

## Bringing law to the people Bringing law to the people. The "Journal des Tribunaux" and its first editor-in-chief (1881-1900)

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**Bart Coppein** : After studying history (KULeuven, 2002) and archive sciences (VUB 2003), Bart Coppein obtained his doctoral degree at the Louvain Law faculty in 2010 on the Belgian lawyer, Edmond Picard (1836-1924), published as *Dromen van een nieuwe samenleving. Intellectuele biografie van Edmond Picard*. Brussels, Larcier, 2011, 423 p. With Jérôme de Brouwer, he wrote the History of Brussels Bar (*Histoire du barreau de Bruxelles 1811-2011/Geschiedenis van de balie van Brussel*. Brussels, Bruylant, 2012, 288 p.). Since 2012, he works at the study service of the Flemish Bar Order (Orde van Vlaamse Balies).

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### Résumé :

En privilégiant une approche qualitative du *Journal des Tribunaux* de 1881 à 1914, Bart Coppein met en lumière le rôle-clé d'Edmond Picard, fondateur et premier rédacteur en chef du journal. Hebdomadaire établi à Bruxelles, cette revue juridique se pose en rupture d'une *Belgique Judiciaire* fossilisée. Le journal s'engage dans les débats contemporains, telle une revue dans la Cité. Edmond Picard utilise l'espace des éditoriaux pour exprimer ses opinions, jusqu'à ce qu'il devienne sénateur socialiste (1894-1908). Favorable à l'adoption du suffrage universel, le journal exprime aussi une conscience sociale en soutenant les initiatives pour doter la Belgique d'une législation sociale. Picard milite aussi pour l'indépendance du Barreau. Léon Hennebicq succède à Picard en 1900, portant le journal dans les débats autour de la question nationale et la reprise du Congo.

**Mots-clés** : Belgique, Edmond Picard (1836-1924), études des revues, histoire contemporaine du droit, revues juridiques

### Abstract :

Adopting a qualitative approach of *Journal des Tribunaux* from 1881 to 1914, Bart Coppein sheds new light on the key-role Edmond Picard, founder and first editor-in-chief of the journal, played. Weekly published in Brussels, this legal journal intended to continue with the programme promulgated by the fossilized *Belgique Judiciaire*. The journal participated to contemporary issues, profiling itself as a *regular* journal in the City. Edmond Picard expressed his opinions in the open space of the editorials, until he became a socialist senator (1894-1908). Partisan of the universal suffrage, the journal also expressed a social conscience, supporting initiatives to promulgate social legislation in Belgium. Picard also militated for the independence of Bar. After Picard's resignation in 1900, Léon Hennebicq became the new editor-in-chief and brought new issues, such as the national question and the Congo take-over on the front pages of the journal.

**Keywords** : Belgium, contemporary legal history, Edmond Picard (1836-1924), legal periodicals, periodical studies

## Introduction

In the past, along with the courts, legal journals were one of the most important places where law came on the stage for legal practitioners, just as they are today. They emphasised special fields of doctrine, made selections of important case law and played a crucial role in shaping the social group of legal practitioners. A legal journal always had an underlying vision of the law and its choices were never neutral.

One can no longer pretend that the history of law reviews is a totally blank sheet of paper<sup>1</sup>. The German legal historian, Ernst Holthöfer, compiled an exhaustive inventory of the Belgian law reviews of the nineteenth and twentieth centuries in 1993<sup>2</sup>. Eight years ago, the Belgian scholar Dirk Heirbaut published a first general analysis ; he characterised the Belgian law reviews as "instruments of legal practice and linguistic conflicts" and denied, just as Holthöfer had before him, that real scientific law reviews had ever existed in his country<sup>3</sup>. In 2014, Sebastiaan Vandenberghe defended his doctoral thesis on Belgium's legal periodicals. He considered them as vectors of law - as they have the aim to disseminate certain views - surpassing the widespread view, as journals are windows, mirrors or seismographs of law<sup>4</sup>.

Until now, particularly as concerns the *Journal des Tribunaux* - the law review we will study here - one could only find, besides the anniversary commemoration articles within the review itself, an unpublished master thesis and some brief case studies<sup>5</sup>.

Before we continue, we must explain that we will consider the terms *legal journal* and *law review*, counterparts of the French *revue juridique* and the German *allgemeinjuristisch Zeitschrift*, as synonymous. It is not easy to find a sufficient definition, and the literature does not present a uniform opinion about whether law reviews should display a more scholarly character or may, on the other hand, be especially oriented towards practice, although the research results primarily seem to point in the latter direction<sup>6</sup>. We prefer, therefore, the pragmatic attitude of Heirbaut, who describes a law review as "a publication about law for lawyers, published with some regularity". The French scholar Jean-Paul Barrière inspires us also ; he suggests that the main characteristics of a professional journal are "une périodicité assez longue [...] contenant mises au point scientifiques (au sens large), essais, débats, comptes rendus d'ouvrage et de publications ou informations liées au domaine de la revue"<sup>7</sup>.

Both definitions are suitable for the *Journal des Tribunaux*, which we will use as a case study for a contextual legal history. It was founded on 14 December 1881 by the Brussels editor Fernand Larcier (1852-1889)<sup>8</sup>, the well-known Belgian lawyer and jurist Edmond Picard (1836-1924) and his *confrères* Alexandre de Burlet (1841-1891), Victor Bonnevie (1849-1920) and Octave Maus (1856-1919)<sup>9</sup>. Thus, the majority of its board of editors was formed by lawyers ; Picard became the first editor-in-chief<sup>10</sup>. The first issue was dated 15 December 1881<sup>11</sup>. Without doubt, the *Journal des Tribunaux*, which still exists today as the most famous Belgian French language general law review, is certainly, for the first two periods of its history, one of the most interesting Belgian, and even European, law reviews, and at no time has it followed the normal pattern of such a specialised and *isolated* journal. Hence, it has rightly been called "a rebellious journal"<sup>12</sup>. If one looks closer, it appears indeed that this law review has had a special character and has accurately mirrored the new visions of law in Belgium at the *fin de siècle*. What exactly was the mission statement of the *Journal des Tribunaux* ? Why did it seem necessary for some lawyers to found that journal, and what was its unique selling position, compared to other general law reviews ? How significant was

the influence of the editor-in-chief ? At which elements of the public was it aimed, and what were the consequences of this choice ? What subjects were reported and gave the journal its typical character ? How representative were some of its points of view in the broader community of jurists ? How was the journal promoted, and how could it survive ? In what way were the editorial decisions of the first board of editors respected by their successors ?

To keep the study manageable, we are forced to limit our analysis to the period before the First World War, the major event that, in fact, finally ended the Ancient Regime in Belgium, as it did in other Western European countries<sup>13</sup>. Moreover, we will focus on the first period of the journal, and only briefly study the second period. As we have opted for a rather qualitative methodology, it seems necessary to explain this and to deal with some of the specific problems of such an approach.

## 2. Methodology

Although commonly used, the press in general and particularly law reviews are not an easy source to handle. Two main possibilities appear : One can prefer a quantitative analysis, or one can adopt a qualitative approach. If desired, the two approaches can be combined.

