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Rooted in philosophy and law:

Legal periodicals in the Belgian region before Belgium's independence (1600-1830)

Sebastiaan Vandenbogaerde

Résumé

En recherchant les origines des revues juridiques belges d'avant 1830, Sebastiaan Vandenbogaerde propose un parcours chronologique des sources d'influence en présence. S'il est possible de remonter aux revues savantes des dix-septième et dix-huitième siècles, les périodes d'occupation étrangère, française (1789-1815) et hollandaise (1815-1830) sont déterminantes. L'héritage des Lumières s'exprime dans le *Journal de Jurisprudence*. Après la Révolution française, le nouveau système juridique impose dorénavant la motivation des jugements. Cette nouvelle règle suscite la création de recueils de jurisprudence accessibles aux praticiens. La période napoléonienne introduit pour sa part la mise en place d'un cursus de formation avec l'École spéciale de législation. Les praticiens dominent le secteur des revues juridiques. Il faut attendre les années 1820 pour qu'une série de titres spécifiques balisent le travail de ce qui se produit dans les universités et les cours du territoire belge.

Mots-clés: Belgique, histoire contemporaine du droit, études des revues, revues juridiques

Summary

Looking for the origins of Belgian legal journals before 1830, Sebastiaan Vandenbogaerde offers a chronological exploration of potential influences. The origins may be tracked to seventeenth and eighteenth centuries learned journals, but the foreign occupation periods, French (1789-1815) and Dutch (1815-1830) proved to be crucial. The legacy of Enlightenment identifies with the *Journal de Jurisprudence*. After the French Revolution, the new judicial system imposes judges to motivate their rulings. This rule resulted in a rise of case law compendia, affordable and accessible to practitioners. The Napoleonic period sets up the training of jurists at the *École spéciale de législation*. At that time, practitioners dominated in editorial boards. A first collection of specific titles appears in the 1820s, as milestones of what is produced in universities and courts on the Belgian territory.

Key words: Belgium, contemporary legal history, periodical studies, legal periodicals

Introduction

Until recently, Belgian legal historians hardly paid attention to one of their most important sources: legal periodicals¹. National titles were assumed to be no more than French clones. Only a few titles followed their own Belgian course². However, recent research has proven that Belgium's first legal periodicals, in particular, need to be framed within nationalist sentiment³. To understand these feelings, a focus on the legal periodicals published before 1830 in the Belgian region – i.e. the Austrian Netherlands and the Prince-Bishopric of Liège – is justified.

Over the long term, the starting point was in the seventeenth century, as literature scholars place the genesis of the *learned journal* at that time⁴. This contribution ended in 1830, the year when Belgium gained its independence⁵. Key moments were its annexation by France (1795-1815) and the integration in the United Kingdom of the Netherlands (1815-1830). How did each era influence the publication of legal journals and – over the long term – determine Belgium's series? Covering a period of almost two centuries is a perilous undertaking that is full of practical limitations. In the absence of the exact number of journals published during that period, a selection based on their importance for the Southern Netherlands – in other words, if they were published on Belgian territory as it stands today – has been made from the available literature and online sources⁶.

1. From *learned journal* to *legal journal*: a story of philosophers and lawyers

The cradle of legal periodicals was in medieval Europe. Local justice was a matter for the elderly or for wise men, and not for educated lawyers. The Renaissance of the twelfth century provoked a revival of Roman law, boosting legal education in universities. The number of students obtaining a degree in *ius utriusque* increased, and sovereigns were happy to use their knowledge in support of their power⁷. The rise of professional lawyers created a need for uniform legislation and case law. In thirteenth century England, law records and law reports were published, whereas at that

¹ The introductory article of this issue of *Cahiers* provides the state of the art.

² 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*, Frankfurt am Main, Klostermann, 2006, 343-367.

³ S. VANDENBOGAERDE, *Exegi monumentum. La Belgique Judiciaire (1842-1939)*, *Tijdschrift voor Tijdschriftstudies* 31, 2012, 46-58; *id.*, *Vectoren van het recht. Geschiedenis van de Belgische juridische tijdschriften*, unpublished doctoral thesis, Faculty of Law, Universiteit Gent, 2014, 57-104.

⁴ A *learned journal* or *journal savant* is a periodical publication focusing on all kinds of scientific topics.

⁵ G.J. JOHANNES, *De barometer van de smaak. Tijdschriften in Nederland 1770-1830*, The Hague, Sdu uitgevers, 1995, 5.

⁶ A huge number of legal periodicals are already available online. The most important initiative was taken by the Frankfurt Max Planck Institute for Legal History. Between 2002 and 2006, a project on the *Digitization of legal periodicals (1800-1918)* brought seventy-five titles together. Later, older periodicals were also scanned and brought online. For more information and a link to databases:

http://www.rg.mpg.de/bibliothek/zeitschriften_1703-1830 and

http://www.rg.mpg.de/bibliothek/zeitschriften_1800-1918. Further, Google Books and the French National Library have uploaded a huge number of legal periodicals on their website, Gallica. Other smaller initiatives are also available, but it would be too lengthy to discuss them all here. An important overview of legal periodicals in Europe is W. ZWALVE and C. JANSEN, *Publiciteit van jurisprudentie*, Deventer, Kluwer, 2013, 532 p.

⁷ G. MARTYN and R. OPSOMMER, *Geschiedenis van het publiekrecht en de politiek*, Bruges, Die Keure, 2014, 115.

very same moment, *recueils des arrêts* (collections of judgements) appeared in France⁸. Although both types were established on each side of the Channel, they shared characteristics. Their authors were legal practitioners – attorneys, solicitors and/or magistrates – who collected cases from their courts. Professional lawyers practiced in the highest courts, such as the Council of Malines or the Parlement de Paris, bringing together rulings from those courts⁹. In the first place, this was a mere reminder for the author about how certain legal issues were solved. Because they were all singlehandedly compiled, they were rarely disseminated, and often, they disappeared into archives. Changes in technology, i.e. the introduction of printing presses and better communication due to better means of transport, the Scientific Revolution and the rise of the Enlightenment introduced a new medium: periodicals.

In this story, the genesis of the *learned journal* on both sides of the Channel is important. In London, the *Philosophical Transactions* appeared only a few weeks after the *Journal des Sçavants* (Journal of Scholars) had seen daylight in Paris. The latter was the most influential. In 1665, Denis de Salo (1626-1669)¹⁰, a *conseiller* in the Parlement de Paris who showed great interest in all aspects of science¹¹, received the privilege to publish. News on literature – *les belles lettres* – comprised the largest part of the *Journal*, as there was a reading audience that was anxious to know what was available in the bookshops. It held an international scope, listing all of the important books printed all over Europe and discussing their potential added value for the reader. Eminent scholars who died received an obituary, and all of their works were catalogued in an annex. Experiments in the exact sciences, inventions and discoveries were also included, as were the chief decisions of secular and ecclesiastical courts, although they were secondary. In any case, this initiative must have inspired Denis de Salo's colleagues at the very same Parisian court to create the first legal periodical: *Journal du Palais*.

