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Making the New Order Legal!

Het Juristenblad 1941–1944

Periodicals enable (legal) historians to construct a trustworthy picture of past events. They are seen as mirrors or seismographs of cultural and social processes in a society and legal periodicals are no exception to that. They register day-to-day legal culture and reflect its evolution over a longer period. On the crossroads of many sociological groups, they externalize the opinion of editors and authors making the content not always (politically) neutral. One of those 'unneutral' legal reviews was Het Juristenblad, a collaborationist legal journal published during the Second World War. Its editors and authors tried to convince Belgium's legal world that a New Legal Order was dawning and spread this idea through the journal, but were they successful?

1. Introduction

On 29 March 1941 *Het Juristenblad*, a legal periodical,¹ was issued for the first time. Three years later, on 8 July 1944 it halted, as usual, its publication because of the judicial recess² and was never published again. The specific context of the Second World War made *Het Juristenblad* differ from other Belgian law reviews although it was 'probably the only decent scientific collaborationist law journal in Europe'.³ So far, this journal has never been subject to any in-depth research, even though it has acquired some mythical aura as a powerful instrument of World War II collaboration.⁴ For example it is

¹ '*Het Juristenblad*' can be translated as 'The Jurist's Journal', however, we prefer to use the original title. 'Periodical', 'review' and 'journal' are used as synonyms.

² In Belgium, the judicial recess starts on 1. 7. and ends on 31. 8. Courts put most of their activities on hold during the summer holidays.

³ HOLTHÖFER, *Beiträge zur Justizgeschichte* 172–173.

⁴ There are some small contributions such as VAN GOETHEM, *Juristenblad*. Furthermore it is mentioned in historical overviews such as VAN GOETHEM, *De Bond der Vlaamse Rechtsgeleerden 177–188*; VICTOR,

seen as a contribution to the stigmatization of the Antwerp Bar as 'black'.⁵ This article will analyze *Het Juristenblad*'s genesis which was the result of consecutive crises on a national as well as a local level. Despite the support of collaborationist jurist associations, *Het Juristenblad* itself was also not immune to external and internal crises and would perish eventually.

2. Establishment through crises

2.1. Crisis in Belgium

After World War I, everybody thought that somehow the world economy would return to the happy days before 1914. The immediate post-war boom seemed promising, but at the end of the 1920s the Great Slump struck hard and its impact was deeply felt in Belgium's political world with the rise of anti-democratic parties as a consequence. Those anti-democratic

Schets ener geschiedenis 469–471; VERSTRAETE, *De jodenverordeningen* 51–52.

⁵ The term 'black' is commonly used to define everyone who collaborated during the war.

parties had their roots in the linguistic problems which have characterized Belgium since its independence. During the 1920s the Flemish Movement, which strove for the recognition of Dutch as official language in Belgium, had radicalized and the 1928 and 1929 elections showed a strong rise of Flemish nationalist feelings forcing Prime Minister Jaspar (1870–1939) to take action. He declared that by 1930, Belgium's centenary, the use of Dutch in education, administration and the judiciary would be a fact. He failed, although he had managed to make Ghent University and its Law Faculty exclusively Dutch in 1930. Even then, the language used in court was still French but the floodgates to the use of Dutch in Belgian legal publications, briefs and so on were opened.⁶ In spring 1931, Hendrik Marck (1883–1957),⁷ an Antwerp lawyer and proctor, submitted a proposal on the use of languages in judicial proceedings.⁸ The French-speaking elite was not amused and ventilated its opinion in Belgium's (legal) press.

As a reaction, the *Rechtskundig Weekblad*, the first legal weekly written in Dutch, appeared on 11 October 1931. Its founding father and *de facto* editor-in-chief⁹ was René Victor (1897–1984),¹⁰ a

well-respected member of the Antwerp Bar. He and his journal wanted to liberate Flemish lawyers from the yoke of the French language and to develop a Flemish legal culture.¹¹ The Flemish Conference of the Antwerp Bar (*Vlaamsche Conferentie der Balie van Antwerpen*) supported this initiative.¹² Thanks to the acclaim of the Conference, within a few weeks the review became the leading legal periodical in Flanders,¹³ represent-

Gaston Craen, John Stockmans, Ferdinand Zech, Louis Elebaers, Ignace van den Brande and Fernand Collin.

