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Xavier Rousseaux
Frédéric Schoenaers *Editors*

Modernisation of the Criminal Justice Chain and the Judicial System

New Insights on Trust, Cooperation and
Human Capital

Modernisation of the Criminal Justice Chain and the Judicial System

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Chapter 15

Magistrates of Congo (1885–1960): Prosopography and Biography as Combined Tools for the Study of the Colonial Judicial Body

Laurence Montel, Enika Ngongo, Bérengère Piret
and Pascaline le Polain de Waroux

15.1 Introduction

Since the start of the twenty-first century, the study of “colonialism” in Belgium has experienced new impulses.¹ A few major topics of the Leopoldian colonial history (1885–1908) are thus well known today (the 1885 Berlin Conference, the “Scramble for Africa”, “Red rubber” and the “Casement Report”). Other aspects of this colonial history have also been widely studied, such as religious missions, teaching, the economy, social movements or military history. Nowadays, the

¹X. Rousseaux, “Vers une histoire post-coloniale de la justice et du droit en situation coloniale?”, in Ch. Braillon, L. Montel, B. Piret and P.-L. Plasman (ed.), *Droit et justice en Afrique coloniale: tradition, production et réformes*, Brussels, Université Saint-Louis, 2014, p. 11; P. Van Schuylenbergh, “Trop plein de mémoires, vide d’histoire? Historiographie et passé colonial belge en Afrique centrale”, in P. Van Schuylenbergh, C. Lanneau and P.-L. Plasman (ed.), *L’Afrique belge aux XIXe et XXe siècles. Nouvelles recherches et perspectives en histoire coloniale*, Brussels, P.I.E. Lang, 2014, p. 44.

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judicial body and its staff is also one of the fields of study that is gaining importance.² However, this research is not as rich as that relating to the former British³ and French empires.⁴ This issue is central to the history of Belgian colonisation, which has too often been associated with—or even reduced to—the Leopoldian model, the stereotype of a far-away idea of justice.⁵ Besides, it is known that, for the colonising state, the law and its application ensured the control of the conquered territories and their populations. To the colonial state, they were tools to maintain its position of domination, which explains their importance for the history of imperial societies.⁶ This also justifies why it makes sense to study magistrates. Indeed, together with the police and the military, they were agents of this domination, yet with nuances that still need to be determined. Lastly, studying this exploring this field of study seems all the more critical today as it provides the opportunity to analyse the history of metropolitan states with new angles of approach, at a time when model transfers, techniques and practices between the homelands and the colonies are studied in both directions. Following this renewal in colonial legal studies and the positive results of the project entitled “Prosopographie des magistrats belges 1795–1960” (Prosopography of Belgian Magistrates), it was decided to widen the scope to overseas territories. This took place in the framework of the “Belgafrima: prosopographie des magistrats coloniaux belges” project, which has been followed by the “Belgafrican Magistrates Social Networks” project since July 2014. The objective of these projects is to study the collective profile of the judicial body and legal institutions in the Congo Free State (CFS, 1885–1908), in Belgian Congo (1908–1960), and in Ruanda-Urundi under Belgian administration (1924–1962), as well as to analyse it from the point of view of social networks.

²Rousseaux, “Vers une histoire post-coloniale de la justice et du droit en situation coloniale?”, p. 15.

³M. Semakula Kiwanuka, “Colonial policies and administrations in Africa: the myths of the contrasts”, in *African Historical Studies*, 3-2, 1970, pp. 295–315.

⁴M. Fabre, “Le magistrat Outre-mer, un élément capital de la stratégie coloniale”, in *La Justice et le droit: instruments d’une stratégie coloniale, Rapport fait à la mission de Recherche Droit et Justice*, 2001; M. Fabre, “Les justices coloniales: clones imparfaits du système judiciaire métropolitain”, in *Quaderni Fiorentini*, 2005, no. 33/34, t. II, Milan, 2005; B. Durand, “Le Parquet et la Brousse. Procureurs généraux et Ministère public dans les colonies françaises sous la Troisième République”, in *Staatsanwaltschaft, Europäische und Amerikanische Geschichten*, Frankfurt am Main, Max-Planck-Institut, Klosterman, 2005, pp. 105–137; F. Renucci (ed.), *Dictionnaire des juristes ultramarins (16^e-20^e siècles)*, December 2012; J.-Cl. Farcy, “Quelques données statistiques sur la magistrature coloniale française (1837-1987)”, in *Clio@Themis*, no. 4, March 2011.

⁵P.-L. Plasman, “Un État de non-droit? L’établissement du pouvoir judiciaire au Congo léopoldien 1885–1889”, in Ch. Braillon, L. Montel, B. Piret and P.-L. Plasman (ed.), *Droit et justice en Afrique coloniale: tradition, production et réformes*, Brussels, Université Saint-Louis, 2014, pp. 27–28.

⁶Rousseaux, “Vers une histoire post-coloniale de la justice et du droit en situation coloniale?”, p. 15.

Predictably, many questions have been formulated in the project's development phase, and they relate to the specificities of the colonial territory. For instance, from which intellectual and social circles did these magistrates come? Why did they decide to enter the colonial administration? What were the different steps in their careers? Do we observe the gradual emergence of a homogeneous socio-professional group sharing common training and experience? How did these magistrates, through their publications, contribute to the development of a "Congolese" law and judicial thought? Though the research project focuses on the people, it also aims at further developing knowledge of the overseas organisation and judicial map, which are still difficult to picture as a whole. Besides, the use of the database created by the "Prosopographie des magistrats belges 1795–1960" project (referred to here as the "Belgian Magistrates" database) will simplify the comparative and relational study of metropolitan and overseas justices regarding staff and organisation. To what extent were the bodies of metropolitan and colonial magistrates separate or in relation with each another? What, if any, were the mutual influences of both judicial systems? For instance, we know that the overseas colonial model was inspired throughout its existence by the metropolitan model (importance of the prosecution office, types of jurisdictions and functions)⁷ and that conversely, some transformations of metropolitan justice were inspired by African innovations, especially during the disrupted periods of war and post-war, when techniques worked out in Africa were applied in the motherland.⁸

During the exploratory process, between 2011 and 2013, priority was given to studying how this judicial body and its first magistrates were established at the time of the Congo Free State.⁹ All the official information concerning the jurisdictions and magistrates in office during this period was added to the "Belgian Magistrates" database, that is to say, for 112 jurisdictions and nearly 350 magistrates.

The progress made on the project entitled "Belgafrima: prosopographie des magistrats coloniaux" will be presented in two phases. We will first deal with the project's state of progress, with methodological and technical issues that are still to be solved and that determine the way the information is entered into the database. The second part will be devoted to presenting the first results and potential future developments.

⁷Plasman, "Un État de non-droit?" p. 37; B. Piret, "Les structures judiciaires 'européennes' du Congo belge. Essai de synthèse", in P. Van Schuylenbergh, C. Lanneau and P.-L. Plasman (ed.), *L'Afrique belge aux XIXe et XXe siècles. Nouvelles recherches et perspectives en histoire coloniale*, Brussels, P.I.E. Lang, 2014, pp. 163–178.