This weekly, which received its publication privilege in 1672, was headed by Gabriel Guéret (1641-1688)¹² and Claude Blondeau (†1695)¹³. It was a “recueil des principales décisions de tous

⁸ On *law reports* and *law records*, J.H. BAKER (ed.), *Judicial records, law reports, and the growth of case law*, Berlin, Duncker & Humblot, 1989, 352 p.; A. WIJFFELS (ed.), *Case law in the making*, Berlin, Speyer & Peters, 1997, 2 vol.; on *recueils des arrêts*, S. DAUCHY and V. DEMARS-SION, *Les recueils d'arrêts et dictionnaires de jurisprudence (XVIe-XVIIIe siècles)*, Paris, « La mémoire du droit », 2005; E. HOLTHÖFER, *Beiträge zur Justizgeschichte der Niederlande, Belgiens und Luxemburgs im 19. und 20. Jahrhundert*, Frankfurt am Main, Klostermann, 1993, 139.

⁹ During the Renaissance of the twelfth century, a revival of Roman law occurred, with Bologna as Europe's centre for legal scholarship. It formed the basis for civil law on the continent; R. FEENSTRA, *Le droit savant au Moyen Age et sa vulgarisation*, London, Variorum Reprints, 1986.

¹⁰ De Salo was born in Paris and educated in customary classical disciplines, and he was admitted to the Paris bar in 1652. He devoted his life to scholarship rather than to active practice. H. BROWN, *History and the learned journal*, in *Journal of the History of Ideas* 1972, 369.

¹¹ De Salo lived in the same house as François Eudes de Mézeray (1610-1683), who desired to record discoveries and inventions in all of the arts and sciences in a separate collection, as it was deemed to be incompatible with political news. Both men shared an interest in history, with some emphasis on legal problems. As a magistrate, De Salo was a former colleague of Jean Cusson, who gave up his legal practice and became the head of a *librairie* – i.e. printing office; *Ibid.*, 368.

¹² Guéret studied philosophy and law. As an attorney, he published not only on legal matters, but also general literature. He moved in socialite circles and belonged to Colbert's entourage; T.-D., *Guéret, Gabriel*, in M. MICHAUD (ed.), *Biographie Universelle ancienne et moderne. Nouvelle édition*, vol. 18, 53; G. LEYTE, *Guéret Gabriel*, in P. ARABEYRE, J.-L. HALPERIN and J. KRYNEN (eds.), *Dictionnaire historique des juristes français, XIIIe-XXe siècle*, Paris, P.U.F., 2005, 387-388.

¹³ Little is known about the birth and death of Blondeau. It is certain that he was older than Guéret, and that he died after 1695, when the *Journal du Palais* was last issued. Blondeau showed great interest in canon law: K., *Blondeau, Claude*, in M. MICHAUD (ed.), *Biographie Universelle ancienne et moderne. Nouvelle édition*,

les parlemens et cours souveraines de France”¹⁴. At a first glance, a *recueil* has another finality than a real journal, since it can be seen as a mere collection of cases. However, it surpassed this level as several magistrates and attorneys from all over France supported this new initiative and contributed to it. Both editors aimed to inform the general public about life in the courtrooms of the French empire¹⁵. Cases needed to be published integrally – facts, arguments by the parties and judgements; one innovation was the inclusion of annotations to distil general laws from a multitude of cases¹⁶. Guéret and Blondeau set up a huge network of correspondents all over France. When Guéret passed away in 1688, Blondeau continued the *Journal* until his death in 1695. The discontinuation was deplored, as this title was probably the best on the market at that time. A huge demand enabled the publisher to reissue the complete series several times¹⁷. Beginning in 1710, Mathieu Augeard (1673-1751)¹⁸, another attorney at the Parlement of Paris, continued the *Journal du Palais* in his own *Arrêts notables des différens tribunaux du royaume*. Between 1710 and 1755, it was also reprinted multiple times. The reprints illustrate how important those journals were for legal practice. These publications fit into the French Enlightenment where doctrine and practical works were preoccupied with finding practical solutions to legal problems. France knew during the Ancient Regime legal pluralism, an issue that could be tackled by propagating a single solution for specific cases¹⁹. In a way, these journals strengthened the central position of Paris and its courts. The Holy Roman Empire also produced a plethora of legal periodicals, although most of them were connected to a university, instead of a court. This gives the impression that legal scholarship was deemed to be more important. As the Belgian region lies between Germany and France, it can only be expected that both traditions would meet there.

2. Philosophers meet lawyers in Bouillon: *Journal de Jurisprudence* (1764-1765)

Pierre Rousseau (1716-1785)²⁰, a French journalist and philosopher, became acquainted with Voltaire and encyclopaedists, such as De Buffon (1707-1788)²¹ and d’Alembert (1717-1783)²², in Parisian *salons*. Just like them, he adhered to the Enlightenment and wanted to spread its ideas through an encyclopaedia. France, traditionally seen as the centre of these new ideas, seemed not ready to embrace Rousseau’s endeavour and he took it elsewhere, i.e. to Mannheim, where he was

vol 4, 449; J.-P. VITTO, *Claude Blondeau*, in *Dictionnaire des Journalistes (1600-1789)*, on-line access <http://dictionnaire-journalistes.gazettes18e.fr/journaliste/080-claude-blondeau>.

¹⁴ *Privilege du roy, Journ. Pal.* 1672, s.p.; J.-P. VITTO, *Journal du Palais*, in *Dictionnaire des journaux (1600-1789)*, on-line access <http://dictionnaire-journaux.gazettes18e.fr/>.

¹⁵ Most of the people did not know how to read nor were they familiar with the legal world. The general public during the Ancient Regime were mostly intellectuals belonging to the elite.

¹⁶ Even today, legal practitioners are faced with the problem of local practices per court jeopardizing their chances if they are not familiar with them.

¹⁷ They were an immense success. The last reprint dated from 1755.

¹⁸ G. LEYTE, *Augeard Mathieu*, in P. ARABEYRE, J.-L. HALPERIN and J. KRYNEN (eds.), *Dictionnaire historique des juristes français, XIIIe-XXe siècle*, 25.

¹⁹ S. DAUCHY, *Legal interpretation and the use of legal literature in 18th century law reports of the “Parlement” de Flandre*, in Y. MORIGIWA, M. STOLLEIS and J.-L. HALPÉRIN (eds.), *Interpretation of law in the Age of Enlightenment. From the rule of the King to the rule of Law*, London, Springer, 2011, 54.

²⁰ About Pierre Rousseau, R.F. BIRN, *Pierre Rousseau and the philosophes of Bouillon*, Genève, Institut et Musée Voltaire, 1964; *Ibid.*, *Rousseau, Pierre*, in *Nouvelle biographie nationale*, t. 2, 326-328.

²¹ De Buffon was a French biologist and the head of the royal gardens during Louis XV’s reign. His most influential work was the scientific *Histoire naturelle*; for more about Buffon, O.E. FELLOWS and S.F. MILLIKEN, *Buffon*, New York, Twayne Publishers, 1972.