¹⁰ René Victor was lawyer, president of all kinds of lawyer associations, professor and politician. He was well respected because of the *Rechtskundig Weekblad*, which had a huge part in the struggle for the use of Dutch in judicial proceedings; VAN GOETHEM, Marck, Hendrik.

¹¹ The periodical wanted to build a Dutch legal vocabulary by publishing a list with terms that could be used instead of the commonly used French ones. It started with an overview of legal literature published in Dutch.

¹² A Conference is an informal association of members of the Bar where they learned professional skills. Its roots lay in *Ancien Régime* France, at the Paris Bar and it was introduced in Belgium in 1840. These conferences were French-speaking, but the Flemish Movement led to Dutch-speaking '*advocaten*' unifying themselves in Flemish Conferences to encourage pleading in Dutch by organizing moot courts. MEERTS, *Geschiedenis van de Vlaamse Conferentie*; MARTYN, *Evoluties en revoluties in de Belgische advocatuur*.

¹³ The *Rechtskundig Weekblad* surpassed the *Rechtskundig Tijdschrift* in no time, as the latter was published irregularly due to financial problems hence explaining the need for Flemish lawyers to have a more reliable journal. Even though the doctrinal contributions were not of the highest scientific level, its mixture between legal science and case law, offered exclusively in Dutch, and its quest for Belgian Dutch legal vocabulary turned it into an instant-success. During the first year, quite a lot of Dutch case law was published. The editors directed their attention to the Netherlands instead of France, which was traditionally the shining example for Belgium. After only a year there were already more than 800 subscribers. After five years it had reached over 1.000 subscriptions and even today it is the most successful weekly legal journal in Flan-

⁶ VANDERSTEENE, *De geschiedenis van de rechtsfaculteit*.

⁷ Hendrik Marck was lawyer and politician. As member of Parliament, he took legislative initiatives for the recognition of Flemish as an official language in army and judiciary. Eventually, the 1935 Act on the use of languages in legal proceedings carried his name; VAN GOETHEM, Marck, Hendrik.

⁸ It took until 1935, when the statute concerning the use of languages in court came into force. Ever since, in Flemish districts, the whole procedure is in Dutch, in the Walloon districts in French, except for the Eupen courts which can use German. The situation of the courts in the Brussels district is more complicated, because they can be unilingual or bilingual. Parties can ask to complete the procedure in another language. By doing so, the case is passed to a court in another region.

⁹ The editorial board consisted exclusively of Antwerp lawyers Herman de Jongh, Jules Franck, Emile Ooms,

ing Belgium's entire Dutch-speaking legal world. Its success was interrupted on 10 May 1940 when German troops crossed the borders and offered to some the opportunity to seize power in the (Antwerp) legal world.

2.2. Crisis at the Antwerp Bar: Flemish Conference

At the start of the judicial year 1940–1941, the Flemish Conference of the Antwerp Bar held elections for a new board. The newly elected members were: president Jan Timmermans (1901–1962), vice-president René Lambrichts (1900–1993)¹⁴, vice-president René Lagrou (1904–1969)¹⁵, secretary Walter Bouchery (1908–1961),¹⁶ and treasurer Edgar Boonen (1912–1993). They were without exception adherents of the New Order and three of them were well-known for their anti-semitism and pro-nazism. The members of the Conference gave them their vote, not because of what those five stood for, but because of what they had lived through shortly after the invasion. Out of fear for an uprising of a fifth column, all 'subversive elements' had been arrested on 10 May 1940 by Belgium's State Security which claimed to have compiled a list of these 'enemies of the state'. Yet, many of them were

arrested at random and two days later deported by train to prison camps in France, where they lived under harsh circumstances.¹⁷ This unleashed a sudden rise of anti-Belgian feelings, because many of the deported, their friends and families saw this as yet another unjustified persecution of Flemings by the Belgian State. Even lawyers of the Antwerp Bar were arrested, but were able to return by the end of August. To honour them, the Antwerp attorneys rewarded them a seat at the head of the local Flemish Conference. Some thought they were right about the dawning new order, but the most important reason was sympathy for what their brethren had lived through.¹⁸ Two names are important for the story about *Het Juristenblad*: Jan Timmermans and Edgar Boonen.