A quantitative method essentially involves counting, and it focuses on the external aspects of a journal. Usually, a rather limited number of journal copies is selected by a random sample survey, which is not always fully representative and cannot bring all the nuances and details to the surface. It is clear that such an approach can have some advantages, e.g., the ease of comparing journals with each other. Yet it can also have serious disadvantages. Let us illustrate this with an example from the unpublished master's thesis of Véronique Carré. This author tried to calculate the average number of columns for each section per year during the period when Picard was the editor-in-chief of the *Journal des Tribunaux*. The main problem with her end results appears to be the difficulty in distinguishing clear sections. Because there were not always section titles above the articles, and some section titles did not fully cover the undermentioned articles, she primarily had to make a decision regarding the section under which she would classify articles. Simply stated, other scholars could have made other choices. If we look at this critically, we do not see sufficient differences between sections such as "parliamentary debates", "analyses of legislation" and the real "editorials", which all expressed the (political) opinion of the journal<sup>14</sup>.

Therefore, personally, we preferred a qualitative approach, which really could accent the intrinsic positions of the journal. We literally leafed through the whole journal, from the first issue to the last issue before the First World War, taking the time needed to read and summarise the most relevant articles. We focused especially on the aforementioned opinion articles and almost totally skipped the extensive case law section. Of course, this method does not exclude some subjectivity, for instance, in the choice of the articles read, but the final result was much more detailed and precise.

One of the biggest problems we encountered was, of course, the extensive presence of anonymous articles, as is the case in many journals of that period. Only the most important articles were signed, usually by the editor-in-chief, but not always. The authors of some articles could be identified through bibliographies, but the great majority stayed as anonymous as before. Fortunately, through their very own style, we could attribute many of articles to the first editor-in-chief. For the other articles, other members of the board of editors possibly wrote them ; we can suppose certainly that they also express the opinion of the editor-in-chief and could not have been published without his

permission.

Another problem was the great gap between the inclusion of facts and opinion. As contemporary readers already knew the facts through other sources of information, the articles usually only contain a certain opinion about them. This means that scholars who currently read those articles must find other ways to remedy their lack of knowledge, either by reading general daily newspapers or, if possible, by using the available literature. Rarely, it is necessary to combine this with detailed archival research ; however, if this is necessary, it is because there is no alternative.

### **3. The first period : Edmond Picard as editor-in-chief (1881-1900)**

The question that first deserves an answer is, of course, why Picard and his companions founded the *Journal des Tribunaux*. This question is particularly important, because at that moment, in 1881, there was already a general French language law review in Belgium with a rich tradition, namely *La Belgique Judiciaire*. What was wrong with that journal, and what would its challengers do differently ? In 1842, four lawyers for the Brussels' court of appeal founded *La Belgique Judiciaire*. In its mission statement, the editors had explicitly expressed their ambition to renew Belgian legal science and to link up with the glorious past of Viglius d'Attya, Joos de Damhouder, Gabriel Mudaeus and so many other great Belgian jurists. Special attention would be paid to legal history, critical commentaries of legislation and the publication of case law<sup>15</sup>. Yet after forty years in existence, the conclusion could not be other than that *La Belgique Judiciaire* had not managed to realise this dream. The journal was modelled after the French *Gazette des Tribunaux*<sup>16</sup>, and it filled its columns mostly with Belgian and foreign case law, which makes it clear that it was indeed mostly meant for legal practitioners. Moreover, the journal sometimes published thorough articles authored by scholars ; at the beginning of the new juridical year, the tedious opening speeches of the presidents of the Court of Cassation and the three courts of appeal were reproduced. In other words, *La Belgique Judiciaire* had become a very classic law review, which followed the French pattern and was treated by its readers, above all, as a practical work instrument. Typically, they mostly kept their volumes bound in books in their libraries, for which the small tabloid format that was used was indeed ideal. *La Belgique Judiciaire* could not claim to be a real journal, which reported, in short articles, judicial actualities and revived Belgian legal science. Additionally, some issues were unfortunately published with great tardiness, primarily because it took some time for the authors to finish their essays<sup>17</sup>.

The founding of the *Journal des Tribunaux* must thus be seen as a reaction to the *fossilisation* of *La Belgique Judiciaire*. If things had gone differently for the latter journal and if the wishes of its original editors had been respected, it seems realistic to suppose that the *Journal des Tribunaux* would never have been founded. During the years between 1860 and 1870, Picard was a respected contributor to *La Belgique Judiciaire*, but it clearly appears that, at the end of this period, his collaboration with it was fading away<sup>18</sup>.

With the *Journal des Tribunaux*, the founders really wanted to renew legal journalism and hoped that it would be a legal equivalent of a general newspaper<sup>19</sup>. This becomes very clear if one looks closely at its content. Even in the first issues, a rather rigid structure was selected. Each section had a fixed place in every issue. The first page was usually reserved for the editorial or other opinion articles, such as summaries of parliamentary debates or commentaries on legislation. At the bottom of that page, the so-called *feuilleton* normally began. This could contain almost anything, from jurisprudence to legal novels. The second page presented the most important Belgian case

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law, whilst relevant foreign case law, and sometimes, jurisprudence, were acknowledged on the third page. The continuation of the feuilleton was printed beneath the second and third pages. The fourth and last page included the legal chronicle and advertisements<sup>20</sup>. In the beginning, the *Journal des Tribunaux* was published only once in a week on Thursday. From 1 January 1884 on, a supplementary Sunday edition was added. From 1890 on, the journal did not come out during the judicial vacancy, which was compensated by the publication of double issues thereafter<sup>21</sup>.

If the *Journal des Tribunaux* acquired its typical character under the guidance of Picard, this was essentially due to four major stresses, which were especially expressed in the articles included on the first page, but certainly not exclusively there. Contrary to *La Belgique Judiciaire*, which carefully guarded its political neutrality, the *Journal des Tribunaux* explicitly pronounced its ambition to vulgarise law, actively supported the battle for the extension of suffrage, always stressed the need for social legislation, pleaded for an independent bar and focused on new developments in the law.

### 3.1 Bringing law to the people

With the *Journal des Tribunaux*, Picard and his co-editors first hoped to create a *rapprochement* between the judicial world and the common people. For the common people, the law seemed to be something strange, which they did not understand, and in which they were, in fact, not even interested. As a result, the law had lost its social function and was no longer adapted to the new needs of society. In the opening article of the first issue, Picard formulated the ambitious goal of closing that gap or, at least, trying to do so : “L’activité judiciaire présente en Belgique ce caractère singulier qu’elle se meut en quelque sorte à l’écart, dans une région presque fermée, ignorée de tous, excepté de ceux qui s’y trouvent. [...] Il importe cependant que la vie judiciaire soit commune à la nation entière. Seule elle peut donner le sentiment du droit. Quand les citoyens s’en désintéressent, la loi perd sa force parce qu’on n’en comprend plus le sens ni l’utilité”<sup>22</sup>.

Therefore, Picard promised to cover subjects that could interest the masses and to use very simple language<sup>23</sup>. For that reason, the *Journal des Tribunaux* was also printed in the contemporary large size of daily newspapers, which meant 48 x 32 cm – although it always received complaints from readers about the unwieldiness thereof – and it was sold on the streets and in cafés<sup>24</sup>. Yet that original ambition was much too high to have any chance of success. Its failure could have been predicted, as it was well known that a significant part of the Belgian population was illiterate, did not know French, could not afford to buy such an expensive journal or still was simply not interested<sup>25</sup>.

