

Project “(Forced) labour and colonial justice in Belgian Congo, 1940-1945”

Legal history and the history of colonial justice are still in their infancy in Belgium. The role of the judicial apparatus in the employment policy of the colonizer towards the colonized has never been investigated as a whole for the Belgian colony, even though specific studies have proved its rich potential. However, since about a decennium the subject began to attract interest from researchers of other colonial empires, the French one most notably. It is certain that a fair number of subjects remain to be explored, among them labour law in the colonies. The study of the application of law related to (manipulated/forced/influenced) labour on the ground, and of the way in which the population avoid, break or obey it, permits not only to better comprehend the functioning of the colonial system of exploitation and the confrontations between Africans and Westerners about the control of resources and the workforce; it also might allow to make comparisons with the organization of forced labour by totalitarian regimes in Europe in the same period.

Research questions

This project wants to study the **role of justice in the employment policy of indigenous populations in the Belgian Congo between 1940 and 1945**. It will analyze the way in which the judicial system was or was not put in the service of the colonial project of exploitation, and to measure its impact on the colonized populations, specifically in the framework of the **war effort**.

The project will be centred around three research axes that are not generally studied in their interaction with each other: labour, the exercise of justice, and the colonial dimension both from the side of the colonizers on the field, as well as and foremost from that of the colonized population. From the start of the Belgian colonization, the Congolese population was indeed subject to strong pressures in the domain of labour, in multiple directions: indigenous agricultural production, industrial agricultural production and the exploitation of mines in the private Western sector, as well as public works and infrastructure, not to mention the workforce needs of small colonizers and religious missions.

The coordination of these different needs had to lead to new form of coercion aimed at ensuring a general colonial economic policy. Indeed, responding to the growing need of African workforce formed quite a challenge for the State and private enterprises. Different policies were designed to deal with it, from the establishment of recruitment agencies by the colonial State itself, to indirect pressure on the population through taxation, until the so-called *Code de l'indigénat*, which imposed obligations on the population through special laws. Labour law was thus conceived as to facilitate the recruitment of a strong labour force, to impose on it numerous duties without supplementing them with rights, and to “capture” the workforce by preventing it to leave its employer.

This policy of pressure aggravated predictably in the context of war. The increased exploitation of the Congolese population amounted to different reactions (escape, absence, revolt, destruction of harvests, religious movements, strikes, increased rumours, etc). How did the magistracy as well as the colonial administration (charged with disciplining the population and in some cases itself organizing the recruitment of workers, but also in charge of the repression of “special indigenous offenses”) handle these reactions? How did they try to maintain or increase economic activity? How did they contribute to keeping the population at work? What was the effect of the different sanctions imposed by the magistracy and the administrative tribunals on the Congolese workload, notably through prison work imposed on the convicted?

The analysis of the exercise of colonial justice in the domain of labour is intimately linked with the general condition of the colonized. It seems to be an efficient way of measuring the demographic, economic, social and cultural consequences of the Belgian colonial policy on the Congolese

populations, and to analyze the power games between the administration, magistracy and population. It is also a privileged laboratory of observation of the social control exercised on the daily life of the urban as well as rural populations.

Methodology

The research will, within a global approach, touch upon the judicial and administrative repression of offenses related to labour, as well as the use of force through labour in the colonial context of Belgian Congo, in connection with the mandate territory of Ruanda-Urundi, and more specifically in a province which combined industrial and agricultural labour (in function of the available sources). These questions will be addressed in a comparative perspective, taking into account academic studies of the questions of forced labour in other colonial spaces and in occupied Europe.

The adopted methodology will combine quantitative analysis (number of convicted Congolese in the area, share in the global workforce, etc.) with qualitative analysis (sanctions imposed on the offender and their practical enforcement, economic and social consequences endured by the colonized population, attitude of the magistracy and the administrative authorities charged with the sanctioning of special offences, etc.), and will also attempt to take into account the representations concerning the exercise of justice and forced labour during the Second World War in Central Africa under Belgian administration.