Timmermans was not only the new president-elect, he belonged to the board of the *Vlaamsch Nationaal Verbond* (VNV – Flemish Nationalist Union)¹⁹ a political party which had offered Hitler its unconditional loyalty.²⁰ Belonging to the radical wing of the party, Timmermans did not hide at all his admiration for national socialism and anti-semitism.²¹ Moreover, he held close relations with the German officer Wilhelm van Randenborgh, who was responsible for the occupier's Justice Department (*Gruppe Justiz 7*).²²

ders with 4.300 subscribers. VAN OEVELEN, *Vijfenzeventig jaar Rechtskundig Weekblad* 3–4.

¹⁴ He was a member of Verdinaso, another anti-democratic political movement, and founded the anti-Semitic association *Volkswering* (Defence of the People).

¹⁵ He was a former member of the VNV and explicitly anti-Semitic, pro-national-socialist, who had already enjoyed very good contacts with Nazi organizations before the war. In September 1940, he became the first *SS-Hauptsturmführer* of the *Algemeene SS Vlaanderen*, enhancing his prestige with the Security Service (*Sicherheitsdienst*). He promoted the *Waffen SS* and reported for duty at the Eastern Front; CROMBEZ, *De Algemene-SS Vlaanderen* 165; DE WEVER, Lagrou, René.

¹⁶ Also belonged to the VNV, as he was the 'leader' of its youth department. WOUTERS, Bouchery, Walter.

¹⁷ The deported 'suspects' arrived in the camp of Le Vernet d'Ariège, near Toulouse. Amongst them five Antwerp lawyers: René Lagrou, Jan Timmermans, René Lambrichts, Walter Bouchery and Edgar Boonen; DEDEURWAERDER, VANDEWEYER, Spooktreinen; VERSTRAETE, *De Antwerpse advocatuur en de Tweede Wereldoorlog* 267.

¹⁸ VICTOR, *Schets ener geschiedenis* 465–466.

¹⁹ Even before the war, the party received funding from the Nazis. More in particular its newspaper '*Volk en Staat*' (People and State/*Volk und Staat*) received a monthly contribution of 800 Reichsmark; DE WEVER, *Greep naar de macht* 324.

²⁰ DE WEVER, *Greep naar de macht* 349.

²¹ DE WEVER, Timmermans, Jan.

²² VERSTRAETE, *Het lot van Joodse advocaten* 76.

Edgar Boonen was not really politically active in right wing extremist organisations before the war. He disliked the VNV,²³ but cherished the idea of the Greater Netherlands based on the same culture, language, literature and people of Holland, Flanders and French Flanders.²⁴

It may be clear that the Flemish Conference was led by new order adherents. Since the *Rechtskundig Weekblad* was the Conference's mouthpiece, we need to ask the question what had become of it since the war broke out?

2.3. Crisis in the *Rechtskundig Weekblad*

The *Rechtskundig Weekblad* was one last time published on 12 May 1940 before it hibernated until 1946. Shortly after the installation of the Military Administration and its Department of Propaganda some journals reappeared or were forced to do so,²⁵ whereas others chose to remain silent.²⁶ Later on, German ordinances regulated the Belgian press, imposing editorial boards to fulfil certain requirements if they wanted to receive a publishing license.²⁷

In September 1940, on the verge of a new judicial year, the *Rechtskundig Weekblad's* editorial board convened to see whether the periodical should resurface. The need for information, the

practical use for lawyers and the reappearance of other legal reviews²⁸ proved to some that it was necessary to go on. Moreover, a part of the board wanted to make sure that their publication was not 'stolen'.²⁹ Consequently, Victor applied to the Department of Propaganda for a licence. Shortly thereafter, Walter Delius, at that time *Stadtkommissar*, the highest civilian officer in Antwerp, called Victor to his office to 'negotiate' terms for the licence. Delius made clear that he saw the *Rechtskundig Weekblad* as problematic but 'probably these problems [could] be solved if the management accepted new members appointed by the occupier'.³⁰ The Germans did not trust him because he was a freemason.³¹ Victor did not want to give up his child and claims to have declined the proposal firmly.³² As the *Rechtskundig Weekblad* was not granted a license to publish, legal practice had lost one of its monuments, but

²³ Boonen wrote virulent articles against the VNV in 'Dietbrand', a periodical founded by Wies Moens, a Flemish Nationalist writer who stood at the cradle of Verdinaso (*Verbond van Dietsche Nationaalsolidaristen*), which was a fascist movement but in contradiction to the VNV not anti-Belgium; VOS, Boonen, Edgar.