⁸The procedure involving a single judge after World War One, for example (Loi du 25 octobre 1919 modifiant temporairement l'organisation judiciaire et la procédure devant les cours et tribunaux, *Moniteur Belge*, 9 November 1919).

⁹L. Montel, "Le contrôle des magistrats dans le Congo léopoldien, d'après les registres du Service du personnel d'Afrique (SPA) (1885–1908)", in Ch. Braillon, L. Montel, B. Piret and P.-L. Plasman (ed.), *Droit et justice en Afrique coloniale: tradition, production et réformes*, Brussels, Université Saint-Louis, 2014, pp. 51–78.

15.2 From Project Design to Database Population

15.2.1 *State of the Sources and Accessibility: Printed Sources*

The most easily accessible sources are the printed sources: the *Bulletin officiel de l'État Indépendant du Congo (BO de l'EIC)*, the *Bulletin officiel du Congo belge*, the *Bulletin officiel du Ruanda-Urundi*, the *Annuaire du Congo belge*, and the *Recueil mensuel de l'État Indépendant du Congo*,¹⁰ published by the government, as well as the legislation, jurisprudence and doctrinal compilations which were generally written by the colonial magistrates themselves.¹¹ These documents contain many texts related to the organisation and judicial personnel: new jurisdiction or transferred jurisdictions, jurisdiction delimitation, appointments of agents, etc. Moreover, the practising magistrates in Congo during the 1920s could for instance be listed in the *Annuaire du Congo belge*, whereas the legal practitioners who left for Belgian Congo during the 1930–1960 period were mentioned in the *Bulletin officiel du Congo belge*. These sources enable us to identify the main reforms and regulatory texts that framed the judicial system. Nevertheless, the information they provide is limited in various ways. Periods of war and transitional periods are often not documented. For example, the *Bulletin officiel du Ruanda-Urundi* was only available between 1924 and 1962—although Belgium was administering the territories from 1919.¹² Besides, decrees and orders for judicial and other matters were not systematically registered in these publications. This is a certain fact for the Congo Free State and the Belgian Congo periods until 1914, which we will be taken as examples here. Indeed, the 1891 *BO de l'EIC* contains a long report to the king on the “Works carried out in Congo”, praising the judicial administration which “had managed to replace anarchy with the rule of law”.¹³ This report indicates that ordinary justice was carried out in Lower Congo, “where the State authority is consolidated”, whereas Upper Congo, beyond Stanley Pool, was subjected to military justice: “Military tribunals (*conseils de guerre*) were established in Équateur-Ville, Nouvelle-Anvers (Bangala), Basoko (Arouwimi), Stanley Falls,

¹⁰*Recueil mensuel des ordonnances, arrêtés, circulaires, instructions et ordres de service, État Indépendant du Congo*, Gouvernement local, Boma. Located at the library of the Belgian Federal Public Service Foreign Affairs (FPS FA) in Brussels.

¹¹Such as: A. Lycops and G. Touchard, *État indépendant du Congo; recueil usuel de la législation des conventions internationales et des documents administratifs avec des notes de concordance*, 7 t. 1–7, Brussels, P. Weissenbruch, 1903–1913; O. Louwers, *Lois en vigueur dans l'État indépendant du Congo. Textes annotés d'après les instructions officielles et la jurisprudence des tribunaux*, Brussels, P. Weissenbruch, 1905. Rearranged and entitled *Codes et lois du Congo belge*, then later updated by Pierre Piron and Jacques Devos (1943–1960), these compilations remained reference works until Congolese Independence in 1960.

¹²W. R. Louis, *Ruanda-Urundi, 1884–1919*, Oxford, Clarendon Press, 1963.

¹³“Rapport au roi-souverain sur l'œuvre au Congo”, in *BO de l'EIC*, 1891, p. 171.

Lomami, Lusambo, Luluabourg, Western Kuango, Ouellé and Katanga”.¹⁴ But the decisions to create these jurisdictions were not registered in previous *Bulletins*. Therefore, it is quite difficult to determine when some of the jurisdictions were actually in exercise.

Furthermore, the *Bulletins officiels* contain insufficient details to ensure a clear and complete understanding of the changes in judicial organisation. Indeed, the existence of some previous texts is revealed only by decrees based on or abolishing them.¹⁵ Likewise, similar temporary jurisdictions may have existed without being mentioned in the printed sources. If they had already been suppressed by the time of the major judicial reform that took place in the mid 1890s, this fact is easy to explain. Another challenge is related to the changes in court names, the jurisdictions of which varied, notably in the first phase of the colonisation. The colony’s judicial map was more flexible than that of the motherland: multiple factors led to a regular reworking of jurisdiction boundaries, mainly conditions related to the territory’s occupation such as conquest, state of war or rebellions and progress towards territorial control.

Lastly, these sources provide insufficient details to determine the career paths of all the magistrates who held office in the African territories, at least for the Leopoldian period. Indeed, they only partly referred to appointments and transfers. The BO only scrupulously reported appointments to the *Conseil Supérieur du Congo* (High Council of Congo), which is probably partly due to their honorary character. They also report on a regular basis, yet imprecisely, the appointments to the courts of appeal (*cours d’appel*) and first instance (*tribunaux de première instance*) in Lower Congo. Lastly, it is pointless to try using these sources to reconstruct the whole careers of colonial magistrates, who were often transferred to other positions and combined several appointments. Whereas the monthly digests of the Boma government only partially complete those gaps from 1895 onwards, other written sources offer a wealth of information.

15.2.2 *State of the Sources and Accessibility: Written Sources*

It is particularly difficult to access primary sources, since the 600 personal files of magistrates in office in the Belgian overseas territories after 1908 cannot be accessed freely. Therefore, it is necessary to work with unrestricted sources, which

¹⁴Ibid., p. 172.

¹⁵For example: the Decree of 27 April 1889, on the reorganisation of the repressive justice begins with “reviewed the Decree of 8 April 1889” which is not recorded in the volume. Similarly, the BO of 1897, in its first article, refers to the revocation of the Decree of 5 August 1892, creating a territorial court at Matadi, and of the Decree of 14 April 1894, extending to the district of Cataracts the jurisdiction of the territorial court of Matadi: these two decrees do not appear in the BO.

were often incomplete. Indeed, some information is only available for certain periods. For example, a *registre du personnel judiciaire en congé* was preserved, but only covers the years 1947–1952. Royal decrees and ministerial orders related to staff appointment, as well as local government decrees, were not preserved as continuous series in the archives of the *Service du Personnel d'Afrique* (SPA).¹⁶ By way of comparison, the records of the SPA which were kept over time by the Department of Foreign Affairs in Brussels, managing the judicial system at this time, are far more complete.¹⁷ These have been preserved in full from 1885 to 1913 and provide a wide array of information on the Department of Foreign Affairs' agents, to which the judicial staff (e.g. the magistrates) pertained.¹⁸ They make up for the absence of most of the personal files of the agents of the Congo Free State who stopped serving the CFS after power was handed over to Belgium. These files were probably destroyed by the colonial administration when the agent died or when the CFS disappeared.¹⁹

