

A tale of two worlds: a (very) select overview of socio-legal studies in Belgium

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Abstract

Socio-legal studies in Belgium represent a diverse patchwork of many topics studied from many angles. This paper first presents a brief historical account of socio-legal studies and their organisation, in the north and south of the country. It has no ambition to give a full overview of socio-legal studies in Belgium, let alone be exhaustive. It merely focuses on the content and features of two topics that have constituted major strands of research over the last thirty years: courts and dispute processing, and public opinion about law and justice. It ends with some reflections on the nature of Belgian socio-legal research, as well as some recommendations on future orientations.

I. Introduction²

In his quite innovative and highly readable contribution on law and society research in the Netherlands, Hertogh (2011) refers to an interesting quote by Abel (1985, p. 17) who observed that '[i]t is quite possible that the concentration of Dutch speaking socio-legal scholars is greater, in proportion to the population they are studying, than that in any other country. The research produced thus far has been impressive in both quantity and quality.' Abel did so on the occasion of the annual meeting of the Research Committee on the Sociology of Law that was organised in Antwerp (Belgium) in 1983. The quote is interesting because it establishes a challenging connection between the population size of a country and the number of socio-legal researchers, and the author highlighted the high density of the latter in the Dutch-speaking countries (the Netherlands, Flanders and Surinam). His reference to this language community, however, was mostly based on the strong tradition and output of the sociology of law in the Netherlands, much less so in the other regions. Moreover, Belgium's southern part also encompasses socio-legal research conducted in the French-speaking communities. Rather than constituting a clear unity, we argue in this paper that socio-legal studies in Belgium are basically a tale of two distinct worlds, a northern region heavily influenced by the Netherlands and the Anglo-Saxon world, and a southern region predominantly oriented towards France and the Latin world. Multilingualistic and multi-intellectual as it appears today, this tale may even illustrate some developments in socio-legal research in other parts of Europe and the world.

Unlike the Netherlands (Huls, 2009; Schwitters, 2008), Belgium has not seen in the last decade the birth of any introductory books on the sociology of law, with the exception of the very first compilation volume of articles published earlier (Hubeau *et al.*, 2012). In the following paragraphs

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2 I would like to thank the Editors of this journal for their comments on an earlier draft. In writing this paper, I greatly benefitted from several earlier reviews of socio-legal studies in Belgium and the Low Countries (Van Houtte, 1985, 1988; Van Houtte and Hubeau, 2015).

we will therefore present our own brief historical account of socio-legal studies and their organisation in the north and south of Belgium. We then focus on the content and features of two topics that have constituted major strands of research over the last thirty years: (a) courts and dispute processing, and (b) public opinion about law and justice. Some reflections on the nature of Belgian socio-legal research will conclude this paper, including some recommendations on possible future orientations. In the paper, we use the term 'socio-legal studies' to denote a broad social science perspective on law that is not limited to the 'sociology of law' in the narrow sense, but may also extend to anthropology, psychology and even some criminology. On the other hand, we will refrain from using the term 'law and society research' as we consider it far too broad.

II. Organisation and general overview of socio-legal studies in Belgium

It is a truism that a scientific discipline can only flourish if a minimal degree of institutionalisation is secured, which in our view encompasses at least three aspects: (a) a teaching curriculum, (b) a research agenda, and (c) personnel and other resources.

First, as in the Netherlands and other neighbouring countries, courses on sociology of law have been present in most Belgian universities for many decades, but they enjoy a very different status depending on the institution. Courses on sociology of law constitute part and parcel of the law curriculum in four Flemish universities, i.e. Antwerp University (part of the compulsory course on sociology and sociology of law for first year bachelor students), the Free University of Brussels (optional course for master students), Ghent University (optional course for master students) and the University of Leuven (compulsory course for third year bachelor students), and in most cases also non-law students can add these courses to their curriculum. The University of Hasselt does not offer a specific course in sociology of law but includes a socio-legal perspective in many of its other law courses, e.g. on multiculturalism and law, etc. The relatively broad offer should not obfuscate the fact that only three Flemish academics are engaged in teaching sociology of law, since the courses in Antwerp and Brussels are currently taught by the same professor. In the southern part of Belgium, the situation has been and still is quite comparable, with sociology of law courses being offered at the universities of Bruxelles (Université libre de Bruxelles and Université Saint Louis-USL), Liège and Louvain-la-Neuve (not in Mons). The USL has always displayed a strong orientation to legal theory and was the administrative seat between 1989 and 2010 of the European Academy of Legal Theory, and co-organiser of a master's programme in legal theory that attracted students and teachers from all over the world.

The second aspect, socio-legal research, displays a more extensive view. Van Houtte (1993, p. 65) aptly argued that 'in Belgium sociology of law is an academic affair', also in the field of research, where the university professors have always served as the main initiators and organisers of research projects. In the Flemish part, the overwhelming majority of research output over the last fifty years was produced by two research centres, the Centre for Sociology of Law at the University of Antwerp and the Law and Society Institute at the University of Leuven. More information about their research topics and publications is provided below. It should be noted that, unlike the Netherlands, socio-legal research in Belgium is not – and has never been – conducted outside the university premises, and no specific centres for non-academic research (like the Dutch Research and Documentation Centre-WODC of the Ministry of Security and Justice in The Hague) have existed. It is worth reflecting on this institutional arrangement, particularly from the viewpoint of understanding the connections between academic research and policy-making in the fields relevant for the sociology of law. More than two decades ago, the then Belgian Minister of Justice Melchior Wathelet (1992, pp. 9ff.) expressed a keen interest in mutual collaboration between policy-making and socio-legal research. He listed four advantages for policy-makers of taking account of scientific knowledge: (a) science can provide information about the efficiency of the