²⁴ This was not as remarkable as in those days, and even today, it was almost natural for Dutch-speaking Belgians to look to the Netherlands and the common past. For instance, the *Rechtskundig Weekblad* and his editor René Victor believed that there was a cultural unity between Vlaanderen and the Netherlands. De Redactie, Ons Doel.

²⁵ DE BENS, De Belgische dagbladpers 144.

²⁶ E.g. Jurisprudence de la Cour d'appel de Liège et des juridictions de son ressort.

²⁷ DE BENS, De Belgische dagbladpers 111–123.

²⁸ E.g. Jurisprudence du Port d'Anvers, Revue Pratique du Notariat and Tijdschrift van de Vrederechters.

²⁹ Some editorial boards of magazines and newspapers were forced by the Germans to publish. If they did not comply with this demand, the Germans appointed someone to take over the management and guarantee publication. In that way periodicals were 'stolen' from their rightful owners.

³⁰ VICTOR, Schets ener geschiedenis 470.

³¹ Freemasonry in Belgium takes its lead from the *Grand Orient de France*, the oldest masonic organisation in continental Europe. It emphasizes complete freedom of religious conscience, hence its hostility towards the Catholic Church, and is heavily involved in politics. One of its leading institutions in Belgium was the *Université Libre de Bruxelles*.

³² Victor's attitude is very contested. After the war, some people had their doubts whether he had been that firm. He could not return to the ULB where he had the first Dutch chair of General Principles of Law; most probably, because he claimed 'illness' in 1941, whereas his colleagues openly refused to obey German demands. Victor stated that he was not allowed to publish during the war, although articles of his can be found in het *Rechtskundig Tijdschrift voor België*; VAN GOETHEM, Victor, René; VAN GOETHEM, 100 Jaar Vlaams, 117; VERSTRAETE, De Antwerpse advocatuur en de Tweede Wereldoorlog 286.

maybe more importantly, the Flemish Conference of the Antwerp Bar had lost its voice at a critical time.

3. Establishment of *Het Juristenblad*

Het Juristenblad was more than just a matter of continuation, it had to preach the beliefs of the new Board of the Flemish Conference of the Antwerp Bar. According to Boonen, the idea of a new review hatched in the head of Jan Timmermans³³ who went on a search for trustworthy collaborators. He found a fellow traveller in Herman Jacob (1905–1988) about whom little is known, except that his brother Antoon was known as a Nazi.³⁴ Edgar Boonen (1912–1993) was the third accomplice and had already cooperated with René Victor for the *Rechtskundig Weekblad*.³⁵ The three gathered multiple times in February and March 1941 ‘*au sujet de la publication d’un périodique juridique flamand*’.³⁶

Once the editorial board was formed, Timmermans very soon obtained the necessary licences and the Department of Propaganda entrusted the printing work to printing office *De Vlijt*, which until May 1940 had been responsible for the *Rechtskundig Weekblad* hence explaining why both periodicals looked the same. Was it that successful as its model?

4. *Het Juristenblad*: a legal journal in crisis

By the end of the judicial year 1941–1942, the initial enthusiasm made way for pessimistic news. ‘Due to a lack of activity and diligence on the one hand, and a lack of comprehension and courage on the other’, *Het Juristenblad* could not fulfil its initial goals. This reproach is the consequence of certain developments in Belgium’s legal world. At the beginning of 1942, it became clear that the tables had turned against the Germans.³⁷ Magistrates of the Court of Cassation dared to declare the legislative competences of the Secretaries-General, Belgium’s highest officials who had been running the country under German supervision since the war’s beginning, illegal.³⁸ Thus, the judges questioned their competences and hence immobilized Belgium’s legislation. Boonen reacted furiously accusing the judiciary ‘of which its prerogatives were maintained and which was treated to great concessions by the occupant’ of sabotage. An ordinance of the Military Administration issued after the Court of Cassation’s ‘proclamation’ forbade any second guessing as to the legality of the measures from the Secretaries-General. It was ‘a warning to the judiciary and the lawyers [...] to be ‘right thinking’ and that the law of the

³³ Decision of the Disciplinary Court of the Antwerp Bar concerning Edgar Boonen, personal archives Edgar Boonen, 5.