These SPA records are made up of two-page information sheets for each individual, covering the agent's *terme*, which referred to the period he served in Leopoldian Congo. Each time an agent was re-enlisted, a new sheet was drawn up in the current record. The number of sheets for a single agent, distributed over one or more records, reflected the length of his career. The notes added on the right edge of the sheet by the department's clerks make it easy to reconstruct the agents' careers: each sheet indicates the record and sheet numbers corresponding to other positions of the agent. The sheets are made up of a table with ten columns, topped by a header about the agent. They contain the following information which is critical to feeding the prosopographical database: surname, firstname, date of birth, marital status and parentage, start date of the *terme*, dates of appointment to main functions, transfer dates, dates of departure to the motherland for holiday periods, and even, as required, the cause and date of death (useful to calculate the death rate in office and to compare it with the metropolitan rate).²⁰ All these elements enable us to reconstruct the main structure of career paths, with the major changes and transfers as well as the types of positions held. In addition, they provide socio-logical data that sheds light on the profile of the hired magistrates: nationality,

¹⁶FPS FA, SPA, registers 195 to 232.

¹⁷"Décret du 30 octobre 1885", in *BO de l'ÉIC*, 1885, pp. 25–29.

¹⁸"The 'notes' were scrupulously recorded until 1912 then became more messy until their final abandonment in 1914". Montel, "Le contrôle des magistrats dans le Congo léopoldien", p. 52.

¹⁹We regret the absence of other personal files after we have seen the example offered by the file of Edgard Vanderschueren. However, it sheds essential light on SPA records, in particular because it captures even better how and why those records were produced and kept. Personal file 'Edgard Vanderschueren', FPS FA, SPA (162) 194, box n° 57 file n°35; Montel, "Le contrôle des magistrats dans le Congo léopoldien", p. 55.

²⁰FPS FA, SPA, register 892; Montel, "Le contrôle des magistrats dans le Congo léopoldien", p. 55.

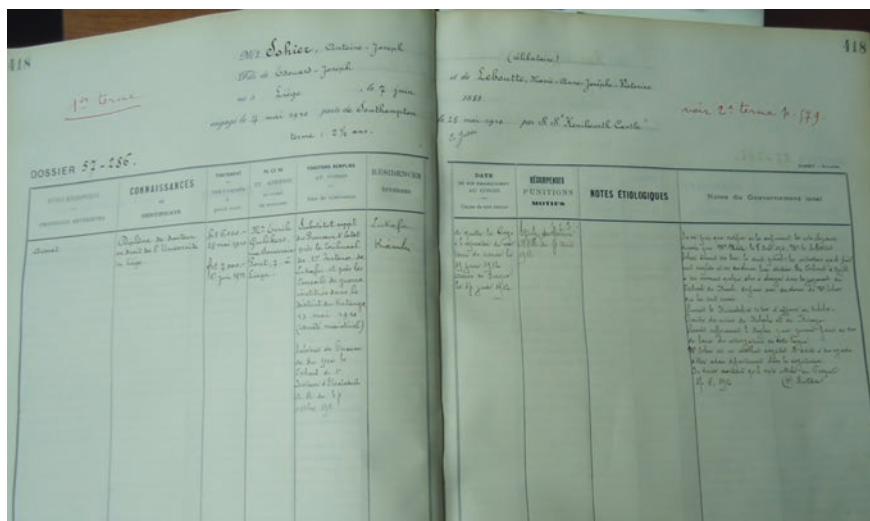


Fig. 15.1 SPA records—first *terme* of Antoine Sohier

university training, occupation before departure, address. These records also included decorations awarded to staff and any disciplinary sanctions, as well as short appraisals written by their superiors. This reveals the usefulness of in-the-field assessment in order to further optimise the use of human resources in the framework of a typical metropolitan recruitment process, which was still based on the agents' moral qualities, recommendations and a short interview (Fig. 15.1).

Towards the end of the period, and in the last volume in particular (SPA 96), the contents of the records gradually diminished. The *Notes* column was not systematically filled in any more, and quite often, the positions held in Congo by the agent were not mentioned. The information provided was often limited to the indication *agent de l'ordre judiciaire* (agent of the judiciary). Though more detailed information would be required in order to reconstruct the history of the judicial staff as a whole and the way they were assessed, these vague occupational indications are not detrimental to feeding the database.²¹

In spite of their usefulness for the magistrates' careers, the SPA records as a whole are not adapted to establishing the judicial map and the hierarchy of jurisdictions, since the information they contain are related to the staff, not the courts and the associated judicial functions. As explained below, this gives rise to some difficulties, as new data need to be entered into the “Belgian Magistrates” database.

²¹Indeed, in most cases, they are not related to magistrates, but to lower-ranking agents. The latter have not yet been taken into account for the current project work.

15.2.3 Adding Colonial Data to the Prosopographical Database

To complete the work of Aurore François and Françoise Muller, special patterns of colonial cases and issues of consecutive database translation and incorporation must be reasserted. The judicial map is not yet completely established owing to the state of the art in this research field and the constant reworking of jurisdictions' delimitations and headquarters, at least for the CFS period.

At the time, the judicial occupation of the territory was indeed determined by the background of conquest and dominion of territory. However, we know that territorial remodelling was a constant component of colonial management, according to the financial situation of the colony and the motherland or according to possible contradictory stakes of social control and international image. This explains, incidentally, why jurisdictions for Europeans were far more clearly defined and stable than those for the natives and the military. Therefore orders like the following could be formulated towards the end of the CFS: "Order issued on August 14, 1905, no. 35, suppressing the Albertville (Toa)'s military tribunal and attaching this jurisdiction's territory to the military tribunal established in the administrative centre of the Tanganika-Moero sector"—without mentioning any specific location.²² This probably meant that the administrative centre, not definitively established, could be relocated. Such a formulation implied that judicial power would follow in the steps of administrative power, without requiring the issue of a new order. This administrative practice, which was frequent for military justice and of historic interest, makes the task of data entry more complex since all administrative variations have to be tracked, before the entry of personal data in the database. In addition, some non-identical designations between BO and SPA records had made it difficult to link some of the personal data to the appropriate jurisdictions.

The process of data entry has also had to deal with the great flexibility of employment that Belgian colonial magistrates coped with, as did all European colonial officials. In most cases, agents accumulated numerous functions and had to replace colleagues on sick leave or on holiday. This issue of *ad interim* positions is crucial for imperial administration studies²³ but hard to incorporate into the database. On the one hand, it is often hard to identify the date of the beginning and end of those additional functions. On the other hand, as judicial positions must be pre-encoded in the database, all the *ad interim* positions have to be pre-encoded too.

²²*Recueil mensuel des Arrêts, Circulaires, Instructions et Ordres de service*, Boma, Imprimerie de l'État, August 1905, p. 142.