²² D’Alembert was a French mathematician, physic, philosopher and lawyer. Together with Diderot, he compiled his world famous Encyclopaedia; J. PAPPAS, *Diderot, d’Alembert et l’Encyclopédie*, in *Diderot Studies*, 1963, 191-208.

allowed to stay at the court of Charles Theodor, Elector of Bavaria, who was more interested in arts and philosophy than in politics. Through the Elector, Rousseau met his future wife and his brother-in-law, Charles August Weissenbruch, with whom the former started a publishing house. Because of some issues with the Church, the publishing house moved to the Duchy of Bouillon, which was renowned for its Enlightenment propaganda²³.

During the early 1760s, Rousseau was mesmerised by the publication of a legal periodical: *Journal de Jurisprudence*²⁴. Rousseau wanted to print this new judicial monthly at Mannheim, the place where he felt the most at home. In order to avoid offending the Bouillon Duke, who had given Rousseau all of his opportunities, he secretly contacted Charles Theodor to move his publishing office back to Mannheim. When everything was ready to be moved to Mannheim, Guillaume Alexandre Mehegan, one of Rousseau's correspondents, unveiled the plan to the Bouillon Duke, who promptly confiscated all of the printing presses and revoked Rousseau's privileges. They were handed over to Mehegan. Rousseau made use of all of his connections to persuade the Duke to revoke his decision. It was the French journalist, Jean Castilhon, the brother of Jean-Louis, who succeeded. Rousseau's printing office was restored, as were his privileges; as a result, Mehegan had to be compensated for the damages. This brought Rousseau close to bankruptcy, but fortunately for him, he could rely on a loyal staff that believed in his projects. Thanks to them, he managed to publish the first issue of the *Journal de Jurisprudence*.

Its ambition was to be better than the French journals²⁵. The *Journal de Jurisprudence* conformed to the ideas of the Enlightenment. The opening statement was permeated with the idea that natural law shaped the social order²⁶. It had a broad scope and published information about Italian, French, German, Spanish and Dutch cases. With their steep ambitions, the editors hoped that its contributions would be spontaneously delivered by the legal world. This did not happen. In order to fill the journal's pages, Rousseau and Weissenbruch received their information through a wide network of German and French philosophers, including Voltaire. He criticised the justice system, and his views on the judicial order were not appreciated by many, or perhaps, were his visions. Was this because of the journal's clear ideology? The *Journal de Jurisprudence* adhered to natural law. After only seventeen issues, the *Journal* disappeared, leaving Rousseau disappointed:

“Nous avons pensé surtout que les matériaux nous viendroient en abondance, & que nous serions plus embarrassés du choix que du nombre; que les anciens Avocats, par l'envie de concourir au bien général, les jeunes, par l'occasion si naturelle de se faire connoître, répondroient à nos vues; cependant loin de trouver les secours que nous espérions, nous avons rencontré de toutes parts que des difficultés”²⁷.

Indeed, legal practitioners in the Austrian Netherlands and those in France did not seem to care about theoretical reflections on the law²⁸. But perhaps there was another reason that deprived the *Journal* of volunteers. Despite several attempts to recruit legal practitioners from Paris, Rousseau

²³ J. VAN DEN BROECK, *De rechtsleer in de Zuidelijke Nederlanden tijdens de 18de eeuw*, 28; H. DOPP, *La contrefaçon des livres français en Belgique (1815-1852)*, Louvain, Librairie universitaire, 1932, 20.

²⁴ Its full title was *Journal de jurisprudence dédié à son altesse sérénissime électorale palatine* (hereinafter *Journ. Jur.*)

²⁵ *Avis des auteurs de ce Journal, au sujet de la continuation de cet Ouvrage*, in *Journ. Jur.*, décembre 1763, 3.

²⁶ *Discours préliminaire*, in *Journ. Jur.*, janvier 1763, xxxii.

²⁷ *Avis des auteurs de ce Journal, au sujet de la continuation de cet Ouvrage*, in *Journ. Jur.*, décembre 1763, 4-5.

²⁸ J. VAN DEN BROECK, *op. cit.*, 28.

was never able to motivate them to cooperate. The ideological conception of the *Journal de Jurisprudence* did not seem to be very attractive to a large number of them. The *Journal* commented heavily on the Calas case, depicting the French justice system as irrational and brutal²⁹, a dangerous idea for legal practitioners.

Despite its failure, the *Journal* should not be forgotten. It exhibited international cooperation, and it was a pioneer in Europe. It did not focus on case law, as happened in France, or on doctrine, as occurred in the German-speaking world. It combined both aspects and tried to find equilibrium between both legal sources. For these reasons, it can be considered the first modern legal periodical.

Shortly after the disappearance of the *Journal de Jurisprudence*, the first and only eighteenth-century legal journal in the Northern Netherlands appeared. *Regtsgeleerde in Spectatoriale Vertogen* was inspired by the German *Die Juristische Bibliothek, Recht und Unrecht* and the aforementioned *Journal du Palais*. It was a spectator, a genre in which the articles were written from a subjective perspective. The author gazes over the world, whilst the reader looks along through the eyes of the anonymous spectator. Probably, this spectator was Elie Luzac (1721-1796), a Leiden bookseller-publisher and lawyer who was known for his strong views. The *Regtsgeleerde* had, first and foremost, a moral purpose, addressing lawyers, prosecutors and solicitors and warn them for potential abuse in their profession. In a way, the spectator held legal practitioners in contempt. In addition, it discussed ordinary justice and political issues. A bibliographic section assessed all of the legal works published in the Republic, announced the obituaries of prominent jurists, published essays and answered questions having public utility. Life at the universities, appointments of judges and/or notaries and literature were also discussed. For unknown reasons, it ceased publication in 1772, and it was not until after the French Revolution that legal periodicals reappeared in the Northern Netherlands.

Ten years after the *Journal de Jurisprudence* had ceased publication, an important new magazine originated in Paris: the *Gazette des Tribunaux*. From December 7, 1775 onwards, it was issued every Thursday by Simon Mars (1724-1811)³⁰, a lawyer at the *Parlement de Paris*³¹. In its

²⁹ Jean Calas (1698-1762) was a merchant living in Toulouse and a Protestant. In 1761, one of his sons, Marc-Antoine, was found dead on the ground floor of the family's home. Rumour had it that Jean Calas had killed him because he intended to convert to Catholicism. The family, when interrogated, first claimed that a murderer had killed Marc-Antoine. Then, they declared that they had found Marc-Antoine dead by hanging; because suicide was then considered a heinous crime against oneself, and the dead bodies of suicides were defiled, they had arranged for their son's suicide to look like a murder. Despite overwhelming evidence that the death was a suicide, including the testimony of Jeanne Vigneire, Calas' catholic governess, the court in Toulouse held that Jean Calas had murdered his son. The Parlement of Toulouse sentenced Calas to death on the wheel. Voltaire heard about the case and asked, in his *Sur la tolérance à cause de la mort de Jean Calas*, for the sentence to be overturned. Louis XV annulled the judgement and dismissed the magistrate. Three years later, Calas was posthumously exonerated. E. NIXON, *Voltaire and the Calas case*, New York, Vanguard Press, 1961, 224 p.; R. POMEAU and V. LUBLINSKY, *A propos de l'affaire Calas*, in *Annales historiques de la Révolution française*, 1964, 124-127; J. GARRISSON, *L'affaire Calas. Miroir des passions françaises*, Paris, Fayard, 2004, 262 p.

