"A huge task which must be carried out in a flexible and rapid procedure": Belgium's Tribunals for War Damages (1918 -1935) as remediator for damages caused by the *Great War*

Sebastiaan Vandenbogaerde

"Poor Little Belgium" has suffered greatly during the Great War. The population faced four years of occupation, whereas cities like Ypres, Dinant and Leuven have become 'martyrs', symbols of destruction wrought by the First World War.

Quite rapidly, Belgium's government in exile was aware that the country's reconstruction would be a daunting task. It undertook several initiatives, but the politicians believed administrative bodies would be prone for clientelism and bribery. In their opinion a judicial institution was suitable to rule objectively and legally over compensation requests. Inspired by the French example, Belgium's Ministers installed the Tribunals and Courts for War Damages and created a 'new right' for its nationals.

This contribution puts those Tribunal and Courts for War Damages in the spotlight and scrutinises its role within the post-World War One crisis that Belgium has suffered between 1919 and 1935. Politicians had shown faith in the righteousness of a legal institution to deal with the compensation question for civilians. Despite the best of intentions, these courts fell short of their objectives in managing reconstruction in the aftermath of the Great War. The legislation underpinning their operations was too chaotic, procedure was too formal, and in certain districts the staff was not up to the task. The Great War was one of unprecedented devastation and no professional within these courts could rely on early experiences to deal with the claims of citizens. Moreover, the tribunals did not receive adequate material support from local and national governments who only saw expenses spinning out of control.

Based on a sample of cases ruled by the Tribunals for War Damages in different districts, i.e. Ypres, Dendermonde and Turnhout, this contribution will sketch procedural and practical differences. The archival sources are completed with legislation and legal doctrine interpreting and explaining these legislative texts.

I. Introduction

"Poor little Belgium" became a symbol of the destruction wrought by the First World War. By the time the Armistice was signed, so-called martyr cities such as Leuven, Dendermonde and Dinant had been suffering from an orgy of violence. Also small towns remotely from the front line had endured atrocities[1]. Infrastructure was destroyed, houses burned down and civilians killed. The city of Ypres, which found itself on the front line, was swept from the face of the earth. A strong British and Canadian lobby wanted to keep the centre of this once wealthy Flemish trading city in permanent ruins[2], as holy ground and a "zone of silence".[3] It was suggested to build a new city outside the old ramparts, an idea initially supported by the Belgian government. However, the local Ypres population disapproved it firmly and wished to see the city rise like a phoenix from its ashes.[4]

Already during the war, the Belgian government in exile in the French town of Sainte-Adresse, a suburb of Le Havre, was aware of the daunting task of providing shelter to its nationals once the hostilities would be over. It initiated several projects that would facilitate reconstruction in Belgium. An example, among others, was the creation, in 1916, of the King Albert Fund (*Fonds Roi Albert/Koning Albert Fonds*) which was assigned with the task of providing temporary housing for returning inhabitants. Another initiative came from the "Commission charged to explore measures to legal order to reoccupy Belgium's territory" (*Commission chargée de l'examen des mesures d'ordre juridique à prendre en vue de la reoccupation du territoire*), headed by then Minister of Justice Henri Carton de Wiart (1869-1951).[5] Inspired by the French example, this commission designed a new judicial apparatus for Belgium: tribunals and courts for war damages (*tribunaux et cours des dommages de guerre/rechtbanken en hoven voor oorlogsschade*).[6]

On 23 October 1918, the Belgian Government promulgated its decree-law[7] on the assessment and evaluation of damages caused by facts of war, which officially introduced

1 F. Jansen, Reconstructie door middel van het recht. Rechtbank voor oorlogsschade in Turnhout na WOI (1919-1926), master thesis, Antwerp University, 2022.

2 "I should like to acquire the whole of the ruins of Ypres. I do not know how many of the members round the table have visited Ypres, but a more beautiful monument than Ypres in the afternoon light can hardly be conceived. A more sacred place for the British race does not exist in the world"; Winston Churchill, addressing the Imperial War Graves Commission London, 21 January 1919.

3 G. Roynon (ed.), Ypres Diary 1914-15 : the Memoirs of Sir Morgan Crofton, Stroud, The History Press, 2010, 8.

4 D. Dendooven, "This is holy ground" in K. Baert, J.-M. Baillieul, e.a., Ieper, de herrezen stad. De wederopbouw van Ieper na 14-18, Brugge, De Klaproos, 1999, 98-110; "De Brussels", Het Ypersche 4 September 1920, 2.

5 P. Van Molle, Het Belgisch parlement: 1894-1972, Antwerp, Standaard, 1972, 38-39.

6 E. Huysmans, "Commentaire de l'arrêté-loi du 23 octobre 1918 relatif à la constatation et à l'évaluation des dommages résultant des faits de la guerre", La réparation des dommages de guerre : bulletin bimensuel de documentation et d'études, Brussels, 1919, 84.

7 Contrarily to a statute (loi/wet) a decree-law has not gone through Parliament which is the normal legislative power, but is issued by the executive government. Since the occupation of Belgium's territory prevented the Parliament from assembling, the King (de facto government) made use of his legislative powers. After the war, in 1919, the Court of Cassation declared these decree-laws legally valid and equi-

these new courts.[8] This initiative had its roots in another decree-law, issued the very same day, which had granted Belgian citizens, in principle, the right to reparations for damage resulting from acts of war.[9] The text explicitly established these courts as temporary institutions.[10] The last of these to close its doors was the ninth Chambre of the Ypres Tribunal for War Damages, which continued to oversee cases until 1935.[11]

The post-First World War reconstruction of the devastated regions, such as the North of France, Belgium, the Westhoek region and Ypres has long captured scholarly interest.[12] Only recently, scholarly research on the tribunals and courts for war damages in Belgium has took off[13]. Indeed, the historiography mentions these judicial institutions, but a general and national in-depth study does not yet exist for either the Belgian or French experience.[14] The past few years, students guided by members of the Ghent Legal History Institute (Ghent University), have written master's theses on the Tribunals for War Damages in Termonde and Ypres.[15] Other parts of Belgium have not been studied accordingly, ho-

valent to ordinary statutes; Cassation 11 February 1919, Pasicrisie belge, 1919, I, 9-16.

8 Decree-law of 23 October 1918 on the determination and assessment of damage resulting from acts of war, Moniteur belge, 24-25-26 October 1918, 862-888. Throughout the text, we have adopted "courts for war damages" as a generic term for both tribunals – the lower courts – and courts – the higher appellate courts. There are no perfect translations for Belgium's "rechtbank/tribunal" and a "hof/cour".

9 Decree-Law of 23 October 1918 proclaiming the principle of the right to reparation by the Nation for damages resulting from acts of war, Moniteur belge, 24-25-26 October 1918, 860-861.

10 Art. 3. Decree-law of 23 October 1918.

11 Royal decree no. 194 of 13 August 1935 abolishing the courts for war damages and establishing civil invalidity commissions, Moniteur belge, 15 August 1935, 5107, Moniteur belge, 15 August 1935, 5107.

12 E.g. J. Bulcke, De wederopbouw van Ieper na 1918, Ghent, Saint-Lucas Institute, 1974; J. Cornilly, S. De Caigny and D. Dendooven, Bouwen aan wederopbouw 1914/2050: architectuur in de Westhoek, Ypres, Erfgoedcel CO7, 2009; J.-M. Baillieul, Problematiek omtrent de wederopbouw van België na de Eerste Wereldoorlog. Casus Ieper en omgeving (1918-1924), master thesis, Ghent University, 1976; M. Heistercamp, Wederopbouw van Ieper na de eerste wereldoorlog, master thesis, Catholic University of Louvain, 1979; S. Coorevits, Raphaël Speybrouck (1893-1959) en de wederopbouw van Ieper (1920-1928), Ypres, City archives, 1997; E. Bussière, P. Marcilloux and D. Varaschin, La grande reconstruction. Reconstruire le Pas-de-Calais après la Grande Guerre. Actes du colloque d'Arras 8-10 novembre 2000, Arras, Archives de Pas-de-Calais, 2002; H. Clout, After the ruins. Restoring the countryside of northern France after the Great War, Exeter, University of Exeter Press, 1996; D. Lauwers, Le saillant d'Ypres entre reconstruction et construction d'une lieu de mémoire : un long processus de négociations mémorielles de 1914 à nos jours, PhD thesis, European University Institute, 2014.

13 J. Podevyn and S. Vandenbogaerde, "Ce n'est pas la loi qu'il faut changer, c'est la mentalité: Ypres Tribunal for War Damages (1918-1935): Intermediary for a City in Reconstruction", Journal for Belgian History 2021, 1-2, 52-74; J. Podevyn and S. Vandenbogaerde, " 'On voit bien ce qu'Ypres a été, mais on ne voit pas ce qu'Ypres sera demain' Les tribunaux des dommages de guerre d'Ypres (1918-1935)", in G. Richard et X. Perrot, Dommages de guerre et responsabilité de l'État. Auteur de la Charte des sinistrés du 17 avril 1919, Limoges, PULIM, 2022, 179-210; E. D'haene and H. Callewier, "'t Zou nog een gansch boek vullen! Oorlogsschade in Zuid-West-Vlaanderen na Wereldoorlog I", De Leiegouw 2018, 189-210.

14 G. Smets, "Régions dévastées et la réparation des dommages de guerre" in E. Mahaim, La Belgique restaurée : étude sociologique, Brussels, Lamertin, 1926, 74-139; K. Velle and J. Dhondt, Inventarissen van de archieven van de hoven en rechtbanken voor oorlogsschade in Vlaanderen (en rechtsopvolgers) (1919-1936), Brussels, 2001.

