, 'functioning of the network: doctoral school and supervision of PhD theses').

The WP5 subprojects also stand in close relation to the WP4 subproject "Prosopography of the Justice administration: Magistrates (1914-1960)", that has been focused on the World War II period (WP4b, PhD Kirsten Peters). Contacts between the researchers working on these projects are frequent and have informed choices that guarantee complementarities of the projects' focus and scope, stimulated exchange of information on available archival material and of main approaches (an integrated approach to both wars; a focus on the magistracy and study of the *modi vivendi* between the judiciary and occupying powers for WP5a and WP4b). Particularly important for WP5 is that through this link with the WP4b project, a comparative perspective has been opened up, since the latter project includes research on German military justice administration, based on German archival sources. Moreover, this also means that the occupier's perspective comes into view, which is rather unique in Belgian research on the world wars (see also WP4). The mutual 'synchronization' of the three subprojects concerning war experiences and the regular daily contacts and exchanges between the researchers involved add an important collective layer to the individual projects, which will undoubtedly benefit the coherence and the quality of the output of this research work, and of the larger IAP project in general. This has already proven to be the case in this first year of the project, more particularly in the area of dissemination of information and research results: the three researchers involved have collectively presented their projects at the IAP session at the "Dag van de Nieuwste Geschiedenis" in Brussels on March 15th 2008 (see chapter 2, heading 'dissemination of information and research results').

The collaboration between WP5 and WP4 researchers will be further extended to WP1, since a link with the WP1b project (PhD François Welter) has been established following François Welters' decision to pay particular attention to the functioning of the judicial police during World War II and the liberation. The source material used for this and the analysis in itself will probably provide

interesting information for the WP4b and WP5 researchers to integrate into their research. Other important future input in the WP5-WP4 collaboration can be expected from the research conducted within WP2, because during the German occupation in both World Wars high magistrates at the court of cassation acted as Minister of justice (WP2a) and access might be gained to private archives of barristers who defended persons accused of collaboration (WP2b).

Within the larger team of the partner responsible for WP5, the Centre for Historical Research and Documentation on War and Contemporary Society (SOMA/CEGES), a new researcher, Rik Verwaest, has been recruited to carry out a research project on war and democratisation, and the role of international law, and will be participating in relevant IAP WP5 activities. Further, Emmanuel Debruyne has published a study (*La Belgique docile*) that sheds light onto the role played by the magistracy in the persecution of Jews and examines the way in which military justice dealt with this question after the war (link with WP4). Further, SOMA/CEGES member Lieven Saerens has published the book *Jodenjagers* ('Jew hunters'), providing an in-depth analysis of how this group of collaborators has been sentenced and detailing the actual execution of the sentences (see chapter III for the complete bibliographical references of these publications)

Dirk Luyten, WP5 coordinator, has also set up international collaborations in 2007. First, he participated in the conference at Rennes organised by the CNRS-research group 2539 "Les entreprises françaises sous l'occupation". This conference was entirely devoted to the theme of the epuration. Dirk Luyten gave a paper on the repression of the economic collaboration in Belgium and wrote a contribution to the conference proceedings which are to be published soon. Second, the IAP project, and more particularly the participation of the European partner University of Lille III in the network (partner EUR1), has allowed Dirk Luyten to establish contacts with the research group 'The military occupations in Europe', directed by prof. Chanet of Lille III-University. This has led to the decision to organise a series of seminars around the theme 'The words of military occupation: law and representations', alternating between Lille and Brussels, because this theme fits particularly well into the scope of the IAP project and will allow to intensify exchanges with foreign scholars. Chantal Kesteloot from Dirk Luyten's team will coordinate this series of international research seminars.

Chronological Workpackage 6 : Justice in Revolution(s) : The French experience (1795-1814) and the Dutch experience (1815-1830)
(EU1: University of Lille-3 & EU2: Free University of Amsterdam)

The contributions of the universities of Lille-3 and Amsterdam can help us understand the origins of Belgian justice and police activities, identify common experiences, and isolate national differences in the process of construction, just as the study of the judicial history of Belgium will illuminate the experiences of France and the Netherlands.

During this first year of the IAP project, the research activities of this WP6 have been focused onto the partnership with the University of Lille 3, the European partner working on the first preliminary period in the history of Belgian justice prior to Belgium's independence: the French experience (1795-1814).

In this first year of the IAP project, Lille's efforts have focused on the study of social constructions in the judicial world of the eighteenth and nineteenth century, which has resulted in a conference on the theme "Specific or shared experiences: judges, lawyers and notaries in the French-Belgium world (18th-19th c.)" (*Expériences spécifiques ou partagées : juges, avocats et notaires de l'espace franco-belge (XVIIIe-XIXe s.)*). Organized at the Maison des Sciences Humaines in Lille, with the support of the UMR-CNRS and the IRHiS IFRESI, on November 23rd 2007, it was attended by about twenty participants and made up of nine contributions, allowing to confront Belgian and French experiences during the revolutionary and Imperial years. By focusing on the professional and social construction of the judge, lawyer and notary, this day has prompted questions about the extent, the phases, modalities and actors of the transformations occurring.

Starting from the French-Belgian example, the meeting has allowed to re-examine both converging and geographically and chronologically diverging experiences, in their relation to state-building, the emergence of nations' self-awareness, the persistence of regionalist attachments, confrontations

and shared experiences, as well as economic and social changes accompanying the entry into the industrial age.

More specifically, the conference started from the observation that, from the Directoire up until the end of the Empire, both the debate on the restructuring of the legal profession and the process leading to the re-invention of the magistracy (1800), the "avoués" (1801), notaries (1803) or the bar (1804-1810) occurred simultaneously in the territories of the interior and the united departments ("départements réunis"). This common history, highlighted by recent work (JL Halpérin, F. Stevens), seemed worthy of being developed further, especially because it generated an acceleration of national constructions of judicial professional categories. During the Consulate and the Empire, the state intervened - on a scale never witnessed before - in the construction of legal activities: training, the conditions of access to the profession and professional structures were regulated uniformly, providing these activities with a unity they had never known. In addition, following the territorial expansion of revolutionary France, this national construction of categories inaugurated a period of harmonization of professional structures all across Western Europe, the heritage and effects of which can be traced during the whole contemporary era.

