

“CE N’EST PAS LA LOI QU’IL FAUT CHANGER, C’EST LA MENTALITÉ”¹

Ypres Tribunal for War Damages (1918 -1935) : intermediary for a city in reconstruction²

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Ypres is considered a universal symbol of the destruction wrought by the First World War. By the time the Armistice was signed, little but rubble was left of this once wealthy Flemish trading city. Hundreds of thousands allied soldiers lost their lives in the battles of the Ypres Salient alone, provoking the allied leaders to claim the city as a monument for remembrance. Former residents, backed by the local government, rejected such claims and intended to rebuild the city. One of the leading institutions in the reconstruction programme were the tribunals and courts for war damages.

I. Introduction

On 21 January 1919 Sir Winston Churchill (1874-1965) chaired a session of the Imperial War Graves Commission in London and said the next famous lines: "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".³ Already during the war many British officers regarded the city as holy ground. "No more fitting or nobler cemetery could there be on earth for those dead youths who now lie out in the mud and mist of Flanders Fields. What a fitting setting would these shattered churches and convent walls-enclosing smooth English green sward!" the Canadian lieutenant-colonel Henry Beckles-Willson (1869-1942) wrote.⁴ The destroyed city of Ypres was claimed as a symbol for the suffering of the British Empire. A strong British and Canadian lobby wanted to keep the centre of Ypres in permanent ruins, as holy ground and a "zone of silence"⁵ and 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.⁶

Already during the war, local newspapers expressed hope to see Ypres rebuilt. In 1915, a visit by Charles de Broqueville (1860-1940),⁷ Belgium's Minister of War, appeared particularly promising.⁸ Indeed, 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. Nor did the government wait until the Armistice was signed to initiate 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).⁹ Inspired by the French example, this commission designed a new judicial apparatus for Belgium: the courts and tribunals for war damages (*tribunaux et cours des dommages de guerre/rechtbanken en hoven voor oorlogsschade*).¹⁰

On 23 October 1918, the Belgian Government promulgated its decree-law¹¹ on the assessment and evaluation of damages caused by facts of war,

1. "Esquisse d'une réforme des lois sur les dommages de guerre", *Journal des Tribunaux* 1922, col. 114.

2. This contribution has been funded by the FWO-Vlaanderen. We thank Pieterjan Schepens, Delphine Lauwers and Matt Haultain-Gall and the reviewers for their adequate remarks and invaluable additions. Any mistake in the text remains ours; citations have been translated from Dutch or French by the authors.

3. Winston Churchill, addressing the Imperial War Graves Commission London, 21 January 1919.

4. HENRY BECKLES-WILLSON, *Ypres. The Holy Ground of British Arms*, Bruges, Chas. Beyaert, 1920, p. XIII.

5. GAVIN ROYNON (ed.), *Ypres Diary 1914-15: the Memoirs of Sir Morgan Crofton*, Stroud, The History Press, 2010, p. 8.

6. DOMINIQUE DENDOOVEN, "This is holy ground" in KOEN BAERT, JEAN-MARIE BAILLIEUL, e.a., *Ieper, de herrezen stad. De wederopbouw van Ieper na 14-18*, Brugge, De Klaproos, 1999, p. 98-110; "De Brussels", *Het Ypersche* 4 September 1920, p. 2.

7. PAUL VAN MOLLE, *Het Belgisch parlement 1894-1969*, Ledeberg, Erasmus, 1969, p. 64.

8. "Bezoek van hoofdminister de Broqueville", *Het Ypersche Volk*, 28 March 1915, p. 2.

9. PAUL VAN MOLLE, *Het Belgisch parlement...*, p. 38-39.

10. EDOUARD HUYSMANS, "Commentaire de l'arrêt-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, p. 84.

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

which officially introduced these new courts.¹² 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.¹³ The text explicitly established these courts as temporary institutions.¹⁴ The last of these to close its doors was the Ypres Tribunal for War Damages, which continued to oversee cases until 1935.¹⁵

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.¹⁶ In contrast, research on the tribunals and courts for war damages, established both in France as well as in Belgium, has remained until today rather under analysed in both countries. 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.¹⁷ The past few years, students guided by members of the Ghent Legal History Institute (Ghent University), have written master's theses on the Tribu-

nals for War Damages in Termonde and Ypres.¹⁸ A case study on Antwerp is on its way and will allow us to assess how this judiciary functioned in other districts.

This contribution puts the Ypres Tribunal for War Damages in the spotlight and scrutinises its role within the city's reconstruction process between 1919 and 1935. Through the example of the Ypres Tribunal for War Damages, we argue that 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 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.

12. 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, p. 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".

13. 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, p. 860-861.

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

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

16. E.G. JEAN BULCKE, *De wederopbouw van leper na 1918*, Ghent, Saint-Lucas Institute, 1974; JEROEN CORNILLY, SOPHIE DE CAIGNY and DOMINIEK DENDOOVEN, *Bouwen aan wederopbouw 1914/2050: architectuur in de Westhoek*, Ypres, Erfgoedcel CO7, 2009; JEAN-MARIE BAILLIEUL, *Problématique omtrent de wederopbouw van België na de Eerste Wereldoorlog. Casus leper en omgeving (1918-1924)*, master thesis, Ghent University, 1976; MARCEL HEISTERCAMP, *Wederopbouw van leper na de eerste wereldoorlog*, master thesis, Catholic University of Louvain, 1979; SANDRINE COOREVITS, *Raphaël Speybrouck (1893-1959) en de wederopbouw van leper (1920-1928)*, Ypres, City archives, 1997; ERIC BUSSIÈRE, PATRICE MARCILLLOUX 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, Archives de Pas-de-Calais, 2002; HUGH CLOUT, *After the ruins. Restoring the countryside of northern France after the Great War*, Exeter, University of Exeter Press, 1996; 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.