15 K. Colebrants, De rechtbank van oorlogsschade te Ieper in de beginfase (1919-1920), master thesis, Ghent University, 2015; J. De Ridder, Teutoons inferno '14-'18 : schade en vergoeding. Een kijk op de rechtbank van oorlogsschade in het gerechtelijk arrondissement van Dendermonde, master thesis, Ghent University, 2016; J. Podevyn, De rechtbank voor oorlogsschade te Ieper anno 1923. Analyse van

wever plenty of source material is available. Recently, a much welcomed study of the Tribunal for War Damages in Turnhout, a city in the Kempen region, illustrated that there too, the occupation had remorselessly inflicted harm.[16]

This contribution puts the Tribunal for War Damages in the spotlight and scrutinises its role within the post-World War One crisis that Belgium has suffered between 1919 and 1935. Politicians had shown faith in the righteousness of a legal institution to deal with the compensation question for civilians. Despite the best of intentions, these courts fell short of their objectives in managing reconstruction in the aftermath of the Great War. The legislation underpinning their operations was too chaotic, procedure was too formal, and in certain districts the staff was not up to the task. The Great War was one of unprecedented devastation and no professional within these courts could rely on early experiences to deal with the claims of citizens. Moreover, the tribunals did not receive adequate material support from local and national governments who only saw expenses spinning out of control. This led sometimes to unmotivated staff members whose only purpose was to have employment.

In order to understand the strengths and certainly the limitations of the Tribunal for War Damages, we need to consider how it was organized on a legal and practical level; who were the key actors and what criteria made them worthy to those positions; what tendencies can we find in the case-law; and how did the local population perceive the tribunal's activities. This article pays particular attention to the rulings. These institutions produced an enormous number of judgements, which are kept at each of the provincial branches of the Belgian State Archives. The Ypres Tribunal for War Damages alone adjudicated at least 100,000 cases. Even cities which had not suffered that much, produced tens of thousands, if not hundreds of thousands of judgements.[17] Unfortunately, full dossiers were not preserved, thus little is known about the arguments of parties and state commissioners (*commissaires de l'état/staatscommissarissen*), their statements and expert reports. The functioning of the courts can be understood by consulting the governmen-

de vonnissen van de tweede kamer, master thesis, Ghent University, 2017; L. Eeckhout, De rechtbank voor oorlogsschade te Ieper in 1921. De rechtbank in actie in Groot-Zonnebeke, Moorslede en Wervik-Geluwe. Een analyse van de vonnissen van de zevende kamer, master thesis, Ghent University, 2019; B. Van Damme, De rechtbank voor oorlogsschade te Dendermonde : een analyse, master thesis, Ghent University, 2020.

16 F. Jansen, Reconstructie door middel van het recht. Rechtbank voor oorlogsschade in Turnhout na WOI (1919-1926), master thesis, Antwerp University, 2022.

17 The Turnhout tribunal for War Damages adjudicated 9,748 cases, the Kortrijk Tribunal 77,132 cases. There are not exact numbers on other tribunals. There is however a consensus that for the case of Ypres, the number of applications surpasses 100,000. For cities such as Dendermonde and Leuven one can expect a similar amount; F. Jansen, Reconstructie door middel van het recht. Rechtbank voor oorlogsschade in Turnhout na WOI (1919-1926), master thesis, Antwerp University, 2022; K. Colebrants, De rechtbank van oorlogsschade te Ieper in de beginfase (1919-1920), master thesis, Ghent University, 2015; J. Podevyn, De rechtbank voor oorlogsschade te Ieper anno 1923. Analyse van de vonnissen van de tweede kamer, master thesis, Ghent University, 2017; L. Eeckhout, De rechtbank voor oorlogsschade te Ieper in 1921. De rechtbank in actie in Groot-Zonnebeke, Moorslede en Wervik-Geluwe. Een analyse van de vonnissen van de zevende kamer, master thesis, Ghent University, 2019; E. D'haene and H. Callewier, "'t Zou nog een gansch boek vullen! Oorlogsschade in Zuid-West-Vlaanderen na Wereldoorlog I", De Leiegouw 2018, 189-210.

tal documents of the appointed staff members in these courts.[18] The records have been drafted within the Ministry of Finance and are currently kept at the Brussels General State Archive. The collection contains a file of each staff member and contains personal information such as marital status, education and the like. Particularly the yearly evaluations by superiors of state commissioners, also kept in these personal records, are crucial. These documents cannot be ignored when assessing a court's performance. Until very recent, the Archives Service for War Victims (*Service Archives des Victimes de la Guerre/ Dienst Archief Oorlogsslachtoffers*) held over 240,000 files about personal injuries civilians endured during World War One. These records can be consulted at the Brussels General State Archives.

The contribution is based on cases ruled the Tribunals for War Damages in Ypres, Dendermonde and Turnhout. Only a sample of the available material will be analysed as it is sheer impossible to consider all cases. Therefore, this contribution will limit itself to a sketch of procedural differences between those tribunals and the cases they adjudicated.

Cases were read together with legislation published in the *Moniteur belge* (*Belgisch Staatsblad*) and legal doctrine interpreting and explaining these legislative texts. Legal scholars wrote manuals[19] and a group of Brussels attorneys-at-law (*avocat/advocaat*) established *La Réparation des Dommages de Guerre*, a bimonthly focusing on everything involving the legal aspects of war damages. It was published between 1919 and 1924 and targeted a broad readership.[20] Presidents, assessors and state commissioners received a copy of these manuals when they took office. Civilians likewise benefitted from these publications as they outlined how to file a claim and provided the forms needed to apply for compensation. From the point of view of contemporary legal practitioners, these courts were obviously important, to the point that the renowned *Pandectes belges*, Belgium's leading legal encyclopaedia, dedicated most of its 117th volume to this institution in 1924 and brought some systemization to the legal chaos that had been created since the end of the Great War.[21]

II. A legislative and institutional mess

The German occupation of Belgian territory prevented the legislative chambers from meeting during the war. In this emergency situation, article 26 of the Constitution gave the Belgian government legislative power.[22] From Le Havre, the ministers adopted a mul-

18 Ministerie van Financiën. Dienst voor de Vereffening van de Diensten voor Oorlogsschade 14-18. Personeel/Ministère des Finances. Office de Liquidation des Service pour Dommages de guerre 14-18. Personnel (General State Archive BE-A0510/I 590).

19 E. Ronse, Handboek voor den geteisterde, Brussels, Th. Dewarichet, 1919; A. De Vergnies, Ce que tout sinistré devrait savoir, Brussels, J. De Lannoy, 1922; Manuel du Commissaire de l'état. Deuxième édition, Brussels, Th. Dewarichet, 1921; G. Van Bladel, La réparation des dommages matériels résultant des faits de la guerre, Brussels, J. Lebègue, 1922.

20 La Rédaction, "Avant-propos", La réparation des dommages de guerre, 1919, 1.

21 „Tribunaux des Dommages de Guerre", Pandect es belges. Corpus Juris Belgici vol. 117, Brussels, Bruylant, 1924, col. 33-525.

22 This is today's article 36 of the Belgian Constitution: "The legislative power is exercised collectively by the King, the Chamber of Representatives and the Senate". The impossibility to convene the legislative cham-

titude of decree-laws concerning the problem of reconstruction.[23] Among the members of the government in exile, two tendencies were apparent in the search for a system to ascertain and evaluate the damage. Some proposed that this task be entrusted to administrative bodies, while others called for recourse to tribunals that offered every guarantee of independence and impartiality[24]. They rejected the administrative option because they feared that such institutions, staffed by politicians and local dignitaries, would encourage abuse of power and favouritism.

A few days before the Armistice, the government recognized a "new right" (*droit nouveau/nieuw recht*)[25] for Belgians, the right to reparation by the Nation for damages resulting from the events of the war.[26] The decree-law announced that the Nation bore the burden for compensation and consequently displayed a sense of national solidarity. This principle introduced national solidarity by granting injured citizens a claim against the Belgian State, which is therefore a direct debtor. [27] The Belgian State firmly committed itself to its responsibility to compensate the citizens who suffered; however, politicians represented, however, that the country had to 'trust its allies', otherwise "it would be perfectly useless to discuss the current project and to vote laws for the reparation of war damages".[28] Belgium did not have the necessary resources to do so and the Belgian authorities took support and recourse to international law and to several declarations made by allied representatives during the war.[29] Above all, the Declaration of Sainte-Adresse of 14 February 1916 was sacrosanct. On that day, the representatives of Great Britain, France and Russia reiterated their commitments to Belgium, given the day after the country's

bers gave the King and his ministers as part of the legislative power to exercise this power. The preamble of each decree-law mentioned the impossibility of convening the legislative chambers and the fact that the texts were debated in the Council of Ministers.

23 Decree-law of 25 August 1915 on the reconstruction of destroyed Belgian municipalities, Moniteur belge 18-19-20-21-22-23-24 September 1915, 348-350.

24 Report to the King on the Decree-law of 23 October 1918 on the determination and assessment of damage resulting from acts of war, Moniteur belge, 24-25-26 October 1918, 863.

25 La Rédaction, "Avant-propos", La réparation des dommages de guerre, 1919, 1.

26 Article 1 of the decree-law stated: "The right to reparation, by the Nation, of damages resulting from the war, in Belgium, is recognized for the Belgians. Confirmation of this right shall not affect any recourse which the State may exercise under international law." W. Macdonald, Reconstruction in France, New York, The Macmillan Company, 1922, 64–5.

27 After the initial euphoria of the Armistice, the Belgian Parliament, as a legislative body, was faced with countless societal challenges that were unmanageable given the existing set of rules. The crisis forced the Parliament to abandon its traditional 19th century liberal conception of non-intervention and replace it with solidarity and a "just" legal system. For the first time, the state actively interfered in private relations between citizens; Georges G. Van Bladel, La réparation des dommages matériels résultant des faits de la guerre, Brussels, J. Lebègue, 1922, 133 ; S. Vandenbogaerde, « "Justice ou liberté". Impact van de Eerste Wereldoorlog op het Belgische privaatrecht", Tijdschrift voor Privaatrecht 2018, 91-146.