The contributions submitted, however, show that the dynamics are not as uniform and linear as one might assume. Certainly, the meeting confirmed that, under the Old Regime, legal professionals present a geographically fragmented image, both in France and in the former Netherlands; however, within larger provinces or districts common experiences did develop, leading in some cases to the emergence of nationally structured groups. This was the case in France, where lawyers gradually created a professional space for their group within the Nation (Hervé Leuwers), while magistrates gathered to defend their rights and status, without however, erasing the many internal divisions within their corps (Vincent Meyzie). The same diversity has been observed among notaries in the Netherlands, although the eighteenth century saw a rise in their professionalism, reflected in their activities.

Logically, the attachment of Belgium to France accelerated these processes and brought the experiences closer together. With the imperial redefinition of the legal profession, the lawyers and notaries from the « départements réunis » and interior France came to share, for some time, the same organisation (Georges Martyn, Bart Quintelier, Fred Stevens), even if quickly afterwards "each went their own way". However, the national construction of groups was continued in the nineteenth century, through professionalisation, as was the case for the Belgian "Juge de Paix" (Jean-Pierre Nandrin), or to benefit of the cleansings marking the 'republicanisation' of French justice between 1879 and 1883 (Vincent Bernaudeau). In the nineteenth century, each judicial profession thus knew a common culture - not without limits - some specificities of which were clearly linked to the political, professional and social issues of that period (Renée Martinage, John Paul Barrière).

The major themes of the Lille conference - the proceedings are to be published in 2008 in the 'IAP series' (see chapter II, section 3) - deserve further consideration. To further increase our understanding of the construction of the judicial professions in nineteenth century Belgium, a dual enlargement of the perspective seems to be necessary. The first, aimed at explaining the historical specificity of the judicial professions, implies bringing together judicial and medical work, which is done so often in sociological analysis. Second, the questions about the originality of the Belgian experience also incite a comparison through geographical space, that we would like to focus, at this point, on the Belgian, Dutch, French, German and Italian territories, which share the particular characteristic that they have all known - to varying degrees - the Napoleonic episode. Thus, the reflections started up in 2007 will be continued, with the MSH in Lille, with two seminars on November 28, 2008 and September 18, 2009, which will discuss the construction of judicial and medical professions in the provincial, national and European... spaces. Starting from an analysis centred around the Belgian case, the possible outline of a European professional model can be examined, which is all the more relevant since it was in the nineteenth century that, within the history of many professions, professionals came to form their first national organizations, began to study foreign experiences and wonder about the inclusion of their work in a European environment.

Another part of the Lille contribution to the IAP project during 2007 was based on the realisation of further research on the history of the Belgian police in the late eighteenth century, during the time of reforms and revolutions, and then under the French regime, which has been done in conjunction with the research program CIRSAP (Construction and circulation of knowledge European policemen, 1650-1850), selected by the *Agence Nationale de la Recherche Française* to be carried out in 2006-

2009. This resulted in the participation of Catherine Denys (CIRSAP-IRHIS-Lille3) in three academic conferences in 2007: she presented a paper on « la police de Bruxelles entre Ancien Régime, Réformes et Révolutions, 1750-1800 » at the seminar « Policer la ville », organised by the LAHRA and the University of Grenoble on April 20, 2007, then a paper on « la tentative de réforme de la police des Pays-Bas par Joseph II » at the symposium organized by the ULB and UCL « Lombardie et Pays-bas autrichiens : regards croisés sur les Habsbourg et leurs réformes au XVIIIe siècle », held in Brussels on 19 and 20 October 2007, the proceedings of which will appear in an issue of *Études sur le XVIIIe siècle* in 2008; finally, in a paper entitled « Les transformations de la police de Bruxelles sous le régime français, 1795-1815 » held at the UCL on November 30, 2007.

These three communications, in conjunction with a synthesis currently being drafted on the police in Brussels from 1750 to 1815, show the importance of external influences on a traditional police organization and its capacity for resistance, or adaptation to models imposed. If the Parisian influence hardly appears significant in the second half of the eighteenth century, in spite of an obligatory reference in reform projects, the actions of the Habsburg government acquired a more aggressive character with the attempts of Emperor Joseph II to impose a centralised and unified police system onto the Netherlands. Yet the Brabant revolution discarded this probably premature reform and, spontaneously, revolutionaries restored the most traditional police structures of the country.

However, the French invasions of 1792 and 1794 disrupted these structures, and following a regime of occupation, during which most of the police was part of the army, the integration of the Belgian departments in the French Republic opened up a new chapter in the history of the Belgian police. Whereas the police of the Directorate, despite the creation of a Ministry of Police, left the municipalities a great deal of policing autonomy, the Consulate and afterwards the Empire, imposed a police centralisation previously unknown to the Belgian cities, but in which practices changed less than the institutions or personnel. The end of the Napoleonic Empire, the establishment of the Kingdom of the Netherlands and the beginnings of the revolution in 1830 remain to be explored for the police field.

This will be one of the objectives of the 4th CIRSAP seminar, scheduled for December 5 and 6, 2008, in Lille, on police transmissions in Northern Europe from 1750 to 1850. The call for papers is available at the cirsap page of IRHIS (<http://irhis.recherche.univ-lille3.fr/ANR-CIRSAP-Infos.html>) and the organising committee is currently reviewing the initial proposals received from England, the Netherlands, Germany and Norway. In this framework, the policing transitions experienced by Belgium in 1813-1815 and 1830 will find their proper place, with the Belgian case thus contributing to a renewed history of European policing transformations.

The WP6 research activities are directly relevant to those of WP2 (the Belgian Bar from French Revolution to the present), WP3 (police history) and WP4 (prosopography of judicial personnel). Emmanuel Berger, postdoctoral researcher FNRS (2007-2009) at the IAP Coordinator's team (UCL-CHDJ, P1) assists the IAP network in its contacts with the French partner. This has resulted in the co-organisation of the international seminar *L'acculturation des modèles policiers et judiciaires français en Belgique et aux Pays-Bas (1795-1815)*, in Louvain-la-Neuve on November 30th, 2007 (see above, and chapter II, section 3, 'functioning of the network : scientific activities and dissemination of results').