judicial system and how to increase it; (b) science can contribute to 'directing specific activities in the long or medium term' by providing critical evaluations of existing systems; (c) science can provide essential information about the fundamentals and the details of legal and judicial systems, irrespective of whether politicians or policy-makers are interested; and (d) scientific research is sometimes pioneering research that can change the very boundaries of the present judicial and legal systems. Were these the words of an enlightened Minister of Justice or was he basically paying lip service to the alleged importance of scientific research? Even in hindsight this is hard to judge. The reality of the past decades, however, is that socio-legal research in Belgium has rarely received an interested, let alone enthusiastic, ear from policy-makers in general and politicians in particular. This limited reception is not characteristic for the sociology of law only, but could also be extended to other fields of social sciences in the absence of a strong tradition of evidence-based policy in Belgium.

One possible exception to the above statement is the field of criminology and criminal policy, to which policy-makers tend to lend a more attentive ear, partly due to the interest that the media and public opinion pay to issues of crime and criminal justice. Belgium has long since occupied a very strong position in the field of criminology, not only in Europe but even worldwide. The first educational programmes were established in the late 1920s and 1930s in Leuven, Brussels and Ghent in Flanders, and in Bruxelles and Liège in the French-speaking part. After World War II, and particularly since the 1960s, the output of criminological research has literally been booming (Casselman, Aertsen and Parmentier, 2012). In this sense, one could ponder the theory of communicative vessels between criminology and sociology of law, with the former occupying a prominent place in academic and non-academic research and influencing policy-making to the detriment of the latter.

The third aspect of the institutionalization of disciplines is related to resources, personal and financial. Given the relatively modest place of sociology of law courses and socio-legal research in Belgium, resources have also remained modest. Researchers tend to have access to three types of funds: (a) regular funds for any social science research, including the university research funds, the Flemish Research Fund (FWO) and the Francophone Research Fund (FRS), and the funds of the Federal Science Policy (Belspo); (b) funds for commissioned research by local and central public authorities, including municipalities, regional administrations, and central ministries (Justice, Interior, Migration, etc.); and (c) funds for commissioned research from private organisations, such as bar associations, consumer organisations, private foundations, etc. Given these limited sources of funding, the overall production of socio-legal research in Belgium can nevertheless be regarded as significant.

Overall, it can be argued that socio-legal studies in Belgium have constituted a story of steady development at a modest level. The field emerged out of the waves of contestation during the turbulent 1960, as a new perspective on black-letter law that had dominated legal studies for many decades, if not centuries. The new perspective paid attention to 'law in its societal context', i.e. the legal effects of law in practice and the functioning of the justice system and the legal professions. Later on, the genesis of laws and regulations also became the object of socio-legal research, as well as the perceptions of citizens on law and justice. A major turning point in the social study of law in Belgium was the establishment in 1981 of the Dutch-Flemish Association for the Social Scientific Study of Law (*Vereniging voor de Sociaal-Wetenschappelijke Bestudering van het Recht – VSR*), also mentioned by Hertogh (2011) as providing an important boost to this type of studies. Through its annual meetings and its official journal *Recht der Werkelijkheid* (Law in Reality) the VSR has served as a prime forum for scientific exchange between the Netherlands and Dutch-speaking Belgium, and for similar links with the non-Dutch-speaking world. In French-speaking Belgium, the scientific point of reference continues to be the journal *Droit et société*,

published in France but covering research work in various French-speaking regions of the world, including Belgium, Canada and Switzerland.

III. Some selected areas of socio-legal research

While the quantitative production of socio-legal research conducted in Belgium in the last four decades has remained modest, certainly compared to other countries and to its northern neighbour the Netherlands, it would still go far beyond the confines of this paper to discuss all of it. We have therefore selected two major lines of research that in our view are quite illustrative of the main characteristics of socio-legal studies in Belgium, without any ambition to be representative of the whole field, let alone exhaustive. They include: (a) courts and dispute processing, and (b) public opinion about law and justice.

3.1 Courts and dispute processing

Traditionally a well-researched area in socio-legal studies are civil and criminal courts, their organisation and functioning. It is therefore no coincidence that this prime line of research equally emerged in Belgium in the 1980s, following the major international trends in this area.