17. GEORGES SMETS, "Régions dévastées et la réparation des dommages de guerre" in ERNEST MAHAIM, *La Belgique restaurée: étude sociologique*, Brussels, Lamertin, 1926, p. 74-139; KAREL VELLE and JOËLLE DHONDT, *Inventarissen van de archieven van de hoven en rechtbanken voor oorlogsschade in Vlaanderen (en rechtsopvolgers) (1919-1936)*, Brussels, 2001.

18. KRISTIEN COLEBRANTS, *De rechtbank van oorlogsschade te leper in de beginfase (1919-1920)*, master thesis, Ghent University, 2015; 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; JULIE PODEVYN, *De rechtbank voor oorlogsschade te leper anno 1923. Analyse van de vonnissen van de tweede kamer*, master thesis, Ghent University, 2017; LIES EECKHOUT, *De rechtbank voor oorlogsschade te leper 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; BJARNE VAN DAMME, *De rechtbank voor oorlogsschade te Dendermonde: een analyse*, master thesis, Ghent University, 2020.

In order to understand the strengths and certainly the limitations of the Ypres Tribunal for War Damages, we need to consider how it was organized on a legal and practical level; who were the key actors; 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 of the courts for war damages. 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. 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 governmental documents of the appointed staff members in these courts.¹⁹ 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.

Our contribution exclusively is based on cases ruled by the second chamber of the Ypres Tribunal for War Damages at its heydays, between Janu-

ary and July 1923. Over 500 rulings have been processed and analysed, which is only a fraction of the available material. Taking all 100,000 cases into account is not feasible at this stage. Therefore, this contribution will limit itself to a sketch the few procedural differences between personal injury and material damages.

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 manuals²⁰ 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.²¹ Presidents, assessors and state commissioners received a copy of these manuals when they took office. Civilians likewise benefited 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.

II. A legislative and institutional jungle

The decree-law of 23 October 1918 proclaimed that all Belgians would have a right to demand reparations for damages suffered during the Great War. As France had done early in the war, Belgium's government adopted a new principle

19. 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-A0510/1 590).

20. EDMOND RONSE, *Handboek voor den geteisterde*, Brussels, Th. Dewarichet, 1919; ALPHONSE 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; GEORGES VAN BLADEL, *La réparation des dommages matériels résultant des faits de la guerre*, Brussels, J. Lebègue, 1922.

21. LA RÉDACTION, "Avant-propos", *La réparation des dommages de guerre*, 1919, p. 1.

of national responsibility for war damages.²² The decree-law announced that the nation bore the burden for compensation and consequently displayed a sense of national solidarity. The Belgian State strongly committed to this responsibility and based its claims on international law and several declarations allied Ministers had made during the War.²³ For the Belgian government, the “Declaration of Sainte-Adresse” of 14 February 1916 was sacrosanct. Therein British, French and Russian ministers, accompanied by Italian and Japanese representatives had sworn to “when the time came, it [Belgium] would be invited to take part in peace negotiations and that the Allied Powers would not put an end to hostilities without Belgium’s political and economic independence being restored and without Belgium being amply compensated for the damage it has suffered”.²⁴ The Belgian government saw in this statement an integral reconstitution of the country as an essential condition for peace and believed to have received a blank check. In short, it expected full compensation from “the aggressor”, but this was an expensive miscalculation as it finally became clear, in 1922, that Germany could not pay its dues.²⁵

After the initial euphoria of the Armistice passed, the Belgian Parliament, as a legislative body, faced innumerable societal challenges that were unmanageable given the existing set of rules. The crisis forced Parliament to abandon its traditional 19th century liberal idea of non-intervention and changed it for solidarity and a “just” legal

system. For the first time, the state actively interfered in private relations between citizens.²⁶ Legal scholars saw also in the regulations around war damages and the international acknowledgement that Belgium had to be compensated the introduction of a “a new right” (*droit nouveau*).²⁷

The legislative (members of Parliament) also had to deal with the decisions the executive (the King and ministers) 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.²⁸ 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*)²⁹ 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.³⁰ Henri Jaspar (1870-1939)³¹, 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)³², only interjected when certain members of parliament suggested to leave the city in ruins. Immediately after the Armistice, no Member of Parliament contested the introduc-

22. 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.” WILLIAM MACDONALD, *Reconstruction in France*, New York, The Macmillan Company, 1922, p. 64-5.

23. GERARD COOREMAN, “Rapport au roi”, *Moniteur belge*, 24-26 October 1918, p. 860.

24. Annexe au rapport concernant projet de loi sur la réparation des dommages résultant des faits de la guerre, *Preparatory documents House of Representatives*, 1918-1919, p. 3.