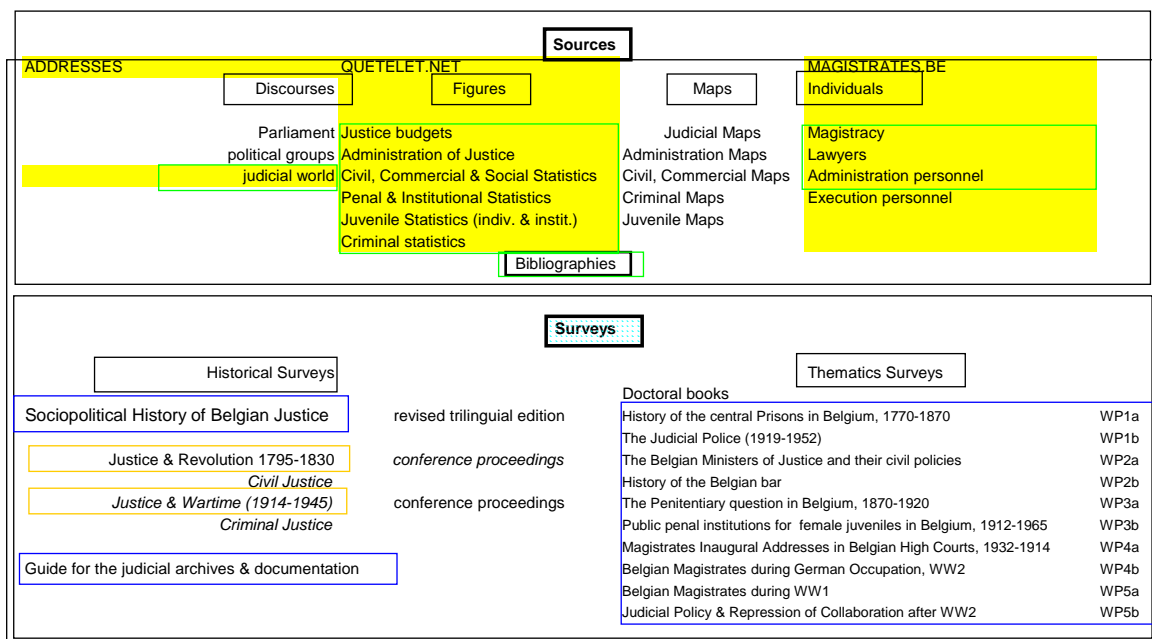
Transversal WP 7: Towards an integrated instrument for historical social science research: JUST-HIS

To concentrate efforts, transmit information within the network and to diffuse outside the partnership new technologies for information collection and retrieval, the IAP network has decided to aim for a strong technical and methodological integration, one centred around the networking and distribution of accumulated knowledge. All IAP researchers contribute to the elaboration of a database nexus JUST[ice]-Historical Information Systems (JUST-HIS), aimed at the progressive integration of textual, numerical, biographical and bibliographical databases, as well as research results from the different WP's. The State Archives have been allotted a central role in this process,

following their and the IAP network's desire to promote structured, cumulative and critical access to the sources and information needed to understand the development of Belgian justice (see WP1, introduction, and 'research guide').

The major qualitative advance desired by the IAP partners is the collective organisation of documentation collection, hierarchisation and access. The WP configuration is based on two original methodological information retrieval systems, Quetelet.net for statistics (see also WP3) and Magistrates.be for civil servants' careers (see also WP4 and FRFC project), which have already been developed within the scope of other ongoing research projects coordinated by partner 1, and which are being elaborated and completed further within the scope of the IAP project, drawing on IAP research. Ultimately, by the end of the IAP project, they will be integrated into an online and publicly accessible JUST-HIS portal.

JUST-HIS Provisional sketch of the portal's structure (version 2)



The platform being set up to result in this JUST-HIS PORTAL is the central instrument of integration of our partnership. It plays a crucial role in bringing the researchers together as one team, collecting and diffusing information throughout the partnership, offering structured data for quantitative or qualitative research and promoting new enterprises for preserving, analysing and retrieving disappearing documentation. Finally, it will offer a general introduction to various aspects of Belgian socio-political history to other researchers and to a wider audience.

The Management of the WP is based on the coordination of all collected materials by the IAP post-doc and the IAP IT officer attached to the coordinator (P1). Each thematic or chronological WP will integrate its own data collection and results, to be added to a growing portal. An important activity of this WP concerns the organisation of "information meetings" and the provision of technical training for the researchers. A first intensive training course will be organised in June 2008 as a summer school on quantitative and qualitative research methodologies and databases, within the framework of the doctoral school (See chapter II, section 2, 'functioning of the network: doctoral school')

In January 2008, Aurore François has been recruited to perform the function of IT officer for the IAP network and WP7. Although she has only been working on the IAP project since a few months, she has already set up contacts with IAP researchers requiring assistance or advice for the structured collection of source material and database management (in this early stage of the project, especially WP1, WP2a, WP3b, WP4a). Further, she has developed an IAP intranet, in order to stimulate efficient communication and exchange of information to the IAP researchers and provide any information necessary for the partnership (see chapter II, section 1 'network coordination').

This intranet is also meant, as it will gradually come to contain input of scientific information and data gathered by the IAP researchers, to serve as a test platform for the future development of the common JUST-HIS database and internet portal. Aurore François has started to examine different hardware and software applications and possible methods for the constitution of online integrated information systems, in view of preparing the design and development of JUST-HIS. Finally, she has created, and manages, the IAP network's website (www.just-his.be, see chapter II, section 3, 'functioning of the network: scientific activities and dissemination of results').