3.1.1 Historical antecedents

While Belgium enjoyed a strong reputation of statistical analysis back in the nineteenth century, with Adolphe Quetelet as its prime representative, the following decades witnessed the gradual decline of systematic interest in collecting adequate data about the functioning of courts, and conducting scientific research on the basis of it. It would take until the 1980s for the University of Antwerp to conduct the first comprehensive study of court statistics in 1980–1982 (Langerwerf, Van Loon and Van Houtte, 1986). The authors were inspired by a number of international studies, mostly from the US, that had seen the light of day during preceding years, including Galanter's famous empirical studies on litigation (1974, 1986) and the prominent Civil Litigation Research Project (CLRP) under the leadership of Trubek (1980). They marked an increasing interest in building an empirical infrastructure to allow an evidence-based policy to take root. In a similar vein, Rosenberg (1981, p. 473) had called for a 'community of interest between the lawmakers and the social scientists ... in regard to such endemic problems of civil justice as excessive delay and costs'. Likewise, the Antwerp team's main purpose was to contribute to finding solutions for the malfunctioning of the (mostly civil) courts in Belgium, including the long proceedings and ensuing delays. It collected basic information in all neighbouring countries and focused in more detail on the production of justice statistics in France and Germany. The heart of the study analysed the various steps, and the length of the proceedings, before the court of first instance in Antwerp by means of a general overview of all 5,600 cases newly lodged in 1975, and a representative sample of 1,000 files. It concluded that the proceedings took an unnecessarily long time, partly because of structural problems in the court and partly because of the delaying tactics of some lawyers. Based on these conclusions, and the experiences of foreign countries, the research team proposed to use a new model form that would contain much more information and allow for more integrated information management. Over the years various research teams from the University of Antwerp continued to produce valuable scientific studies about the functioning of the (mostly civil) courts and their existing problems (i.a. Van Loon and Langerwerf, 1987; Demuylder, Franssen, Van Houtte, and Van Loon, 2000).

3.1.2. The dispute pyramid

The two seminal studies from the US (Galanter and Trubek), and the extensive stream of literature they entailed (e.g. Felstiner, Abel, and Sarat, 1980), also had far-reaching consequences for

socio-legal studies in Belgium. In the early 1990s, Wouters and Van Loon (1992) published the first empirical study of civil litigation in Belgium that adopted the 'legal dispute pyramid' model. Based on a quantitative survey of 500 households in Flanders, their findings came remarkably close to the ones produced in the US and other jurisdictions, despite the many differences in procedure and organisation. The authors found that households had on average nine situations that entailed some legal aspect (e.g. buying property, buying clothes, employment, divorce), and about 40 per cent reported to have encountered one or more legal problems. When asked how they had dealt with these legal problems, one-third indicated that the problems had been solved informally after contacting the other party. Of the remaining two-thirds of cases, nearly 80 per cent called on a third party to help solve the legal dispute, and eventually a good 10 per cent decided to initiate a court case. In view of these figures, the authors concluded that Belgium displayed a high degree of informal dispute settlement and a high drop-out rate before the stage of court filing, which was limited to one in ten in any situation with a legal dimension. They called it a 'tendency to litigation avoidance', but also highlighted that this can differ across the types of disputes at stake. To date, this study remains one of the very few with adequate statistical data on the way Belgian people deal with legal disputes. Plans are currently being discussed to undertake a follow-up study based on the model of the 'dispute resolution delta', as developed by Dutch researchers (Van Velthoven and Klein Haarhuis, 2010).

The same line of research generated a number of studies on non-judicial forms of conflict settlement, also known under the term 'Alternative Dispute Resolution' (ADR). Parmentier and Hubeau (1990) for the first time analysed this tendency in Belgium, and collected studies from various fields, including consumer law, juvenile protection law and criminal law. They concluded that these fields were at the forefront of using mediation and arbitration techniques to address legal disputes to avoid them going to court. Fascinated by these developments, the Association of Flemish Jurists (*Vlaamse Juristenvereniging* – VJV) in 2000 devoted its annual symposium in Leuven to the theme of mediation and amicable settlement in Belgian law. Several rapporteurs highlighted the expanding use of 'alternative' methods – mostly mediation – in an increasing number of legal fields, including public law, commercial law, criminal law, etc. On this occasion, Parmentier (2001) sketched three major challenges for the further development of mediation in particular and ADR in general, namely proceduralisation (striking a balance between the informality of non-judicial procedures and the legal protection of participants), institutionalisation (refocusing on the core tasks of state institutions and subcontracting non-core tasks to other partners), and professionalisation (finding the middle way between quality standards for professionals and guaranteed access to the profession). He argued that the three challenges gained different content when placed against the background of a rapidly changing society in terms of diversifying culture, economic globalisation and technological innovation.

The socio-legal research agenda on 'alternatives' to formal court proceedings was deepened in two specific fields of law. In relation to criminal law, mention should be made of a large four-year research project on the non-judicial processing of criminal cases by the Public Prosecutor's Office in Belgium, carried out between 1996 and 1999 by a team from KU Leuven, UC Louvain and Université Saint Louis – USL (Fijnaut, Van Daele, and Parmentier, 2000; Parmentier, Fijnaut, and Van Daele, 2000). Based on statistical data collection and interviews with judges and prosecutors, the research team came to some remarkable results that partly contradicted what was formulated in public discourse and even some previous research. One of the central findings was that two major instruments for the non-judicial processing of criminal cases in Belgian law, i.e. victim-offender mediation and prosecutorial fines, were hardly used, although they were introduced with the aim of giving offenders more responsibility and unclogging the criminal justice system. On average in Belgium, less than 1 per cent of all criminal cases ended using either of these methods. Only some judicial districts with open-minded prosecutors showed higher percentages for these forms of restorative

justice, while many others remained non-responsive. When interviewed about the figures, many magistrates emphasised the time-consuming character of engaging in such 'alternatives', and the limited personnel resources to give effect to them. Another major conclusion from the same research related to the huge difficulties for reliable data collection in the criminal justice chain due to the strongly varying systems of data input by the police and the prosecutorial services, and the strict guidelines on the release of information to the outside world. Second, interesting socio-legal research was also produced in the field of public law. Several studies focused on the functioning of the new institution(s) of ombudsman/me in Belgium, and their potential to mediate conflicts between citizens and public administrations. One such study (Hubeau, 2011) concluded that predominantly white, middle-aged and educated citizens found their way to the ombudsman, thus confirming the hypothesis of the so-called 'Mattheus effect' (those who have will be given more).