Nevertheless, Picard continued his original conception. In 1894, he gave a lecture for the Fédération des Avocats, which was literally reproduced in the *Journal des Tribunaux*. Therein, he repeated that there was a gap between the law and the people on which that law was founded. The people no longer trusted the law, which had become a specialised matter for the legislators and a cast of jurists. According to Picard, it was precisely this alienation, which had caused the social issues of his time. The only possible solution, for him, was a return of the law to the people, as a result of which, the law would immediately become more just. In other words, the social battle of the labourers was first a legal battle and not a political one : “Ce qu’il faut conquérir, c’est le Droit qu’une partie de la nation n’a pas comme elle devrait l’avoir. On ne lui a concédé qu’un droit imparfait où l’équité est violée, où l’injustice est criante”. Every member of the Fédération des Avocats should permanently oppose those unfair situations and should help to spread the law outside of the courts<sup>26</sup>.

### 3.2 Herald of the socialisation of law

Following on this will to vulgarise the law, the *Journal des Tribunaux* closely supported the socialisation of law, as clearly appears in its pleas for extension of universal suffrage and the promulgation of social legislation<sup>27</sup>.

Concerning the issue of suffrage, Picard published an extensive *Histoire d'une réforme législative* in the journal during the summer of 1882, which argued, for universal suffrage<sup>28</sup>. Especially from 1886 on, the *Journal des Tribunaux* actively joined the debate<sup>29</sup>. In the beginning of the year 1890, the campaign of the Belgian Labourer Party (Parti Ouvrier Belge, POB) for universal suffrage was revived, and Picard helped by appearing as a celebrated speaker at an endless spate of meetings. A stenographical version of the speech he gave in the Brussels *Maison du Peuple* on 26 February 1891 was published at his demand, in its entirety, in the *Journal des Tribunaux*. To his audience of labourers, he confirmed that he had always been a supporter of real and simple universal suffrage : "Quant à moi, depuis toujours (comme ça m'étonne et m'inquiète de ne pas changer là-dessus, alors que tant d'autres changent), je suis pour le Suffrage Universel pur et simple. Je n'y vois pas tant de malice. [...] je ne veux pas lui arracher quelques dents, lui rogner ses griffes ou sa crinière. Je le veux tel qu'il est : tout nu, dans sa beauté naturelle. [...] C'est qu'il apparaît comme l'expression d'une grande loi historique et sociale, à laquelle rien ne résiste"<sup>30</sup>.

In 1892, the editorials of the *Journal des Tribunaux* - mostly written by Picard himself, as he later confessed - were totally devoted to the revision of the Constitution and the extension of suffrage. The parliamentary discussion was followed from week to week and was extensively discussed. The journal could not be satisfied with less than universal suffrage : "La Force qui fera triompher le Suffrage Universel est dans la Nation. Ce n'est plus seulement la classe qui le réclame, ce sont des milliers d'âmes bourgeoises, saisies d'un élan de Justice et de Fraternité". Consequently, the editorial board vehemently opposed a phased attribution, warning that there would be no peace in the country as long as it was not totally enfranchised. It was strongly denied that the period of census suffrage had advanced the general welfare of the Belgian population. The benefits had only been received by a small minority, to the detriment of the great majority of the people. In reality, the country stood at the edge of an abyss as a result of the electoral self-interest of the bourgeoisie<sup>31</sup>.

The conflict culminated in 1893, with the arrest of Picard himself and the final parliamentary acceptance of tempered universal suffrage - a compromise in which every male citizen was entitled to at least one vote, but some were granted two or three, depending on conditions of possession, education or family life. Strangely enough, only the first event, which was obviously closely linked to the second, was reported in the columns of the *Journal des Tribunaux*. Picard was held in prison for forty-eight hours ; he was accused of being responsible for a murderous attack on Brussels' mayor, Charles Buls, which he seemed to have advocated during a speech in a meeting supporting general suffrage. He was arrested in the early morning of 18 April 1893 ; parliament changed its course in the evening of the very same day. In fact, there was no legal ground for Picard's arrest, which therefore can only be understood as a political decision by the government in a pre-Revolutionary climate<sup>32</sup>. However, the silence of the *Journal des Tribunaux* regarding tempered universal suffrage itself remains remarkable ; however, it is probably a consequence of its ambiguous attitude towards that compromise. On the one hand, the journal, and particularly, its editor-in-chief, had always fought for real universal suffrage *à la française* (one man, one vote), and it could not really be satisfied with the moderate version that had eventually been adopted, although it certainly represented progress over census suffrage. Every man now possessed the

right to vote, but men were still not equal. On the other hand, they knew very well that, for the moment, more could not be obtained, although they already expected great changes in the political landscape with general plural suffrage and hoped that, sooner or later, it would stimulate the promulgation of real general suffrage.

Also, in the following years, articles about the extension of suffrage rarely appeared in the *Journal des Tribunaux*. The explanation for this probably lies in the political mandate of the editor-in-chief. In 1894, Picard became a socialist senator, a mandate he kept until 1908. It seems very possible that he chose to keep some distance, and that he no longer preferred to assert his positions on political subjects in the *Journal des Tribunaux*. If one looks at his activities in the Senate, it is immediately evident that he never gave up the ideal of real universal suffrage<sup>33</sup>.

Not surprisingly, the *Journal des Tribunaux* was also characterised by a great social conscience. Many articles testified about the great frustration resulting from the very slow advancement and the manifest unwillingness of Catholic and liberal politicians to really deal with the problems of labourers and warned, in words that could not be misunderstood, of revolutionary circumstances if nothing should change. Let us illustrate this point of view using some examples.

When the parliament finally agreed, after endless treatment in 1883, to the abolition of the so-called *livrets d'ouvriers*, the *Journal des Tribunaux* was not able to rejoice. The fact that it had taken so much time to reach a decision on such an easy measure and that some still supported this unjust system, although no other industrial country possessed such an obligation, proved once again that politicians had no understanding of the gravity of the social problems. Therefore, the journal feared violent revolts, which would be the inevitable consequence of such an attitude : "les inéluctables questions ouvrières qui, partout ailleurs, se dressent comme la menace d'un nouveau 93, - menace aujourd'hui, demain explosion certaine si l'on n'ouvre à temps les soupapes de la formidable chaudière". A myopic government that constantly ignored social problems would face the same destiny as the French king, Louis XVI<sup>34</sup>.

In his editorial of 2 May 1886, Picard was simply scandalised about the reaction of the Beernaert Cabinet to the labourers' revolts in March of that year. He deplored the failure of the social problem to ever receive the attention it deserved and praised the general-in-chief, who had sanguinary repressed the revolts, for his warning to the government that violence would not resolve the situation. He considered it outrageous that the parliament did not want to see : "Au Parlement, un manifeste qui est un plaidoyer du capital contre les récriminations et les exigences du travail ! Ni à droite ni à gauche le moindre cri d'humanité sortant de l'âme de qui que ce soit ! [...] Pas plus de sagacité que de charité ; [...] tous rapprochés dans une même pensée, sévir !". Hence, he explicitly encouraged the government to implement real solutions to the labourers' crisis without delay. The concrete daily misery of labourers needed an immediate solution, which not only required profound study, but above all, the will to change things<sup>35</sup>. However, Picard did not trust the Labour Commission, which was appointed by the Beernaert Cabinet at the end of April. He was asked to join this commission, but had to resign due to practical reasons. In any case, he considered the activities of the commission to be superfluous, because the facts were already clear to everyone<sup>36</sup>.