With respect to the input of other IAP researchers into the development of this WP realised during 2007, it has to be noted that in this early stage of the IAP project, the efforts have quite obviously been concentrated on preparations for future input: the development of initiatives for the collection, the structuring, the digitization and other preparatory treatment of source material and data. In this respect, the work done by the WP1 researchers for the preparation of an institutional research guide providing an overview of the sources for the history of justice in Belgium, starting with an archives inventory, has to be mentioned (see WP1, 'Research guide', for more details). Second, within WP2a, two databases are being developed for the collection and analysis of **prosopographical data** on the persons of the Ministers of Justice and of **statistical data** on the legal resources (laws, decrees, circulars,...) of these Ministers (see WP2a for details). Third, the researchers working on the WP4 prosopographical package are already encoding data from their sources into the existing prototype of the prosopographic application "Magistrates.be" (see WP4). Finally, the project Quetelet.net, linked to WP3 through the IAP coordinator's team (UCL - CHDJ) is being continued, with the encoding of data from the Belgian **penal statistics** in the existing prototype application (see WP3).

Further, The State Archives and the WP1 researchers are coordinating initiatives for the **digitization** of important series of judicial sources, in order to insure efficient preservation and make these sources more easily accessible. The digitalized source collections will be entirely integrated into the common JUST-HIS database and internet portal. During 2007, contacts have been set up with Eric Maes, who has brought together a huge collection of unpublished and published sources concerning the penitentiary sector in Belgium (19th-20th c.), and has been found willing to open up this collection to the IAP researchers. In a first phase, the series of (extremely numerous!) circulars from the penitentiary administration contained in this collection will be digitized.

In addition, it has to be noted that within the scope of the WP4a project, digitization of all inaugural addresses for opening ceremonies from the superior courts of Belgium (1830-2005) (PhD project A. Hendrick) has been started up. This is being done with the assistance of a company that specializes in OCR treatment (IRIS), and has already progressed considerably. The entire collection of inaugural addresses will be digitalised in the near future afterwards made available to the other IAP researchers, first on the intranet, to be integrated afterwards in the JUST-HIS portal (see also WP4)

Concerning **bibliographical material**, collected in order to prepare the creation of online bibliographies, the following steps have been taken in 2007. Karel Velle, the State Archives' director (P4) and WP1 coordinator, has transmitted all his personal electronic files containing the bibliographical data he has used for the publication of his bibliographical introduction to research on the Belgian judiciary institution [VELLE K., *Recht en gerecht: bibliografische inleiding tot het institutioneel onderzoek van de rechterlijke macht (1796-1994)*, Brussel, Algemeen rijksarchief, 1994, 2v.] to Aurore François, the IAP IT officer. The IT Officer will now examine the possibilities to rework these data into an online bibliographical guide.

Finally, the IAP post-doc, M. De Koster, and another member of the IAP and WP3 coordinator's team (P1), J. Campion, have launched a project including the initiative to create a research guide for the history of the Belgian police services, and have decided to start off with the constitution of an online bibliography on the history of the police and policing in Belgium (see also WP3). Together with the IAP IT officer, they will develop an online database instrument, with restricted access to the researchers and archivists participating in the project, in order to allow input of bibliographical references. The objective is to integrate the ultimate online bibliography into the future JUST-HIS database.

II - Organisation and functioning of the network

1. Network coordination, project management and internal communication

The first part of this chapter concerns the network's organisation and the practical terms governing collaboration and communication between the partners. All details on the nature and scope of the various scientific collaborations that have emerged within this organisational framework during the year 2007 can be found in the subsections "research collaborations" of the different sections detailing the research activities carried out within each work package in chapter 1 of this report.

The coordinator (P1) is responsible for the **coordination** of the different IAP partners and work packages. Under his supervision, the daily coordination of the IAP-network is carried out by the postdoctoral researcher, the IT Officer (information coordination, database and documentation management) and an administrative officer (administrative coordination) attached to the coordinator's team.

The IAP post-doc provides, first of all, daily scientific coordination including the coordination of the PhD research through the doctoral school (see below) and daily contacts with the PhD students, the coordination of the organisation of IAP conferences, seminars and workshops (see below), the coordination of the preparation and the publication process of the collective publications (in particular the 'IAP series', see below). For the logistic support associated with the latter tasks, she is assisted by the administration officer. Conversely, she assists the administrative officer in the administrative coordination, ensuring the contacts with the Federal Science Policy Administration for the IAP's and the central administrations of the partner institutions. Further, she assists the IT Officer in the information coordination, by providing the practical information to be transmitted within the network (via the intranet: texts, memos, agendas for meetings) and for the external communication of the network's activities (information for the website, presentations of the (sub)projects to be diffused in scientific and other circles, IAP session proposals/descriptions and invitations for IAP conferences, ...). With the support of the administration officer, she assists the coordinator and the network's partners with the financial management of the (sub)project(s) and the personnel management (contracts, inscriptions of PhD students). Finally, she prepares and organises the meetings of the main management bodies of the IAP network, the Steering Committee and the Executive Group. For the logistic support associated with the latter tasks, she is assisted by the administration officer, who also writes the minutes of the meetings.

The IAP promoters/main representatives of the Belgian partner institutions, the IAP post-doc, administrative officer and IT officer constitute the **Steering Committee** of the network, meeting at regular intervals in order to guide and follow-up the management of the network and make the most important strategic decisions concerning the research and communication and dissemination activities deployed by the network. During 2007, 5 meetings of the Steering Committee have taken place.

The members of the Steering Committee, the representatives of the European partners and the IAP-researchers, being all the researchers working on and financed by the IAP project in order to execute it, make up the **Executive Group**. Of course, other researchers from the different partners' research teams, who are not directly financed by the IAP project also contribute to the scientific activities within the different WP's of the project (see the subsections "research collaborations" in the sections for each WP in chapter 1 of this report). Yet, they are not integrated into the Executive Group, except for the external FNRS post-doc who is providing assistance for the collaboration with European partner EUR1. The management of the contacts with other external (to the IAP network) researchers is done both by the individual IAP researchers collaborating with them and by the IAP promoters through their management, coordination or membership of their respective research teams.