3.2 Public opinion about law and justice

Another topic of increasing socio-legal research in Belgium relates to what people know and think about the law, and particularly about the system of justice.

3.2.1 Historical antecedents

This line of research can be traced back to the 1970s, when two teams of forerunners engaged in seminal work on this topic. First of all, in 1973 an Antwerp team led by Van Houtte produced an interesting book on the acceptance of legal norms, in which the attitudes and opinions vis-à-vis tax rules and bio-ethical issues were studied (Van Houtte, Callens, Lafaille and Lefevere, 1973). Based on a questionnaire developed by Vinke and his team at Leiden University, the Flemish team conducted a series of 460 face-to-face interviews with employed male respondents in the district of Antwerp. Respondents were asked to express their attitudes in relation to legal rules on a wide number of topics. The authors concluded that there was a high degree of diversity in the attitudes of the respondents in relation to most questions posed: in the field of tax laws the level of income and position of the respondent (e.g. employee or independent) were the main factors in understanding the direction of the answers; for the bio-ethical issues, the religious affiliation of the respondents played a central role. In their view, this type of research proved sociologically quite relevant as it bore a direct link with the pluriformity of 'legal consciousness' in modern society, and could generate a broader understanding of how the general public interprets legal rules and complies with them. Furthermore, they situated their research within the specific thematic studies on Knowledge and Opinion about Law (KOL research) that had burgeoned in Scandinavia (Kutschinski, 1970) and Poland (Podgorecki, 1973), and quickly expanded to other countries of Europe and beyond.

The second example of this research line lies in the work of Goffin and Tsamadou (1973), undertaken under the supervision of Versele, at the Université libre de Bruxelles. They interviewed a sample of 375 people about various aspects of the justice system (including the image of criminal procedure and the judges), and explored their general knowledge of the law and attitudes towards criminal policy. The results showed that opinions on these issues mostly differed according to the socio-economic background, age and level of education of the respondents.

After these two pioneers, research projects about public opinion remained very scarce in Belgium for more than a quarter of a century. Not until the turn of the millennium did a renewed interest emerge in knowing what people think of the law and the justice system. Particularly the latter had been the object of increasing critiques in the two decades before (Parmentier and Vervaeke, 2011). Most of these were related to the poor functioning of the criminal justice system, that had proven ineffective or very slow in addressing some high-profile cases, like the 'Gang of Nivelles' that killed more than twenty people in the mid 1980s and were never resolved, the murder of top

socialist party politician André Cools (1991), and the corruption case of Agusta helicopters and socialist party financing (1993 and following). But the top case that profoundly shook Belgian politics and society in 1996 was that of the missing children, who were abducted and killed by Marc Dutroux, which led to more than 300,000 people marching through the streets of Brussels in October of that year to express their support for the parents and their dissatisfaction with the police and justice system. Each of these cases provoked thorough political debates in parliament, and institutional reforms of the police and judicial services (Parmentier *et al.*, 2000).

In the same period, thorough academic reflection on popular trust in the justice system accelerated, as did the sobering conclusion that Belgium was lacking a standardised and reliable instrument to measure the opinions and attitudes of the wider public. The King Baudouin Foundation,³ a non-profit organisation for public affairs, accepted this major challenge, and in co-operation with the Federal Office for Scientific, Technical and Cultural Affairs,⁴ a quasi-independent public institution for scientific policy, commissioned several research projects. A concept study by Franssen, Genard, Van Campenhoudt, Cartuyvels, and Marquet (2000) of the USL had taken the French model of ‘social representations’ as a point of departure. It proposed to investigate popular attitudes in a qualitative way, by conducting personal interviews and organising focus groups with ordinary citizens and legal professionals in their respective ‘theatres of law’. Despite this interesting proposal, the Federal Office and the King Baudouin Foundation finally decided in 2000 to jointly finance a quantitative survey on people’s attitudes about the justice system with a representative sample of the Belgian population. The task to develop a ‘justice barometer’ and administer it for the first time was given to a joint team of the KU Leuven and the Université de Liège. This proved the start of a series of Justice Barometers from 2002. From the second edition of 2007 onwards, the High Council for the Judiciary assumed the role of funding agency and has since subcontracted this type of survey to a private company.

In the following paragraphs, we first briefly highlight some salient findings of the Justice Barometers in Belgium, and other research of a more qualitative nature. Finally, we offer some concluding thoughts on these types of research within the context of sociology of law.

3.2.2 Main findings of the Belgian ‘Justice Barometers’

In the last fifteen years, Belgium witnessed four waves of the Justice Barometer (2002; 2007; 2010; 2013), a quantitative public opinion survey about the justice system using telephone interviews with a representative sample of the population. The first Justice Barometer was administered in 2002, and the ensuing ones have by and large adopted the same questionnaire in order to allow for comparative conclusions over a number of years. More information about the exact methods used to develop the questionnaire, create the sample, and guarantee representativeness are found in a series of other publications (i.a. Parmentier, Vervaeke, Doutrelepon and Kellens, 2004; Parmentier *et al.*, 2004).