In the following years, the *Journal des Tribunaux* constantly kept this theme under its attention and continuously repeated the same arguments. Regarding the elections of 1888, the journal implored its readers to turn away from the former sterile ideological discussions - which were, above all, an obstacle - and to support the necessary social reforms. Jurists were not allowed to stay neutral and

had to subscribe to the exigency for concrete social laws : "C'est pourquoi nous, hommes de droit, nous attendons des réformes dans le domaine du Droit, non pas des révisions scolastiques de Codes, non pas des utopies humanitaires et révolutionnaires, mais des lois s'attaquant aux abus sociaux du privilège partout où le pouvoir de l'argent méconnaît l'égalité et la fraternité humaines"<sup>37</sup>.

Moreover, in the issue of 14 July 1889, the government policy was evaluated as insufficient, and the Beernaert Cabinet was once again implored to accelerate its efforts. The judgement of the *Gazette de Francfort*, which had written that, regarding social legislation, Belgium was one of the most reactionary European countries and stood on the threshold of a revolution, was quoted with approval<sup>38</sup>. The same point appeared in an article about the resignation of Bismarck. The German chancellor was especially praised for his social policy, in contrast to the situation in Belgium. The Beernaert Cabinet had the merit to do something, at least, but it moved all too slowly and was intrinsically unambitious<sup>39</sup>.

In 1891, Picard formulated the idea that only real general suffrage could bring fundamental changes concerning social legislation, military service, improvements in education and so on, because representatives of the bourgeoisie, among whom he counted himself, did not really know about the sad and hard conditions of the labourers' lives and were not inclined to alter those problems : "Nous sommes dans la classe privilégiée, nous participons depuis soixante années aux avantages d'une législation [...] faite au profit de la seule bourgeoisie. [...] Mais quelles lois a-t-on faites pour les ouvriers ? Vraiment presque rien. [...] A vous les dix, douze et parfois quatorze heures de corvée abrutissante, dans des conditions physiques lamentables, avec une mortalité effrayante et souvent, avec les cruautés horribles des catastrophes"<sup>40</sup>.

The special attention given to the papal encyclical, *Rerum novarum*, in the same year, was as remarkable as that confession. The most important passages were literally reproduced and discussed by Picard. He benevolently saluted its adequate description of the labourers' problems, but condemned the Catholic remedies as irrelevant and too muted<sup>41</sup>. Looking back in 1900, the *Journal des Tribunaux* marked 1886 as the definite caesura for the breakthrough of social legislation in Belgium and noted, especially from 1894 onwards, an acceleration in both efforts and results, which had to be attributed to the first minister of Industry and Labour, Albert Nyssens, and the Christian-Democratic and socialist members of parliament<sup>42</sup>.

### 3.3 Herald of an independent bar

Besides this rather left-leaning embeddedness, the identity of the *Journal des Tribunaux* was determined by a special attention for the bar in all its aspects, from the more social life of the *confraternité* to the defence of professional interests<sup>43</sup>. Not surprisingly, the majority of its subscribers - which, in 1884, already amounted to more than 1000 - were lawyers<sup>44</sup>. Therefore, the journal was inevitably forced to present its point of view about what contemporary authors called *la crise du Barreau*. In fact, it concerned a broadening of the lawyers' profession. Because the number of lawyers had increased consistently during this period, and because there were not enough trials to allow every lawyer to earn his living in that way, many lawyers searched for other resources. They primarily became directors at one of the then massive emerging societies, which needed such legally educated specialists. However, the fact that those administrators wanted to stay enrolled on the *tableau*, did not want to give up their lawyers' title and even wanted to plead, caused serious discord within the ranks of the bar<sup>45</sup>. One part of the bar, which obviously represented the majority, saw no problem in this combination, referred to the changed context and

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supported total freedom. The other part, which was composed of the anciens of the bar and was not as numerous, considered this evolution to be a grave threat to the independence of lawyers and feared that, in the end, it would influence the whole bar. Therefore, it asked the persons concerned to make a clear choice : lawyer or administrator. It argued that the social mission of the lawyer excluded him from, at the same time, combining this profession with a pecuniarily lucrative mandate<sup>46</sup>.

As Picard himself was an established lawyer, had previously written, along with his confrère Gustave Duchaine, a highly recommended deontological manual, and had an extremely prosperous practice, one must not doubt that he used the *Journal des Tribunaux* as an instrument to reject this broadening tendency<sup>47</sup>. For instance, when the Fédération des Avocats was founded in 1886, the journal remarked that it should recruit its members exclusively within the “real bar”<sup>48</sup>. It was only a logical consequence that the journal very quickly became the official medium of the Fédération. In 1899, Picard strongly condemned Charles Graux, who had declared, in his authority as *bâtonnier*, that the bar simply had to accept “l’invasion des affaires commerciales et industrielles” and the changing customs that resulted thereof, such as the possibility of obtaining honoraria before the court. Picard deeply deplored such unwise exclamations made by Graux and called for a fight, with all possible means, against that evolution<sup>49</sup>. Also, in the following year, many condemning articles appeared, in which every lawyer was charged to respect the traditional deontology : “Chacun de nous doit chaque jour dans les relations du Palais, orienter ses soucis vers le maintien d’un idéal professionnel de noblesse et de désintéressement. Nous pouvons encore, si nous le voulons nous jeter en travers de la foule menaçante des arrivistes du Barreau d’affaires : *Sursum corda !*”<sup>50</sup>.

### 3.4 Stimulator for avant-garde law

The *Journal des Tribunaux* also published articles about many other subjects, which unfortunately, we cannot treat here in detail. It must be said that many of these subjects were also hobbyhorses of the editor-in-chief. For instance, the great attention given to the new branch of intellectual law, from comparative studies of international legislation to extensive reports of specialised congresses, was remarkable<sup>51</sup>. And what should we think about the major interest that was given to art trials<sup>52</sup> ? On the other hand, penal trials were normally not reported, with the Peltzer trial as the only exception, for which a special daily edition of twenty-three issues was published<sup>53</sup>. It was also not astonishing that the famous polemic about a possible abolition of the *Pandectes* course in the university law curriculum was fought in the journal in 1889<sup>54</sup>. In general, legal education appeared to be a cherished subject<sup>55</sup>. The same must be said about legal philosophy<sup>56</sup> and the now problematic, but then modish, concept of race<sup>57</sup>.