³⁰ H. GUENOT, *Simon Mars (1724-1811)*, in *Dictionnaire des journalistes (1600-1789)*, on-line access <http://dictionnaire-journalistes.gazettes18e.fr/journaliste/552-simon-mars>.

³¹ Its full title was *Gazette des Tribunaux. Ouvrage périodique qui paroîtra tous les huit jours. Contenant les nouvelles des Tribunaux; la Notice des Causes, Mémoires & Plaidoyer intéressans, des Livres de Langues, de Droit, de Jurisprudence & de tout ce qui peut avoir quelque rapport à la Magistrature, à l'Eloquence & au Barreau, &c. &c.* (hereinafter *Gaz. Trib.*) on-line access <http://gazetier-universel.gazettes18e.fr/periodique/gazette-des-tribunaux-1775-1789>.

prospectus, the founder spoke about “un ouvrage d'un nouveau genre”³². That statement seems too strong as Mars served as a judge at the Court Council of the Duke of Bouillon and came into contact with Rousseau who inspired him with the *Journal de Jurisprudence*. The ambition of the *Gazette des Tribunaux* was to surpass all other legal periodicals, which, in the opinion of the editor, only provided superficial comments. Each issue had eight sections (*divisions*), each with its own subject. For example, the first section contained doctrine, whereas the second part was devoted to life in the *Parlement de Paris*. Not only judgements, but also reports on special sessions or public ceremonies were described. In the third section, the proceedings of other courts were discussed, and occasional attention was given to ecclesiastical courts. Further, in the fourth and fifth divisions, the *Gazette* announced domestic and foreign legislation, respectively. New literature that was useful to all lawyers was reviewed in a bibliographical section. Biographies outlined the lives of notable jurists, and hanging processes were considered. Judgements of the *Grand Conseil* were received as statements of the *Parlement*, and the *Châtelet* was given attention. The magazine focused primarily on France, but promised, in the eighth and last section, to include only foreign legislation, litigation or other updates to ensure its coverage. Simon’s journal received both praise and criticism. It was especially feared that the magazine could never fulfil his ambition. Mars listened to the comments from his readers, and therefore, he changed the course of his magazine. Like other titles, the *Gazette* kept a broad audience in mind, and it was intended to inform anyone who was interested in everything related to life in the courthouse.

The French Revolution devastated the judicial order of the Ancient Regime. All former *Parlements* – including the one of Paris – were closed down, and along with them, the *Gazette des Tribunaux* perished. Its spirit, however, was kept alive. Without knowing it, Mars had established a new standard in legal literature that could survive the heady days of the French revolution.

3. A sudden wipe out: the French Revolution and its aftermath

The French Revolution sorted out feudalism and introduced a new hierarchical judicial system. In accordance with the Enlightenment thinkers, legislation became the one and only source of law. The *Déclaration des Droits de l'Homme et du Citoyen* granted freedoms, such as those of religion, speech and the press. Although it all seemed promising to legal professionals, the *Assemblée Constituante* abolished professional attorneys and Bar Associations³³. The closing of the universities crippled legal education³⁴ and the priority of legislation degraded magistrates to “bouches de la loi” and adjudication as “une routine à la portée des laquais”³⁵. Legal creativity, which had been fed by precedents and legal scholarship, was henceforth redundant. The sum of all of this infected the production of legal periodicals.

After the revolution, judges were obliged to justify their decisions, and their motivations needed to be published to protect citizens from arbitrariness. Legally, the *Tribunal de Cassation*³⁶ was required to distribute four hundred copies of each ruling. Wider dissemination of the judgements happened through the *Bulletin des Arrêts*³⁷. Soon, these official series were felt to be inadequate,

³² *Prospectus, Gaz. Trib.*, 1775, 1.

³³ Decree 2-11 september 1790.

³⁴ J. VAN DEN BROECK, *op. cit.*, 31-35.

³⁵ J.-B. HENOUL, “Journal des Dix-Sept Provinces” ou feuille hebdomadaire de politique, de littérature et de jurisprudence”, *Journal des XVII Provinces*, 1797, s.p.

³⁶ At that time, the *Tribunal de Cassation* was part of the Executive and not of the Judiciary.

³⁷ C. BERGFELD, *Frankreich*, in F. RANIERI (ed.), *Gedruckte Quellen des Rechtsprechung in Europa (1800-1945)*, Frankfurt am Main, Klostermann, 1992, 406.

which enabled Jean-Baptiste Drouet (1763-1824) and Louis Francois Jauffret (1770-1840) to introduce the *Gazette des nouveaux tribunaux* (1791-1798)³⁸. Other initiatives were the *Journal des Tribunaux et du Tribunal de Cassation réunis* (1791-1792) and the *Journal de la justice civile criminelle, commerciale et militaire* (1796-1797), which was led by Scipion Bexon (1753-1822). Although all of them were proponents of revolutionary ideas, they saw that legislation, as the only source of law, was untenable. By commenting on case law, they provided lawyers with more information than were provided by the official publications.

After France annexed the Austrian Netherlands and Liège in 1795, French legislation and its judicial structure were introduced. On October 25, 1797, Louvain University was closed, which resulted in the complete deterioration of legal scholarship; only literature approved by Paris was allowed to flourish. Despite all of the promises regarding freedom of the press, the French regime pursued maximal control of the press. Numerous newspapers and magazines were banned or subjected to administrative restrictions. Only periodicals that were accepted by the regime survived. One possible victim of censorship was the *Journal des Dix-Sept Provinces*, which was published in Liège by a local attorney, Jean-Baptiste Hénoul (1755-1821)³⁹. The title expressed a clear desire to return to the Ancient Regime, as the founder saw no positive aspects of the French revolution. With his periodical, Hénoul had a cultural, political and legal purpose. According to the editor, the French had dethroned literature, along with Louis XVI. He looked back with nostalgia to the days in which politics had been a matter of experience. In particular, the new justice system was criticised. Legislation was enacted by inexperienced people, and the abolition of attorneys made way for inexperienced *corsairs*. Hénoul's periodical sought to unveil the weaknesses of the new justice system, not to support it. Jean-Nicolas Bassenge (1758-1811), the commissioner of the *Directoire Exécutif*, in a letter to the Minister of Police, commented about the journal and its founder, whom he deemed to be an adulterous fraud⁴⁰. Whether the government intervened or not, only one issue of the *Journal des Dix-Sept Provinces* could be retraced. It is known that Hénoul was imprisoned in Paris for publishing libellous pamphlets about Napoleon, whose press policy was notorious. He implemented a policy of total control over all publications, and those who criticised his reign were suppressed⁴¹.