²³On the interim, cf. for example, Farcy, "Quelques données statistiques sur la magistrature coloniale française", p. 2 and B. Durand, "Les magistrats coloniaux entre absence et errance", in B. Durand and M. Fabre (dir.), *Le juge et l'outre-mer: Les roches bleues de l'Empire colonial*, Lille, Centre d'histoire judiciaire, 2004, pp. 47–70.

Lastly, the SPA records as well as personal files contain some “sensitive” information about the agent such as assessments by his superiors, potential sanctions, relationships and political preferences.²⁴ Although information that is strictly identity-related can be encoded and partly disclosed, that is not the case for more personal data. Of course, these can be used in the context of scientific research if they are rendered anonymous. However, it seems questionable to make them accessible to any Internet user, without restriction of access, since this data could be used for purposes other than research which could even be polemic or malicious in nature. This issue is related to the right to oblivion. It is deeply rooted in Belgian colonial history, which is still subject to passionate debate nowadays. But the objective set by creating this database for the research community must preserve it from this kind of diverted use. This is why setting up a technical system and an adjustable control protocol for accessing data is necessary.

The way the data will be used is another issue. We can now report provisional results from the 112 created jurisdictions: the *Conseil supérieur de l’EIC* (CFS High Council), six courts of first instance, 35 regional courts and 70 military tribunals. These data cover the whole judicial system from 1885 to 1908, even though new records could still be provided in the field of military justice, using the *Recueils mensuels*. They have enabled us to enter the careers of all 350 magistrates listed in the SPA records. This data is of course incomplete for the moment. Therefore, we will explore possibilities rather than presenting conclusions.

15.3 Database Processing

The results from the first queries make it possible to outline trends in terms of the recruitment, training, career path and retirement of magistrates in Congo, all results likely to be compared with those carried out by Jean-Claude Farcy on French colonial magistracy.²⁵ This study will provide the opportunity to specify, confirm, qualify or even reject items that were hitherto only hypotheses, such as the nationalisation of the administrative framework that took place from Congo’s handover of power to Belgium in 1908.²⁶ This aspect will be presented here. Next to this general overview, the purpose is also to unravel the internal dynamics of this judicial body and the networks that were built upon. In order to introduce this subject, we will deal with a few major individuals of the colonial world of the time, such as Antoine Sohier (1885–1963), an iconic figure of the Belgian colonial magistrates.

²⁴Personal files can be accessed after authorisation.

²⁵Farcy, “Quelques données statistiques sur la magistrature coloniale française”.

²⁶L. H. Gann and P. Duignan, *The rulers of Belgian Africa 1884–1914*, Princeton, Princeton University Press, pp. 164–181.

15.3.1 *The Four Steps in the Career of Magistrates in Congo*

15.3.1.1 Recruitment

The magistracy in the CFS widely differed from that of Belgium at the time due to the several nationalities of the people in its ranks. Unlike its metropolitan counterpart, the magistracy was not only made up of Belgian staff. Among the 350 magistrates currently listed in the database, twenty Norwegians, three Danes and more than fifteen Italians have been counted. Other nations were also represented in this body, though in less significant number: one Swede, one Frenchman, three Swiss, two Romanians and one American from Boston. The last had a degree in Law from the Christiania University (Oslo) and was a lawyer in the small city of Grimstad before he was enlisted to serve in the CFS. His recruitment could therefore be related to the Norwegian magistrates.²⁷ These foreign officials were not confined to low-ranking positions. On the contrary, several of them occupied the most important seats in the CFS such as the Italian Giacomo Nisco, who was appointed president of the Boma Court of Appeal before he became the general consul of the Leopoldian State in Italy. Further it seems that only the non-Belgian officials had previously held judicial positions. Therefore, many of them trained their young colleagues, especially the Belgians.

This multinational composition of the Congolese magistracy is related to the national political context. Leopold II, who did not manage to convince Belgians of the opportunity of his colonial project or to recruit staff for his African administration among his subjects, had no choice other than to hire foreigners. He opted for “small” countries with no on-going colonial project in Sub-Saharan Africa and mainly enlisted staff from Scandinavian countries and Italy. They filled magistrate positions, but also positions in the central administration in Banana at first, then in Boma (capital of the CFS from 1886), in local administration and in the *Force publique* (Congo’s police force). The fact that foreigners held high-ranking positions was also a consequence of the complex diplomatic situation in Congo. The young state, which was created in the wake of the International Berlin Conference in 1885, was closely watched by the great colonial powers, such as Great Britain and France and was particularly subject to criticism. This occurred, for instance, during the Stokes-Lothaire case in 1895–1896, which had such an impact that it triggered the reform of the judicial institution. In this context, the Court of Appeal that took on the case was reinforced with two counsellors (*conseillers*, magistrates), an Italian and a Swede. The Secretary of State Van Eetvelde underlined this and said: “It seemed fitting that this Court of Appeal be made up of people from different nationalities”.²⁸

²⁷About foreigners present in the CFS, see the works of Lilian Nielsen devoted to Danes and the book by R. Giordano, *Belges et Italiens du Congo-Kinshasa. Récits de vie avant et après l’indépendance*, Paris, Karthala, 2008.

²⁸“Rapport du secrétaire d’État, E. Van Eetvelde, au Roi-Souverain, le 21 mai 1897”, in *Bulletin Officiel*, 1897, pp. 192–193.

When Belgium took over power from the CFS in 1908, the colonial government engaged in replacing the administration's high-ranking foreign officials with Belgians. Even if no law required that new magistrates be Belgians, nearly all the new recruits came from the motherland. This development can be followed thanks to the *Rapports annuels sur l'administration du Congo belge*. About 58 % of the magistrates were Belgians in 1909 and they accounted for 82 % of the staff in 1911, then 89 % in 1913. By that time, only a few foreigners remained in office among colonial magistrates. They were generally migrants who had lived in Belgium or had been trained there: for instance, the Romanian Chirila Adreiu, who was a lawyer in Brussels and later became Matadi's deputy public prosecutor in 1905.²⁹

The recruitment policy for 1908 and the following years showed a second trend. Candidates for Congo started to be recruited among civilians whereas Leopold II had given priority to the military. Indeed, at the time of the CFS and during the first years of the regime in particular, magistrates and civil servants mainly came from the Belgian army. Camille Coquilhat, for instance, had left his position as *adjoint d'État-major* (vice-chief of the Army staff) to carry out "pacification missions" on the Congolese territory before becoming vice-general governor of the CFS.

15.3.1.2 Training

On searching the database, it is striking to observe that most colonial magistrates were very young. They had barely graduated, had just obtained their law degree or had worked as lawyers for a few years in Brussels, Charleroi or Liège. The Liège bar, in particular, counted among its ranks distinguished colonial magistrates, one of whom was Antoine Sohier. Some worked for an administration, such as a municipality, a ministry or the prison service. Others served in the Congolese administration. Though they had followed training in Belgian law or that of another country, but only a few already had experience as magistrates. Jacques de Lichtervelde is an exception to the rule. He resigned from his position as a judge of the Brussels Court of First Instance to become a judge at the Stanleyville Regional Court in 1906. Since the Belgian and Congolese magistracies were autonomous entities, he had to give up his career in Brussels and his retirement pension.³⁰ This example highlights the lack of incentives offered to Belgian magistrates to leave their positions in Belgium.³¹

²⁹Fonds SPA, register no. 94, sheets 243 and 355; register 95, sheet 504.