## 4. The second period : Léon Hennebicq as editor-in-chief (1901-1914)

Picard resigned as editor-in-chief at the end of 1900 and was succeeded by a board of eleven editors, in which his former trainee, Léon Hennebicq, lawyer at the Brussels court of appeal, very soon became the leading figure<sup>58</sup>. For this second era in the history of the *Journal des Tribunaux*, we will only address the first decade until the First World War<sup>59</sup>. Although some readers complained that the new board of editors did not have enough respect for the old progressive spirit of Picard and had become too conservative<sup>60</sup>, in fact, the *Journal des Tribunaux* presented itself as a true heir. Just as in the first two decades of its existence, many articles during this period dealt with the

socialisation of law and social legislation<sup>61</sup>. Likewise, its defence of the professional deontology and the independence of the bar continued<sup>62</sup>. Of course, it was inevitable that new themes would arise. This was essentially caused by the major events of that period, but it was equally a consequence of the personal interest of the new editor-in-chief. Most remarkable of all was the greater stress on nationalistic articles. The language problem in Belgium and the existence of a Belgian national identity, which were hardly reported before 1900, now became a popular topic in the journal<sup>63</sup>. Another strong supported subject was the colonisation of Congo Free State by Belgium in 1908<sup>64</sup>. The threat of a new war stimulated discussions about the country's obligatory neutrality statute and the need for alliances<sup>65</sup>. More often than before, the lack of efficiency and weakness of the parliamentary system, and the need for a *Conseil d'État*, was also pointed out<sup>66</sup>. Finally, other current themes, for instance, the entry of women to the bar, found their place in the columns of the journal<sup>67</sup>.

## 5. Another journal

The last issue of the *Journal des Tribunaux* before the war was published on 23 July 1914. At the outbreak of the war, the editor-in-chief, Léon Hennebicq, became a war volunteer. Its publication only recommenced after the armistice. The first post-war issue, which was given the same volume number as the 1914 volume, was dated 8 December 1918 ; it contained a short declaration from the board of editors mentioning that the journal had refused to appear under the German occupation, and that they applauded the victory of the Allied Forces and the Law after four long and painful years. Hennebicq continued as editor-in-chief until his death on 5 May 1940. On May 12th, a commemoration issue that was fully devoted to him still appeared, but again, the publication of the journal was then suspended for four years. Under the guidance of the new editor-in-chief, Charles Van Reepinghen, the *Journal des Tribunaux* was resurrected on 5 October 1944. Remarkably, the new journal turned almost completely away from the traditions that Picard and Hennebicq had installed and presented itself as the successor of *La Belgique Judiciaire*, the other French language journal, which had finally faded away in 1940 after a long death struggle<sup>68</sup>. A much greater place than before was now given to case law and doctrine, and there was no longer any place for (political) opinion articles. For instance, not a word was said about the Royal Question, which strongly divided Belgium until 1950. The decision of Van Reepinghen to immediately reduce the size of the journal to the smaller tabloid format, which was perfectly fit to be bound in books, and to sell the journal only through subscriptions, were very symbolic. In other words, a new era had begun in the history of the *Journal des Tribunaux*, in which the journal became, above all, a scholarly work instrument for practitioners, which was rather embarrassed by its deviant past<sup>69</sup>.

## Conclusion

Unlike today, in its first two periods, the *Journal des Tribunaux* was certainly, under the guidance of Picard and Hennebicq, a rebellious and self-willed legal journal ; as such, it perfectly mirrored the changing law of the fin de siècle and the early twentieth century. At that time, Belgian society was confronted with fundamental transformations : particularly, the political and legal integration of labourers. The journal did not hesitate to join the debate and explicitly supported the labourers' cause, as clearly appeared in its pleas for universal suffrage and social legislation. There can be no mistake : Such points of view were very unusual and extremely daring, especially for a law review. We do not know of a similar European equivalent, and many Belgian jurists promoted a far more conservative opinion. The same must be said for the program for the vulgarisation of the

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law, which continued until the Second World War, in spite of its lack of success. This left-leaning posture was combined with special attention for the interests of the bar and brought the journal great popularity amongst French-speaking (Brussels) lawyers. In the second period, a nationalistic accent was added. It cannot be denied that the influence of the first two editors-in-chief, Edmond Picard and Léon Hennebicq, was extremely extensive : They totally permeated the journal with their colourful personalities and gave it a vanguard position. The present journal has intentionally given up that unique selling position ; in doing so, it also reflects its own time and context.

## Notes

- 1 M. STOLLEIS (ed.), *Juristische Zeitschriften. Die neuen Medien des 18.-20. Jahrhunderts*, Frankfurt am Main, Klostermann, 1999, 709 p. (Studien zur europäischen Rechtsgeschichte, 128); M. STOLLEIS and T. SIMON (eds.), *Juristische Zeitschriften in Europa*, Frankfurt am Main, Klostermann, 2006, 626 p. (Studien zur europäischen Rechtsgeschichte, 214)
- 2 E. HOLTHÖFER, *Beiträge zur Justisgeschichte der Niederlande, Belgiens und Luxemburgs im 19. und 20. Jahrhundert*, Frankfurt am Main, Klostermann, 1993, 147-192. (Rechtsprechung. Materialien und Studien. Veröffentlichungen des Max-Planck-Instituts für Europäische Rechtsgeschichte Frankfurt am Main. Band 6)
- 3 D. HEIRBAUT, *Law Reviews in Belgium (1763-2004): Instruments of Legal Practice and Linguistic Conflicts*, in M. STOLLEIS and T. SIMON (eds.), *Juristische Zeitschriften in Europa*, 343-367.
- 4 S. VANDENBOGAERDE, *Vectoren van het recht. Geschiedenis van de Belgische juridische tijdschriften*, unpublished doctoral thesis, Faculty of Law, Universiteit Gent, 2014, 405 p.
- 5 V. CARRÉ, *Le Journal des Tribunaux d'Edmond Picard (1881-1899). Approche d'un journal judiciaire au dix-neuvième siècle*, unpublished master's thesis, Brussels, Université Libre de Bruxelles, Faculté de Philosophie et Lettres, 1986, VII + 142 p.; R. LESAFFER, *Le Journal des Tribunaux (1904 - 1914). De Belgisch-Nederlandse betrekkingen vanuit het standpunt van de Belgische nationalisten*, in F. STEVENS and D. VAN DEN AUWEELE, *Handelingen van de XIe Belgisch-Nederlandse rechtshistorische dagen*, Louvain, K.U. Leuven Afdeling Romeins Recht en Rechtsgeschiedenis Faculteit der Rechtsgeleerdheid, 1992, 107-139; R. LESAFFER, *De justitie en de media*, in D. HEIRBAUT, X. ROUSSEAUX and K. VELLE (eds.), *Histoire politique et sociale de la justice en Belgique de 1830 à nos jours*, Bruges, Die Keure, 2004, 357-368. See in the *Journal des Tribunaux* itself, amongst others, the following commemoration articles: J. CAMBIER, *Histoire du Journal des Tribunaux* in *Journal des Tribunaux* (hereinafter *JT*), 50 (1935), 3419; D. STERCKX and others, *Un siècle de J.T.*, in *JT*, 1982, 262-267. S. VANDENBOGAERDE, *Vectoren van het recht*, 105-130.
- 6 T. SIMON and M. STOLLEIS, *Juristische Zeitschriften in Europa*, in M. STOLLEIS and T. SIMON (eds.), *Juristische Zeitschriften in Europa*, 5.
- 7 D. HEIRBAUT, *op. cit.*, 343, note 1; J.-P. BARRIÈRE, *Un genre à part: les revues juridiques professionnelles*, in J. PLUET-DESPATIN, M. LEYMARIE and J.-Y. MOLLIER (eds.), *La Belle Epoque des revues 1880-1914*, Caen, Editions de l'IMEC, 2002, 269. [Even though this definition might be perceived in contradiction with the general approach favoured by the editors, the case study presented here can be considered as the canon of what is a legal journal and as the exception more than the norm on larger and more diversified corpus. (S.V. & N.T.)]