4. The paradox of the Napoleonic era

Although Napoleon had a strict press policy, and he did not appreciate jurists, he allowed his Minister for Internal Affairs to establish Legislative Schools (*École spéciale de législation*). They were established in each city where a Court of Appeal had its seat, and thus, also in Brussels⁴², which enabled students to pursue legal education. In addition, the codification of French legislation knew new heights under his reign. After several attempts to draft new codes, the French emperor commissioned a few lawyers to draft a new text, which resulted in the 1804 Civil Code. This codification, as well as the prospect of having law students, led Jean-Henri Tarte (1765-

³⁸ It is possible to consult the *Gazette des nouveaux tribunaux* online through Google Books and archive.org.

³⁹ F. LUISE, *Hénoul, Jean-Baptiste*, in *Biographie nationale*, 94-95.

⁴⁰ T. GOBERT, *Les Annales de Liège et Jean-Baptiste Hénoul*, in *Chronique Archéologique du Pays de Liège* 1922, 64.

⁴¹ B. DELBECKE, *De lange schaduw van de grondwetgever. Perswetgeving en persmisdrijven in België (1831-1914)*, Ghent, Academia Press, 2012, 9-10.

⁴² F. STEVENS, *Het rechtsonderwijs in de Zuidelijke Nederlanden in het begin van de 19de eeuw*, in *Cahiers du CRHiDi*, n°9, *Enseignement et Droit*, 1998, 125.

1831)⁴³, a Brussels attorney and publisher, to decide to create a new periodical. He was allowed to publish one of the most influential collections of case law in the French nine departments: *Décisions notables du tribunal d'appel de Bruxelles*.

In his capacity as an attorney, Tarte *cadet*⁴⁴ felt the need for sound legal work. Because his brother was General Prosecutor at the Brussels Court of Appeal, cases could be easily supplied. His name was displayed on the cover as publisher-printer only from the fourth year on⁴⁵. It might seem strange for an attorney to open a printing office. Did Tarte need an additional source of income? Or did he simply see the opportunity to enter a new market, and thus, increase his prestige? The publication of the fourth volume coincided with the opening of the Brussels *École de Droit*, which may suggest that Tarte indeed saw law students as potential customers. In addition, he acquired the privilege to handle all printing jobs for the Brussels law school. Given his connections with this institution, this was perfectly logical. His brother taught civil law, and for some years, he worked closely with the Inspector General and rector, Beyts.

Every year, three volumes containing eight issues of forty-eight pages each were published. They did not simply copy judgements, but summed up all of the facts and discussed all of the arguments. In the fourth year, some substantial changes were announced, and the periodical, from then on, also gave attention to remarkable judgements from Liège and Trier⁴⁶. When the allied forces took control of Brussels in 1814, the fifth and sixth issue for the year 1813 had just been published⁴⁷. It never returned, but it had established a new benchmark in the Belgian region⁴⁸. Its importance is also proven by the publication of the *Table Alphabétique et Raisonnée* in 1824⁴⁹. The *Décisions notables* were followed in Liège, where, in 1808, the *Recueil des arrêts notables de la Cour d'appel de Liège* appeared. Brixhe Eugène Godefroid (1785-1859)⁵⁰, attorney general at the Liège Court of Appeal, was its editor. It was structured in two main divisions. The first part published the judgements of the Court of Appeal, whereas the second section included the important rulings of other courts in the French Empire. The complete collection included only fifteen volumes, and the journal disappeared in 1839.

It should be clear that, up to this point, legal practitioners had taken the lead in the production of journals. All in all, there was a good relationship between the legal profession and the scientific community (in the form of the *Écoles de droit*). In the Northern Netherlands, this was much less the case. There, a duality between legal practice and scholarship became increasingly sharp.

The 1803 *Verzameling van merkwaardige gewijsden der Gerechtshoven in Holland*, headed by Amsterdam lawyer Joannes van der Linden (1756-1835), was symptomatic of this sharp duality.

⁴³ L. FRANÇOIS, Tarte, Jean Henri Joseph, in *Nationaal Biografisch Woordenboek*, vol. 9, 725-734.

⁴⁴ His older brother was Jean-Joseph Tarte, nicknamed 'aîné'. He taught at the Brussels *École de droit* and was also a public prosecutor. P. VERHAEGEN, Tarte, Jean-Joseph-Xavier, in *Biographie nationale*, vol. 24, 588-589.

⁴⁵ On the first page the fourth volume appears for the first time "Imprimerie de J. Tarte. Rue des Sables ou des Capucines".

⁴⁶ France also annexed Trier in 1794. The city became Prussian only after Napoleon's defeat, although French legislation remained applicable until far into the nineteenth century.

⁴⁷ [Anonymous cover page], *Décisions notables*, 1813, s.p.

⁴⁸ E. HOLTHÖFER, *Belgien*, in F. RANIERI (ed.), *Gedruckte Quellen des Rechtsprechung in Europa (1800-1945)*, 22.

⁴⁹ M.D.S., *Table alphabétique et raisonnée de toutes les questions de droit traitées dans le recueil des décisions notables de la Cour de Bruxelles avec les arrêts les plus remarquables des cours de Liège et de Trèves; par MM. Fournier et Tarte, jurisconsultes*, Brussels, Frères Delemer, 1824.

⁵⁰ M. YANS, Brixhe, Godefroid-Eugène, in *Biographie nationale*, vol. 31, 127-128.

Its practical impact gained a great deal of popularity, but some legal scholars looked down on it. In particular, derogatory remarks made by Henry C. Cras (1739-1820), the Amsterdam professor who chaired the first codification of civil law in the Netherlands are known. According to Van der Linden, legal training did not provide adequate preparation for legal practice. However, his periodical was not a success, as the first issue was also the last. In addition, it contained out-dated case law from 1719 to 1796.

In the Kingdom of the Netherlands, ruled by Louis Napoleon, three professors at three different universities attempted to start legal journals. In 1809, *Regtsgeleerd Magazijn* appeared, which was established by Groningen professor Seerp Gratama (1757-1837). In his periodical, he published treatises, evaluated theses defended at law faculties, included book reviews, and academic and legal news, including the obituaries of jurists. Shortly after Napoleon's civil code was introduced in the Netherlands (1810), Franeker University professor Henry W. Tydeman (1778-1863) started the *Regtsgeleerd Mengelwerk*, which tried to be a symbiosis of jurisprudence and practice. When Tydeman was transferred to Leiden in 1812, the journal ceased publication. In Leiden, he and the famous Joan Melchior Kemper (1776-1824) became colleagues. Beginning in 1812, the latter published the *Jaarboeken voor het Fransche regt en de Fransche regtsgeleerdheid voor de Hollandsche departementen*, which focused on legislation, scientific work, book reviews and the description of positive law. Kemper based his research of law on court rulings. Still, case law remained largely absent. In the Northern Netherlands, science-oriented legal periodicals seemed to seize power, a trend that continued in the United Kingdom of the Netherlands under William I.