In line with earlier summary reports (Parmentier and Vervaeke, 2011), we limit ourselves here to some salient findings from the first three Justice Barometers (2002; 2007; 2010) concerning two main aspects of the Belgian justice system: (a) public confidence in general, and (b) public confidence in the work of judges and lawyers. The detailed figures, as well as reports on other issues of the Justice Barometers, can be found in a series of publications in Dutch (Hoge Raad voor de Justitie, 2007, 2010; Parmentier *et al.*, 2004; Wyseur, Schoffelen, Vervaeke, Parmentier and Goethals, 2005), French (Parmentier, Vervaeke, Doutrelepon and Kellens, 2004; Conseil Supérieur de la Justice, 2007, 2010) and English (Parmentier, Vervaeke, Doutrelepon and Kellens, 2004).

3 Foundation for public interest founded by the former King Baudouin in 1975, online: <www.kbs-frb.be>.

4 Its current name is the Belgian Federal Science Policy Office, online: <www.belspo.be>.

3.2.2.1 Public confidence in the justice system in general

In all three Justice Barometers, respondents were asked the following identical question concerning their general confidence in the justice system: ‘Broadly speaking, can you tell me whether you have confidence in the justice system?’ The first sweep (2002) found that 41 per cent of Belgians expressed complete or reasonable confidence in their justice system, while 56 per cent had little or no confidence, and 3 per cent did not express any opinion (see [Figure 1](#)), with respondents from Flanders having a more positive attitude towards the justice system than respondents from the Walloon provinces and from the Brussels Capital Region. It was clear that the level of confidence declined with age and interest in more extreme political parties, and increased with level of education and income, as well as reading quality newspapers or listening to public radio and television. A very important finding was that people who had had experience with the justice system (both criminal and civil proceedings, e.g. as witnesses, victims, plaintiffs, defendants, etc.) clearly appeared to have less confidence than people without direct experience.

In the next two sweeps (2007; 2010), the degree of confidence first sharply increased from 41 per cent to 66 per cent (a 50 per cent increase), and then slightly declined to 61 per cent (a decrease of about 10 per cent). Despite these apparent changes, the associations with all major variables remained unchanged, as confidence declined with higher age and lower levels of education; and increased with readership of quality newspapers or listening to public radio and television, and with voters for mainstream political parties; and direct experiences with the justice system generated significantly lower levels of confidence.

All Justice Barometers have included a comparative question about confidence in various institutions (see [Figure 2](#)). In 2002 it became clear that the Belgian justice system generated less confidence than other institutions: it then occupied fourth place and came way behind the

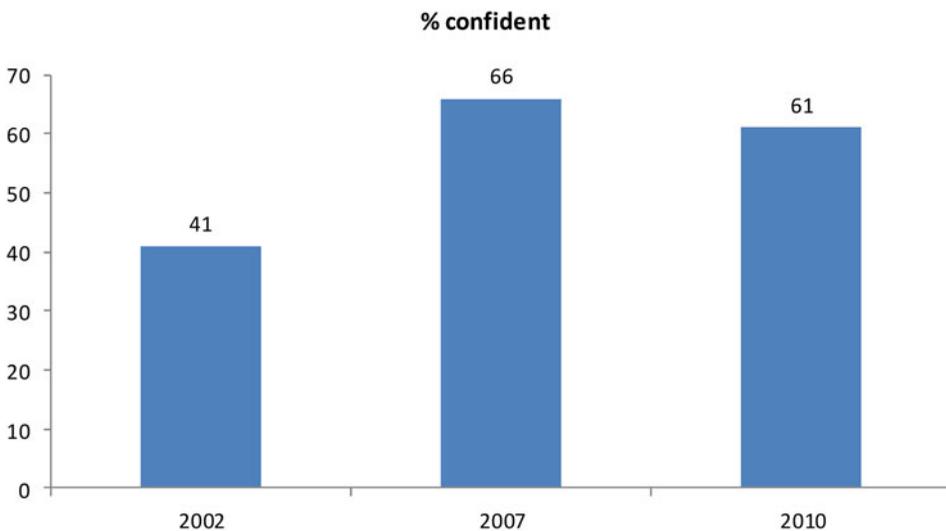


Figure 1

Confidence in the justice system – changes over time: percentage saying ‘yes’ or ‘somewhat yes’.

NOTES:

1. Question: ‘Do you have confidence in the justice system? (yes, somewhat yes, somewhat no, no).’

2. Sample sizes: 2002: 3,200; 2007: 3,210; 2010: 3,237.

3. Differences of two percentage points or more can be regarded as statistically significant.

Source: Parmentier, Vervaeke, Goethals *et al.*, 2004; Hoge Raad voor de Justitie / Conseil Supérieur de la Justice, 2010.

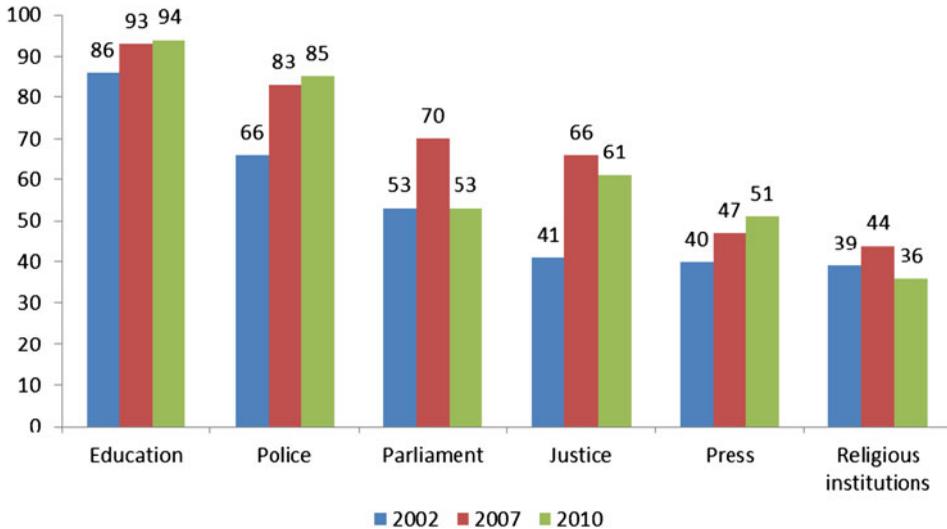


Figure 2

Confidence in various institutions – changes over time: percentage saying ‘yes’ or ‘somewhat yes’.