³⁰A. Sohier, *Les rapports entre les magistratures coloniale et métropolitaine. Discours prononcé à la Conférence du Jeune Barreau de Bruxelles*, Brussels, 1926, p. 13.

³¹This situation came to an end with the promulgation of the Act of 10 August 1921 which allowed Belgian magistrates who left for Congo to preserve their years of service as well as their promotion opportunities. This stipulation facilitated the departure of experienced magistrates to Belgium such as Joseph Derriks who left the Huy Court of First Instance to preside over the Court of Appeal in Élisabethville in 1924.

Most of those who became colonial magistrates had no experience in the administration of justice of Congo. Before the *École coloniale* (Colonial School) and the *Université coloniale* (Colonial University) were created,³² they trained themselves by reading the few books that existed about these subjects, for instance, *État indépendant du Congo. Historique, géographie, physique, ethnographie, situation économique, organisation politique* by Alphonse-Jules Wauters. As a result, they learned their functions on the job. The magistrates hired by the CFS had to carry out a traineeship that spanned over three years at most.³³ They were appointed on a temporary basis and carried out their mission while being supervised by an experienced official. However, due to the lack of staff, this training was often limited. In most cases, the young magistrates were quickly on their own at the head of a prosecution office or a jurisdiction.³⁴

At the end of the traineeship in the field, the applicant took an examination, which included the presentation and defence of a dissertation on a subject related to law or legislation that was specific to Congo to be freely selected by the applicant.³⁵

15.3.1.3 Career

Careers in Belgian Congo could in no way be compared to careers in the motherland. Whereas serving as a magistrate in Belgium implied engaging in a guaranteed and lifelong career, this was not the case for colonial magistrates. Indeed, their career in Congo did not last more than two or three *termes* (mandates), on average. Afterwards, they left Africa where the living conditions were harsh for both the body (disease, climate, etc.) and the mind (no contact with the relatives, absence of intellectual circles, etc.). This is why a colonial career was considered to be complete after having served for eighteen years.³⁶

³²The *École coloniale* (Colonial School) was founded in 1903 and the legal section welcomed its first students in 1911. The *Université coloniale* (Colonial University) was created in 1920. C. Van Leeuw, *L'administration territoriale au Congo belge et au Ruanda Urundi. Fondements institutionnels et expérience vécue 1912–1960*, Louvain-la-Neuve, Université catholique de Louvain, 1981, p. 143.

³³“Décret du Roi Souverain du 21 avril 1886 concernant l’organisation judiciaire”, in *Bulletin Officiel*, 1896, p. 104.

³⁴In 1926, when Antoine Sohier saw that the magistrates in Congo were insufficiently trained, he proposed replacing the traineeship in Africa by a one-year training period in Belgium, during which the would-be magistrates would learn the various aspects of the job with the help of experienced magistrates. His proposal was turned down, however. Sohier, *Les rapports entre les magistratures coloniale et métropolitaine*, pp. 18–19.

³⁵“Décret du Roi Souverain du 21 avril 1886 concernant l’organisation judiciaire”, in *Bulletin Officiel*, 1896, p. 104 and the following one. Few theses have been preserved. Only around 50 of them, defended in the 1930 s, can be found in the fonds *Justice* (FPS FA library).

³⁶A. Gohr, “Organisation judiciaire de Congo belge”, in *Les Nouvelles. Corpus Juris Belgici. Droit colonial*, t. 1, Brussels, Picard, 1936, p. 107.

On top of these elements, which were common to many colonial careers, magistrates in Congo carried out their functions in trying conditions. In view of the constant lack of workforce, they had no choice but to cope with a workload that should have been distributed over several people. Above all, the legal provisions framing their occupation did not guarantee they would keep their position indefinitely once appointed, an advantage that magistrates in Belgium did have. Provisionally appointed magistrates could be transferred, without their agreement, to any district within the remit of the administrative centre they were attached to, or even to any location in Congo if required by an urgent situation. Even definitively appointed magistrates could be transferred. However, this decision had to be motivated by an urgent situation and could only be temporary.³⁷ Judicial staff in Congo thus had to be very flexible as to the location of their assignments.

According to the “Belgian Magistrates” database and the SPA records, during their first mandate, the magistrates would be assigned to courts in Boma or not far from the capital in order to be closely supervised by their superiors. For their subsequent mandates, they were sent to more remote locations and carried out various functions: investigating offences, making and applying rulings, administration of the public prosecution office.³⁸ Throughout their careers, Congo magistrates held various positions, serving as judges or prosecutors, from civil justice to military justice, or even both simultaneously.

15.3.1.4 Retirement

When they had completed their entire career in Congo, the colonial magistrates could retire when they were around 50 years old. However, in view of their age and the modest amount of the retirement pension they were entitled to,³⁹ most of them had to start a new career when they returned from Congo. Analysis of the data shows that this new career path would differ according to the period when the magistrate retired.

Among the magistrates who retired at the time of the Leopoldian regime, many were later appointed to positions in the central administration of Congo, which was based in Brussels. At the same time, many honorary (retired) magistrates were appointed to the boards of companies and organisations created by Leopold II or people close to him, for instance, the *Compagnie du Congo pour le Commerce et l’Industrie* and *Intertropical-Comfina*.

³⁷This principle was established by the Decree of 21 April 1896 before being embodied in articles 18 and 18A of the Colonial Charter. In this regard, read especially: Gohr, “Organisation judiciaire du Congo belge”, pp. 111–113. This situation is not unique to the Congo. French colonial magistrates are also removable, read: Farcy, “Quelques données statistiques sur la magistrature coloniale française”, p. 22.

³⁸Montel, “Le contrôle des magistrats dans le Congo léopoldien”, p. 66.

³⁹Although the amount of this retirement pension cannot be estimated, Antoine Sohier considered that it did not meet the needs of a magistrate and his family. A. Sohier, “L’organisation de la magistrature congolaise”, in *Revue de Droit et de Jurisprudence du Katanga*, 2nd year, no. 2, p. 45.

In the wake of the handover of power to Belgium, the colonial authorities wished to put an end to the management methods used by the CFS and tried to establish a new administration in Congo. The old magistrates were not reintegrated into the central administration. Therefore, they chose to apply for magistrate positions within the Belgian judicial bodies. They managed to highlight their abilities and their previous experience and were appointed to important positions, like Fernand Waleffe, a former judge at Matadi's *Tribunal d'État* (State Court), who became counsellor and later *Président de chambre* of the Court of Cassation.

However, magistrates who returned to Belgium in the wake of the First World War experienced more difficulties embracing a career as magistrates in Belgium. Those who succeeded were assigned to lower-ranking positions. For instance, Iwan Grenade, who was a State prosecutor in Congo, became judge at Stavelot's *Tribunal de paix* (Justice of the Peace) in 1920, thus a lower status. According to Antoine Sohier, Grenade was not the only magistrate to experience such a situation.