25. “Esquisse d’une réforme des lois sur les dommages de guerre”, *Journal des Tribunaux*, 1922, col. 655-656.

26. SEBASTIAAN VANDENBOGAERDE, “Justice ou liberté”. Impact van de Eerste Wereldoorlog op het Belgische privaatrecht”, *Tijdschrift voor Privaatrecht*, 2018, p. 91-146.

27. La Rédaction, “Avant-propos”, *La réparation des dommages de guerre*, 1919, p. 1.

28. 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.

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

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

31. PIERRE HENRI, *Grands avocats de Belgique*, Brussels, Editions JM Collet, 1984, p. 115-120.

32. PAUL VAN MOLLE, *Het Belgisch parlement 1894-1969...*, p. 45.

tion 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 (*arrêts royaux/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.³³ In February 1920, the provisions of that decree-law of 23 October 1918 were evaluated and adjusted.³⁴ It introduced another institution, namely the Arbitral Commissions (*commission arbitrale/scheids-rechtelijke 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.³⁵ 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,³⁶ whereas the state commissioners, acting as a kind of public prosecutor, fell under the competence of the Minister of Economic Affairs,³⁷ before this authority was transferred to the Minister of Finance.³⁸ The fragmentation of competences complicated 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 courts, it provided the Belgian government a flexible organ-

33. Statute of 10 May 1919 on the reparation of damage resulting from acts of war, *Moniteur belge*, 5 June 1919, p. 2505; Statute of 10 June 1919 on the recovery to be granted to civilian war victims, *Moniteur belge*, 22 June 1919, p. 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, p. 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, p. 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, p. 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, p. 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, p. 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, p. 3649-3650.

34. 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, p 1-2.

35. Ministerial decree, 6 August 1920, *Moniteur belge*, 30-31 August 1920, p. 6411.

36. Art. 62 decree-law 23 October 1918.

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

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

isational framework.³⁹ 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.⁴⁰ The first tribunal for war damages was inaugurated at the coastal city of Ostende, which in fact depended on the Bruges district.⁴¹ The next few weeks, royal decrees announced the constitution of tribunals and appellate courts for war damages all over the country.⁴² The Royal Decree of 15 April 1919 established the Ypres Tribunal for War Damages and divided it into five chambers.⁴³ Due to its heavy workload, the King assigned five additional chambers, bringing the total to ten chambers at the Ypres tribunal's peak.⁴⁴ Each chamber in the this tribunal was a separate entity with its own president and particular area of

expertise.⁴⁵ The Ghent Appeal Court for War Damages was empowered to hear an appeal of cases brought before the Ypres Tribunal.

As capital of its district, Ypres was officially proclaimed as a seat for the tribunal of war damages. The annihilation of its city centre and its courthouse led the Belgian government to make the nearby city of Poperinghe the provisional seat,⁴⁶ where the Ypres Tribunal was established in a tent on the local Horse Market.⁴⁷ The many requests for compensation already necessitated the erection of a second tent at the end of September 1919.⁴⁸ The Poperinghe 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.⁴⁹ On 15 August 1920 the following appeared in the newspaper:

39. "Report to the King", *Moniteur belge*, 24-26 October 1918, p. 863.

40. *Idem*.

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

42. 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, p. 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, p. 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, p. 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, p. 1696-1697.

43. Royal decree 15 April 1919 on the establishment of and appointments to the War Damage Tribunal Ypres, *Moniteur belge*, 18 April 1919; p. 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, p. 5355.

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

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

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

47. "Stadsnieuws: middelbare school", *De Poperinghenaar*, 5 June 1921, p. 2.

48. "Stadsnieuws: oorlogschade", *De Poperinghenaar*, 28 September 1919, p. 2.

49. Ypres City Archives, *Stad Ieper en deelgemeenten. Verslagen Gemeenteraad en het college van Burgemeester en Schepenen, (1836-) 1919-1976*, session 2 February 1920, GA14, p. 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.”⁵⁰

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.⁵¹ Waiting for a suitable courthouse, the old infantry barracks, a vast building situated between the *Esplanade*, *Montstraat* and *Pompstraat*, served as shelter.⁵² 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*).⁵³ 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 1929.⁵⁴ Later other regular courts followed.⁵⁵ 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 1935.⁵⁶ 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,⁵⁷ 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”.⁵⁸ This happened for the first time in Ypres in 1923, as the eighth chamber had completed its mission and was officially abolished by royal decree on 24 July.⁵⁹ A few months later, the same occurred for the tenth chamber and others followed over the following months.⁶⁰ 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.

The scaling down of the activity gave the population the wrong impression that the task of the Tribunal for War Damages in Ypres was almost

50. “Stadsnieuws: Ieper – rechtbanken”, *De Poperinghenaar*, 15 August 1920, p. 2.

51. “De rechtbank van Yper”, *De Poperinghenaar*, 27 March 1921, p. 2.

52. 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; Erfgoedcel CO7, *Ieper kazerne*, <http://www.erfgoedhaltes.be/erfgoedhalte/ieper-kazerne>; *Infanterie Kazerne in Ieper*, <http://users.skynet.be/fa357387/206Infant.%20Ieper.html> (consulted on 23 April 2020).

53. “Gerechtshof”, *De Poperinghenaer*, 1 July 1923, p. 2.