28 Report on the Draft Statute on reparation for damages resulting from the acts of war, general discussion, Preparatory documents House of Representatives 1918-1919, 494.

29 The independence and integrity of Belgian territory were, together with neutrality, guaranteed by the London treaties. The Hague Conferences of 1899 and 1907 obliged the aggressor to compensate the victims. Report to the King on the Decree-law of 23 October 1918 on the determination and assessment of damage resulting from acts of war, Moniteur belge, 24-25-26 October 1918, 860.

independence, and declared "that in due course the Belgian government will be called upon to take part in the peace negotiations and that they [the Allied Powers] will not put an end to hostilities unless Belgium is restored to her political and economic independence and is amply compensated for the damage she has suffered".[30] Woodrow Wilson (1856-1924), the American president, would also have proclaimed that Belgium was entitled to full reparation of damages.[31] The reparation of the totality of the damages was explicitly recognized in the first article of the law of 10 May 1919.[32] The Belgian government saw in these declarations an integral reconstitution of the country as an essential condition for peace and considered that it had received a blank check. In short, it expected full compensation from "the aggressor", but this was a costly miscalculation. After the disappointing results of Versailles in 1919, it became clear that Germany could no longer pay its debts in 1922.[33] These two events had a decisive influence on the further development of the tribunals for war damages.

The legislative also had to deal with the decisions the executive had made during the war. Legally, decree-laws, promulgated by the government in exile, had to be confirmed, amended or abolished by Parliament. This did not happen before 1920, as a consequence of which the courts for war damages had in fact no official legal nor constitutional basis.[34] Eventually, the Belgian Court of Cassation confirmed the legality of the decree-laws issued by the government in exile and defused the problem. Pragmatism won over legal theory.

The statutes (*lois/wetten*)[35] of 10 May 1919 and 10 June 1919, which respectively regulated compensation for material damage and personal injury, were unanimously accepted after long parliamentary debates.[36] Henri Jaspar (1870–1939)[37], the catholic Minister of Economy and the liberal MP Albert Mechelynck (1854–1924), president of the commission that drafted the act, dominated these debates. Interestingly, Ypres' representative, mayor René Colaert (1848–1927)[38], only interjected when certain members of parlia-

30 Second report on the Draft Statute on compensation for damages resulting from the acts of war, Annex I, "Déclaration des Puissances garantes de la Neutralité et de l'Indépendance de la Belgique le 14 février 1916", Preparatory documents House of Representatives 1918-1919, n° 75, 3.

31 Report on the Draft Statute on reparation for damages resulting from the acts of war, general discussion, Preparatory documents House of Representatives 1918-1919, 491.

32 "The Belgian people, relying on the principles of law and on the stipulations of treaties, in particular the London Treaties of April 19, 1939, and the Fourth and Fifth Hague Conventions of April 18, 1907, reaffirm their right, recognized in the solemn and repeated declarations of the Allied Powers, to obtain the complete reconstitution of Belgium and reparation for all the damage suffered by the Belgian nation and its citizens as a result of the war".

33 "Esquisse d'une réforme des lois sur les dommages de guerre", Journal des Tribunaux, 1922, 655-656.

34 Article 94 of the 1831 Belgian constitution. Today, this rule can be found in Article 146 of Belgium's coordinated Constitution. At the time, the courts were not mentioned anywhere in articles 92 to 107, as was the case with regular courts.

35 A statute is a specific codified statement of law that has been approved by the legislative bodies. In Belgium it is a called a "loi/wet".

36 Members of Parliament debated both propositions twice between 12 and 26 March 1919.

37 P. Henri, Grands avocats de Belgique, Brussels, Editions JM Collet, 1984, 115-120.

38 P. Van Molle, Het Belgisch parlement: 1894-1972, Antwerp, Standaard, 1972, 45.

ment suggested to leave the city in ruins. Immediately after the Armistice, no Member of Parliament contested the introduction of the tribunals for War Damages and the initiative to reimburse all damages was generally accepted. This changed during the 1920s, when became clear that Germany could not and would not pay the totality of reparations demanded in the Versailles Treaty. This setback resulted in a revision of the legislative acts. In addition, these texts offered the executive the opportunity to fine-tune multiple aspects in royal decrees (*arrêtés royals/koninklijke besluiten*). Together with the decree-laws that also underwent continuous revisions, the regulations around war damages became a legal jungle which made the matter very complex.[39] In February 1920, the provisions of that decree-law of 23 October 1918 were evaluated and adjusted.[40] It introduced another institution, namely the Arbitral Commissions (*commission arbitrale/scheidsrechtelijke commissie*) wherein the plaintiff and the state commissioner sought agreement. Only if all negotiations in this commission failed, a judge would be appointed to rule on the case.[41] These commissions adopted an administrative procedure that did not improve clarity for potential plaintiffs who could also turn to the Office of Devastated Regions (*Office des Regions Dévastées/Dienst Verwoeste Gewesten*).

This abundance of regulations and institutions can be explained by the involvement of different ministerial departments such as those of Justice, Economy and Internal Affairs. It caused much organisational trouble in post-war reconstruction, which the history of the tribunals for war damages also demonstrates. Judges answered to the Minister of Justice,[42] whereas the state commissioners, acting as a kind of public prosecutor, fell under the competence of the Minister of Economic Affairs,[43] before this authority was transferred to the Minister of Finance.[44] The fragmentation of competences complicated

39 Statute of 10 May 1919 on the reparation of damage resulting from acts of war, Moniteur belge, 5 June 1919, 2505; Statute of 10 June 1919 on the recovery to be granted to civilian war victims, Moniteur belge, 22 June 1919, 2784; Statute of 20 April 1920 revising the decree-law of 23 October 1918 on the determination and assessment of damage resulting from acts of war, and amending the statute of 10 May 1919 on the reparation of damage resulting from acts of war, Moniteur belge, 5 May 1920, 3434 (hereinafter: Co. St. 20 April 1920); Statute of 25 April 1920 on the tribunals and courts for war damages, Moniteur belge, 5 May 1920, 3442 (hereinafter: Co. St. 25 April 1920); Statute 25 July 1921 revising the statute of 10 June 1919 on the recovery to be granted to civilian war victims, Moniteur belge, 28 August 1921, 6954 (hereinafter: Co. St. 19 August 1921); Statute of 6 September 1921 interpreting and revising the statute of 10 May 1919 on the reparation of damage resulting from acts of war, Moniteur belge, 28 September 1921, 8329 (hereinafter : Co. St. 6 September 1921); Statute of 23 October 1921 amending the statute of 25 April 1920 on the tribunals and courts for war damages in order to speed up the repair of war damages, Moniteur belge, 10 November 1921, 9996 (hereinafter : Statute 23 October 1921); Statute of 24 July 1927 amending the coordinated statutes of 19 August 1921 on the statute of 10 June 1919 on the recovery to be granted to civilian war victims, Moniteur belge, 5 August 1927, 3649-3650.

40 Explanatory memorandum to the Statute revising the decree-law of 23 October 1918 on the determination and assessment of damage resulting from acts of war, Preparatory documents House of Representatives 1919-1920, no. 103, 1-2.

41 Ministerial decree, 6 August 1920, Moniteur belge, 30-31 August 1920, 6411.

42 Art. 62 decree-law 23 October 1918.

43 Art. 13 Co. St. 25 April 1920.

44 Royal decree of 19 August 1926 on the distribution of services of the former Ministry of Economic Affairs, Moniteur belge, 27 August 1926, 4684 (hereinafter: RD 19 August 1926).

the organisation of the tribunals for war damages which was already being challenged by daily life circumstances.

III. A logistical nightmare

According to the 23 October 1918 decree-law, a tribunal for war damages had to be set up in each judicial district (*arrondissement judiciaire/gerechtelijk arrondissement*). Each of the three judicial areas (*ressort judiciaire/gerechtelijk ressort*) would have an appellate court for war damages (*cour des dommages de guerre/hof voor oorlogsschade*). The government paralleled these tribunals and courts for war damages to Belgium's "regular" legal order. However, the deployment of these new courts did not occur at the same pace. Since the courts for war damages were explicitly described as exceptional, it provided the Belgian government a flexible organisational framework.[45] This flexibility was much welcomed in devastated regions such as the Westhoek, where roads, rail- and waterways had been swept from the face of the earth. Travelling between towns was a daunting task and not without risk as unexploded ordnance could still detonate. Hence, a pragmatic and flexible approach towards the (establishment of) tribunals for war damages, and particularly the ones of Veurne and Ypres, was for the benefit of the people they served.

The law provided that these new courts could be ambulant and, when necessary, the King could install the seat in any suitable city in the district.[46] The first tribunal for war damages was inaugurated at the coastal city of Ostende, which in fact depended on the Bruges district.[47] The next few weeks, royal decrees announced the constitution of tribunals and appellate courts for war damages all over the country.[48] The Royal Decree of 15 April 1919 established the Ypres Tribunal for War Damages and divided it into five chambers.[49] A week later, Turnhout saw its own Tribunal established with two chambers[50]. The King could assign, if necessary, additional chambers as did happen for in-

45 "Report to the King", Moniteur belge, 24-26 October 1918, 863.

46 Idem.

47 "Inauguration du Tribunal des Dommages de Guerre à Ostende", La réparation des dommages de guerre 1919, 58.