Some of them applied for positions, but their applications were turned down and their experience was not taken into account. Others managed to be appointed, but more often than not, their years of service were disregarded. They had to accept low-ranking posts.⁴⁰

This explains why many magistrates who came back from Congo during the inter-war period took a new turn in their careers. Although it is particularly difficult to follow their change of occupation, it is to be noted that many of them, like Fernand Dellicour, a former general prosecutor, became university lecturers. They provided lessons on Congo's law and institutions to students of Belgian universities and the Colonial School. They thereby provided a full-fledged training to future Belgian Congo magistrates. Obviously, several retired magistrates from Congo took another path and did pursue successful careers as magistrates in Belgium. For example, Jean De Muylder became counsellor at the Brussels Court of Appeal and Antoine Sohier was appointed President of the Court of Cassation.

15.3.2 Antoine Sohier, from the Lukafu Court of First Instance to the Court of Cassation

Antoine Sohier (1885–1963), who led his life and career between two continents, offers an interesting case study. Analysing the professional career of this magistrate will enable us to highlight all the possibilities of studying the interconnections and perspectives the database will offer. Indeed, this individual's career reflects and suggests the presence of important networks of influence that only an in-depth study could confirm. Antoine Sohier did not serve under the CFS regime, but he arrived in Congo during the “in-between” period that started from 1908 and went on until the early 1920s, during which the structures and the officials established by Leopold II remained in place, in spite of the change of regime. Sohier's

⁴⁰Sohier, *Les rapports entre les magistratures coloniale et métropolitaine*, pp. 17–18.

Fig. 15.2 Antoine Sohier

career fits in line with that of his predecessors, which makes it representative for the CFS magistrates' experience and paves the way towards the development of investigations of the database.

Born in Liège on 7 June 1885, Antoine Sohier was granted a law degree from his hometown's university in 1908. Following in the footsteps of his predecessors who graduated from the same university, such as Eugène Jungers, Octave Louwers or Fernand Dellicour, he soon engaged in a colonial career. Supported by his law professor Gérard Galopin, as were many former students,⁴¹ Antoine Sohier decided to leave for the Belgian Congo to serve as a magistrate after completing an eighteen-month traineeship as a lawyer in Liège.⁴² Appointed as *substitut suppléant* (substitute) for the state prosecutor on 10 May 1910 he boarded the *Kenilworth Castle* in Southampton en route to his new destination. Antoine Sohier was only twenty-two years old at the time. He was among the young Belgians who left for Congo to nationalise the colonial magistrates after Belgium took over power from the CFS (Fig. 15.2).⁴³

15.3.2.1 Colonial Magistrate

When he arrived in Katanga on 8 July 1910 Sohier was welcomed by the public prosecutor Sigvald Meek,⁴⁴ a Norwegian magistrate with high standards of work ethics that inspired Antoine Sohier during his training.⁴⁵ The young magistrate

⁴¹F. Dellicour, "Gérard Galopin", in *Biographie coloniale belge*, t. IV, Brussels, Institut royal Colonial belge, 1955, col. 328–331.

⁴²A. Sohier, "Un début de carrière judiciaire. Souvenirs et réflexions", in *Journal des Tribunaux d'Outre-Mer*, no. 100, 15 October 1958, p. 145.

⁴³Fonds SPA, register no. 895.

⁴⁴J. Sohier, "Sigvald Meek", in *Biographie coloniale belge*, t. VIII, Brussels, Royal Academy for Overseas Sciences, 1998, col. 283–288.

⁴⁵"Chronique: dans le monde judiciaire", in *Revue de droit et de jurisprudence du Katanga*, no. 9, 15 July 1925, p. 254.

started his career with a traineeship at Lukafu's first instance prosecution office and the prosecution offices of the districts that were attached to the town. Less than a year later, in April 1911, he was appointed deputy judge at Étoile (which was later called Élisabethville) Court of First Instance and deputy judge at the Kiambi Court and the Tanganika-Moëro military tribunal. These first assignments enabled him to appreciate the versatility and the mobility that serving as a magistrate required. He ended his traineeship by being appointed definitively as deputy public prosecutor on 14 October 1912. After his first mandate, which would be followed by six others, Antoine Sohier realised how difficult it was for young magistrates to shoulder the heavy workload that was assigned to them without having received the adequate training to cope with it. On 14 December 1914, Antoine Sohier returned to Congo, accompanied by his wife Cécile Gulikers, with whom he had six children. During this second mandate, he was appointed public prosecutor at the Élisabethville Court of First Instance on 11 April 1915.

As shown in the database, throughout his career, Antoine Sohier climbed up the judicial system's ladder. On 5 December 1922 he was appointed deputy general prosecutor and later became general prosecutor on 15 May 1925, thereby following in the steps of his colleague and mentor from Liège, Fernand Dellicour, who started his career working for the Congo Free State in 1906 and retired early for personal reasons. According to the tradition, a ceremony was organised to celebrate the first assignment of the new general prosecutor on 27 June 1925. For Antoine Sohier, this marked the beginning of an assignment he kept until he left the colony in 1934.⁴⁶ In that, he stood apart from many of his colleagues who were very mobile throughout their careers.

Probably to make up for "the magistrates' lack of common spirit"⁴⁷ which he criticised many times,⁴⁸ Antoine Sohier in September 1924 created the *Société d'Études Juridiques du Katanga* (Katanga Legal Studies Society) and became its president. This association's purpose was to "study colonial law and to cooperate in its development, help maintain the traditions of the various judicial occupations and to strengthen the fraternal bonds between their members".⁴⁹ It was made up of several honorary members (whose title was granted by the Society), actual members (holders of a Ph.D. in law living in Katanga) and corresponding members (holders of a Ph.D. in law living in other provinces of the colony).⁵⁰ In view of its composition, we can assume that this Society had an influence on the colonial judicial world beyond the borders of the province. Antoine Sohier celebrated this success in the speech he gave for the Society's first anniversary. He was delighted

⁴⁶Ibid., p. 255.

⁴⁷Sohier, *Les rapports entre les magistratures coloniale et métropolitaine*, pp. 13–14.

⁴⁸These criticisms are especially present in: Sohier, *Les rapports entre les magistratures coloniale et métropolitaine*.

⁴⁹"Société d'études juridiques du Katanga—Statuts", in *Revue de droit et de jurisprudence du Katanga*, no. 4, 15 February 1925, p. 102.

⁵⁰"Éditorial", in *Revue de droit et de jurisprudence du Katanga*, no. 1, 15 November 1924, p. 1.

to see that, “over the course of this first year, our weekly meetings have been increasingly followed, our relations with other colonial legal practitioners and foreign associations multiplied [...]”.⁵¹ If we can assume that this newly created network forged closer ties between its members, it also raises many research questions for which answers can be found through the future use of the database. Indeed, it will enable us to measure the geographical and social reach of the network and the basis on which it is set up. For instance, it will highlight whether or not the different members have previous links and provide information about the strength of social cohesion.