5. The renaissance of the legal periodical

The Congress of Vienna (1815) awarded the Southern Netherlands to King William I (1772-1843). He sought to integrate the Austrian Netherlands, politically, economically and legally, in a unified United Kingdom of the Netherlands. At first, there was no great upheaval with respect to legislation. William I retained the French codes, but installed commissions to draft new texts⁵¹. Most importantly for the development of legal periodicals, the Dutch King made two important decisions. First, profiling himself as the protector of freedom of the press and speech, he abolished all French legislation on censorship⁵². Another determining factor in the development of legal periodicals was the establishment of new universities in Ghent, Louvain and Liège in 1817⁵³.

The introduction of one of the most liberal press laws of that time followed a rich tradition in the Netherlands. Since the seventeenth century, the Northern Netherlands – more specifically, Amsterdam – formed a centre in which all kinds of literature were reprinted. This industry also generated a continuous source of income for the State. During the United Kingdom of the Netherlands, reprints, mainly of French publications, proved to be very popular. William I even

⁵¹ On that, see J.H.A. LOKIN, J.M. MILO and C.H. VAN RHEE (eds.), *Tweehonderd jaar codificatie van het privaatrecht*, Groningen, Chamaera, 2010; C.H. VAN RHEE, *Pogingen tot codificatie van het burgerlijk procesrecht in de Lage Landen bij de zee (1798-ca. 1819). Naar een 'oudvaderlandse' procedure in de traditie van het ius commune?*, in *Pro Memorie* 2003, 86-95 and 264-276.

⁵² B. DELBECKE, *op. cit.*, 10-16.

⁵³ About Ghent, L. VANDERSTEENE, *De geschiedenis van de rechtsfaculteit van de universiteit Gent. Van haar ontstaan tot aan de Tweede Wereldoorlog (1817-1940)*, Verhandelingen der Maatschappij voor Geschiedenis en Oudheidkunde te Gent, XXXIII, Ghent, 2009, 253 p.; about Liège, P. WAUTELET, *La faculté de droit de l'université de Liège. Notes historiques succinctes*, 2011. on-line access http://www.droit.ulg.ac.be/upload/docs/application/pdf/2011-01/histoire_faculte_droit_ulg_1817_-_2010.pdf; about Louvain, L. MAES and W. VETS, *De rechtsfaculteit van de rijksuniversiteit te Leuven (1816-1835)*, in *Jura Falconis* 1974-75, 275-302.

provided financial support to printing offices to reprint French works, including legal ones. Today, such practices blatantly infringe all aspects of copyright law, but at that time, no one really cared. Initially, the French even liked it, because, through those publications, French ideas could be spread throughout Europe, with Brussels as a beachhead. Belgium's eventual capital was the beating heart of the *contrefaçon belge*, a well-respected genre, and supplied it to Europe. It was also there that versions of French legal journals were printed. One of the printing offices was established by Hippolyte Tarlier (1801-1877)⁵⁴, whose entrepreneurship resulted in one of Belgium's oldest periodicals: *La Pasicrisie belge*⁵⁵. Another Frenchman, Pierre Sanfourche-Laporte (1774-1856)⁵⁶, initiated the legal monthly, *Annales de la jurisprudence belge* (1822-1848). This title was criticised because of its brevity. Key elements, such as the arguments of the parties or even the judgement itself, were not always printed. Therefore, many lawyers questioned the accuracy of this collection. Nevertheless, this did not prevent him from cooperating in the *Jurisprudence notariale et de l'enregistrement* (1822-1836) and taking the editorship of the *Journal de la jurisprudence commerciale*. More important, however, was the establishment of the *Gazette des Tribunaux*, a legal periodical in Paris. It started on November 1, 1825 and knew great success. For several Belgian legal journals, it was a role model, and even after 1830, it maintained an unprecedented popularity⁵⁷. Inspired by the British tabloids, which – as modern newspapers continue to do – reported on remarkable cases, the *Gazette des Tribunaux* presented itself as a real newspaper⁵⁸. Printed in a newspaper format and published daily, except for Mondays, it could inform French legal practitioners, with only a short delay, about the rulings handed down in Paris. To ensure fast publication, the editors employed a stenographer, who added the pleadings and arguments made before the court⁵⁹. However, as a gazette – or tabloid – it was aimed toward a wider audience. It was deemed useful to inform the general public about all judicial decisions. In particular, the traders could benefit from it. The *Gazette* had three main parts. Each issue opened with an article discussing questions of law or new legal works. The editorial mentioned the usefulness of these theoretical considerations, but only if they were used in the legal system. To ensure their practical applicability, lawyers were encouraged to write those articles. The second part published the most remarkable case law from the French Empire, and when a trial was very remarkable – especially Assizes – the editors sent a stenographer to take notes in person. *Les nouvelles du Palais* comprised the third part, mentioning all of the news regarding the legal world.

⁵⁴ Tarlier was French and settled in Brussels during the Dutch era. He established a lucrative business in *contrefaçon*, reprinting French literature. After the Belgian revolution, he narrowed it down to legal publications with a direct impact on Belgium; A. VINCENT, *Tarlier, Alexandre-Hippolyte*, in *Biographie nationale*, vol. 24, 581-583.

⁵⁵ As an idea, *Pasicrisie belge* was conceived by Adolphe Wahlen, a member of a publishing family who thoroughly expanded the family business. He obtained the portfolio of Hippolyte Tarlier, at that time, the largest publisher in the field of law publications in Brussels, who was appointed as the manager of the legal publications department; H. DOPP, *op. cit.*, 49 ; S. VANDENBOGAERDE, *Vectoren van het recht*, 63-66.

⁵⁶ Sanfourche-Laporte was born in Sarlat (France) and gained Belgian citizenship in 1830. Two years later, he became an attorney at the Court of Cassation, and four years later, he became *bâtonnier* of the Cassation bar (1836-1852). In 1852, he retired from his professional life and returned to Sarlat, where he died in 1856; L. GOFFIN, *Sanfourche-Laporte, Pierre*, in *Biographie nationale*, vol. 21, 373-374.

⁵⁷ *La Belgique Judiciaire* (hereinafter *BJ*), 1842-43, 6.

⁵⁸ The *Gazette des Tribunaux* announced it would report on English cases, which stirred the public. The author of the prospectus had awe for the English newspapers and wrote: "Les journaux anglais consacrent souvent aux tribunaux quatre ou cinq de leurs immenses colonnes, et tous les hommes éclairés regardent ce compte rendu des débats judiciaires comme une des parties les plus utiles et les plus importantes de la publicité, non-seulement sous le rapport des mœurs, mais encore sous celui de l'amélioration sociale et des moyens qui en résultent pour la découverte de la vérité"; *Prospectus, Gaz. Trib.*, 1825, 2.

⁵⁹ *Prospectus, Gaz. Trib.*, 1825, 1.

It included obituaries, appointments and so on. Every week, the editors reserved a column for the *Conférence des avocats* to professionally train young attorneys.