48 Royal decree 7 March 1919 on the establishment of and appointments to the Courts and Tribunals for War Damages, Moniteur belge, 10-11 March 1919, 874-875; Royal decree 13 March 1919 on the establishment of and appointments to the Courts and Tribunals for War Damages, Moniteur belge, 19 March 1919, 1044; Royal decree 1 April 1919 on the establishment of and appointments to the Courts and Tribunals for War Damages, Moniteur belge, 5 April 1919, 1363-1364; Royal decree 22 April 1919 on the establishment of and appointments to the Courts and Tribunals for War Damages, Moniteur belge, 24 April 1919, 1696-1697.

49 Royal decree 15 April 1919 on the establishment of and appointments to the War Damage Tribunal Ypres, Moniteur belge, 18 April 1919, 1602 (hereinafter: RD 15 April 1919); Notice on the composition of the tribunals and courts for war damages in the jurisdiction of the Ghent Court of Appeal, s.d., Moniteur belge, 11 October 1919, 5355.

50 Royal decree 22 April 1919, Moniteur belge, 24 April 1919.

stance for Ypres – five extra – and Kortrijk.[51] Each chamber in the tribunal was a separate entity with its own president and particular area of expertise.[52] The Ghent Appeal Court for War Damages was empowered to hear an appeal of cases brought before the Ypres, Dendermonde and Kortrijk Tribunals. Brussels was competent as an appellate court for the Turnhout region.

The official establishment of the tribunal did not align with the start of its activities. First, authorities had to find a suitable building to shelter the new institution. Not all tribunals for war damages found shelter in the 'regular' court houses. For ruined cities such as Ypres, officially proclaimed as a seat for the tribunal of war damages, it was clear solutions had to be found since its courthouse had been obliterated. The Belgian government made the nearby city of Poperinghe the provisional seat,[53] where the Ypres Tribunal was established in a tent on the local Horse Market.[54] It were local authorities which had to find suitable buildings for the courts and if they could not provide, the Minister could, if negotiations of the provincial governor proved futile, dispossess private property. This happened in the Summer of 1919 in Turnhout and in Mons when the Minister of Internal Affairs confiscated houses of private people – respectively a general practitioner in medicine and a nun – for three years.[55] These practical issues caused that the first sessions of these courts could only start in autumn 1919.

Local authorities bore the financial burden for the organisation of these courts, which led to discontent sounds. That was very clear in Poperinghe, where the city council resented this interim measure and urged politicians in Brussels to transfer the tribunal back to Ypres as soon as possible. Poperinghe bore the financial burden for these courts whilst the city of Ypres had delegates in Belgian Parliament, such as burgomaster René Colaert, who were able to channel money towards their city's reconstruction.

The Ypres city council also deemed it important to bring all courts back to Ypres and explicitly insisted on this in early 1920. In order to facilitate this transfer, there was a need for a new courthouse.[56] On 15 August 1920 the following appeared in the newspaper:

---

51 Royal decree 1 March 1920 on the establishment of five new chambers at the Ypres War Damage Tribunal, Moniteur belge, 4 March 1920, 1768.

52 "Rechtbank van Oorlogschade van het arrondissement Yper, gevestigd te Poperinghe", De Poperinghenaar, 1919, 1.

53 Decree-law 16 November 1918 on the transfer of the Ypres Tribunal to Poperinghe, Moniteur belge, 19-20 November 1918, 1009; G. Sedeyn, "Het Ieperse gerecht te Poperinge (1915-1921)", Westhoek. Kring voor geschiedenis en familiekunde in de Vlaamse en Franse Westhoek 2017, 125-150; S. Vrielinck, De territoriale indeling van België (1795-1963), Leuven, Universitaire Pers, 2000, 117.

54 "Stadsnieuws: middelbare school", De Poperinghenaar 5 June 1921, 2.

55 Royal decree 1 July 1919 on the establishment of a tribunal for war damages – requisition of property at Mons, Moniteur belge, 6 July 1919, 3123; Royal decree 23 July 1919 on the establishment of a tribunal for war damages – requisition of property at Mons, Moniteur belge, 10 August 1919, 3858

56 Ypres City Archives Stad Ieper en deelgemeenten. Verslagen Gemeenteraad en het college van Burgemeester en Schepenen, (1836-) 1919-1976, session 2 February 1920, GA14, 9.

> *"The government, which is serious about the so tried and tested city of Ypres, is currently studying the possibility of transferring the courts of first instance and for war damages from Poperinghe back here. The recoverable parts of the former army barracks will be used to house these courts, probably from November onwards."*[57]

It was not until March 1921 that the Ypres Tribunals – and not only the one competent for war damages – seated within the city's premises.[58] Waiting for a suitable courthouse, the old infantry barracks, a vast building situated between the *Esplanade, Montstraat* and *Pompstraat*, served as shelter.[59] Though not spared by the bombardments, it was partially reconstructed but it remained in a deplorable state. It was not desirable to let the courts stay there, hence the local government sought a more suitable location. At the end of June 1923, the City of Ypres acquired the plot where the former hospital had been located, on the eastern side of the Market Square *(Grote Markt)*.[60] Construction began in 1926 and the justice of the peace (*justice de paix/vredegerecht*) moved from the barracks to the new building on 25 February 1929. [61] Later other regular courts followed.[62] The Tribunal for War Damages remained in the old barracks until 1933, when it was eventually moved to the city music school located in the *D'Hondstraat*. There, it was given a few rooms at its disposal before the Tribunal was finally abolished in 1935.[63] The fact that the Ypres Tribunal for War Damages was not, as other tribunals, transferred to the new courthouse, illustrates its particular and temporary position in Belgium's legal order which was prone for critique.

IV. An uncertain future

The temporary status of the courts for war damages underlined their exceptionality even more. The Decree-Law of 23 October 1918 explicitly stated that the new courts were only to be temporary,[64] which implied they would be disbanded sooner or later. In 1920, the legal framework was redrafted, specifying that "when a court for war damages has fulfilled its mandate given by this statute, it will be abolished by the King".[65] This happened for the first time in Ypres in 1923, as the eighth chamber had completed its mission and

57 "Stadsnieuws: Ieper – rechtbanken", De Poperinghenaar, 15 August 1920, 2.

58 "De rechtbank van Yper", De Poperinghenaar, 27 maart 1921, 2.

59 In 1820, during the Dutch period, the infantry barracks were built on the site of a former Jesuit church. During the First World War, the building gave shelter to British troops.

60 " Gerechtshof" , De Poperinghenaer, 1 July 1923, 2.

61 "Vredegerechten", Het Ypersche, 23 February 1929, 4.

62 Erfgoedcel CO7, Ieper gerechtsgebouw, http://www.erfgoedhaltes.be/erfgoedhalte/ieper-gerechtsgebouw.

63 "De afbraak onzer voetvolkkazerne", Het Ypersch nieuws 12 January 1935, 3.

64 Art. 3 decree-law 23 October 1918.

65 Art. 4 Co. St. 25 April 1920.

was officially abolished by Royal Decree on 24 July.[66] A few months later, the same occurred for the tenth chamber and others followed over the following months.[67] In less than a year, the Ypres Tribunal for War Damages saw its work capacity reduced by half and therefore had to let a number of its staff go. As a matter of fact, the ninth chamber was the only one left to adjudicate until 1935. Eventually the Royal Decree of 13 August 1935 sealed the fate of the Court for War Damages in Ghent and of the Ypres Tribunal for War Damages, which meant these institutions disappeared from the legal framework. Any new cases involving compensation for damages due to the war – for instance, farmers who were injured when working on the fields – had to be ruled by the Tribunal of First Instance (*Tribunal de Première Instance/Rechtbank van Eerste Aanleg*) and the Civil Invalidity Commissions (*Commissions Civiles d'Invalidité/Burgerlijke Invaliditeitscommissies*) of Ypres and Veurne.[68] Elsewhere, this evolution occurred much faster. Turnhout for instance was completely abolished in 1926, whereas Kortrijk had been disbanned in 1929.

Actors involved in these impermanent courts for war damages therefore occupied a precarious position. From the start, judges and state commissioners were appointed for a fixed term of three years and one year respectively.[69] An extension of that mandate was not guaranteed. In addition, the King could transfer appointed judges to any other jurisdiction.[70] From 1923 onwards, Royal decrees phased out the tribunal's chambers, endangering the position of the court's employees.[71] Some state commissioners did not accept their discharge and openly contested it, whereas others asked help from high local dignitaries to lobby for a prolonged mandate. For example, through his powerful political friends in the catholic party, such as Henri Jaspar and Joris Helleputte, Oscar de Gottal obtained a position at the Ypres Tribunal for War Damages. His enthusiasm dwindled soon but he kept up appearances until his supervisor, Valère Esquelin, checked his performance rate, which was very low. Esquelin desperately tried to get rid of de Gottal, but that only happened after two years, when most chambers in Ypres were disbanded.[72]

66 Royal decree 24 July 1923 on the abolition of the Eighth Chamber of the Tribunal for War Damages in Ypres, Moniteur belge, 24 July 1923, 3657.

67 Royal decree 1 October 1923, Moniteur belge, 11 October 1923, 5010 (abolishment 10th chamber); Royal decree of 26 September 1923, Moniteur belge, 5 October 1923, 4918; Royal decree of 27 February 1924, Moniteur belge, 1 March 1924, 992 (abolishment 1st, 2nd and 3rd chamber); Royal decree of 29 October 1927, Moniteur belge, 7-8 November 1927, 4994 (abolishment of another two chambers, no number mentioned).

68 Royal decree no. 194 of 13 August 1935.

69 Art. 6 Co. St. 25 April 1920; the term was later reduced to one year; Art. 1 statute 19 August 1923 amending certain provisions of the statute on tribunals and courts for war damages and on the reparation of damage resulting from acts of war, Moniteur belge, 23 August 1923, 4133 (hereinafter: statute 19 August 1923); "Tribunaux des Dommages de Guerre", Pandectes belges. Corpus Juris Belgici, vol. 117, Brussels, Bruylant, 1924, col. 41.