54. “Vredegerichten”, *Het Ypersche*, 23 February 1929, p. 4.

55. Erfgoedcel CO7, *Ieper gerechtsgebouw*, <http://www.erfgoedhaltes.be/erfgoedhalte/ieper-gerechtsgebouw> (consulted on 23 April 2020).

56. “De afbraak onzer voetvolkkazerne”, *Het Ypersch nieuws*, 12 January 1935, p. 3.

57. Art. 3 decree-law 23 October 1918.

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

59. 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, p. 3657.

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



This photograph depicts the Ypres' ruined former army barracks. It was in these buildings that the local courts and other administrative services found shelter (City Archives Ieper).

complete. The local press fed those rumours and reported in November 1924 that the Tribunal would be disbanded by the end of 1925.⁶¹ As a matter of fact, it continued to function for another ten years, but with only one chamber. 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.⁶²

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.⁶³ An extension of that mandate was not guaranteed. In addition, the King could transfer appointed judges to any other jurisdiction.⁶⁴ From 1923 onwards, royal decrees phased out the tribunal's chambers, endangering the position of the court's employees.⁶⁵ 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 (1852-1925), 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.⁶⁶ 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.⁶⁷ 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.⁶⁸ This extra step was considered unnecessary and undesirable for the plaintiff who "lost control over his case" and was eventually abolished.⁶⁹ However, the procedure was generally considered to be very inefficient, hence troublesome for the swift reconstruction of the country.⁷⁰ In Spring 1920, Minister Jaspar could do no more

61. "De rechtbanken van oorlogsschade", *De Poperingenaar*, 16 November 1924, p. 1.

62. Royal decree no. 194 of 13 August 1935.

63. 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.

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

65. Art. 3 Statute 19 August 1923.

66. JULIE PODEVYN, *De rechtbank voor oorlogsschade te Ieper anno 1923*, p. 52-55.

67. "Commentaire", *La réparation des dommages de guerre*, 1919, p. 136-137.

68. Art. 33 decree-law 23 October 1918.

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

70. PIERRE DEVOS, "Des tribunaux et offices des dommages de guerre", *L'Émulation. Organe de la société centrale d'architecture de Belgique* 1921, p. 50.

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”.⁷¹

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,⁷² 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 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’.”⁷³

Radical changes were needed according to the *Journal des Tribunaux* as greedy citizens demand-

ing excessive amounts of money and “weak courts” were to blame for derailing the state budget.⁷⁴ 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.⁷⁵ 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?”⁷⁶ 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.⁷⁷ 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. An inexperienced and unmotivated staff

The procedural code required each chamber in the 26 tribunals and three courts of appeal for

71. *Preparatory documents House of Representatives*, session 24 March 1920, p. 735.

72. “Esquisse d’une réforme des lois sur les dommages de guerre”, *Journal des Tribunaux* 1923, col. 114.

73. “Esquisse d’une réforme des lois sur les dommages de guerre”, *Journal des Tribunaux* 1922, col. 656.

74. “Il est incontestable que les sinistrés ont exagéré leurs réclamations dans une mesure qui confine à la mauvaise foi, et que les tribunaux se sont montrés d’une faiblesse hautement coupable”; “Esquisse d’une réforme des lois sur les dommages de guerre”, *Journal des Tribunaux* 1922, col. 656.

75. Art. 3 Statute 19 August 1923.

76. “Vergoeding van oorlogsschade”, *De Poperinghnaar*, 28 December 1919, p. 1.

77. “De betooging der geteisterden te Yper”, *De Gazet van Poperinghe*, 20 April 1924, p. 1; “De betooging te Yper”, *De Poperinghnaar*, 20 April 1924, p. 1.

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.⁷⁸ 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”.⁷⁹ Next to buildings, there was an imminent urge to reconstruct the landscape as well.⁸⁰ 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 (*infra*).

President and assessors

Each of the ten Ypres chambers was chaired by a president appointed by the King for a three-year term, who was either the Tribunal’s chairman or vice-chairman.⁸¹ 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*⁸² or law professors with at least ten years of experience were eligible to take up this function.⁸³ 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, the tribunal faced a shortage of (vice-)presidents. The legislator tackled this issue by allowing lawyers or attorneys who had only five years of professional experience or (honorary) civil-law notaries⁸⁴ to be appointed. This was not possible in other districts.⁸⁵ 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 particularly true for the presidents of chambers, who are not controlled by anyone and one cannot act against.”⁸⁶

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

79. “Minister Jaspar te Poperinghe”, *De Poperinghenaar*, 9 November 1919, p. 1.

80. DRIES CLAEYS, *Land, staat en bevolking. De wederopbouw van het Belgische platteland na de Eerste Wereldoorlog*, PhD thesis, KU Leuven, 2019.

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

82. 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.

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

84. 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.

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

86. “Esquisse d’une réforme des lois sur les dommages de guerre”, *Journal des Tribunaux* 1923, col. 116.

In Ypres, the presidents of each chamber had a legal background and were locals who knew the region and its population. Although we did not find any proof of clientelism, it does not imply it was not there.