NOTES:

1. Question: ‘I am going to read you a list of Belgian Institutions. Speaking generally, can you tell me if you have confidence in each of them or not?’
 2. Sample sizes: 2002: 3,200; 2007: 3,210; 2010: 3,237.
 3. Differences of two percentage points or more can be regarded as statistically significant.
- Source: Hoge Raad voor de Justitie / Conseil Supérieur de la Justice (2010).

educational system (86 per cent), the police (66 per cent), and the parliament (53 per cent). On the other hand, it also left two other institutions behind it, namely the church (39 per cent) and the press (40 per cent), although the differences between the three of them were not statistically significant, placing them in joint fourth position. In the 2007 sweep, the same order applied but at an overall higher confidence levels for all institutions: the educational system went up from 86 per cent to 93 per cent, the police increased from 66 per cent to 83 per cent, the parliament gained more confidence from 53 per cent to 70 per cent, the press went up from 40 per cent to 47 per cent and religious institutions increased slightly from 39 per cent to 44 per cent. The same first positions for the educational system (94 per cent) and the police (85 per cent) in 2010, but a different order for the other institutions, with the parliament (to 53 per cent) and the church (to 36 per cent) losing ground. Some of these falls could be explained by the problematic situation of the very long negotiations to form a new federal government in the period 2010–2012, and the revelations about sexual abuse in the Catholic Church. Less easy to explain, however, are the high and even increasing levels of confidence in the police, according to some authors (e.g. Van Damme, Pauwels, Pleysier and Van de Velde, 2010) linked to the effects of community-oriented policing, or even the effects of the fundamental reforms of police structures since 1998.

3.2.2.2 Public confidence in judges, prosecutors and lawyers

A second major section in the Justice Barometers deals with public confidence in the work of judges, prosecutors and lawyers. Although the last group does not, strictly speaking, belong to the justice system but are considered ‘auxiliaries’, it is striking that most respondents tend to consider lawyers as part of the system (see also Goethals *et al.*, 2005). In all three Justice Barometers the

same questions were asked about two important aspects of these three legal professions: (a) the level of knowledge as displayed in individual cases, and (b) the equality of treatment. The results are nothing less than really interesting.

In the first sweep of 2002, the group of lawyers (60 per cent) enjoyed most confidence in terms of their expected expertise in individual cases, while prosecutors (56 per cent) and sitting judges (55 per cent) generated somewhat less confidence. Flemings were more likely than Walloons to think that the practitioners had a good understanding of individual cases, and men had a more positive view than women. Persons without any experience of the justice system showed a more positive attitude than those with experience. Over the years the findings display a constant and considerable increase for all three groups: lawyers attracted a 71 per cent positive views in 2007 and 79 per cent in 2010, immediately followed by prosecutors (68 per cent and 78 per cent, respectively); sitting judges remain on the third spot throughout this whole period, with 66 per cent of respondents in 2007 and 72 per cent in 2010. In sum, the three Justice Barometers clearly indicated that the general public has grown more positive over the years about the level of expertise of legal professionals, but that they continue to give most credit to lawyers and prosecutors at the expense of the sitting judges.

When it comes to the second major aspect, i.e. the equal treatment of citizens by legal professionals, the results show a picture different from the above findings. In 2002 lawyers came out least positive as to their perceived equal treatment of citizens (26 per cent), as opposed to sitting judges (37 per cent) and prosecutors (41 per cent). Flemings were more positive than Walloons and divorcees were the least positive of all. The levels of positive views by the public on the equality of treatment have improved over the years, and in 2007 and 2010 lawyers received 34 per cent and 39 per cent, respectively. These figures, however, were still substantially below the scores for sitting judges (52 per cent in 2007 and 55 per cent in 2010) and prosecutors, who came out best (58 per cent in 2007 and 66 per cent in 2010). A very influential factor in understanding these figures lay in the previous experiences of respondents within the justice system. The figures for the prosecutors are quite surprising given that the general public seems less familiar with the work of prosecutors who often operate in the shadow of the justice system. In sum, it can be said that the Belgian population considers prosecutors as the fairest of the three legal professions in terms of treating all citizens in an equal manner, more so than sitting judges and much more so than lawyers.