Another consequence of King William's liberal press policy was that French publishers and lawyers exploited the great freedom of the press. In post-Napoleonic France, censorship was maintained and the Bourbons suppressed any resurgence of liberalism⁶⁰. Anti-Bourbonists fled to Brussels, where they found a safe haven to spread their opinions about the French King⁶¹. Some produced newspapers, while others specialised in legal periodicals. One of them may have been Pierre Sanfourche-Laporte; we only know that he published three legal series between 1822 and 1830. After the independence, he became one of the first attorneys at Belgium's Court of Cassation. Little is known about his life before he moved to Belgium. Was he an anti-Bourbonist?

One thing is clear. The existing magazines mainly served the practitioners who could afford a convenient summary of case law, legislation and all sorts of interesting information related to the legal world. Several professors from the Low Countries and from France, however, felt the need for theoretical analysis.

Unintentionally, King William's educational policy resulted in one of Europe's most inspiring titles: *La Thémis, ou bibliothèque du Jurisconsulte* (1819-1831). Particularly, the German professors who had been appointed in Ghent, Louvain and Liège played a considerable role in the development of that legal journal; this not only enhanced the ties between North and South, but also the ties with France.

The Dutch King adhered to the philosophy of the Berlin Humboldt university and its methods. The southern provinces lacked competent professors, which compelled the Dutch government to appoint German and (Northern) Dutch professors in the three new universities. Remarkably, in each law faculty, a young German legal scholar was appointed: Jacques-Joseph Haus (1796-1881)⁶² in Ghent, Jean François Michel Birnbaum (1792-1877)⁶³ in Louvain and Léopold August Warnkönig (1794-1866)⁶⁴ in Liège. The three scholars put their shoulders to one of the most renowned law reviews Europe has ever known: *La Thémis* (1819-1831)⁶⁵. It had an international scope, and it has continuously inspired editors all over the world, even up to the present⁶⁶.

⁶⁰ H. DOPP, *op. cit.*, 19.

⁶¹ *Ibid.*, 51.

⁶² R. WARLOMONT, *Haus, Jacques Joseph*, in *Biographie nationale*, vol. 38, 304-312; C. HENNAU and J. VERHAEGEN, *Jacques-Joseph Haus 1796-1881*, in C. FIJNAUT, *Gestalten uit het verleden. 32 Voorgangers in de strafrechtswetenschap, de strafrechtspleging en de criminologie*, Deurne, Kluwer, 1993, 73-81.

⁶³ A. RIVIER, *Le professeur Michel Birnbaum*, *BJ* 1878, 769-771; C. GAREIS, *Johann Michael Franz Birnbaum – Ein Cultur- und Lebensbild*, Gießen, Emil Roth, 1878; E. PICARD and F. LARCIER, *Bibliographie du droit belge*, Brussels, Larcier, 1890, 969.

⁶⁴ H. VANDER LINDEN, *Warnkoenig, Léopold-Auguste*, in *Biographie nationale*, vol. 27, 90; F.L. GANSHOF, *Leopold August Warnkoenig en de Vlaamse Rechtsgeschiedenis, Rechtskundig Weekblad*, 1961-62, 2087-2086; G. WILD, *Leopold August Warnkönig, 1794-1866: ein Rechtslehrer zwischen Naturrecht und historischer Schule und ein Vermittler deutschen Geistes in Westeuropa*, Karlsruhe, C.F. Müller, 1961; E. HOLTHÖFER, *Warnkönig, Leopold August*, in M. STOLLEIS (ed.), *Juristen. Ein biographisches lexikon von der Antike bis zum 20. Jahrhundert*, Munich, Beck, 1995, 661-663; P. WAUTELET, *op. cit.*

⁶⁵ On *La Thémis*, J. BONNECASSE, *La Thémis (1819-1831): son fondateur, Athanase Jourdan*, Paris, Société du recueil Sirey, 1914.

⁶⁶ The Greek goddess of order and law is a commonly used reference in legal periodicals all around the globe. In Poland, *Themis Polska* (1828-1830) was published, in Greece, there was *Themis* (1890-1955), and the *Rechtsgeleerd Magazijn Themis* continues to be sold in the Netherlands. Since 2000, the Portuguese

6. The break-up: 1826 as a turning point

During the 1820s, professors in the southern provinces strove toward a union between the legal scholars of the North and the South. They felt a need to find some union of feeling between the North and the South. The United Kingdom of the Netherlands faced internal issues, as it became apparent that the northern and southern provinces had drifted apart. Religious, political, and especially, linguistic issues were slowly tearing the country apart⁶⁷. Those linguistic problems were reflected in the legal periodicals, notably, from 1826 onwards.

First, a symptomatic reference of the editors of the *Jurisprudence de la Cour supérieure de Bruxelles* to the new Dutch *Algemeen Regtsgeleerd Magazijn*, initiated by the Dutch magistrate, William van Hamelsveld (1771-1835)⁶⁸, told readers who were interested in case law from the Hague to buy the new periodical. The history of two distinct journals, the French *Bibliothèque du jurisconsulte et du publiciste* and the Northern-Dutch *Bijdragen tot regtsgeleerdheid en wetgeving*, illustrates how deeply the United Kingdom of the Netherlands was divided. The two journals were the result of a conjoint initiative.

Initially, legal scholars from the southern provinces – probably, Warnkönig and Birnbaum – contacted two northern scholars, Jacob van Hall (1799-1859)⁶⁹ and Cornelis Anne den Tex (1795-1854)⁷⁰, and asked them to participate in a new national legal periodical. It had to serve legal practice, as well as legal scholarship. The negotiations were not at all smooth. The question of which language would be published seemed to be especially difficult. As the new title identified itself as Dutch, it needed to make use of the national language. On the other hand, to reach a vast number of readers, even abroad, French would be the best option. First, they considered creating one magazine, which would appear in two versions: one that was Dutch, under the auspices of the 'Dutch' professors, and one that was French, under the control of the southern Dutch professors. This idea was cast into the dustbin because of the limited Dutch market, which would cause the journals to become competitors. In addition, translating both journals would delay their publication, and the professors from the northern provinces were not interested in cooperating.

Themis. Revista de derecho has been published, and in Italy, *Themis. Rivista giuridica* has been published since 2010. In Peru, *Themis. Revista de derecho* is being published; W. WITKOWSKI, *Themis Polska-die erste polnische rechtszeitschrift*, in M. STOLLEIS AND T. SIMON (eds.), *Juristische Zeitschriften in Europa*, Frankfurt am Main, Klostermann, 2006, 141-172; W. NEUMAN-ROUSTOPANIS, *Themis* in M. STOLLEIS AND T. SIMON (eds.), *Juristische Zeitschriften in Europa*, Frankfurt am Main, Klostermann, 2006, 173-182; M. TSAPOGAS, *Das juristische Zeitschriftenwesen in Griechenland seit dem ausgehenden 19. Jahrhundert: Themis 1890-1955, Archeion philosophias kai theorias ton Epistemon 1929-1941, Neon Dikaion 1945-1977*, in M. STOLLEIS AND T. SIMON (eds.), *Juristische Zeitschriften in Europa*, Frankfurt am Main, Klostermann, 2006, 183-190; C.J.H. JANSEN, *Rechtsgeleerd Magazijn Themis (RM Themis)*, in *Ars Aequi* 2009, 589-591.