At first, two assessors (*assesseurs/bijzitters*) assisted the president during each session.⁸⁷ In 1920, Minister for Economic Affairs Fernand de Wouters d'Oplinter (1868-1942) assigned a single-seat judge to preside over some Ypres chambers. As they were regularly praised during the parliamentary discussions, it can be concluded that these judges worked very efficiently.⁸⁸ The single-seat judge became the norm throughout Belgium from August 1923 onwards.⁸⁹ 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".⁹⁰ It was therefore not required that they had received legal training. Thus engineers, manufacturers, contractors and even brewers could hold the position.⁹¹ 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.⁹² A cost/benefit analysis had shown that the assessors achieved 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".⁹³ 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.⁹⁴ With the exception of their names, little is known about the assessors within the Ypres Tribunal of War Damages, this in contrast to the commissioners of the state of whom most personnel files are still preserved at the State Archives of Belgium.

State commissioners

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.⁹⁵ For tribunals settled in the Flemish region, another requirement was added: the state commissioners had to be proficient in

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

88. 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, *House of representatives* 1920-1921, no. 319, p. 1.

89. Statute 19 August 1923.

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

91. "Bericht", *Het weekblad van Ieperen* 21 May 1904, p. 1; *Dubbele provinciale wegwijzer van West-Vlaanderen en bijzonderlijk der stad Brugge, voor het jaar 1923*, Bruges, Geuens-Willaert, p. 289; KRISTEN COLEBRANTS, *De rechtbank van oorlogsschade te Ieper*, p. 60-63.

92. Explanatory Memorandum to the statute containing a number of initiative to speed up investigations... *House of representatives* 1920-1921, no. 319, p. 1-2.

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

94. 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, *House of representatives* 1922-1923, no. 401, p. 2.

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



Julien Antony was probably the longest serving state commissioner. He worked at the Ypres Tribunal between 1919 and 1931. One of his most notable achievements, not only as a state commissioner but also as a librarian, was the reconstruction of the city library (City Archives Ieper).

Dutch.⁹⁶ 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 official Valère Esquelin who managed the local office.⁹⁷ 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.⁹⁸

The state commissioners were answerable to the Minister of Economic Affairs⁹⁹ and later to the Minister of Finance.¹⁰⁰ They were appointed by the King by means of numbered royal decrees for one year.¹⁰¹ The King could also remove them from office. At the end of the 1920s, when activity in the tribunal for war damage steadily declined, the period of renewal was shortened.¹⁰² Nevertheless, the King retained a few mandate holders in Ypres.¹⁰³ 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.¹⁰⁴

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.¹⁰⁵ 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.¹⁰⁶ 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.¹⁰⁷ 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.

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.¹⁰⁸ This, however, does not appear to have been the case in Ypres. Whereas the law indeed required candidates to have a certain educational background, Minister Jaspar, in an attempt to silence critics in the Westhoek, randomly appointed state commissioners for the understaffed Tribunals of Ypres and Veurne.¹⁰⁹ Contemporary legal scholars and other experts doubted the state commissioners' professional skills. The *Journal des Tribunaux* put it very harshly:

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

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

98. *Idem*.

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

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

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

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

103. Royal decree 23 December 1931 on the renewal of mandates, *Moniteur belge*, 1 January 1932, p. 11.

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

105. "Rechtbank voor oorlogsschade van Mechelen, 18 april 1921", *la Réparation des Dommages de guerre* 1921, 337; GEORGES VAN BLADEL, *La réparation des dommages matériels résultant des faits de la guerre...*, p. 564-566.

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

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

108. LUC 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, p. 9.

109. *Preparatory documents House of Representatives*, session 23 March 1920, p. 715.

“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.”¹¹⁰

The archives paint a similar image. In Ypres, 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.¹¹¹ 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.¹¹² Some of his colleagues commissioners eagerly charged excessive travel expenses to the Belgian State.¹¹³ Others seemed less motivated and remained absent or preferred drinking, gambling and “relations with the beautiful sex”.¹¹⁴

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.¹¹⁵ He supervised his ‘corps’ and could be held accountable by the Minister of Economic Affairs.¹¹⁶ The chief state commissioner regularly evaluated his subordinates by means of 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.¹¹⁷

VII. Tribunal for War Damages in Ypres: rules of conduct

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 the Ypres Tribunal of War Damages, which remained in force until the court was abolished in 1935.¹¹⁸

In principle, each Ypres chamber held hearings three times a week.¹¹⁹ The president of the chamber, in consultation with a state commissioner, determined the starting hours of the ses-

110. “Esquisse d’une réforme des lois sur les dommages de guerre”, *Journal des Tribunaux* 1923, col. 115-116.

111. JULIE PODEVYN, *De rechtbank voor oorlogsschade te leper anno 1923*, p. 33-70.

112. *Idem*, p. 43.

113. *Idem*, p. 53-54.

114. *Idem*, p. 50-51.

115. Art. 1 RD 1 December 1919; art. 13, par. 2 Co. St. 23 October 1921.

116. Art. 1, 1° RD 11 August 1919.

117. 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.

118. Royal decree of 25 August 1919 concerning the internal procedure for the War Damage Tribunal in Ypres, *Moniteur belge*, 11 October 1919, 5339-5340 (hereinafter: RD 25 August 1919).