The larger meetings of the Executive Group are first of all aimed at the provision of information by the Steering Committee on its functioning and decisions and at the transmission of directives and guidelines for the functioning of the network and the researchers (administrative formalities, financial guidelines, internal communication and external dissemination policy). On the other hand, the meetings of the Executive Group are meant to be a platform for the discussion of questions and problems encountered by the researchers and requests for information or support from the

researchers. Further, the meetings are intended to allow the European partners to be informed about the state of the larger IAP project, to report on their own activities within this project to the larger network (daily communication and organisation for the European partnerships is handled by the Belgian IAP partners responsible for these partnerships, the IAP post-doc and the external FNRS post-doc), and to communicate their possible questions or problems. In 2007, two meetings of the Executive Group have taken place, bring together the entire IAP network, in April and in September 2007. The first also served as the Kick Off Meeting of the IAP project.

In order to stimulate efficient **exchange of information** within the IAP network and to provide any information necessary on the whole IAP project and for the functioning of the different partners and researchers, the IAP IT Officer has developed an **IAP intranet**. Access to this intranet is restricted to the IAP network members. Exchanges and the input of scientific information and data gathered by the IAP researchers also provide the basis for the future development of the common JUST-HIS information retrieval system and internet portal (see WP7).

2. Functioning of the network: doctoral school and supervision of PhD theses

The **doctoral school**², organised by partners P1 & 3 of the IAP network within the framework of the module *Pouvoirs et régulation sociale dans l'histoire* of the larger interuniversity doctoral school *Histoire, art et archéologie* (HISTAR, ED4) (F.R.S.-FNRS, French-speaking community), serves as a platform for contacts and collaboration among the PhD-IAP researchers and for information meetings and training provided by the IAP promoters and the post-doc. The PhD training is being developed within the scope of a specific IAP doctoral research seminar "Justice et régulation sociale en Belgique, 1795-2005", which is coordinated by the IAP post-doc. For the academic year 2007-2008, this seminar is composed of four thematic sessions of 3 hours, three of which have already taken place. The sessions are the following :

- 21 February 2008: « L'Empereur et ses fidèles: le droit privé belge après 1804 », Louvain-la-Neuve, organised by D. Heirbaut (P2, Ghent University)
- 6 March 2008: « Guerres et répression : la justice belge dans un moment de crise particulier », Brussels, organised by D. Luyten (P5, SOMA/CEGES) & X. Rousseaux (P1, UCL - CHDJ)
- 13 March 2008: « Le monde judiciaire : biographies croisées et réseaux », Brussels, organised by J.-P. Nandrin & F. Muller (P3, FUSL)
- 17 April 2008: « La justice pénale, clef de voûte de l'Etat moderne », Louvain-la-Neuve, organised by X. Rousseaux & M. De Koster (P1, UCL - CHDJ)

Each of these thematic sessions is composed of introductory lectures (14h-16h) and a discussion seminar (16h-17h). Each of these discussion seminars is structured around a number of key readings on the theme of the session : one of the essential objectives of the discussion seminar is to discuss and explain these texts collectively, in order to allow the participants to enlarge their knowledge of both historiographical and epistemological questions. The texts are transmitted in advance to the participating PhD students.

The sessions have been explicitly designed for the IAP PhD-researchers, being organised around four of the main IAP project's research themes. They are most of all an internal affair, meant to provide targeted training directly linked to the IAP research and to ensure that all those working within the project are kept up to date and that information is exchanged continually in order to achieve the highest possible level of cooperation. The IAP doctoral seminar is, however, open to other interested PhD students as well; each of the three sessions that have already taken place, have been attended by a number of external researchers.

In 2008, the doctoral research training will be continued with a one-week summer school on quantitative and qualitative research methodologies and databases, as has been planned from the onset of the IAP project (see also WP7 above).³

² Further information on the IAP doctoral seminar, the summer school, and the larger doctoral module *Pouvoirs et régulation sociale dans l'histoire* can be found on: <http://histar.fltr.ucl.ac.be/>

³ For details on the programme, see 'Summer School' on <http://jupiter.fltr.ucl.ac.be/FLTR/HIST/CHDJ/>

Further coordination of the activities of the PhD students conducting the core research within the WP's is assured through the (Belgian) IAP promoters, who all take part in the **supervision of PhD theses**. For four of the ten PhD projects, the IAP (and WP3) coordinator, Xavier Rousseaux (UCL, P1), has been appointed as sole supervisor (Luc Nguyen, François Welter, Nathalie Fally, Veerle Massin). The promoters appointed for the two PhD projects of WP2 (Bram Van Dael and Bart Quintelier) are the two major specialists in Belgium in the fields of research treated by the projects, so that a maximum input of relevant expertise has been guaranteed: Dirk Heirbaut (WP2 coordinator, University of Ghent, P2) for the PhD thesis of Bram Van Dael, and Georges Martyn (from P2's team) for the PhD thesis of Bart Quintelier. In the four remaining cases, **co-supervision of PhD theses** has been set up: WP1 (P4) - WP5 (P5) collaboration has thus been formalised via the appointment of WP1 coordinator and State Archives' director, Karel Velle, as supervisor for the WP5b PhD project of Lawrence Van Haecke, whereas Dirk Luyten (SOMA/CEGES), WP5 coordinator, is acting as co-supervisor. Similarly, another internal IAP collaboration between WP3 and WP5 concerning Belgian justice administration during the First World War has resulted in Xavier Rousseaux being appointed as supervisor for the WP5 PhD project of Mélanie Bost, next to Dirk Luyten as co-supervisor. Finally, following the close collaboration of Xavier Rousseaux with the WP 4 coordinator, Jean-Pierre Nandrin (FUSL, P3) within the scope of the FRFC project involving the elaboration of a prosopographical application for the study of judicial personnel, that has been integrated into the current IAP project to benefit the prosopographical research conducted within WP4 and the common IAP JUST-HIS database and portal (WP7), Xavier Rousseaux is co-supervising the PhD theses of Aude Hendrickx and Kirsten Peters (WP4), together with Jean-Pierre Nandrin. Moreover, IAP promoters have been appointed as external expert in special **commissions to advise other promoters-supervisors** of PhD theses carried out in other research teams. For example, prof. J.-P. Nandrin from the FUSL (P3 in the IAP network) has been appointed as one of the experts in the commission created to advise the promoters-supervisors from the Ghent University (P2 in the IAP network).

