

HOTSPOTS

Social Hotspots. High Courts of Justice files, sources for Low Countries history

DURATION

1/10/2017 - 30/09/2021

BUDGET

317.000 €

PROJECT DESCRIPTION

Since the late Middle Ages, courts have played a crucial social and political role in the territory of present-day Belgium. The holdings of early modern casefiles of the Belgian State Archives are exceptionally rich in comparison to other European countries, and they constitute an extremely rich treasure trove of information for different types of research.

The project '*Social Hotspots High Courts of Justice files, sources for Low Countries history*' focusses on juridical activities as an instrument of politicization in Brabant at the end of the 18th century, using the files of a special branch of the Council of Brabant: the Fiscal Office. Its role was to defend the interests of the sovereigns, and to apply their programs.

This project has two main axes:

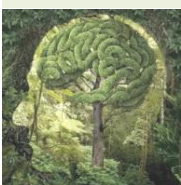
Archival Science

Tom Bervoets, archivist in the Belgian State Archives of Brussels (Vorst-Forest), will catalogue the case files of the attorney general of the Council of Brabant for the 17th and 18th centuries. The attorney-general intervened in conflicts between localities, supervised local courts and defended the interests of the sovereign. The files cover highly diverse subjects, ranging from verbal or physical violence against local representatives of the government over counterfeiting to homicides. This archival series allows to understand certain social and political tensions and clarifies why political institutions intervened in the legal system.

Research

Parallel to the archival axe, a PhD was started in October 2017 by Inès Glogowski, under the supervision of Griet Vermeesch (VUB), Xavier Rousseaux (UCL) and Harald Deceulaer (Belgian State Archives). The PhD studies the central role of the Fiscal Office and its agents, through the study of their files. The Fiscal Office was one of the administrative and legal institutions of the High Courts of the Habsburg Low Countries. Its role in the Council of Brabant was to maintain public order and to defend the interests of the sovereign. Its principal agents, called 'Fiscal Officers' were the attorney-general, the 'avocat fiscal' and – according to different time-periods – one or several substitute attorney-generals. They were considered to be the 'eyes and arm' of the sovereign.

By focussing on the role of the Fiscal Officers, this research will study the growing role of regional courts in the process of State Formation. These legal institutions were both actors in the rationalisation of power, and the scene on which conflicts were settled between individuals, or between rulers and their subjects. The ambition of the PhD is therefore to study the role of the Fiscal Officers and their legal activities as instruments of regulation during the Brabantine Revolution, the Austrian restorations and the French invasion. This study will test the hypothesis that the legal activities of the Fiscal Office also served political purposes. It will contribute to the historiography on the functions of the Law and legal systems as processes of social and political interaction. The interactions between the central authorities, the Brabantine institutions and the Fiscal Office are at the heart of this project. The goal is to examine the prosecutions as instruments of political change, regulation and reform. We concentrate on the second half of the 18th century, the decades before the periods of political tension from the Brabantine Revolution to the abolition of the Council of Brabant – and therefore the Fiscal Office – in 1795, during the conquest of the Austrian Netherlands by the French revolutionary army.

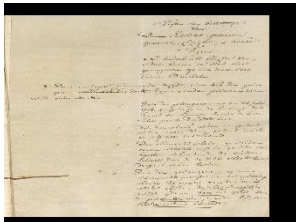


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In order to develop this reflection, two themes will be studied in the archives of the Fiscal Office. First, the prisons in Brussels form a first point of entry. The Fiscal officers were active in these structures of detention as they fulfilled a mission of control of the Brabantine legal framework. The rapports and preparations of files made during and after their visits reveal tensions and conflicts: struggles about jurisdiction, reactions against the neglect of the prison after meetings with prisoners, trials against jailers and reform of reglementation. A second theme will be the case-files or information-files on the political 'Troubles' and law enforcement by the Fiscal officers, in order to study their role in the conservation of public order. These files cover exceptional cases such as espionage, coups d'Etat, sedition or the trials against 'patriots' during and after the Troubles. The main aim is to understand the way in which these complex cases were handled by the Fiscal Officers. How did they face the tensions between the central authorities and the Brabantine institutions – as defenders of the sovereign's interests in these very Brabantine institutions? Which role did they play in the reaction against the Troubles? What was their political role?



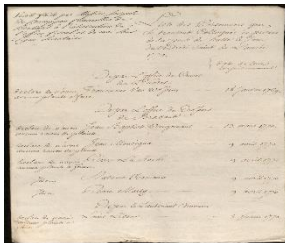
SABru, Council of Brabant, Trial of the attorney general, nr. 76



SABru, Fiscal Office of Brabant, portefeuille 994/2.



SABru, Fiscal Office of Brabant, portefeuille 961/2, nr. 10.276-6.



SABru, Fiscal Office of Brabant, portefeuille 1258

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LINKS

<http://arch.arch.be/index.php?l=fr&m=nos-projets&r=projets-de-recherche&pr=projet-social-hotspots-les-dossiers-de-proces-sources-pour-l-histoire-des-pays-bas-modernes>