119. Art. 2 RD 25 August 1919.

sions, which had to last three hours.¹²⁰ Thus, at its zenith, thirty sessions a week were meant to be held in the Ypres Tribunal of War Damages. In reality, the frequency varied between one and three session days a week per chamber. The poor working conditions and the undedicated staff are an explanation.

The President of the Ypres Tribunal and his vice-presidents each headed a chamber. On the first day of the week, the president of the Tribunal of War Damages, in this case Hector Veys (1874-1947) and later Joseph Petit (1877-1962), assigned cases to the different chambers. He did so by bringing as many cases as possible from one municipality or region to the same chamber.¹²¹ A court clerk completed a fully staffed chamber.¹²²

The rules of conduct also dealt with procedural aspects. Each chamber had a separate case register.¹²³ In principle a case could not be transferred from one chamber to another, except in two situations: when a chamber considered the number of cases pending rose too high in comparison with its capacity, or when the first president of the tribunal was allowed to judge a case by himself.¹²⁴ Contrary to regular courts, judgements were not pronounced in public hearings.¹²⁵ Only the plaintiff or his attorney and the state commissioner was present. The chairman of the chamber examining a case replied to the petitions submitted in the course of the investigation.¹²⁶ The President of the Chamber, who had received all written statements, heard the parties briefly and closed the debates when he considered that the case had been sufficiently documented. The bundle containing the proceedings was transmitted by the court clerk to the plaintiff or his counsel. The plaintiffs and/or

their counsel had to number the documents and confirm that they were accurate.¹²⁷ After this, no new documents could be submitted. However, the case could be reopened when the state commissioner asked or agreed to it.¹²⁸ The final element of the regulations explained the workings of the registry office (*greffe/griffie*). It was open every day from 9 a.m. to 12 p.m. and from 2 p.m. to 4 p.m. The clerk appointed the additional clerks and was responsible for the practical organisation of the office.¹²⁹

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.

Competent to reconstruct the Ypres region

The Ypres Tribunal for War Damages played a central role in the reconstruction of the Westhoek region. It was competent to rule over material damages and personal injuries which were submitted to the same procedures. The main difference was that cases involving physical harm were always appealable. Virtually everyone who had lived in Ypres and its region submitted a claim for compensation.

The legal basis for this 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 per-

120. Art. 3 RD 25 August 1919.

121. Art. 7 RD 25 August 1919.

122. Art. 6 RD 25 August 1919.

123. Art. 10 RD 25 August 1919.

124. Art. 11 RD 25 August 1919.

125. Art. 15 RD 25 August 1919.

126. Art. 12 RD 25 August 1919.

127. Art. 13 RD 25 August 1919.

128. Art. 14 RD 25 August 1919.

129. Art. 16-17 RD 25 August 1919.

sonal 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 from the Ypres region, who had lived for a long time in France or England, were unaware of these regulations. Moreover, a large portion of the population was illiterate and unable to submit the necessary documents.¹³⁰ 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.¹³¹ In spite of the best of intentions, the quick succession of all kinds of regulations to fine-tune or re-orientate the reconstruction strategy painfully illustrated how the Belgian government had underestimated the devastation of the Westhoek region.

The procedure to obtain reparations, regardless of whether they were material or personal, was quite similar. Article 8 of the coordinated statute of 19 August 1921 refers to Titles I, II, III and IV of the coordinated statute of 20 April 1920.¹³² The main difference was that cases about personal injuries could always be appealed.¹³³ During the 1920s, the procedure had undergone some changes in a search of a more efficient judicial system.¹³⁴

Only natural and legal persons of Belgian nationality could apply for compensation.¹³⁵ 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.¹³⁶ 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.¹³⁷ Moral damage was not compensated.¹³⁸ 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.¹³⁹ 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 Damages.¹⁴⁰ In another case, the Ghent Court of Appeal for War Damages decided that the loss of greenhouse plants due to the freezing cold

130. Art. 73, par 2 Co. St. 6 September 1921; JULIE PODEVYN, *De rechtbank voor oorlogsschade te leper anno 1923*, p. 75.

131. 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.

132. JULIE PODEVYN, *De rechtbank voor oorlogsschade te leper anno 1923*, p. 98.

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

134. 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 intermediary was abolished in 1920. Henceforth, claims had to be sent directly to the court clerks and immediately submitted to the judicial authorities; art. 27 iuncto art. 22 decree-law 23 October 1918; art. 30 iuncto art. 33 Co. St. 25 April 1920; ALPHONSE DE VERGNIES, *Ce que tout sinistré devrait savoir*, p. 122.

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

136. 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, p. 6383; GEORGES VAN BLADEL, *La réparation des dommages matériels résultant des faits de la guerre...*, p. 29.

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

138. GEORGES VAN BLADEL, *La réparation des dommages matériels résultant des faits de la guerre...*, p. 170.

139. GEORGES VAN BLADEL, *La réparation des dommages matériels résultant des faits de la guerre...*, p. 177-190.

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

TRIBUNAL
 RECHTBANK

le 27 juillet 1922
 den 192

DOMMAGES DE GUERRE
 VAN OORLOGSSCHADE

DE VAN Ypres
 Dossier N° 72.714

Monsieur Jos. Van der mouch.
 à Ypres.