The foundation of the Society coincided with that of the *Revue Juridique du Katanga*. This periodical, which resulted from the collaboration between Antoine Sohier and the president of the Court of Appeal Joseph Derriks, was the showcase of the Society, aimed at promoting “the management and development of legal publications”.⁵² This periodical, which was considered by the general governor as a “formidable judicial tool”,⁵³ is a guide and a reference source to amend and supplement “the gaps of the science of law”.⁵⁴ As from 1927, it became the *Revue Juridique du Congo belge*,⁵⁵ which shows how its scope widened. Even if this periodical’s success suggests that certain trains of thought and, possibly, a Katanga legal current emerged, it was not only judicial circles that were interested in these publications. The very existence of this periodical had been made possible by the funding of industrial companies such as the *Union Minière* (Mining Union) or the *Compagnie foncière* (Property Company) and the *Comité Spécial du Katanga* (Katanga Special Committee). This enabled them to take part in the development of a colonial law that was critical to the colony’s future.⁵⁶ Nevertheless, the existence of these bonds between private companies and the creation of juridical periodicals raise the question of the existence of broader networks. Indeed, beyond the judicial network, it questions the presence of a Katangese network and the place of the judicial network within it. Towards this issue, the database will lay the groundwork of an answer through the lens of the magistracy.

In 1933, a little before he left the colony, Antoine Sohier created the *Bulletin des Juridictions Indigènes et du Droit Coutumier Congolais*, the purpose of which is clearly stated in the title. Presented as a supplement to the *Revue Juridique du Congo belge*, this publication aims at providing a guide to the hundreds of jurisdictions created by the 26 April 1926 decree. In line with its founder’s philosophy,

⁵¹“Société d’Etudes juridiques. Fête du premier anniversaire”, in *Revue de droit et de jurisprudence du Katanga*, no. 1, 15 November 1925, no. 2, p. 51.

⁵²E. Lamy, “Antoine Sohier”, in *Biographie belge d’Outre-Mer*, t. VIII, Brussels, Royal Academy for Overseas Sciences, 1998, col. 392.

⁵³“Société d’Etudes juridiques. Fête du premier anniversaire”, p. 53.

⁵⁴*Ibid.*

⁵⁵After the Independence of Congo in 1960, it took the name *Revue juridique d’Afrique centrale*, then was renamed *Revue juridique du Congo* in 1964 and *Revue juridique du Zaïre* in 1967.

⁵⁶“Société d’Etudes juridiques. Fête du premier anniversaire”, p. 51.

this periodical defended the idea that a more in-depth knowledge of customs was necessary to supervise and guide customary law. By creating this *Bulletin*, Antoine Sohier showed the central role he considered native jurisdictions had to play in the colony's future.⁵⁷ In order to ensure this periodical's survival, the editing board had to rely on the collaboration of the colony's magistrates and missionaries, who could share their knowledge of customs and their experiences, as a source of content for the articles. The support this bulletin received testifies once again to the fact it met an actual need.⁵⁸ It was published until 1962, when it was merged with the *Revue Juridique*.

Besides creating, managing and maintaining these two periodicals, Antoine Sohier also collaborated with dozens of periodicals, among them *Congo* and *Zaire*. These writings were characterised by a strong will to raise magistrates' awareness about customary law. This major field of interest took on its full meaning in the book *La pratique des juridictions indigènes*, "the first major essay on customary law",⁵⁹ which Sohier wrote in 1932. He thereby put his *leitmotiv* into practice: "study the native customs in order to learn their practices and teach them".⁶⁰ Through the interest he showed for this other branch of colonial law, Antoine Sohier shed light on a series of stakeholders, such as native judges, who often have remained hidden in the background. However, it is a pity that this aspect, which is a full-fledged part of the judicial history of Congo, cannot be taken into account in the database, which is currently focused on Belgian judges.

Like many colonial magistrates, Antoine Sohier ended his career after serving for eighteen years. In the farewell speech he gave upon leaving Africa, he expressed his sadness at leaving what he called "a great judicial family" and recollected how difficult it was to be so far away from Africa when he was on holiday: "the bonds of fraternity that connected the colonial agents could be strongly felt and the day of departure was no exception".⁶¹ Even if these bonds were indeed built in the colonial judicial circles, their degree, nature and extent cannot be highlighted by a systematic study of the magistrates' profiles.

15.3.2.2 Metropolitan Magistrate

In spite of the fears he expressed concerning the possibilities of pursuing a career in the metropolitan judicial bodies after returning from Congo, Antoine Sohier returned to Belgium in order to take care of his children's education. Since there

⁵⁷"Chronique: le départ de monsieur le procureur général Sohier", in *Revue de droit et de jurisprudence du Katanga*, no. 2, 15 February 1932, p. 67.

⁵⁸"Éditorial", in *Bulletin des juridictions indigènes et du droit coutumier congolais*, no. 1, January 1933, p. 1.

⁵⁹Lamy, "Antoine Sohier", col. 393.

⁶⁰A. Sohier, "Fondons des cercles d'études juridiques", in *Journal des tribunaux d'Outre-Mer*, no. 37, 15 July 1953, p. 123.

⁶¹"Chronique: le départ de monsieur le procureur général Sohier", p. 68.

was no guarantee for him to enter the Belgian judicial system, Sohier was forced to accept a lower-ranking position than the one he had reached in Congo. Yet, unlike his colleague Ferdinand Dellicour, whose position he had taken over in Congo, he managed to be reintegrated into the judicial body. On 11 July 1934, he started a new career as a public prosecutor in Arlon. He kept that position until 1937, when he was appointed counsellor (magistrate) at Liège Court of Appeal.⁶²

On 8 February 1946, Sohier became counsellor (magistrate) at the Court of Cassation. After serving for twelve years, he was appointed chamber president in 1958 following the unanimous vote of his colleagues. In March 1960, he became the president of this supreme jurisdiction.⁶³

Throughout his career in Belgium, Sohier produced a large number of publications as well.⁶⁴ Following the success of the *Journal des tribunaux* for the metropolis. In 1950, following the success of the *Journal des Tribunaux*, he founded the *Journal des Tribunaux d'Outre-mer* for which he worked as an editor until 1961. This periodical gave him the opportunity to deal with all the legal and judicial issues in Belgian Congo. He regularly published articles on jurisprudence, civil and penal proceedings as well as native customs. Besides, he wrote many articles in other periodicals, such as the *Bulletin de l'Institut Royal Colonial belge* of which he had been a member since 1930. On top of the periodical articles, he also wrote textbooks that mainly consisted of a summary of his experiences and knowledge related to colonial realities. Among these publications, a few stand out, like the important chapter regarding obligations and contracts in colonial law in *Novelles* (1948), *Le traité élémentaire de droit coutumier du Congo belge* and the publication, with various collaborators, of *Droit civil du Congo belge* (1956).⁶⁵ At the end of his life, this magistrate left behind him an important bibliography which reflected the values and fields of interest he had focused on throughout his career⁶⁶ and the importance of the colonial magistracy in its own training.