<sup>8</sup> See, regarding Ferdinand Larcier and his publishing house, which was continued after his death by his widow: P. JANSSENS (ed.), *Fiscaal recht geboekstaafd. Geschiedenis van het belastingrecht van perkament tot databank*, Brussels, Fiscale Hogeschool, 1995, 49-50; *Mort de Ferdinand Larcier*, in *JT*, 1889, 849-850.

<sup>9</sup> See, regarding the other three persons mentioned, who were all lawyers at the Brussels' court of appeal: *Mort de Me Alexandre de Burlet*, in *JT*, 1891, 377-382; *Biografisch repertorium van België vanaf 1830. Letter B*. Brussels, Palais des Académies, 1956, 104; M. MAUS, *Trente années de lutte pour l'art: les XX, La Libre Esthétique 1884-1914*, Brussels, Lebeer-Hossmann, 1980, 511.

<sup>10</sup> B. COPPEIN, *Le droit qu'une partie de la nation n'a pas. Edmond Picard en de vermaatschappelijking van het recht in België tijdens het fin de siècle*, in *Revue belge de philologie et d'histoire* 2008, 390. See, for the latest research results about Picard, our own PhD, in which the older literature is fully integrated and completed with original archival input and a thorough analysis of the extensive oeuvre of Picard: B. COPPEIN, *Dromen van een nieuwe samenleving. Intellectuele biografie van Edmond Picard*, Brussels, Larcier, 2011, 423 p. See also: B. COPPEIN, *Edmond Picard (1836-1924), avocat bruxellois et belge par excellence de la deuxième moitié du XIXe siècle*, in V. BERNAUDEAU and others (eds.), *Les praticiens du droit du Moyen Age à l'époque contemporaine. Approches prosopographiques (Belgique, Canada, France, Italie, Prusse)*, Rennes, Presses universitaires de Rennes, 2008, 225-237; B. COPPEIN, *Edmond Picard, Actor and Witness of the Socialisation of Law in Belgium at the End of the 19th Century*, in S. HORNYÁK and others (eds.), *Turning Points and Breaklines (Yearbook of Young Legal History, 4)*, Munich, Meidenbauer, 2009, 151-166.

<sup>11</sup> V. CARRÉ, *op. cit.*, 11.

<sup>12</sup> D. HEIRBAUT, *op. cit.*, 352.

<sup>13</sup> A. MAYER, *The Persistence of the Old Regime. Europe to the Great War*, New York, Pantheon Books, 1981, 368 p.

<sup>14</sup> See, for the table mentioned: V. CARRÉ, *op. cit.*, 41.

<sup>15</sup> [H. LAVALLÉE, E. ARNTZ, A. ORTS and J. BARTELS], [Au lecteur], in *La Belgique Judiciaire* (hereinafter *BJ*) 1842-1843, 1-6.

<sup>16</sup> This journal was published in France from 1775 until 1789, and again, from 1825 until 1955, when it was continued by its opponent, the *Gazette du Palais*. BARRIÈRE, *Un genre à part*, 281, note 10.

<sup>17</sup> D. HEIRBAUT, *op. cit.*, 347-348. See also: S. VANDENBOGAERDE, *Exegi monumentum: La Belgique Judiciaire*, *Tijdschrift voor Tijdschriftstudies*, 2012, 46-58; *id.*, *Vectoren van het recht*, 67-90.

<sup>18</sup> The first article from Picard in *La Belgique Judiciaire* dated from 1862 and his regular contributions ended in 1879: CLAUDIUS [E. PICARD], *Examen de quelques questions relatives à la profession d'avocat*, in *BJ*, 1862, 1441-1447; E. PICARD, *Paradoxe sur l'avocat*, in *BJ*, 1879, 1265-1269. In the year 1880, Picard published his last two articles in that journal: E. PICARD, *Essai sur la criminalité d'après la science moderne*, in *BJ*, 1881, 188-192; E. PICARD, *Embryologie juridique des droits intellectuels*, in *BJ*, 1885, 737-750.

19 V. CARRÉ, *op. cit.*, 24.

20 *Ibid.*, 18-21 and 101-110.

21 *A nos lecteurs. Avis important*, in *JT*, 1883, 777; V. CARRÉ, *op. cit.*, 22-23.

22 E. PICARD, *Au lecteur*, in *JT*, 1881, 1.

23 See: V. CARRÉ, *op. cit.*, 9-10; R. LESAFFER, *De justitie en de media*, 357-359.

24 E. PICARD, *Question de format*, in *JT*, 1886, 1-4; E. PICARD, *La mission d'un journal judiciaire*, in *JT*, 1892, 1-4; [E. PICARD], *La nouvelle vie judiciaire* in *JT*, 1883, 713-715. See also: V. CARRÉ, *op. cit.*, 15.

25 One issue of the *Journal des Tribunaux* cost twenty cents, whereas the price of daily Belgian newspapers, such as *Le Soir*, *Vooruit* or *Le Peuple*, was between one and five cents. V. CARRÉ, *op. cit.*, 11-12 and 134; D. STERCKX, *op. cit.*, 262. At the outbreak of the First World War, a tenth of the Belgian population was still illiterate. C. STRIKWERDA, *A House Divided. Catholics, Socialists and Flemish Nationalists in Nineteenth-century Belgium*, Lanham, Rowman & Littlefield Publishers, 1997, 34.

26 E. PICARD, *La vulgarisation du Droit*, in *JT*, 1894, 1427-1430. The same evolution can be noted in the Dutch journal *Paleis van Justitie*, at least from its founding in 1872 until its change of editorial tone in 1893. See, regarding this journal: C. JANSEN, *Popularisering van het recht in Nederland. Enige beschouwingen over de kloof tussen recht en volk in het laatste kwart van de 19<sup>e</sup> en in het begin van de 20<sup>e</sup> eeuw*, in *Tijdschrift voor Rechtsgeschiedenis*, LXIII (1995) 1-2, 120-121 and 126-130.

27 See, regarding this concept: B. COPPEIN, *Edmond Picard, Actor and Witness of the Socialisation of Law in Belgium*, 151-153. See, in general, for this paragraph also: V. CARRÉ, *op. cit.*, 45-67.

28 E. PICARD, *L'évolution des lois électorales en Belgique depuis 1830*, in *JT*, 1881-1882, 441-443; 457-460; 473-476; 489-493; 505-510; 521-525; 537-540; 553-557; 569-572; 585-589; 601-605; 617-620; 633-638; 649-654; 665-670; 681-684; 697-701 and 713-717. See also: V. CARRÉ, *op. cit.*, 50-51.