70 Magistrates in regular courts could not (and still cannot) be removed from office, except when suspended by judgement or after having been dismissed.

71 Art. 3 Statute 19 August 1923.

72 J. Podevyn, De rechtbank voor oorlogsschade te Ieper anno 1923. Analyse van de vonnissen van de tweede kamer, master thesis, Ghent University, 2017, 52-55.

Needless to point out that such practices made the tribunals for war damages vulnerable to critique.

V. Criticism on the tribunals for war damages

From the start, Belgium's courts for war damages were contested. Initially, the government in exile suggested to introduce administrative commissions instead of such courts. A group of members of Parliament rejected this proposal because it feared administrative institutions, staffed by local politicians and dignitaries, would lead to an abuse of power and favouritism. A judge guaranteed an impartial judgement.[73] Eventually, the 23 October 1918 decree-law provided a compromise *à la belge*: victims of war had to file their claim first at the mayor's office, who in turn had to send it to the competent tribunal for war damages.[74] This extra step was considered unnecessary and undesirable for the plaintiff who "lost control over his case" and was eventually abolished.[75] However, the procedure was generally considered to be very inefficient, hence troublesome for the swift reconstruction of the country.[76] In Spring 1920, Minister Jaspar could do no more than acknowledge that the new judiciary suffered from growing pains. He appealed for patience from the public which "did not seem to understand that, in order to apply the law, a formidable machine had to be set in motion".[77]

The disappointing outcome of the 1919 Versailles Peace Treaty for Belgium was a turning point in the acceptance of the system of courts for war damages. The aforementioned and "sacred" 1916 Declaration of Sainte-Adresse became silent letter, as the allies did not, or could not, guarantee the reparation of all the damages caused by the war. Inflation and the 1922 German failure to pay instalments of reparations on time put a strain on the Belgian budget and painfully revealed that a full compensation for the war could not be achieved. The government, who at first seemed to have encouraged judges to grant each demand,[78] had to revise their strategy. From that moment on, legal scholars heavily criticized the courts for war damages. The *Journal des Tribunaux*, at the time Belgium's leading legal periodical, commented on the governmental error of judgement:

> *"At that time, the legislator, convinced that Germany would pay, found itself authorized to show pure greed; the courts for war damages followed this example which was a blessing for the victim, haven't we all heard in the adjudications, not only by the attorney of the victim but sometimes even by the*

73 "Commentaire", La réparation des dommages de guerre, 1919, 136-137.

74 Art. 33 decree-law 23 October 1918.

75 Explanatory memorandum to the statute revising the decree-law of 23 October 1918…, Preparatory documents House of Representatives 1919-1920, no. 103, 3.

76 P. Devos, "Des tribunaux et offices des dommages de guerre", L'Émulation. Organe de la société centrale d'architecture de Belgique 1921, 50.

77 Preparatory documents House of Representatives, session 24 March 1920, 735.

78 "Esquisse d'une réforme des lois sur les dommages de guerre", Journal des Tribunaux 1923, 114.

court's president, the words addressed to the state commissioner 'Let us be generous, after all, it is the enemy that will pay the bill'."[79]

Radical changes were needed according to the *Journal des Tribunaux* as greedy citizens demanding excessive amounts of money and "weak courts" were to blame for derailing the state budget.[80] Members of Parliament initiated proposals to reduce the courts for war damages and transfer cases to regular courts. It eventually led to the statute of 19 August 1923 which introduced the possibility for the King to dismiss judges, state commissioners and all other staff at will.[81] From that moment on, chambers within several courts were gradually reduced (*supra*).

Ypres and its region worried both local and national dignitaries, who reported to the Parliament that there was a certain amount of discontent among the population because of the slow pace of the reconstruction. Newspapers wrote: "Do we not have the right to insist, and to keep doing so, on a speedily Tribunal for War Damages?".[82] The announcement of budget cuts for the reconstruction sparked social unrest which reached its peak on 13 April 1924 when thousands of locals protested on Ypres' Market Square. It was the crystallization point of years of frustration due to governmental mismanagement. Local newspapers targeted the courts and stated that they could not fulfil the population's needs.[83] The reasons were not mentioned, but the personal records of the staff and comments of contemporary legal scholars unveil a rather poor image of the tribunals for war damages which were staffed by an inexperienced and occasionally unmotivated staff.

VI. If you pay peanuts, you get monkeys

The procedural code required each chamber in the 26 tribunals and three courts of appeal for war damages to be staffed with a president, two assessors and a clerk. In relation to the workload, a number of state commissioners had to be appointed. By March 1920, 111 chambers and 184 state commissioners were active in Belgium.[84] Despite their manpower, the Tribunals for War Damages in Ypres and Veurne remained understaffed and, except for the judges, no other actor had any legal background. Moreover, in the case of Ypres, there seemed to be a lack of "men who knew the region and understood agriculture".[85] Next to buildings, there was an imminent urge to reconstruct the landsca-

79 "Esquisse d'une réforme des lois sur les dommages de guerre", Journal des Tribunaux 1922, 656.

80 "It is indisputable that the claimants have exaggerated their claims to an extent that borders on bad faith, and that the courts have shown a highly culpable weakness"; "Esquisse d'une réforme des lois sur les dommages de guerre", Journal des Tribunaux 1922, 656.

81 Art. 3 Statute 19 August 1923.

82 "Vergoeding van oorlogsschade", De Poperinghnaar 28 December 1919, 1.

83 "De betooging der geteisterden te Yper", De Gazet van Poperinghe, 20 April 1924, 1; "De betooging te Yper", De Poperinghenaar, 20 April 1924, 1.

84 Explanatory memorandum to the Statute revising the decree-law of 23 October 1918, Preparatory documents House of Representatives 1919-1920, 162, 2.

85 "Minister Jaspar te Poperinghe", De Poperinghenaar 9 November 1919, 1.

pe as well.[86] Fields at the countryside were "harvested" from bomb shells and other war materials and trees were planted to provide the soil an essential recovery. It would enable farmers to grow crops and provide society with food.

The Minister of Economic Affairs, Henri Jaspar decreed that five additional chambers would be established for both the Ypres and Veurne Tribunals, an ill-considered decision since the main problem was a shortage of lawyers – i.e. people who have studied law – who met the requirements to be appointed as judge, and a poor recruitment strategy for assessors and state commissioners. A lack of staff in general further hampered the effort to speed things up. Therefore, Parliament allowed derogatory procedural provisions for these tribunals and offered higher wages to people willing to work in the Westhoek. These measures were not sufficient and it can be questioned whether the best of men were appointed as judges, assessors or state commissioners.

Each chamber was chaired by a president appointed by the King for a three-year term, who was either the Tribunal's chairman or vice-chairman.[87] The mandate could be renewed. In principle, active, deputy and retired magistrates, attorneys-at-law who had been registered for at least ten years on the *tableau*[88] or law professors with at least ten years of experience were eligible to take up this function.[89] For the districts of Ypres and Veurne, the law provided for an exceptional measure. Because of the enormous number of cases they had to deal with, and the reluctance of skilled lawyers to move to the Westhoek region, the tribunal in Ypres faced a shortage of (vice-)presidents. Elswhere, there seemed not the have been a real issue. The legislator tackled this issue by allowing lawyers or attorneys who had only five years of professional experience or (honorary) civil-law notaries[90] to be appointed. This was not possible in other districts.[91] According to the *Journal des Tribunaux* such legislation did not guarantee an impartial judgement, quite the contrary:

> *"Among the magistrates of the war damage tribunals, one source of abuse of power comes from the accumulation of functions; the majority of them are attorney-at-law. This often results in the absence of any in-depth examination of the facts. Another serious drawback, particularly noticeable in the provinces, is the concern to attract sympathy from clients which may incline them to show themselves to be too good and generous. This is particular-*

86 D. Claeys, Land, staat en bevolking. De wederopbouw van het Belgische platteland na de Eerste Wereldoorlog, PhD thesis, KU Leuven, 2019.

87 Art. 5 Co. St. 23 October 1921.

88 The "tableau" is a list of all active attorneys within a Bar Association. Only attorneys on that list are allowed to plea in a court room.

89 Art. 6, par. 1 Co. St. 23 October 1921.

90 Lawyers and notaries did not have the same education at that time. The training to become a civil-law notary at that time can be compared to obtaining a bachelor's degree in law followed by years of specialisation in the civil-law notary's practice.

91 Art. 6, par. 2 Co. St. 23 October 1921.

ly true for the presidents of chambers, who are not controlled by anyone and one cannot act against."[92]

Not all nominated judges seemed to have been honoured and refused to take a seat in the tribunal for war damages. For instance Georges Van den Bossche (1874-1935)[93], professor civil law, did not accept his nomination[94].

At first, two assessors (*assesseurs/bijzitters*) assisted the president during each session.[95] In 1920, Minister for Economic Affairs Fernand de Wouters d'Oplinter (1868-1942) questioned those assessors as analysis had shown that they were not an added value. The assessors produced few results and cost a lot of money. In a first step, it was proposed that assessors would be present in the court room whenever the president of the chamber, in agreement with the state commissioner, deemed it necessary. In Ypres, however, Minister Wouters d'Oplinter assigned a single-seat judge to preside over some Ypres chambers. As they were regularly praised during the parliamentary discussions, probably the stimulate the members of parliament to vote for the abolishment, it can be concluded that these judges worked very efficiently.[96] The single-seat judge became the norm throughout Belgium from August 1923 onwards.[97] In this light, the Ypres and Veurne Tribunals for War Damages served as an experiment. An examination of the judgements delivered by Ypres Tribunal for War Damages shows that by mid-March 1923, there was no longer any assessor in the Second Chamber.