3. Functioning of the network: scientific activities and dissemination of results

Regular contacts between the IAP network members (PhD students, postdocs and promoters) have also taken place in 2007 within the framework of the different scientific activities organised by the network: conferences, seminars, workshops. Although participation in these activities by the IAP researchers has not been made compulsory, all of the activities have been attended by the great majority of network members.

3.1. Conferences and seminars organised by the network

The conferences, seminars, workshops organised by the IAP network are, of course, meant in the first place to serve the dissemination of research results and external communication about the IAP project to peers in the scientific community and to the public at large. Since the start of the IAP project in January 2007, several conferences and seminars have been organised within the scope of the network. The proceedings of all these scientific meetings will be published during the course of 2008 in a "IAP series", which is currently in preparation (see below).

- *Expériences spécifiques ou partagées : juges, avocats et notaires de l'espace franco-belge, XVIIIe-XIXe s.*, Lille, November 23rd, 2007.⁴

This international seminar has been organised by the University of Lille3 (EUR1) within the scope of the IAP project, at the Maison des Sciences Humaines in Lille, with the support of the UMR-CNRS and the IRHIS IFRESI. It has been attended by about twenty participants and was made up of nine contributions, allowing to confront Belgian and French experiences during the revolutionary and Imperial years. By focusing on the professional and social construction of the judge, lawyer and notary, this day has prompted questions about the extent, the phases, modalities and actors of the transformations occurring (see also chapter 1, WP6).

⁴ For details on the programme, see : <http://calenda.revues.org/nouvelle9227.html>

- *L'acculturation des modèles policiers et judiciaires français en Belgique et aux Pays-Bas (1795-1815)*, Louvain-la-Neuve, November 30th, 2007.⁵

This international seminar has been jointly organised by the University of Lille3 and the UCL (IAP partner 1). It has been attended by about twenty-five participants as has allowed to evaluate the (considerable!) impact of French police and justice models, implemented in our regions under French regime, on the organisational development and practices of the judicial system in both Belgium and the Netherlands (see also chapter 1, WP6).

- *Les méconnues de la recherche : les archives des polices en Belgique*, Louvain-la-Neuve, January 24th, 2008.⁶

This international seminar, organised by two members of partner 1's team (CHDJ), the IAP post-doc and Jonas Campion, in collaboration with the FNRS Contact Group « Sources et méthodes pour l'histoire du contrôle social », concerned the sources for the history of police services in Belgium. It has been attended by no less than 60 participants, researchers as well as archivists. Next to providing better insights into the availability and possible uses of police archives for historical research, this meeting has launched a project for the elaboration of a research guide (archival sources and bibliography) for the history of the police in Belgium. This project will thus supplement the work conducted within WP1 of the IAP project (see also chapter 1, WP1). Further, the bibliographical and archival information collected by this project will be directly integrated into JUST-HIS (WP 7).

- *Justice et Société : Sources et perspectives pour l'histoire socio-politique de la justice en Belgique (1795-2005) / Justitie en Maatschappij : Bronnen en perspectieven voor de socio-politieke geschiedenis van justitie in België (1795-2005)*, Louvain-la-Neuve, January 25th, 2008.

This national conference has been organised by the State Archives in their new archives depository in Louvain-la-Neuve, with the help of partner 1 (UCL), and has been attended by about 50 participants. On this occasion, the ten IAP PhD-researchers have presented their progress in identifying and collecting relevant source material for their research projects, which has provided a first overview of the available sources for the history of Belgian justice and allowed to identify main areas of limited accessibility of archival sources, which have to be given priority in the development of further initiatives to obtain and inventory archives, coordinated by the State Archives (see also chapter 1, WP1). Further, it has benefited internal network communication and collaboration and has allowed to present the entire IAP project to external scholars and archivists.

The next international IAP conference planned will take place at the end of 2008 and will be concerned with civil and criminal justice in Belgium. This conference will be co-organised by the partners University of Ghent and UCL (WP 2 and 3) and will present some provisional results from the research undertaken. This congress will consist of a series of lectures; each of them will then be discussed by national or international experts in the field (discussants).

3.2. Specific collective IAP publications

In this section, we do not discuss all the publications by the IAP network's members that have appeared during 2007 or that are to be published soon. Although the IAP project is still in its start up phase, there have already been some publications. For the complete list of publications, we refer to **chapter III** of this report. For this section on the functioning of the network, it is relevant to note that the IAP network will also have specific publications of its own, that will increase the external visibility of both the cooperation between its partners and the IAP project as a whole.

⁵ For details on the programme, see : <http://calenda.revues.org/nouvelle9228.html>

⁶ For details on the programme, see : <http://calenda.revues.org/nouvelle9570.html>

During the year 2007, the following preparations for these publications have been made:

a. A revised edition of the *Politieke en sociale geschiedenis van justitie in België / Histoire socio-politique de la justice en Belgique*, a collective work that constituted the starting point of this project. A new edition of this book has been planned for the end of the IAP project, in order to incorporate the results of the research carried out and to show the advances in knowledge obtained thanks to it. The editor of the first edition of *Politieke en sociale geschiedenis van justitie in België / Histoire socio-politique de la justice en Belgique* (Die Keure / La Charte) has agreed to also publish this new and revised edition. It is, however, not yet clear in this stage in which languages this new version will be presented to the academic community.

b. **IAP Conference proceedings:** to enhance the visibility of the project, the network has decided to publish its own 'IAP series'. The series will be published by the State Archives. Editors of the individual volumes will be the conference organisers and those enlisted by them. However, to ensure overall coordination and cooperation and that the conference proceedings will all adhere to the same strict standards, an editorial board for the series has been set up, responsible for organising peer review of the texts. The series title will be in Dutch, French and English and will systematically carry the IAP label in order to achieve a maximum visibility of the programme. Moreover, articles in Dutch or French will be accompanied by a summary in English (the possibility of adding a summary in German also is still being studied). Currently, the publication of four volumes, one for each of the conferences/seminars organised so far, is being prepared: most of the conference speakers have reworked their lectures into articles and transmitted them to the volumes' editors. These four volumes will probably appear between June and December 2008.