29 V. CARRÉ, *op. cit.*, 117-123. See e.g., the following articles in the *Journal des Tribunaux* for: [E. PICARD], *Interdiction de la manifestation du 13 juin*, in *JT*, 1886, 673-677; *Affaire De Fuisseaux*, in *JT*, 1886, 692-699; *Affaire Anseele. Actes d'accusation*, in *JT*, 1886, 708-710; *Affaires Defuisseaux [sic] et Anseele*, in *JT*, 1886, 705-710; *Lettre ouverte à Me Englebienne*, in *JT*, 1886, 1029.

30 E. PICARD, *La législation sociale. La Revision constitutionnelle. Le suffrage universel*, in *JT*, 1891, 297-308 and 302-303 (quote). This speech was partially reprinted in the *festschrift* that was published for the sixty-fifth anniversary of Picard: *In Memoriam. Manifestation du 21 Décembre 1901 en l'honneur de Me Edmond Picard*, Brussels, Larcier, 1902, 135-140. See also: V. CARRÉ, *op. cit.*, 60-62.

31 [E. PICARD], *A la bataille*, in *JT*, 1892, 401-404; [E. PICARD], *Le marchandage universel*, in

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*JT*, 1892, 417-420; *Personnel à renouveler*, in *JT*, 1892, 433-437; [E. PICARD], *Forces perdues*, in *JT*, 1892, 449-453 and 451 (quote); *Renouveau Clérico-Doctrinaire*, in *JT*, 1892, 481-485; [E. PICARD], *La poussée nécessaire*, in *JT*, 1892, 497-500; *Sunt verba rerum*, in *JT*, 1892, 545-549; [E. PICARD], *Le 1<sup>er</sup> mai*, in *JT*, 1892, 561-564; E. PICARD, *Le bilan du suffrage censitaire*, in *JT*, 1892, 577-584; E. PICARD, *Les prétendus dangers du suffrage universel*, in *JT*, 1892, 593-601 and [E. PICARD], *La propagande par l'action*, in *JT*, 1892, 1233-1237. Picard himself confessed his authorship of most of these anonymously published articles: E. PICARD, *Quarante-huit heures de pistole. Conte moral*, Brussels, Librairie du Peuple, 1893, 15-16.

32 *L'arrestation de M. Edmond Picard*, in *JT*, 1893, 497 and 967, 513-522. See also, regarding this event: B. COPPEIN, *Edmond Picard en de deontologie van de advocaat*, in G. MARTYN and others (eds.), *Geschiedenis van de advocatuur in de Lage Landen*, Hilversum, Verloren, 2009, 208-209; D. HEIRBAUT, *op. cit.*, 354.

33 B. COPPEIN, *Edmond Picard, Actor and Witness of the Socialisation of Law in Belgium*, 158-159.

34 *L'impuissance parlementaire*, in *JT*, 1883, 353-356; *Les livrets d'ouvrier*, in *JT*, 1883, 369-373 and 369 (quote). The *livret d'ouvrier* contained the personal data of a labourer and all relevant information about his earlier jobs; a labourer had to give it to the employer for whom he worked. The risk of the abuse of power lay herein: that the employer could refuse to give the *livret* back to the employee. In that case, the latter could not work for another employer and was condemned to continue working at the same place. By the Act of 10th July 1883, the *livrets d'ouvrier* lost their obligatory character. B. CHLEPNER, *Cent ans d'histoire sociale en Belgique*, Brussels, Institut de Sociologie Solvay, 1956, 93-95; B. DELBROEK, *Werkboekjes in de 20<sup>e</sup> eeuw: de charmes van een vergeten bron*, in *Brood & Rozen. Tijdschrift voor de geschiedenis van sociale bewegingen*, 11 (2006) 2, 8-13.

35 [E. PICARD], *La législation de la peur*, in *JT*, 1886, 545-549 and 546 (quote). See also: J.-P. NANDRIN, *La genèse du droit du travail en Belgique. Plaidoyer pour la chronologie*, in S. DAUCHY, J. MONBALLYU and A. WYFFELS (eds.), *Auxtoritates. Xenia R.C. Van Caenegem oblata. De auteurs van de rechtsontwikkeling* (Iuris Scripta Historica, XIII), Brussels, Palais des Académies, 1997, 266.

36 *La Commission du Travail industriel*, in *Le Peuple*, 25 juin 1886; B. CHLEPNER, *Cent ans d'histoire sociale*, 211; J. PUISSANT, *1886, la contre-réforme sociale?*, in P. VAN DER VORST (ed.), *Cent ans de droit social belge*. Brussels, Bruylant, 1986, 94. Later, Picard referred with pride to his resignation: E. PICARD, *La législation sociale. La Révision constitutionnelle. Le suffrage universel*, in *JT*, 1891, 324.

37 [A. DE BURLET], *Les élections et la législation progressive*, in *JT*, 1888, 785-786 and 786 (quote); *La législation progressive et le ministère*, in *JT*, 1888, 801-804.

38 *La législation ouvrière*, in *JT*, 1889, 913-916.

39 *La législation socialiste*, in *JT*, 1890, 353-356. See also: *La législation progressive et les élections*, in *JT*, 1890, 737-740.

40 E. PICARD, *La législation sociale. La Révision constitutionnelle. Le suffrage universel*, in *JT*, 1891, 313-324, 321-322 (quote), 329-338 and 784.

- 41 [E. PICARD], *La législation sociale et l'encyclique*, in *JT*, 1891, 729-739 and 745-756.
- 42 *Les lois sociales en Belgique*, in *JT*, 1900, 665-667.
- 43 As stated previously, the *JT* through its board of editors, was already fully situated in the Brussels' Bar. See, for its history: B. COPPEIN and J. DE BROUWER, *Histoire du barreau de Bruxelles 1811-2011 Geschiedenis van de balie van Brussel*, Brussels, Bruylant, 2012, 288 p.
- 44 V. CARRÉ, *op. cit.*, 88-95; D. HEIRBAUT, *op. cit.*, 354 and note 78.
- 45 P. JAMAR, *La Belgique et le Barreau*, in *Entretiens sur la Belgique contemporaine*, Brussels, Larcier, 1904, 222-223.
- 46 P. JAMAR, *La Belgique et le Barreau*, 223-224. The magistrates experienced the same problem: L. BURGELMAN, *Geschiedenis van de Belgische magistratuur (1830-2002)*, in D. HEIRBAUT, X. ROUSSEAU and K. VELLE (eds.), *Histoire politique et sociale de la justice en Belgique*, 197; *Magistrature et Finance*, in *JT*, 1903, 754-757.
- 47 G. DUCHAINE and E. PICARD, *Manuel pratique de la profession d'avocat en Belgique*, Paris, Brussels, Durand et Pedone Lauriel, Claassen, 1869, 548 p.
- 48 *Fédération des barreaux belges*, in *JT*, 1886, 657-658.
- 49 C. GRAUX, *Allocution de Me Charles Graux. Bâtonnier de l'Ordre des Avocats*, in *JT*, 1898, 1129-1134; [E. PICARD], *Barreau d'Affaires*, in *JT*, 1899, 1266-1268 and 1267 (quote).
- 50 *Ancienne et nouvelle profession*, in *JT*, 1900, 465-467 and 467 (quote). See also: *Sur l'avenir du Barreau*, in *JT*, 1900, 570-573; *Institut de jurisprudence*, in *JT*, 1900, 826-829.
- 51 V. CARRÉ, *op. cit.*, 68-70. See e.g.: *VIIIe congrès de l'association littéraire et artistique internationale à Anvers*, in *JT*, 1885, 1163-1172; *Le congrès international de droit commercial à Anvers*, in *JT*, 1885, 270-271; *Congrès international de la propriété industrielle de Paris en 1889*, in *JT*, 1889, 1121-1132; E. COMBE, *Le droit d'auteur*, in *JT*, 1898, 275-277.
- 52 D. HEIRBAUT, *op. cit.*, 354.
- 53 V. CARRÉ, *op. cit.*, 77-80.
- 54 The main protagonists in the 1889 debate were Albert Nyssens and Polynice Van Wetter; the former was a professor at the Catholic University of Louvain and a Catholic politician, and the latter was a professor in Roman Law at Ghent State University. At the end, in Belgium, the *Pandectes* course only disappeared in 1969 as an obligatory course. [A. NYSENS], *Le droit romain et les Pandectes*, in *JT*, 1889, 850-856; E. MAHAIM, *Le droit romain et les Pandectes*, in *JT*, 1889, 892-893; P. VAN WETTER, *Quelques observations sur le cours de Pandectes*, in *JT*, 1889, 1297-1302; A. NYSENS, *Les Pandectes. Réponse de l'ancien étudiant*, in *JT*, 1889, 1345-1350; P. VAN WETTER, *Les Pandectes*, in *JT*, 1889, 1457-1463. See also, on this polemic: F. STEVENS, *Het rechtsonderwijs in België in de 19<sup>e</sup> eeuw*, in *Handelingen IXe Nederlands-Belgisch rechtshistorisch congres 'Rondom Feenstra'*, Leiden, Faculty of Law, 1986, 69-70 and note 29.
- 55 See e.g.: E. PICARD, *La législation sur les examens universitaires et la nouvelle Ecole libre d'Enseignement Supérieur*, in *JT*, 1894, 529-534; P. OTLET, *Sur l'enseignement du droit. Points de*