The assessors and their deputies were chosen for a period of three years by the first President of the Court of Appeal of their jurisdiction "from suitable persons".[98] It was therefore not required that they had received legal training. Thus engineers, manufacturers, contractors and even brewers could hold the position.[99] The legislators hoped for cooperation between a learned lawyer and competent technicians to eventually determine the value of the claims and, consequently, avoid a time-consuming expertise. As early as June 1922, the Ministers of Justice and Economic Affairs, Emile Vandervelde (1866-1938) and Aloys Van de Vyvere (1871-1961), called for the office of assessor, who was a lay judge, to be abolished.[100] A cost/benefit analysis had shown that the assessors achieved

92 "Esquisse d'une réforme des lois sur les dommages de guerre", Journal des Tribunaux 1923, 116.

93 P. Kluyskens, "Georges Vanden Bossche", in T. Luyckx, Rijksuniversiteit Gent 1913-1960: 3. Faculteit der Rechten, Gent, Rectoraat, 1960 28-29.

94 Royal decree 22 April 1919 on the appellate courts and tribunals for war damages – establishment - nominations, Moniteur belge, 24 April 1919, 1697.

95 Art. 7, par 1 Co. St. 23 October 1921.

96 Explanatory Memorandum to the statute containing a number of initiative to speed up investigations of claims for the reparation of war damage and to prepare in stages for the abolition of the special courts, Preparatory documents House of Representatives 1920-1921, no. 319, 1.

97 Statute 19 August 1923.

98 Art. 6, par 3 Co. St. 23 October 1921.

99 "Bericht", Het weekblad van Ijperen 21 May 1924, 1; Dubbele provinciale wegwijzer van West-Vlaanderen en bijzonderlijk der stad Brugge, voor het jaar 1923, Bruges, Geuens-Willaert, 289; K. Colebrants, De rechtbank van oorlogsschade te Ieper in de beginfase (1919-1920), master thesis, Ghent University, 2015, 60-63.

100 Explanatory Memorandum to the statute containing a number of initiative to speed up investigations,

little result and put pressure on the budget figures. The comments by legal scholars were less kind and they accused the assessor to "limit himself to give the best outcome for the victim and to collect his attendance fee".[101] In the end, it was proposed to limit the intervention of the assessors to those cases where the president of the tribunal for war damages, in consultation with the state commissioner, considered it necessary.[102] With the exception of their names, little is known about the assessors, this in contrast to the commissioners of the state of whom most personnel files are still preserved at the State Archives of Belgium.

Each tribunal for war damages had one state commissioner's office, which can be regarded as a kind of public prosecutor's office whose mission was twofold: its members represented the Belgian State on the one hand and safeguarded the general interest on the other.[103] For tribunals settled in the Flemish region, another requirement was added: the state commissioners had to be proficient in Dutch.[104]

The state commissioner's task consisted first of all in the valuation and determination of damages suffered by civilians. In addition, they had a kind of mediation function which could prevent overloading and backlogs in the courts. After the state commissioner had compiled the file, he could settle the case amicably with the party. The state commissioners were also present during the hearings to give their opinion on the cases. Because of their function, the state commissioners found themselves in a strong position in relation to the claimants. Abuse was possible. Therefore, the King decided to place the state commissioners under supervision of the "registration and domains", a department in the tax administration[105]. Specifically, they had to monitor the work of the state commissioners and report to the minister of Economic Affairs. In addition, they had the task of overseeing the correct application of the judgments of the courts for war damages. Furthermore, they could require the commissariat to draw up by-laws and had an advisory function. Thus, they could verify whether a contract that did not require the intervention of the war damage court was regulatory. Finally they also assessed whether it was useful to file an appeal.

At first, the state commissioners were selected from civil servants, in particular those working at the tax office. Later on, the government selected more broadly. The office was headed by a chief state commissioner who could be a (retired) civil servant from any administrative echelon (State, province or municipality). In Ypres, it was the Brussels tax

Preparatory documents House of Representatives 1920-1921, no. 319, 1-2.

101 "Esquisse d'une réforme des lois sur les dommages de guerre", Journal des Tribunaux 1923, 116.

102 Report on behalf of the commission on the 1° statute containing a number of orders to speed up the investigation of legal claims for the reparation of war damage and to prepare in stages the abolition of the special courts; 2° statute amending certain provisions of the laws on the courts and tribunals for war damage and on the reparation of damage resulting from acts of war, Preparatory documents House of Representatives 1922-1923, no. 401, 2.

103 Art. 11 Co. St. 23 October 1921.

104 Art. 18 Co. St. 23 October 1921.

105 Royal decree 11 August 1919 on the establishment of supervision over state sommissioner's offices in tribunals for war damages, Moniteur belge 24 August 1919, 4129-4130.

official Valère Esquelin who managed the local office.[106] In order to carry out their tasks in the best possible way, the office hired white-collar workers, the number of which depended on the workload, and dismissed them when their help was no longer needed. In its heyday, the Ypres state commissioner's office was staffed by 44 employees.[107] Other courts functioned with far less people.[108]

The state commissioners were answerable to the Minister of Economic Affairs[109] and later to the Minister of Finance.[110] They were appointed by the King by means of numbered royal decrees for one year.[111] The King could also remove them from office. At the end of the 1920s, when activity in the tribunals for war damage steadily declined, the period of renewal was shortened.[112] State commissioners evaluated the damage victims claimed and estimated the costs for repair. They recorded their findings in a file. Furthermore, they also had a kind of mediation function in order to lighten the burden on the tribunals for war damages hence avoiding further delays. After the state commissioner had completed his dossier, he could settle the case with the plaintiff.[113]

Initially, the agreements had to be approved by the court and because a judge had a margin of appreciation, this was not a simple ratification. At his wishes, the case had to be reviewed in court.[114] Such mandatory ratification by the judiciary undercut the attempt to speed up the process. Hence, the legislator allowed the state commissioner to settle without ratification by a judge if a claim did not exceed a certain amount.[115] As head of this administration, the Minister of Economic Affairs still retained a power of appreciation. A copy of the agreements reached by the plaintiffs and the state commissioners remained available to the public for one year at the registry of the tribunal for war damages and at the municipal secretariat where the damage had occurred.[116] Only if an agreement was impossible to reach did a judge had to resolve the dispute. But before doing so, he had to undertake a final attempt to reconcile the parties, in other words, the state commissioner and the claimant.

106 "De vereffening der diensten voor oorlogsschade", Het Ypersch Nieuws, 17 January 1931, 1.

107 Idem.

108 F. Jansen, Reconstructie door middel van het recht. Rechtbank voor oorlogsschade in Turnhout na WOI (1919-1926), master thesis, Antwerp University, 2022, 45.

109 Art. 13 Co. St. 23 October 1921.

110 Royal decree 19 August 1926, Moniteur belge, 27 August 1926, 4684 (hereinafter: RD 19 August 1926).

111 Art. 11 Co. St. 23 October 1921.

112 These appointments were at first renewed for nine months, then again for six and eventually for three months.

113 Art. 2 Co. St. 23 October 1921.

114 "Rechtbank voor oorlogsschade van Mechelen, 18 april 1921", la Réparation des Dommages de guerre 1921, 337; G. Van Bladel, La réparation des dommages matériels résultant des faits de la guerre, Brussels, J. Lebègue, 1922, 564-566.

115 At first 2.500 francs, later 10.000 and eventually 50.000 francs could be granted without any judicial control.

116 Art. 42, par. 1 and 2 Co. St. 23 October 1921.

Historian Luc Vandeweyer stated that state commissioners were selected almost exclusively from people who had a certain status or local notoriety and he based his claim on the names mentioned in his inventory.[117] That might be true for places such as Turnhout, where most of them were trained lawyers[118]. This, however, does not appear to have been the case in Ypres. Also contemporary legal scholars and other experts doubted the state commissioners' professional skills. The *Journal des Tribunaux* put it very harshly:

> *"Already the day after the establishment of the tribunals for war damages it was clear that they were a cure for unsatisfied appetites, attorneys without clients, engineers without talent, all those who had failed in life, aspired to enter a new career. Politics became involved and, in order to satisfy its clients, did not hesitate to appoint the least qualified men to occupy these positions and exercise this new power. No doubt, since then, many inadequate elements have been eliminated; among the young and intelligent men it has been possible to train excellent state commissioners, but it is nevertheless certain that in general they are notoriously insufficient; moreover it is almost impossible to acquire such a position, for the political protégé is, despite his incapacity, supported by many influential people."*[119]

The Ypres archives confirm this as we find amongst the state commissioners mainly unemployed men who were trained as agricultural engineers, architects and even typographers. They came from all over Belgium and had little feeling with the region they worked in.[120] Yearly evaluations unveiled attitude problems among some state commissioners at Ypres. Cases of fraud and corruption emerged. State commissioner Joseph Bogaerts had swindled money from three claimants and was eventually convicted for extortion.[121] Some of his colleagues commissioners eagerly charged excessive travel expenses to the Belgian state.[122] Others seemed less motivated and remained absent or preferred drinking, gambling and "relations with the beautiful sex".[123]

To curb these abuses, Parliament instated a chief state commissioner who helmed a state commissioner's office in each judicial district. He was responsible for disciplinary matters, the regularity of the service and the implementation of laws and regulations.[124] He supervised his 'corps' and could be held accountable by the Minister of Economic Affairs. [125] The chief state commissioner regularly evaluated his subordinates by means of

117 L. Vandeweyer, Inventaris van het archief van de Dienst voor de Vereffening van de Diensten van Oorlogsschade. Personeelsdossiers 1917-1973, State Archives of Belgium, Brussels, 2015, 9.