c. **Monographs:** the work of the PhD students will result in several monographs at the end of the IAP project. During 2007, preliminary contacts have already been set up with commercial publishers for the publication of these monographs. Another possibility that is currently being examined, is to offer these for publication in the series *Iuris Scripta Historica* of the Royal Flemish Academy of Belgium for Arts and Sciences, because this is an already established well-known series on legal history in which other PhD theses have already been published. However, details still have to be discussed with the President of the Legal history committee of the Academy.

d. **Articles:** a note is being prepared by D. Heirbaut containing guidelines and advice for the publication of articles in peer reviewed journals. The note will explain to the young IAP researchers the different ranking systems in the field (A1, ESF, Verbeke, Smits etc.), how the writing process from manuscript to published article can be undertaken efficiently, etc. D. Heirbaut has also recently published an article on the state of research in legal history in Belgium, for the French journal *Clio & Themis*, and dedicated its conclusion almost exclusively to the presentation of the IAP project. Similarly, X. Rousseaux has written such a presentation for *La Revue Louvain* of the UCL, and finally, the IAP promoters and the IAP post-doc have presented the IAP project, both in Dutch and in French in the *Bulletin d'information de l'Association belge d'Histoire Contemporaine / Mededelingsblad van de Belgische Vereniging voor Nieuwste Geschiedenis* (see chapter III, list of publications 2, 'promotional publications').

3.3. Further dissemination of information on the IAP project and research results

Next to the organisation of several scientific conferences and collective and individual publications of the network's members, dissemination of information on the IAP project and of first research results to peers in the scientific community and to the public at large has been realised through the organisation of sessions or lectures at national and international conferences organised by others, an electronic newsletter and a website.

The members of the steering committee and of the executive group have taken **part in conferences organised by others**, either through the organisation of sessions and roundtables within the framework of larger conferences or through individual lectures. All the individual lectures given by IAP collaborators will not be listed here; these details can be found on the websites of the respective partners, the URL's of which are mentioned on the IAP network's website:

www.just-his.be

More important to mention here, is that the IAP network has organised a **special IAP session** at the “Dag van de Nieuwste Geschiedenis / Journée de l'Histoire contemporaine” in Brussels on March 15th 2008. On this occasion, the IAP coordinator has presented the global IAP project, while the ten IAP PhD-researchers have presented their research within the different subprojects of the project's WP's.

Further, it is noteworthy that IAP researchers Veerle Massin and Aurore François, together with David Niget (from the IAP Coordinator's team, P1) and Canadian historian Jean Trépanier, have organised a **joint session** on the history of juvenile justice at the latest Social Science History Conference 2008 in Lisbon (26th February - 1st March).

So far, the IAP network has been able to use the existing **newsletter** “Rechtshistorische courant” from the partner 2, the University of Ghent (Institute for Legal History), to communicate information about the IAP project to external scholars in the field.

Further, the IAP IT Officer attached to the IAP Coordinator's team, has recently developed a **website for the IAP network** (www.just-his.be). In this stage, this brand new website already provides substantial information about the IAP project. More precisely, it contains information on the network composition, the partners' main expertise and contribution, their participation in the different work packages and their contact details, a summary and a description of the project detailing the main research themes and the work packages, an overview of the IAP staff (with their research input, contact details and, if applicable, links to their personal web page), a list of the scientific publications and a list of the conferences and seminars organised so far.

III - Publications (published in 2007 and forthcoming)

Introductory remark by the IAP promoters

We must recognize that certain of the publications included in the following lists do not explicitly mention the support of the Federal Science Policy IAP programme: it took us a several months to put the administrative procedures in place and to bring our staff, in particular those team members who are not paid on this IAP project but whose research is directly contributing to it, to translating these guidelines into their daily practices.

The information has now been well explained, recalled and transmitted throughout the different research teams participating in the IAP network, and from this point onwards, all collaborators of the project will explicitly mention the IAP support in all their publications related to the project.

It seemed important to us, however, to include in the following publication lists, all the relevant publications that have resulted from the work of the different IAP partners and their teams, and that contribute directly to the project.

In accordance with the guidelines for the contents of this annual report, we have only included the publications actually published or in print, not unpublished papers presented at different national and international conferences, although these too have an evident scientific or promotional interest. More details on the lectures given and papers presented by the IAP collaborators, can be found on the websites of the different IAP partners, the URL's of which are mentioned on the IAP website (under 'Network composition'): www.just-his.be

1. List of publications of the IAP teams

UCL - CHDJ

Published in 2007

AMEZ B., « La guerre 1914-1918 des soldats belges à travers leurs écrits non publiés. Analyse de leur expérience de guerre et des facteurs de résistance » *Actes des VIIème Congrès de l'association des cercles d'Histoire et d'archéologie de Belgique (AFCHAB) et LIVème congrès de la Fédération des Cercles d'archéologie et d'Histoire de Belgique. Congrès d'Ottignies-Louvain-la-Neuve, 26,27 et 28 août 2004*, Vol.1, Safran, Bruxelles, 2007, p.10-15.

BACLIN G., CAMPION J., ROUSSEAU X., « Les chiffres en guerre. Occupations, justices pénale et statistiques en Belgique (1900-1950) », *Histoire et Mesure*, vol XXII-1, 2007, p. 5-44.

BERGER E., « La répression du vagabondage sous le Directoire (1795-1799) face à l'absence de normes juridiques », in Garnot B. (dir.), *Normes juridiques et pratiques judiciaires du Moyen Age à l'époque contemporaine*, Dijon, Editions universitaires de Dijon, 2007, pp. 203-211.

BERGER E., « Les acteurs de l'enquête pénale en Belgique : normes et pratiques du modèle judiciaire libéral du Directoire », in Farcy J.-C., Kalifa D., Luc J.-N. (dir.), *L'enquête judiciaire en Europe au XIXe siècle : acteurs, imaginaires, pratiques*, Paris, Créaphis, 2007, pp. 59-69.J.