J'ai l'honneur de vous adresser, sous ce pli, copie du jugement rendu en votre cause, en
 Ik heb de eer, hier bijgevoegd, U een afschrift te laten geworden van het vonnis in uw zaak
 attirant votre attention sur les dispositions des articles 63 et 64 de la loi du 25 avril 1920, repro-
 uitgesproken, uwe aandacht trekkende op de verordeningen der artikels 63 en 64 der wet van
 duits ci-dessous.
 25 April 1920, hieronder gemeld.

Si vous n'avez aucun motif d'interjeter appel du dit jugement, prière de ren-
 Zoo gij geene redenen hebt om hooger beroep tegen dit vonnis aan te teekenen
 voyer le plus tôt possible, en franchise de port, la déclaration ci-jointe, dûment signée,
 gelief zoohaast mogelijk hierneevstaande verklaring te onderteekenen en ze onge-
 à M. le Commissaire Principal près le Tribunal des Dommages de Guerre (1)
 frankeerd te sturen aan den heer Hoofdstaatscommissaris bij de Rechtbank (1)
 de
 van

La déclaration qui vous est demandée n'a d'autre but que de permettre à l'Admi-
 Deze verklaring dient slechts om het Hoofdbestuur — zoo het zijnerzijds acht geen
 nistration Centrale, si elle estime de son côté ne pas devoir interjeter appel, de liquider à votre
 hooger beroep te moeten aantekenen — toe te laten de U toegekende vergoedingen uit te betalen,
 profit les indemnités qui vous sont allouées, sans attendre l'expiration du délai d'un mois prévu
 zonder naar het verstrijken van de door de wet voorzienen termijn van een maand
 par la loi.
 te wachten.

Veuillez agréer, Monsieur, l'assurance de ma considération
 Aanvaard, M. de verzekering mijner hoog-
 distinguée,
 achting.

Le Greffier,
 De Griffier,

RECHTBANK VAN OORLOGSSCHADE VAN YPRES

ART. 63 (art. 52 loi 20 avril 1920). — Le droit d'appel appartient au sinistré et au
 commissaire de l'Etat, même dans un cas d'homologation.
 En ce qui concerne les dommages aux personnes, l'appel est toujours recevable.
 En ce qui concerne les dommages aux biens, les taux du dernier ressort est déter-
 mine par le montant de la demande.
 Le sinistré et le commissaire de l'Etat peuvent, dans leur déclaration, limiter
 l'appel à une partie des biens endommagés ou détruits.
 L'appel n'est recevable que si l'ensemble des dommages soumis à l'appréciation
 de la Cour dépasse 5,000 francs.
 A défaut de limitation expresse, l'appel remet en question la demande tout
 entière.
 Le délai expiré, la partie non appelante ne pourra former l'appel incident, sauf
 s'il y a appel par le commissaire de l'Etat dans un cas d'homologation.
 ART. 64 (art. 53 loi 20 avril 1920). — L'appel est formé par déclaration déposée
 ou adressée par pli recommandé, dans le mois du prononcé du jugement, au greffe
 du tribunal qui l'a rendu, le tout à peine de nullité.
 Le délai d'appel est réduit à quinze jours pour les ordonnances de rétéré.

ART. 63 (art. 52, wet 20 April 1920). — Het recht van beroep behoort aan den
 geteisterde en aan den Staatscommissaris, zelfs in een geval van bekrachtiging.
 Voor schade aan personen is het beroep steeds ontvankelijk.
 Voor schade aan goederen wordt het beloop van den hoogsten aanleg bepaald
 door het bedrag van den eisch.
 De geteisterde en de Staatscommissaris kunnen in hunne verklaring het beroep
 tot een deel der beschadigde of vernielde goederen beperken.
 Het beroep is slechts ontvankelijk wanneer de ter beoordeeling van het hof
 onderworpen gezamenlijke schade meer dan 5000 frank bedraagt.
 Bijgeenis aan duidelijke beperking, brengt het beroep den algemeenen eisch
 terug te berde.
 Is de termijn verstreken dan kan de niet beroepende partij geen tusschenberoep
 instellen, behalve wanneer door den Staatscommissaris beroep is ingesteld in een
 geval van bekrachtiging.
 ART. 64 (art. 53, wet 20 April 1920). — Het beroep wordt ingesteld bij verklaring,
 binnen een maand na het uitspreken van het vonnis, neergelegd of bij aangetee-
 kenden brief overgemaakt ter griffie van de rechtbank die het brief gewezen, dat

A letter notifying a victim that compensation had been granted by the Ypres tribunal (City Archives Ieper).

because the occupant had confiscated all fuel was not considered as caused by the war.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 per-

mitted 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 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 where the victim had died, surviving relatives could be allowed to receive compensation, but only if the victim was the breadwinner.¹⁵⁰

VIII. The Tribunal and Court for War Damages in action

As we have only studied the rulings – more than 500 – of the second chamber of the Ypres Tribu-

141. GEORGES VAN BLADEL, *La réparation des dommages matériels résultant des faits de la guerre...*, p. 181.

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

143. GEORGES VAN BLADEL, *La réparation des dommages matériels résultant des faits de la guerre...*, p. 315.

144. Art. 16 Co. St. 6 September 1921; ALPHONSE DE VERGNIES, *Ce que tout sinistré devrait savoir*, p. 36; DELPHINE LAUWERS, *Le saillant d'Ypres entre reconstruction et construction d'une lieu de mémoire...*