118 F. Jansen, Reconstructie door middel van het recht. Rechtbank voor oorlogsschade in Turnhout na WOI (1919-1926), master thesis, Antwerp University, 2022, 46-53.

119 "Esquisse d'une réforme des lois sur les dommages de guerre" JT 1923, 115-116.

120 J. Podevyn, De rechtbank voor oorlogsschade te Ieper anno 1923. Analyse van de vonnissen van de tweede kamer, master thesis, Ghent University, 2017, 33-70.

121 Idem, 43.

122 Idem, 53-54.

123 Idem, 50-51.

124 Art. 1 Royal decree 1 December 1919; art. 13, par. 2 Co. St. 23 October 1921.

125 Art. 1, 1° Royal decree 11 August 1919.

specific forms which can be found in the personnel files. These files do not display the professionalism one would expect from such institutions. Words as "lazy", "slow", "unintelligent" are not uncommon. In addition, the chief state commissioner was given the authority to designate the employees – thus state commissioners and clerks – working at the State Commissioner's office.[126]

VII. Tribunal for War Damages: ruled by guidelines

As any other court, tribunals and appellate courts for war damages had to draft an internal code of conduct, a set of rules ensuring that judicial professionals - judges, state commissioners, clerks and lawyers - could learn the general customs prevailing in that court. By Royal Decree of 25 August 1919, the King ratified the rules of procedure for several Tribunals of War Damages.[127] These rules proved to be mere guidelines, as most tribunals seemed not to be able to adhere to them. From the legislation and internal regulations, it can be deduced that the war damage courts differed little from "regular" courts. Just like the regular courts, the president of the war damage court was responsible for their proper functioning. There were several 'territorially specialised' chambers, a general role in which all cases were handled, a registry, and the like.

VIII. Compensation for 'certain and direct' war damages.

The legal basis for the compensation laid down in the decree-law of 23 October 1918 and the statutes of 10 May 1919 and 10 June 1919, which dealt with infrastructural damage and personal injury respectively. Both statutes initially provided a six-month time frame for victims to apply for compensation. These deadlines have proven to be unrealistic. Refugees, who had lived for a long time in France, The Netherlands or England, were unaware of these regulations. Moreover, a large portion of the population was illiterate and unable to submit the necessary documents.[128] Judges showed some leniency and used the figure of *force majeure* to adjudicate claims that were filed too late. The following months and years the legislator extended the deadlines several times.[129] Civilians, who had been

126 Art. 2 RD 30 April 1920 designating the staff of the State commissioners assigned to the Chief Commissioners of the State at the war damage courts, Moniteur belge, 20 May 1920, 3853.

127 Royal decree of 25 August 1919 concerning the internal procedure for the War Damage Tribunal in Dendermonde, Moniteur belge, 11 October 1919, 5344; Royal decree of 25 August 1919 concerning the internal procedure for the War Damage Tribunal in Ypres, Moniteur belge, 11 October 1919, 5339-5340; Royal decree of 25 August 1919 concerning the internal procedure for the War Damage Tribunal in Turnhout, Moniteur belge, 13 October 1919.

128 Art. 73, par 2 Co. St. 6 September 1921; J. Podevyn, De rechtbank voor oorlogsschade te Ieper anno 1923. Analyse van de vonnissen van de tweede kamer, master thesis, Ghent University, 2017, 75.

129 In the case of material damage this was before 1 October 1920 or within six months after the event that caused the damage occurred; art. 73, par. 1 Co. St. 6 September 1921; in case of personal injury it was within six months after the publication of the statute (i.e. before 28 February 1922) or within six months after the claim had occurred if it had occurred after 28 August 1921; art. 9 Statute 19 August 1921.

compensated for physical harm, could file for a reassessment if their condition had worsened. At first, these demands had to be filed within two years after the ruling, but it was extended for five years. The final deadline was in 1928. At that point in time, only the Ypres tribunal for war damages was in place. All applications for reconsideration were systematically declined in the 1930s.

The procedure to obtain reparations, regardless of whether they were material or personal, was quite similar. Article 8 of the coordinated law of 19 August 1921 refers to Titles I, II, III and IV of the coordinated law of 20 April 1920.[130] The main difference was that cases about personal injuries could always be appealed.[131] During the 1920s, the procedure had undergone some changes in a search of a more efficient judicial system.[132]

Only natural and legal persons of Belgian nationality could apply for compensation.[133] As far as material damage was concerned, a bilateral treaty with France allowed French citizens who had suffered damage to their real estate in Belgium to obtain compensation through the Belgian war damage courts and vice versa.[134] There was no such treaty for personal injury. Material damage fell into two major categories: damages to movable property and damage to immovable property. Only certain damage to material property on Belgian territory was eligible for compensation.[135] Moral damage was not compensated.[136] Proof could be provided by witnesses.[137] Even though the legislation mentioned "damage as a direct consequence of the war", it was not always easy to distinguish indirect and direct damages. Indirect damage meant that the gap between the damage-causing event and its alleged consequences was too long, or that the consequence existed due to matters other than the war. Jurisprudence provided some clarification here.[138] For example, farmer Cyrille Vandorpe had to leave his livestock behind when he was evacuated. The loss of cattle was considered direct damage by the Ypres Tribunal for War Dama-

130 J. Podevyn, De rechtbank voor oorlogsschade te Ieper anno 1923. Analyse van de vonnissen van de tweede kamer, master thesis, Ghent University, 2017, 98.

131 Art. 63 Co. St. 25 April 1920.

132 For example, initially, the 1918 decree-law stipulated that the plaintiff had to file his application to the mayor of the place where the damage occurred. The mayor would send it to the president of Tribunal of War Damages of that arrondissement. The mayor as intermediator was abolished in 1920. Henceforth, claims had to be sent directly to the court clerks and immediately submitted to the judicidal authorities; art. 27 iuncto art. 22 decree-law 23 October 2018; art. 30 iuncto art. 33 Co. St. 25 April 1920; A. De Vergnies, Ce que tout sinistré devrait savoir, Brussels, J. De Lannoy, 1922, 122.

133 Art. 2, art. 5-6 Statute 10 May 1919; art. 2 iuncto art. 5 Co. St. 6 September 1921.

134 Act of 13 November 1919 approving: 1° the agreement signed in Paris on 26 April 1918 with France concerning the protection of the private property and interests of the subjects of one of these countries against the acts of the enemy authorities, and 2° the agreement signed in Paris on 9 October 1919 with France concerning the reparation of war damage, Moniteur belge, 24-25 November 1919, 6383; G. Van Bladel, La réparation des dommages matériels résultant des faits de la guerre, Brussels, J. Lebègue, 1922, 29.

135 Art. 2 Co. St. 6 September 1921.

136 G. Van Bladel, La réparation des dommages matériels résultant des faits de la guerre, Brussels, J. Lebègue, 1922, 170.

137 Tribunal for War Damages Turnhout, 1st Chamber, 25 September 1919, 230.

138 Idem, 177-190.

ges.[139] In another case, the Ghent Court of Appeal for War Damages decided that the loss of greenhouse plants due to the freezing cold because the occupant had confiscated all fuel was not considered as caused by the war.[140] A fine or other penalties for not adhering to German ordinances, was not considered as damages resulting from the war, as Alfons Van Gheel from the village of Oevel found out. The farmer had been fined for illegally grubbing potatoes and insufficient delivery of butter. The tribunal ruled that if Van Gheel had followed the rules, he would not have suffered those damages.[141]

Determining the value of the goods was the real challenge.[142] The starting point for both movable and immovable property was its value on 1 August 1914. If the property was manufactured after this date, the purchase price or production costs were taken as the value. Once the claimant was granted his compensation, he could do whatever he wanted with the allowance, which did not necessarily imply investing in the reconstruction of a lost habitation. To prevent such counterproductive behaviour, the government introduced an optional reinvestment system to stimulate reconstruction and allow Belgium's economy to flourish again.[143] Victims could indicate they had the intention to use their compensation to rebuild their property at the same place and for the same use. Thus, homeowners had to reinvest the money in housing whereas public institutions, such as the church, had to use it to rebuild the real estate they had and maintain its function. Thus a church had to be rebuilt and be used as a church.[144] In order to encourage plaintiffs to choose this option, they were offered a bonus. In some cases, reinvestment was prohibited. Emile Slembrouck, for example, had claimed both damages and a reinvestment compensation to rebuild his eight small worker's cottages (beluiken). These tiny buildings were often overpopulated and created perfect conditions for epidemics such as cholera. Therefore the city of Ypres had officially forbidden the reconstruction of such houses. The claimant was permitted to construct three regular houses with his reinvestment compensation.[145] For the country's stability, reinvestment could be imposed in certain cases. For example, if a destroyed factory had provided employment for an entire region, it was mandatory to rebuild that same factory to create jobs. A soaring unemployment rate was not helpful for the national economy.[146]

The rules relating to personal injury can be found in the statute of 10 June 1919 and its 1921 coordinated version. The purpose of the latter was to put the civil victims on an

139 Tribunal for War Damages Ypres, 2nd Chamber, 9 January 1923, no. 50789-90-91, B16_0023V.

140 G. Van Bladel, La réparation des dommages matériels résultant des faits de la guerre, Brussels, J. Lebègue, 1922, 181.

141 Tribunal for War Damages Turnhout, 2nd Chamber, 7 July 1920, 112.

142 Art. 13 Co. St. 6 September 1921.

143 G. Van Bladel, La réparation des dommages matériels résultant des faits de la guerre, Brussels, J. Lebègue, 1922, 315.

144 Art. 16 Co. St 6 September 1921; A. De Vergnies, Ce que tout sinistré devrait savoir, Brussels, J. De Lannoy, 1922, 36.