15.3.2.3 Bridges Between Belgium and the Colony

The bonds that Antoine Sohier maintained with the Belgian colony were not restricted to this specialised literature. They remained central to his professional life. He was appointed a member of the *Conseil colonial* (Colonial Council) in 1951 and took part in the advisory commission set up by the 24 June 1955 decree to study the reforms in judicial law to be implemented in Belgian Congo. From

⁶²Lamy, “Antoine Sohier”, col. 394–395.

⁶³Ibid., p. 392.

⁶⁴Currently more than thirty articles by Antoine Sohier are listed in the EPrints database on <http://www.just-his.be/eprints> [consulted on 9 September 2014].

⁶⁵Lamy, “Antoine Sohier”, col. 393.

⁶⁶The complete bibliography of Antoine Sohier can be found in *Bulletin des séances de l'ARSOM*, Brussels, 1965, fascicle no. 1, pp. 165–183.

1955 onwards, Antoine Sohier published many articles on colonial legislation, customary law and magistracy anonymously. We can assume that his new remit made him less prone to openly express his opinions. Besides, in the period that preceded the colony's independence, he was appointed to the *Conseil de législation* (Legislation Council), the mission of which spanned from 1959 to 1962. Lastly, three of his children engaged in careers in Congo.

Beside his purely legal and judicial activities, Antoine Sohier taught customary law at the *Institut universitaire des territoires d'Outre-Mer* (University Institute of Overseas Territories). Sohier, who was familiar with the lack of practical training available to future colonial magistrates, based his classes on examples out of his personal experience in order to prevent miscarriages of justice.⁶⁷ He also worked for the periodical sessions of the *Institut colonial international* (International Colonial Institute), the *Institut des civilisations différentes* (Institute for different civilisations) and accepted the position of vice-president of the *Association internationale de droit africain* (International African Law Association, IALA) founded and established in Paris in 1959.

Antoine Sohier died in Brussels on 22 November 1963. He summarised his long, mixed and eclectic career as follows:

I was a magistrate in Africa and the motherland and worked as a judge and a prosecutor.
[...] I would say that, in spite of its diversity, I feel like I have had only one single career.

15.3.3 Additional Information

Certainly, the first results of queries of the “Belgian Magistrates” database provide detailed information about the organisation of the magistracy in Congo during the Leopoldian period and the first years of the colony. They also highlight networks that require further analysis in order to measure their scope and implications. Among these, we can cite the Liège network, which counted in its ranks Fernand Dellicour, Eugène Jungers, Octave Louwers and Antoine Sohier. All these distinguished magistrates went to Congo after having been trained and encouraged to leave by Professor Gérard Galopin. A second network emerged around the Élisabethville Court in the 1910s. Mainly led by Antoine Sohier and Joseph Derriks, its views were reflected in the *Revue juridique du Katanga* and the *Revue des juridictions indigènes* as well as through the publication of doctrinal books (Fig. 15.3).

These are only the first results of an extremely promising tool. Further feeding the database will enable researchers to make the most of its potential and to investigate the questions raised in this chapter as well as new ones. We would like to underline two of them: the study of mobility of magistrates in the overseas Belgian territories and between the motherland and the overseas territories, as well

⁶⁷These examples are particularly present in: Sohier, *Les rapports entre les magistratures coloniale et métropolitaine*.

[Référence](#)
[Personne](#)
[Juridiction](#)
[Nomination](#)
[Recherche SQL](#)
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Prosopographie • Rechercher une personne

Rechercher une personne

[Simple](#)
[Avancée](#)
[Mots-Clefs](#)

Résultats (2)

Afficher 10 éléments Rechercher:

Nom	Prénom	Date de naissance	Date de décès	Résumé de la carrière	Actions
Derricks	Joseph			○ Avocat (Fexhe-lez-Slins) ○ Juge de paix suppléant (Justice de paix, Fexhe-lez-Slins) ○ Juge (Tribunal de première instance de Huy) ○ Juge des enfants (Tribunal de première instance, Huy) ○ Président (Tribunal de première instance, Huy) ○ Président (Cour d'Appel, Elisabethville)	[Modifier] [Supprimer] [Détailer]
Derricks	Jean	08/09/1837	1877	○ Juge de paix (Canton de Sichen-Sussen et Boire)	[Modifier] [Supprimer] [Détailer]

Affichage de l'élément 1 à 2 sur 2 éléments

Fig. 15.3 Screenshot of the database “Prosopographie des magistrats belges” (“Belgian Magistrates”) showing <Person search—Derricks>

as the recruitment of magistrates in Ruanda-Urundi. Were they appointed among the inexperienced applicants, as was the case for the CFS, among foreign magistrates in order to offer guarantees to the League of Nations, or among seasoned magistrates with experience in colonial jurisdictions? This thematic should make it possible to refine the analysis of the recruitment policy for magistrates in Belgian Africa.

15.4 Conclusion

This prosopographical project to the judicial organisation of the Belgian colonies focuses on the stakeholders of the legal system, who have long remained hidden in the background. Authorisation to study personal files that could not formerly be accessed has been granted, which will enable researchers to make the most of the project’s potential. Two angles of approach will be used: group biography and network analysis. The knowledge gained regarding the CFS, based on the analysis of the *Bulletins Officiels*, the *Recueils mensuels* and the records of the *Service du Personnel d’Afrique*, will thereby be extended and seen from a wider perspective. The objective will now be to populate the “Belgian Magistrates” database further for both Belgian Congo and Ruanda-Urundi. The more systematic use of a database makes this colonial research project fit in the digital era and provides it with a better international visibility. In a discipline where English is the main language of communication, the next step towards this internationalisation will be the translation of the database fields into English.

The database makes it possible to study the judicial maps of States under Belgian control and the careers of Belgian magistrates who served overseas. The possibility to tap into new sources thanks to this tool unequalled in Belgium will provide major opportunities for a better understanding of this judicial body, the way it was built and the career paths it entailed. Comparative data is available for foreign magistracies, such as that of the British and French empires.⁶⁸ The prosopographical data will also make it possible to establish the similarities and discrepancies with the metropolitan Belgian magistracy. The use of this new tool enables us to highlight particular careers with a network-based approach. The example of Antoine Sohier's career path has already demonstrated the potential value of the prosopographical approach. Indeed, it emphasises the specificities of his career and at the same time it highlights various social links and networks and their influences. The prosopographical approach thus offers a way to eliminate the shortcomings of the biographical approach. It enables users to go beyond the simple individual experience and opens the way to new possibilities and research hypotheses.

The "Belgian Magistrates" database and the research methods it makes possible will lead to the emergence of a "connected" colonial history, filled with linked experiences and viewpoints. This wide-ranging research and documentation project will therefore contribute to knowledge in a vast emerging field of study.

⁶⁸A. Allott, J.-P. Royer, E. Lamy et al., *Magistrats au temps des colonies*, Villeneuve-d'Ascq, L'espace juridique, 1988; Farcy, "Quelques données statistiques sur la magistrature coloniale française".