⁶⁷ King William tried to implement the nationalist *one state, one language* principle. Dutch was to become the *lingua franca* in the entire United Kingdom of the Netherlands. In 1819, a royal decree made Dutch the only official administrative language of the state. After a four year transition period, the law took effect, starting in 1823; W. VANDENBUSSCHE, E. VANHECKE, R. WILLEMYNS and J. DE GROOF, *Language policy and language practice in official administrations in 19th century Flanders*, in *Actas – I. IX simposio internacional de comunicacion social (Proceedings of the Ninth International Symposium on Social Communication)*, Santiago de Cuba: Centro de lingüística aplicada, Cambridge, Cambridge Scholar Press, 2006, 3-13; U. VOGL and M. HÜNING, *One nation, one language? The case of Belgium*, in *Dutch Crossing*, 2010, 236.

⁶⁸ G.C. KOK, *In dienst van het recht. Uit de geschiedenis van het gerechtshof te 's-Gravenhage en de daaraan voorafgegane hoven (1428-heden)*, Hilversum, Verloren, 2005, 286.

⁶⁹ H.J. KOENEN, *Levensbericht J. van Hall*, in *Jaarboek*, Amsterdam, 1859, 84-94; J. VAN KUYK, *Hall, Jacob van*, in *Nieuw Nederlandsch Biografisch Woordenboek*, vol. 3, 531-533.

⁷⁰ ZUIDEMA, *Tex, Cornelis Anne den*, in *Nieuw Nederlandsch Biografisch Woordenboek*, vol. 4, 1303-1304.

The most important reason seemed to be the differences in the legal culture of the North and the South⁷¹. From April 1826 onwards, the Dutch and the 'Belgians' split up, each with their own periodical, although they both aimed toward close cooperation by copying each other's interesting pages⁷². The *Bijdragen tot Regtsgeleerdheid en Wetgeving* was an immense success⁷³, which led to the breakthrough of the legal journal in the Netherlands⁷⁴.

The *Bibliothèque du jurisconsulte et du publiciste* was headed by professors who were all connected to Louvain or Liège university – strangely enough, none were from Ghent; amongst them were Dutch professors, such as Holtius and Ackersdijck (1790-1861)⁷⁵. The editorial board consisted of Birnbaum, Warnkönig and Ackersdijck.

In their opening statement, the founders explicitly referred to *La Thémis* and the Geneva *Annales de législation et de jurisprudence*. The *Bibliothèque du Jurisconsulte* shared a few collaborators, such as Birnbaum and Warnkönig, with *La Thémis*. Because of that, this new title can be seen as a continuation of *La Thémis*. However, the new journal broke with its illustrious predecessor because it did not focus solely on one nation, but held a broader field of interest⁷⁶. It was not limited only to civil law; rather, it also gave attention to administrative law, political history, statistics and the political economy⁷⁷.

Further, its editorials propagated the notion that law transcended national systems, and that a more profound general system could be found worldwide. Therefore, legal scholars from all over the world should meet. The United Kingdom of the Netherlands could be the perfect hub between the Roman, Anglo-Saxon and German traditions. Although the journal primarily served the goals of legal scholarship, legal practice was not forgotten, as the one could not exclude the other⁷⁸.

The *Bibliothèque du Jurisconsulte* maintained a format that was similar to *La Thémis*. A first division discussed doctrinal matters, dissertations or discourses on law or politics. The second part reviewed new works that had been published in the Netherlands or elsewhere, whereas a third subtitle contained legislation. The fourth section issued case law, and the final part included news, announcements, etc.

However, the *Bibliothèque du Jurisconsulte*'s publication was slow, which placed a mortgage on its future. The Dutch colleagues of *Bijdragen tot Regtsgeleerdheid en Wetgeving* feared its annihilation, and they were right. Eventually, the *Bibliothèque* merged in 1829 with *La Thémis*, in the interest of legal science and preserving the affordability of the periodicals for subscribers. At that time, the once highly praised *Thémis* had lost much of its prestige. In France, competition was fierce, and the Belgian revolution knocked it out completely. All 'Belgian' collaborators, except for Warnkönig, traded the newly autonomous country for the Netherlands or Germany, making cooperation practically impossible.

⁷¹ C.A. DEN TEX and J. VAN HALL, [Editorial], *Bijdragen tot regtsgeleerdheid en wetgeving*, 1826, 3.

⁷² *Ibid.*, 2.

⁷³ *Ibid.*, 5-8.

⁷⁴ G.C.J.J. VAN DEN BERGH and C.J.H. JANSEN, *Het juridische tijdschrift gevestigd: Den Tex en van Hall's 'Bijdragen tot regtsgeleerdheid en wetgeving' (1826-1838)*, TRG, 1993, 98; C.J.H. JANSEN and J. JANSEN, *Opmerkingen en Mededeelingen betreffende het Nederlandsch Regt, Groninger Opmerkingen en Mededeelingen*, 2012, 1-28.

⁷⁵ J. Ackersdijck, J.F.M. Birnbaum, J.F. de Coster, P.J. Destriveaux, J.G.J. Ernst, A.N.J. Ernst, A.C. Holtius, L.A. Warnkönig and R. Winsinger.

⁷⁶ *Avant-propos, Bibliothèque du jurisconsulte et du publiciste*, 1826, 10.

⁷⁷ P. WAUTELET, *op. cit.*

⁷⁸ *Avant-propos, Bibliothèque du jurisconsulte et du publiciste*, 1826, 11.

7. Conclusion

Belgium's legal periodicals have their historical roots in the *learned journals* that, in the atmosphere of the Enlightenment, propagated novelties in all kinds of scientific matters. Some of them dedicated pages to legal matters as well, which upgraded law to a science. The first legal periodicals were scattered all over Europe, although Paris seemed to be an important center. They were primarily founded by jurists who showed great interest in more than just law. Refreshing ideas about justice found their way into titles such as the *Journal de Jurisprudence*. However, as the French revolutionary ideals of freedom of the press and of speech were preached, and a new justice system was introduced, the production of legal periodicals tumbled.

After 1789, it appeared that legal scholarship would never return. Yet it was only a temporary standstill. Legal practice simply had a need for reference books, and soon, the first magazines with overviews of the law appeared. The (re)introduction of the *Écoles de droit* and the universities during the Dutch period provided new incentives to (scholarly) law journals. Education and professionalization played a very important role in the development of legal periodicals.

After the French revolution, the nation-state grew in importance. Governments tried to promote a nationalist feeling through many means. The central position of Paris as the French capital was illustrative: It was the beating heart of legal publications. Thus, French legal journals during that period are seen as nation builders and as promoters of a strong centralised state. Such sentiment was apparently not known in our region under Dutch rule. The unification of the Netherlands did not contribute to a unified approach to the issuance of legal journals. Although they were briefly united, Northern and Southern Netherlands soon went their separate ways. 1830 was only a few years away.