145 Tribunal for War Damages Ypres, 2nd Chamber, 3 January 1923, no. 50731-47176, B16_0003V.

146 G. Van Bladel, La réparation des dommages matériels résultant des faits de la guerre, Brussels, J. Lebègue, 1922, 316 and 340.

equal footing with the military victims as much as possible.[147] Personal injury legally had three major subdivisions: incapacity for work (as a result of the war), death (as a result of the war) and forced labour during deportation – not for deportation itself.[148] Here, too, moral damage was not compensated. In the judgements concerning personal injury, we find many interlocutory judgements ordering the appointment of an expert, usually a medical doctor, who had to describe the bodily injuries and thus determining the disability percentages.[149] In the cases were the victim had died, surviving relatives could be allowed to receive compensation, but only if the victim was the breadwinner.[150]

IX. Conclusion

Inspired by the French and with the best of intentions, the Belgian government in exile launched the courts and tribunals for war damages as a spearhead of its reconstruction policy. This new temporary judicial body was a carbon copy of the "regular courts" and would prevent a tsunami of claims which could potentially bring the entire justice system down. People who urged for reparations, particularly those living in the devastated Westhoek region, were to benefit from the expertise brought together in these courts. However ideal it may have sounded in theory, reality proved otherwise.

Different reasons explain the troublesome functioning of the Tribunal for War Damages. Mainly, a lack of experience to tackle the repercussions of the Great War appears to have hampered reconstruction efforts. This makes perfect sense since no one had ever dealt with such vast scale of destruction. After the Armistice, the magnitude of the devastation wrought by the Great War became apparent. The conflict sowed death and destruction on an unprecedented industrial scale and Belgium's Parliament did not know which strategy would lead to a swift reconstruction of the country. In fact, the national legislator looked to the initiatives in France and carbon copied them. To some extent it is comprehensible as the French system was fully operational already during the war. On the other hand the government side stepped that fact that France had not suffered the same occupational regime as Belgium had. A series of novel institutions were created by law and until midway through the 1920s, the legislative framework had to be adapted to the developments on an international, national and local level. Instead of a well-conceived reconstruction strategy, it was rather a trial-and-error process, inevitably opening the door for criticism from legal scholars, professionals and the population.

147 T. Smolders, Loi du 25 juillet 1921 portant revision de la loi du 10 juni 1919 sur les réparations à accorder aux victimes civiles de la guerre, Brussels, Larcier, 1921, 6.

148 J. Podevyn, De rechtbank voor oorlogsschade te Ieper anno 1923. Analyse van de vonnissen van de tweede kamer, master thesis, Ghent University, 2017, 89-97.

149 Art. 48 Co. St. 25 April 1920; J. Bourke, Dismembering the Male: Men's Bodies, Britain and the Great War, London: Reaktion Books, 1996; D. Cohen, The War Come Home: Disabled Veterans in Britain and German, 1914-1939, Berkley, University of California Press, 2001; K. Blackmore, The Dark Pocket of Time: War, Medicine and the Australian State, 1914-1935, Adelaide, Lythrum Press, 2008.

150 Art. 5 Co. St. 19 August 1921.

This was particularly true for the Westhoek region. Ypres and its surrounds had been all but obliterated and reconstruction demanded exceptional norms. These were adjusted very frequently to a point that no one saw clarity in this legal jungle. Furthermore, claimants and legal scholars believed the Tribunal was hamstrung by an unnecessarily complex procedure.

In the wake of the Second World War was the idea to reinstall courts and tribunals for war damages immediately discarded and replaced by a simple administrative procedure. The socialist member of Parliament Alfons Vranckx (1907-1979) mentioned in his report on the draft statute (*projet de loi/wetsontwerp*) his lesson-learned:

"Experience unveiled the errors and abuses inherent to the system established by this legislation: […]

3° small damages, being repaired as well as all others, encumbered the tribunals for war damages and thus slowed down the reconstruction work;

4° the huge task of repairing the damages must be carried out in a flexible and rapid procedure. In this respect, the tribunals and courts for war damages were a slow and costly organisation."[151]

Bibliography

Jean-Marie Baillieul, Problematiek omtrent de wederopbouw van België na de Eerste Wereldoorlog. Casus Ieper en omgeving (1918-1924), master thesis, Ghent University, 1976.

Jean Bulcke, De wederopbouw van Ieper na 1918, Ghent 1974.

Hugh Clout, After the ruins. Restoring the countryside of northern France after the Great War, Exeter 1996.

Kristien Colebrants, De rechtbank van oorlogsschade te Ieper in de beginfase (1919-1920), master thesis, Ghent University, 2015.

Sandrin Coorevits, Raphaël Speybrouck (1893-1959) en de wederopbouw van Ieper (1920-1928), Ypres 1997.

Jonas De Ridder, Teutoons inferno '14-'18 : schade en vergoeding. Een kijk op de rechtbank van oorlogsschade in het gerechtelijk arrondissement van Dendermonde, master thesis, Ghent University, 2016.

Adolphe De Vergnies, Ce que tout sinistré devrait savoir, Brussels 1922.

151 Report on the Draft Statute on the reparation of war damages at private goods, Preparatory documents House of Representatives 1946, no. 208, 8-9.

Lies Eeckhout, De rechtbank voor oorlogsschade te Ieper in 1921. De rechtbank in actie in Groot-Zonnebeke, Moorslede en Wervik-Geluwe. Een analyse van de vonnissen van de zevende kamer, master thesis, Ghent University, 2019.

Marcel Heistercamp, Wederopbouw van Ieper na de eerste wereldoorlog, master thesis, Catholic University of Louvain, 1979.

Pierre Henri, Grands avocats de Belgique, Brussels 1984.

Femke Jansen, Reconstructie door middel van het recht. Rechtbank voor oorlogsschade in Turnhout na WOI (1919-1926), master thesis, Antwerp University, 2022.

Delphine Lauwers, Le saillant d'Ypres entre reconstruction et construction d'une lieu de mémoire : un long processus de négociations mémorielles de 1914 à nos jours, PhD thesis, European University Institute, 2014.

Theo Luyckx, Rijksuniversiteit Gent 1913-1960: 3. Faculteit der Rechten, Ghent 1960.

Ernest Mahaim, La Belgique restaurée : étude sociologique, Brussels 1926.

William Macdonald, Reconstruction in France, New York 1922.

Julie Podevyn, De rechtbank voor oorlogsschade te Ieper anno 1923. Analyse van de vonnissen van de tweede kamer, master thesis, Ghent University, 2017.

Edmond Ronse, Handboek voor den geteisterde, Brussels 1919.

Théodore Smolders, Loi du 25 juillet 1921 portant révision de la loi du 10 juin 1919 sur les réparations à accorder aux victimes civiles de la guerre, Brussels 1921.

Georges Van Bladel, La réparation des dommages matériels résultant des faits de la guerre, Brussels 1922.

Bjarne Van Damme, De rechtbank voor oorlogsschade te Dendermonde : een analyse, master thesis, Ghent University, 2020.

Luc Vandeweyer, Inventaris van het archief van de Dienst voor de Vereffening van de Diensten van Oorlogsschade. Personeelsdossiers 1917-1973, Brussels 2015.

Paul Van Molle, Het Belgisch parlement: 1894-1972, Antwerp 1972.

Sven Vrielinck, De territoriale indeling van België (1795-1963), Leuven 2000.

Manuel du Commissaire de l'état. Deuxième édition, Brussels 1921.

1. Edited volumes and anthologies

Koen Baert, Jean-Marie Baillieul, e.a., Ieper, de herrezen stad. De wederopbouw van Ieper na 14-18, Brugge 1999.

Guillaume Richard and Xavier Perrot, Dommages de guerre et responsabilité de l'État. Auteur de la Charte des sinistrés du 17 avril 1919, Limoges 2022.

Eric Bussière, Patrice Marcilloux and Denis Varaschin, La grande reconstruction. Reconstruire le Pas-de-Calais après la Grande Guerre. Actes du colloque d'Arras 8-10 novembre 2000, Arras 2002.

Jeroen Cornilly, Sofie De Caigny and Dominiek Dendooven, Bouwen aan wederopbouw 1914/2050: architectuur in de Westhoek, Ypres 2009.

Gavin Roynon (ed.), Ypres Diary 1914-15 : the Memoirs of Sir Morgan Crofton, Stroud 2010.

Karel Velle and Joëlle Dhondt, Inventarissen van de archieven van de hoven en rechtbanken voor oorlogsschade in Vlaanderen (en rechtsopvolgers) (1919-1936), Brussels 2001.

2. Journal articles

Emma D'haene and Hendrik Callewier, 't Zou nog een gansch boek vullen! Oorlogsschade in Zuid-West-Vlaanderen na Wereldoorlog I, De Leiegouw (2018) 189-210.

Julie Podevyn and Sebastiaan Vandenbogaerde, "Ce n'est pas la loi qu'il faut changer, c'est la mentalité": Ypres Tribunal for War Damages (1918-1935): Intermediary for a City in Reconstruction, Journal for Belgian History 1-2 (2021) 52-74.

Guido Sedeyn, Het Ieperse gerecht te Poperinge (1915-1921)", Westhoek. Kring voor geschiedenis en familiekunde in de Vlaamse en Franse Westhoek (2017) 125-150.

Sebastiaan Vandenbogaerde, "Justice ou liberté". Impact van de Eerste Wereldoorlog op het Belgische privaatrecht, Tijdschrift voor Privaatrecht (2018) 91-146

3. Journals

Het Ypersche.

Het Ypersch Nieuws.

Journal des Tribunaux.

La réparation des dommages de guerre : bulletin bimensuel de documentation et d'études, Brussels,

L'Émulation. Organe de la société centrale d'architecture de Belgique 1921, 50.

"Esquisse d'une réforme des lois sur les dommages de guerre", Journal des Tribunaux 1923, 114.