³⁴ DE SMET, Jacob, Antoon.

³⁵ STEVENS, Stafhouder Mr. Edgar Boonen.

³⁶ Notes on accusations in French, personal archives Boonen, 3.

³⁷ In June 1941, Germany invaded Russia and later that year, the US had declared war to Japan. Germany responded by declaring war to the US.

³⁸ The Court of Cassation stated that the establishment of new administrative courts was illegal, but since appeal was possible before a Belgian Court of Appeal, it was not a problem, yet. Those Courts of Appeal reformed almost all administrative sentences, frustrating the German authorities because their policy on food supply was sabotaged as its control had been entrusted to specifically established administrative courts. To mend this situation, they decreed that appeal was no longer possible before a ordinary court. Thereafter, the Court of Cassation ruled that all decisions from the Secretaries-General were illegal and even unconstitutional.

people is stronger and more sacred than all legality'.³⁹ *Het Juristenblad's* editors 'did not care about how this [...] conflict was solved' but, according to them, this action had damaged the judiciary's prestige.⁴⁰ They made the magistrates aware of their duty not to immobilize the country and hence damage the people. Despite all the opposition, the indifference and the keeping aloof, the editorial board kept believing in its true cause.⁴¹ These problems were temporary and were to be attributed to the 'bigger material concerns of everyday'.⁴² Whatever it may be, the first cracks in *Het Juristenblad's* shield were noticeable.

Not only external but also internal factors weighed on *Het Juristenblad*. According to Boonen, Timmermans irritated his two colleagues, for he seemed not consistent in his decisions. Because of his VNV-membership, he obtained several mandates from the Germans - he became mayor of Antwerp in 1944 - neglecting the periodical completely.⁴³ It is symptomatic for this crisis that editorials were not published during the last year. Edgar Boonen and Herman Jacob planned to start the fifth year of publication under their exclusive supervision.⁴⁴ Whether these ambitions were more than strong words can never be known, because the judicial year 1943-1944 had ended and the periodical never returned. After the war, the editors were prosecuted by Court Martial and the Disciplinary

Council of the Antwerp Bar and duly punished.⁴⁵

5. Conclusion

Het Juristenblad was a legal periodical founded in a society in crisis. Under normal circumstances the editorial triumvirate would never have met, but war brought them together. The three shared a belief in the new order, they were members of the Antwerp Bar and saw themselves as victims of ill-considered actions of Belgium's establishment. Two of them, Timmermans and Boonen, belonged to the board of the Flemish Conference of the Antwerp Bar, confirming that this organisation was desperately in need for a journal.

They enabled authors of the New Order ideology to write down their ideas and, supported by the German occupier and by collaborationist (jurist) associations, this periodical clearly had propagandist goals by introducing the new order and its law in Belgium's legal system.

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³⁹ BOONEN, *Werkelijkheid en grondwettelijkheid*.

⁴⁰ DE LEIDING, *Werk in het teken van morgen* 1251-1252

⁴¹ DE LEIDING, *Bij het einde van den derden jaargang*.

⁴² DE LEIDING, *Werk in het teken van morgen* 1249-1250.

⁴³ For instance, he abolished the editorial committee after less than a year, even though he wanted it badly.

⁴⁴ E. Boonen, Letter to the Bar's Council, 10. 12. 1944, pag. 2.

⁴⁵ VERSTRAETE, *De Antwerpse advocatuur en de Tweede Wereldoorlog*.

Abkürzungen:

- NEVB Romain DE SCHRYVER u.a. (Hgg.), *Nieuwe Encyclopedie van de Vlaamse Beweging* (Tielt 1998).
- ULB Université Libre de Bruxelles
- VNV Vlaamsch Nationaal Verbond = Flemish Nationalist Union

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