BERGER E., « Ordre public et poursuites criminelles sous le Directoire », in *Annales historiques de la Révolution française*, 2007, n°4, pp. 135-152.

CAMPION J., « Quand les gendarmes étaient 'jugés' : approche comparée des épurations administratives au sein des gendarmeries belge et française après la Seconde Guerre mondiale », *Force publique. Revue de la société nationale histoire et patrimoine de la gendarmerie*, n°2, février 2007, *Entre l'État et la Nation ? La gendarmerie et les gendarmes, de 1939 à 1945. Actes de la 2ème Journée d'étude de la Société nationale de l'histoire et du patrimoine de la Gendarmerie*, sous la dir. de G. Philippot, pp. 141-155.

CAMPION J., « Solder l'Occupation... L'épuration interne de la gendarmerie belge (1944-1948) », *Pyramides, Revue du Laboratoire d'Etudes et de Recherches en administration publique*, n°13 : Egalité et laïcité dans les services publics, 2007, pp. 83-105.

DAUVEN B., "L'évolution des pratiques des forces de l'ordre dans la désignation d'une nouvelle population dangereuse: l'incrimination du vagabondage. Approche sociohistorique", *Actes du colloque la fabrique de populations problématiques par les politiques publiques*, Nantes, 13 juin 2007, online publication (http://www.msh.univ-nantes.fr/82807978/0/fiche___pagelibre/&RH=1173180801684).

DE BROUWER J., « Moins coupables ? perceptions de la jeunesse et enjeux socio-politiques dans le débat sur la peine capitale en Belgique au XIXe siècle », *Revue d'histoire de l'enfance irrégulière*, n°9, novembre 2007, pp.93-106.

DE BROUWER J., « Résistez à L'Obéissance. Droit, histoire et fiction », *Journal des Tribunaux*, 2007, pp.430-431.

DE BROUWER J., BACLIN G., MUSIN A., "Une fête de famille: l'inauguration du Palais de Justice de Mons en 1848", *Journal des Tribunaux*, 28/2007.

DE BROUWER, « Détenus et droit l'image: les criminels au musée Grévin », *Journal des Tribunaux*, 2007, p. 286.

DE KOSTER M., "Tot maat van het recht. De vroege ontwikkeling van de wetenschap van het ontspoorde en criminele kind in het Centrale Observatiegesticht in Mol (1913-1941)" in N. BAKKER, S.

BRASTER, M. RIETVELD-VAN WINGERDEN, A. VAN GORP (eds.), *Jaarboek voor de Geschiedenis van Opvoeding en Onderwijs 2007*, Assen: Van Gorcum, 2007.

DE KOSTER M., "Jongeren en criminaliteit: terug van nooit weg geweest. Een wandeling door de tijd", *Welwijs*, 2007, 18, 2, p. 23-29.

DE KOSTER M., 'Van geromantiseerde naar gefundeerde uitspraken over conflictafhandeling', *Tijdschrift voor Criminologie*, 2007, 49 (3), p. 337-341.

DE KOSTER M., "Journey into an Invisible World: The Policing of Juveniles in Urban Belgium, 1890-1914", *Papers of the European Social Science History Conference 2008 (February 26 - March 1 2008)*, ESSHC, online publication. (<http://www2.iisg.nl/esshc/programme.asp?selyear=9&pap=6149>)

DE KOSTER M., "Police core tasks in historical perspective", in *Abstracts of the 7th Annual Conference of the European Society of Criminology Conference, 26-29 September 2007*, Bologna: European Society of Criminology, 2007.

FRANÇOIS A. et MACHIELS C., « Une guerre de chiffres. L'usage des statistiques par les discours abolitionniste et réglementariste sur la prostitution à Bruxelles (1844-1948) », *Histoire & Mesure*, 2007, XXII-2, pp. 103-134.

MARGAIRAZ D., VESENTINI F., [ss. dir.], *Déviance, justice et statistique*, Special issue of *Histoire et mesure*, 2007.

MULLER F., « Henri Velge, l'artisan du Conseil d'Etat belge », *Revue belge d'histoire contemporaine*, t. XXXVIII, 2007, n°1-2, pp. 143-174.

MULLER F., « La jeunesse d'une grande inconnue : la Cour de cassation au XIXe siècle », *Journal des tribunaux*, 2007, n°6288, pp. 822-823.

MUSIN A., book review : « La dette et le juge », *Histoire et Mesure*, t. XXII, n°2, 2007.

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NIGET D., « La violence, attribut et stigmat de la jeunesse », *Revue d'histoire de l'enfance irrégulière*, 2007, No 9.

ROUSSEAU X., VESENTINI F., VRINTS A., "Violence and War. Measuring Homicide in Belgium (1900-1950)", in Body-Gendrot S., Spierenburg P. (eds.), *Violence in Europe, Historical and Contemporary perspectives*, Berlin, Springer, 2008, p. 177-204.

ROUSSEAU X., « Historiographie du crime et de la justice criminelle dans l'espace français (1990-2005) partie II : de la Révolution au XXe siècle », *Crime, Histoire et Sociétés*, vol. 8, 2, 2006, pp.123-161.

ROUSSEAU X., « Jeunes et violences : pour une histoire de rapports de force... », *Revue d'histoire de l'enfance irrégulière*, 2007, 9, pp. 127-140.

ROUSSEAU X., « La justice militaire et les civils sous le Directoire. L'exemple des 24e et 25e divisions militaires in *Annales Historiques de la Révolution française* », 2007, n° 4, pp. 153-178.

Forthcoming

BERGER E., « La poursuite pénale sous le Directoire (1795-1799) et l'Empire (1811-1814). Evolutions et ruptures des modèles judiciaires français », in LEUWERS H., BERGER M., DE

KOSTER M. (dir.), « L'acculturation des modèles policiers et judiciaires français en Belgique et aux Pays-Bas (1795-1815) », IAP serie, AGR Bruxelles

DE KOSTER M., "Girls' journeys to juvenile court, Antwerp, 1912-1933", in J. Trépanier, E. Pierre, X. Rousseaux (eds.), *Child Welfare in the Courtroom (1850-1950)*, Devon: Willan Publishing.

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