*vue tout à fait généraux*, in *JT*, 1895, 449-458; J. DES CRESSONNIÈRES, *Sur l'enseignement du droit*, in *JT*, 1898, 1081-1088.

<sup>56</sup> See e.g.: E. PICARD, *Embryologie juridique*, in *JT*, 1884, 609-620, 625-636 and 641-648; E. PICARD, *Essai d'une nouvelle méthode d'Encyclopédie du Droit*, in *JT*, 1895, 129-140 and 145-150; L. HENNEBICQ, *Sens de mots: droit naturel et philosophie du droit*, in *JT*, 1895, 650-655; L. HENNEBICQ, *Éléments abstraits du droit naturel*, in *JT*, 1895, 1161-1172.

<sup>57</sup> See e.g.: L. HENNEBICQ, *La race et le droit. Esquisse de mythologie juridique*, in *JT*, 1896, 745-754 and 761-762; L. HENNEBICQ, *La race et le droit*, in *JT*, 1899, 609-620, 625-635, 641-652 and 657-663.

<sup>58</sup> E. PICARD, *Le passé et l'avenir du JT*, in *JT*, 1900, 1346-1350; *L'avenir du Journal des Tribunaux*, in *JT*, 1901, 2-4. Some readers complained that the new board of editors did not respect the old progressive spirit of Picard and became too conservative: *Jeunes réactionnaires que vous êtes*, in *JT*, 1902, 258-261.

<sup>59</sup> See also: D. STERCKX, *op. cit.*, 263.

<sup>60</sup> *Jeunes réactionnaires que vous êtes*, *JT*, 1901, 258-261.

<sup>61</sup> See e.g., amongst many other articles, for the period up to the First World War: *Justice de classe*, in *JT*, 1901, 305-308; *Les habitations ouvrières*, in *JT*, 1905, 130-132; *Exposés des théories d'avant-garde*, in *JT*, 1906, 717-721; *Le lock-out verviétois*, in *JT*, 1906, 998-1001; *Le droit nouveau*, in *JT*, 1908, 242-245; *Vers la Justice sociale*, in *JT*, 1909, 89-91; *La Justice dans le Droit*, in *JT*, 1910, 34-38; *Des effets sociaux des abonnements d'ouvriers sur les lignes de chemins de fer belges*, in *JT*, 1911, 66-69; *Les tendances du syndicalisme*, in *JT*, 1912, 1202-1205 and *Liberté individuelle et justice sociale*, in *JT*, 1913, 593-597.

<sup>62</sup> See e.g.: *Referendum sur l'incompatibilité existant entre l'exercice de la profession d'avocat et les fonctions d'administrateur de sociétés anonymes*, in *JT*, 1902, 865-880; *Avocat et administrateur délégué*, in *JT*, 1904, 18-21; P. DUCHAINE, *Le barreau et les incompatibilités*, in *JT*, 1905, 1289-1304; *La liberté de l'avocat*, in *JT*, 1908, 625-627.

<sup>63</sup> See e.g.: *Le nationalisme et le droit*, in *JT*, 1901, 66-70. *Notre langue*, in *JT*, 1901, 818-821; C. VAN DEN BORREN, *Le sentiment flamand*, in *JT*, 1901, 1321-1331; L. HENNEBICQ, *La question des langues*, in *JT*, 1905, 354-358; C. SMEESTERS, *L'âme belge et la vie contemporaine*, in *JT*, 1907, 1114-1127; *La nouvelle loi flamande*, in *JT*, 1908, 322-325.

<sup>64</sup> See e.g.: *La Belgique et l'Etat du Congo*, in *JT*, 1901, 593-597; L. HENNEBICQ, *L'annexion du Congo*, in *JT*, 1903, 666-670; L. HENNEBICQ, *Un pamphlet anti-colonial*, in *JT*, 1906, 210-214.

<sup>65</sup> See e.g.: P. GRAUX, *La neutralité de la Belgique et l'annexion du Congo*, in *JT*, 1904, 1211-1221. See, for a detailed analysis: R. LESAFFER, *op. cit.*, 116-138.

<sup>66</sup> See e.g.: *L'institution d'un Conseil d'Etat*, in *JT*, 1901, 386-390; L. HENNEBICQ, *Le Conseil d'Etat devant le régime parlementaire*, in *JT*, 1901, 530-533; *La crise parlementaire*, in *JT*, 1901, 1258-1261; *Le parlement et les lois*, in *JT*, 1902, 786-789; R. JANSSENS, *De l'institution d'un Conseil d'Etat*, in *JT*, 1902, 1019-1029.



67 *La Femme-Avocat*, in *JT*, 1901, 130-134; C. GHEUDE, *La Femme-Avocat*, in *JT*, 1901, 322-326; H. LA FONTAINE, *La Femme et le Barreau*, in *JT*, 1901, 513-516. See also: P. HUMBLET, *De vrouwelijking van de advocatuur en van het juridische werkveld*, in G. MARTYN, *op. cit.*, 227-247.

68 The last issue of *La Belgique Judiciaire* has been found in the library of the Justice Department. Until now, every scholar considered 1939 to be its last year of publication.

69 *1914-1918*, in *JT*, 1914/1918, 937; V. CARRÉ, *op. cit.*, 1-2; D. HEIRBAUT, *op. cit.*, 355 and note 89; D. STERCKX, *op. cit.*, 264-267.

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