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

146. GEORGES VAN BLADEL, *La réparation des dommages matériels résultant des faits de la guerre...*, p. 316 and p. 340.

147. THÉODORE 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, Larciér, 1921, p. 6.

148. JULIE PODEVYN, *De rechtbank voor oorlogsschade te leper anno 1923*, p. 89-97.

149. Art. 48 Co. St. 25 April 1920; JOANNA BOURKE, *Dismembering the Male: Men's Bodies, Britain and the Great War*, London: Reaktion Books, 1996; DEBORAH COHEN, *The War Come Home: Disabled Veterans in Britain and German, 1914-1939*, Berkley, University of California Press, 2001; KATE 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.

nal for War Damages during the first half of 1923, we can only provide a sketch of how these courts functioned.¹⁵¹ In contrast to the period between 1919 and 1920, when the Ypres Tribunal for War Damages mainly dealt with cases related to personal injury, there was a shift to material damages. As with present-day courts, the judges had “indicative tables” which awarded a set amount of money for a certain injury. Determining material losses, particularly when there was nothing left, appeared to be much harder to do and took more time as experts were needed to assess the damages.

Judgments were seldom appealed. Out of the cases studied, only 10% of those that were adjudicated by the Ghent Court for War Damages and, in these cases, it was almost always the State Commissioner who had initiated the trial. This implies that civilians settled most of the time when the Tribunal approved their claim. This was most likely due to one of two reasons. First, the plaintiff received the amount he had claimed or, second, he was already satisfied with what he received. Abuses were possible – there were at least several recorded cases – particularly in a completely devastated region where it was hard to prove the extent of losses. Half of the appellate cases confirmed the first instance ruling. Tribunals for War Damages more or less homologated the agreement between the claimant and the state commissioner. Facts and legal arguments were less important at the level of the Tribunal, but all the more important when the Court for War Damages adjudicated.

To take one example, a butcher by the name of Cyrille Acou and his wife, Marie Fourmentez,¹⁵² assisted by an attorney, had filed an application before the Ypres Tribunal for War Damages after they lost furniture and clothing during the 1918 shelling of the Kemmelberg. The couple had purchased this furniture and clothing from

other civilians who fled abroad as a result of the continuous fighting in the region. The loss was caused by a “direct act of war”, as the statute prescribed, and the couple could be reimbursed for the purchase amount.¹⁵³ However, the State Commissioner doubted whether the couple had in fact used those goods, since these were stocked in a barn in Kemmel and not at their home. Consequently, he advised the court not to grant any compensation. The Ypres Tribunal for War Damages put the State Commissioner’s arguments aside and granted a higher sum than the actual purchase price. Dissatisfied with this ruling, the State Commissioner went to the appellate Court for War Damages in Ghent. The civilians who had sold the goods to the Acou couple were called as witnesses to the Court for War Damages and they confirmed that the buyers had not used the furniture in their home. As for the clothing, the Court reaffirmed the first instance ruling as the Acous had bought these goods in 1915 and 1916, a time when prices had already risen considerably as a result of the war. Clothing and linen at that time had been sold at a higher price than what they were worth in the year 1923. Because the purchase price had to be taken into account when determining the amount of compensation, it was not possible to fix the value of the goods in 1923. Hence, on 9 July 1924, the Court for War Damages confirmed the judgment of the Ypres Tribunal for War Damages. This ruling did not appease the State Commissioner, who eventually turned to the Court of Cassation. This Supreme Court can only rule on the correct application of the law and takes no facts into account. On 13 November 1924, the Court of Cassation based its verdict on article 19 of the coordinated statute and considered it unlawful, as the decision which, “taking the purchase price in 1915 and 1916 into account, grant[ed] a full restitution for an amount which [was] more than triple the value

151. JULIE PODEVYN, *De rechtbank voor oorlogsschade te Ieper anno 1923*, p. 5.

152. Tribunal for War Damages in Ypres, 2nd Chamber, 15th June 1923, n° 64498, B16_0402; For a detailed discussion of this case and background, we refer to Podevyn’s master’s thesis, p. 82-87.

153. People who purchased goods during the war could only be reimbursed for the price they paid at that specific time.

of the goods on 1 August 1914". Hence, the Court of Cassation ruled in favour of the State Commissioner and another Court for War Tribunals had to deal with the issue again. The final judgement could not be retraced.

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. In retrospect, the Tribunal for War Damages in Ypres could never meet the high expectations of both the government and the population. Further research on other courts in less damaged parts of Belgium could confirm whether Ypres was exemplary or not.

Different reasons explain the troublesome functioning of the Ypres 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.

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.

Another problem hampering the work of the Ypres Tribunal for War Damages was the infrastructural damage and harsh living conditions in the city. Structurally, the local tribunal was understaffed and, more importantly, the people who worked for it, lacked the necessary training or experience. A decision from Brussels to randomly appoint a few dozen of state commissioners did not solve the issue. On the contrary, it exacerbated it. The recruitment of state commissioners was particularly problematic. In Ypres, these men were young unemployed and had moved from anywhere in Belgium to the Westhoek to find a job. Some of them can be considered "cowboys" who did not always play by the book, whereas others saw their job as an easy fix.

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.”¹⁵⁴

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