3.2.2.3 *The drivers of public confidence*

On the basis of the first three Justice Barometers (2002; 2007; 2010) the following headline conclusions could be drawn (Parmentier, Vervaeke, Goethals *et al.*, 2004; Hoge Raad voor de Justitie, 2007, 2010). First of all, a number of independent variables are clearly associated with public opinion: age, region, qualifications, income, political preference, ideology, family composition, marital status, province of residence, whether or not in gainful employment, and preference for particular TV stations and newspapers. In contrast, some other independent variables appeared less often to be related to the independent variable of 'attitudes': sex, being in a job connected with the justice system, preference for particular radio stations, watching or listening to the news, watching TV series on the justice system, and following legal series or programmes about criminal investigations. One variable in particular – nationality – was seldom found to be related to public opinion about justice at all. Overall, the previous experience of respondents within the justice system, civil or criminal, proved to play a very significant role in explaining public opinion in relation to the justice system. Those respondents with previous contact (in varying capacities) were clearly more negative than those without such contact, and this finding has been very consistent over the years.

3.2.3 More qualitative understandings of public opinion on law and justice

Trying to capture public opinion about the justice system through a quantitative survey leaves many questions unanswered, particularly in relation to our deeper understandings of how people construct their attitudes and why they respond the way they do. After the first Justice Barometer of 2002, the same Federal Science Policy Office funded follow-up qualitative research in 2003–2004, with a view to analysing in more depth some of the quantitative data. Carried out by the same teams from Leuven and Liège, this research focused on four judicial districts, two in Flanders and two in Wallonia, that were chosen on the basis of the preceding quantitative results (Goethals *et al.*, 2005). Eight focus groups with citizens and four focus groups with legal professionals were organised in each district, with a view of asking about their respective attitudes and opinions in relation to the justice system, the problems identified, and the proposals for change. It will suffice here to highlight just some of the major findings and refer the interested reader to extensive reports (Goethals *et al.*, 2005; Schoffelen, Parmentier and Vervaeke, 2006). First of all, the focus group participants frequently made associations like ‘slow’, ‘expensive’, and above all ‘unjust’ in relation to the justice system. The sessions confirmed many of the problems highlighted in the survey at large, such as lacking information about and from the justice system, the need for parties to be closely involved in the administration of their own case, limited access to the justice system (due to the cost and mostly to the length of proceedings), the perceived abuse of the procedures by judges and lawyers, and the disrespect for citizens in their dealings with the justice system. All judicial actors received strong criticism (i.e. obscure legal language, long and costly procedures), but particularly lawyers were very critically ‘judged’ (dishonesty, incompetence or lack of motivation in the case of legal aid). While many of these results emerged across all focus groups, there were also some variations between groups: citizens with direct experience of the justice system consistently demonstrated a lower degree of confidence, irrespective of whether their experience was with the civil or the criminal justice system; younger persons tended to adopt more positive attitudes; and poorly educated persons proved quite negative towards the justice system, but also some highly educated people were very critical.

Next to this general qualitative research about the Belgian justice system, the Federal Science Policy Office funded another qualitative study with a specific segment of the population, namely foreigners and residents of foreign origin. Between 2001 and 2003, 120 respondents, half from sub-Saharan Africa and half from Morocco and Turkey, were interviewed in depth (Foblets, Martiniello, Parmentier, Vervaeke, Djait and Kagne, 2004; Foblets, Martiniello, Parmentier and Vervaeke, 2007). This research focused on the expectations and experience of immigrants and residents of foreign origin of the legal (and judicial) system. All were asked general questions about law and justice, as well as specific questions in four areas, namely, residence, work and employment, protection of cultural identity, and nationality and citizenship. In general, the research identified three common threads in relation to the respondents’ views on law and justice: the first revealed that negative experiences with law and the judicial system had a strong impact on the respondents’ perceptions (as negative experiences clearly have much stronger and more decisive impact than positive experiences); the second one clearly showed the existing gap between general legal principles and their concrete implementation, leading to discrimination, uncertainty, personal frustration and decreasing institutional legitimacy; finally, the respondents’ opinions on law and justice were strongly shaped by their personal (migration) histories.

3.3 Other topics of socio-legal research

Based on this highly selective set of topics, the research highlighted in the foregoing paragraphs by no means constitutes a full overview of the socio-legal studies tradition in Belgium. It should be noted that some additional topics of socio-legal research, while smaller in output, are definitely worth

mentioning. More details are available from the overviews by Van Houtte (1985, 1988) and Van Houtte and Hubeau (2015).

Most attention has been devoted to the several layers of the criminal justice system, thus creating a close link between socio-legal topics and the discipline of criminology. The latter has traditionally been very strong in Belgium, with the first teaching programmes starting in the 1920s and the gradual strong institutionalisation of research in all universities (Casselmann *et al.*, 2012). Various models of policing and the role of inspection services in law enforcement (Ponsaers and Easton, 2009; Ponsaers and Hooogenboom, 2004) have expanded our understanding of the many interplays between criminal law enforcement agencies and their publics. The system of prison detention has been the subject of fierce critiques for its lack of vision on punishment, leading to often inhuman conditions for detainees (Beyens, Snacken and Eliaerts, 1993).

Furthermore, socio-legal attention has been paid to the phase preceding the justice system, namely the legislative phase. Important research was conducted on the tendency towards the 'juridification of the social sphere', in the words of Teubner (Van Aeken, 2010), as well as the counter-tendency towards various models of deregulation that reopen fundamental debates about Weberian forms of rationalism (Huysse, 1987). Also, the evaluation of legal regulations has become the object of socio-legal research, pointing to some prudent steps to improve the quality of legislation in the country (Van Aeken, 2011).

A fairly substantive body of research has been related to legal aid and the legal profession. The very first studies in Belgium were conducted in the wake of international attention for legal aid within the broader context of the three waves of 'access to justice' (Cappelletti, 1981), i.e. legal aid for the poor, disputing related to diffuse interests (like consumer and environmental issues), and alternative dispute resolution (see section 3.1.2). Breda, Stevens and Van Houtte (1981) provided a broad overview of social legal aid provided by the legal profession, while later publications have included social staff models of legal aid for indigent persons (Hubeau and Parmentier, 2011), and placing Belgium in a wider comparative perspective (Driesen, Franssen, Gibens and Van Houtte, 2006). The legal profession has also been the object of a series of separate studies that revealed its gradual move from a monolithic and monopoly profession before the 1960s to the multiple profession of today in search of innovation and diversification (Huysse and Sabbe, 1997; Hardyns, Gudders, Parmentier, Pauwels and Verhage, 2014; Van Houtte and Gibens, 2003). This focus was also in line with international developments (Abel and Lewis, 1988).

Finally, mention can be made of a newly emerging and quite specific line of research in socio-legal studies in Belgium. It deals with the concept and reality of 'transitional justice', which refers to processes and mechanisms when societies wish 'to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation' (United Nations Security Council, 2004). It looks in particular at judicial and non-judicial responses to war crimes, crimes against humanity, and genocide. Initially grounded in research on the collaboration and repression of war crimes after World War II conducted at KU Leuven (Huysse, 2009), it has in the last two decades expanded into various countries (including Africa and Latin America) and into various themes (i.a. criminal prosecutions, truth commissions, victim reparations, reconciliation) (Parmentier, 2003; Heylen, Parmentier and Weitekamp, 2010). It is striking that several concepts and findings from traditional socio-legal studies can be applied to these emergency situations confronted with violence and international crimes.

3.4 Reaching back, looking forward

After this dense and broad overview of research on courts and disputing and public opinion in relation to law and justice, it is worthwhile to briefly collect some reflections on the state of sociology of law in Belgium.

First of all, the short history parts elucidate that despite Belgium's grand tradition in criminology in the nineteenth century, quantitative research of a socio-legal nature did not emerge until the 1970s, following some major international developments. Since the turn of the millennium it has firmly taken root and is carried out on a regular basis. Most quantitative studies seem to display a high degree of applied research, predominantly interested in measuring concrete problems in the justice system, or the level of public confidence in law and justice. The qualitative studies for their part have contributed to a better understanding of the raw figures, by allowing broader contextualisation and deeper insight into the real functioning of the justice system and the formation of people's opinions and attitudes.

Furthermore, this line of applied research has not been without its critics. In the case of courts and disputing, it has sometimes been argued that much research was too policy-oriented and geared too much to increasing the efficiency of the justice system. In the case of public opinion on law and justice, Mercelis (2015) has rightly questioned whether quantitative surveys are truly measuring the confidence of the public or something else (like satisfaction), and how the findings relate to the broader theme of the legitimacy of the justice system. She has developed a more sophisticated model that encompasses various dimensions of legitimacy in a post-modern society. It is apparent that a lot of additional research needs to be done, at both quantitative and qualitative levels, to better interpret the existing data on both topics. Seen from this perspective, it can be argued that sociology of law in Belgium is also slowly but gradually moving from the perspective of effectiveness of law and conformity of its users, to the perspective of legitimacy and procedural justice by legal institutions (Hertogh, 2011). Overall, the same can be said about the additional topics in socio-legal studies mentioned above.

Finally, it is of crucial importance to relocate Belgian socio-legal research within a broader comparative perspective. In the case of public opinion, for example, it is worth mentioning that general tendencies are very similar, with significantly lower levels of confidence in (criminal) justice systems and higher levels of confidence in the police (Parmentier, Vervaeke, Doutrelepont and Kellens, 2004). Due to the many differences in questionnaire construction and data collection, however, most results are not really comparable, and should be studied with the utmost caution. The European Social Survey (ESS) constitutes one of the few 'harmonised' but still very rough measuring instruments that allow for some prudent comparisons (Van Damme *et al.*, 2010). Also the EU funded Euro-Justis research project, with the ambition to develop a common analytical framework for Europe to measure public confidence in the (criminal) justice system, constituted a major step forward in this regard (Hough and Sato, 2011). Hertogh (2011) has argued that a deeper understanding is particularly needed of how different publics (which he calls the 'cynics' and 'outsiders') in various countries may decide to disengage with law and justice and reduce the overall level of confidence.

IV. Concluding remarks

In this paper, some major characteristics of socio-legal studies in Belgium of the last forty years were highlighted. The prism of two main topics – courts and dispute processing, and public opinion on law and justice – has shown its orientation to international developments in the field and its ambition to create a local knowledge base along similar lines. Not surprisingly, many of the main findings at the international level also found confirmation in Belgium, although they sometimes played out differently or for different reasons. Next to these two main research lines, sociology of law has also been the host to other topics and has been inspired by the neighbouring disciplines of anthropology and criminology.

All in all, it can be argued that sociology of law in Belgium has remained a small discipline that has been incorporated in most academic institutions, although it has mostly developed in Flanders.

Despite this limited institutional incorporation, it has nevertheless displayed some level of vibrancy and has kept in touch with international developments. Particularly the close collaboration with colleagues from the Netherlands has been very instrumental in keeping the discipline in Belgium alive. It is much more questionable to what extent legal policy-making and the legal system have been 'responsive' (Nonet and Selznick, 1978) to incorporate some of the major socio-legal findings. Further research is definitely warranted to investigate this relationship in more detail.

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