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The making of the Congo question: truth telling, denial and 'colonial science' in King Leopold's commission of inquiry on the rubber atrocities in the Congo Free State (1904–1905)

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Introduction

During the first years of the twentieth century Belgian King Leopold II and his bloody colonial regime in Congo became the subject of what is sometimes considered the first modern international human rights campaign.¹ Large numbers of scholarly and popularizing works have been written about the influential 'name and shame'-campaign in which prominent figures such as Edmund D. Morel, Roger Casement, Arthur Conan Doyle, Mark Twain, Anatole France and others protested against the Congo atrocities and which played an important role in Leopold's political demise and the enforced transformation in 1908 of his quasi privately-run Congo Free State into a formal Belgian colony. A far less-known aspect of this historical episode, however, is the role and impact of the commission of inquiry that Leopold, under international political pressure, set up in 1904 in order to look into the atrocities attributed to his own colonial rule.

The limited attention paid to the Congo Commission in recent academic literature stands in sharp contrast with the enormous amount of media coverage this commission received at the beginning of the twentieth century, not only in Belgium, but also in the UK, France, Germany, the USA and elsewhere. When the commission was created this was widely perceived as a major political event and its report provoked heated national and international debates. The limited recent scholarly interest is also remarkable because the relatively few commentators who did discuss the Congo Commission throughout the twentieth century until today, have generally ascribed it great significance and used its findings to support strongly diverging and even contradictory arguments.

Some have described the commission's report as a true indictment against Leopold and as a defining moment of truth after which denial of the Congo atrocities was no longer possible.² This interpretation is found throughout the

twentieth century until today. As late as 2012 and 2014, for example, the commission's report was cited as evidence of Leopold's crimes in two proposals for resolutions in Belgian parliament.³ Sometimes the commission is remembered in a heroic mode as a direct cause of the fall of Leopold's Congo Free State. One such reading is found in an article from 1950 by the prominent Belgian historian Jean Stengers. The commission's 'moral courage' and truth telling, according to Stengers, played a key role in Belgian and Congolese history, since 'it has been the direct origin of the takeover of Congo by Belgium.'⁴ Similar heroic interpretations of the role of the commission are found among contemporary observers. The influential Belgian jurist, philanthropist and banker Félicien Cattier, for example, shortly after the publication of the commission's report stated that the latter enabled the 'triumph of truth' and changed the tenor of debates on the Congo atrocities 'as by the touch of a magic stick'. He concluded that after the commission's incriminating revelations the immediate annexation of Congo by Belgium became the only 'honorable' solution.⁵

A smaller, but persistent, group of commentators, in contrast, has claimed that the commission's report should rather be seen as the final acquittal of Leopold after a libellous campaign by envious rival colonial powers. This thesis is also found among contemporary commentators (see below), throughout the twentieth century⁶ and until today. In 2015, for example, a voluminous book was published in which the acquittal-thesis is postulated.⁷

In this article I will address the questions of why these contradictory assessments exist, how the Congo commission contributed to the dynamics of acknowledgment and denial in Belgium and how it influenced the history of Belgian colonialism in the long term. Yet, by offering a detailed analysis of the Congo Commission I also want to contribute to our understanding of the broader phenomenon of public inquiries which have since long been a widespread practice in the aftermath of violent events, catastrophes or political crises.⁸

Various functions have been ascribed to public inquiries – including their more recent 'distinctive manifestation' in the form of truth commissions⁹ – and the general scholarly interpretations and evaluations of the purpose and impact of these inquiries are hardly less divergent and contradictory than those of the Congo Commission in particular. Much like Stengers, optimistic commentators claim that commissions of inquiry can 'set-straight' historical records, fight denialism and function as a check on the power of governments by courageously speaking truth to power.¹⁰ More sceptical commentators, however, consider commissions of inquiry primarily as instruments of governance. Frank Burton and Pat Carlen, for example, describe public inquiries as a key source of 'official discourse' and claim they primarily serve to legitimate the state.¹¹ Similarly, Adam Ashforth, places public inquiries squarely into the Foucauldian frame of social control and governance by 'knowledge-power'.¹²

The aim of this article is not to offer a general theory about public inquiries nor to prove or disprove the general validity of the optimistic or pessimistic interpretations mentioned above. By presenting the complex case of the Congo Commission, I rather want to broaden and refine our understanding of the functioning and potential impact of public inquiries. I especially want to transcend the dichotomous opposition between an all too optimistic interpretation that exaggerates the power and heroism of 'truth telling' by commissions of inquiry and an all too sceptical one which simply sees these commissions as puppets of the state which cannot seriously challenge hegemonic discourse. In order to do this I will focus on the type of truth claims that were made by the Congo Commission (which sort of epistemic authority did it claim and how?), how these claims were received in the popular media and scholarly environments and how the findings of the commission were influenced by, and in their turn influenced, scholarly and popular ideas on what should or should not be considered trustworthy and valuable knowledge relating to colonialism.

I will argue that the Congo inquiry can indeed be considered an important politico-intellectual event that seriously challenged Leopold's rule in Congo and functioned as a major catalyst in the construction of the Belgian colonial project. Yet, I will argue, that the commission's impact was indirect and did not result from a heroic speaking truth to power or from exceptionally strong or convincing truth claims which created a general sense of revelation in the Belgian public. Although I do not want to deny that the commissioners generally took their job seriously and that (some of them) did show real courage speaking out against the interests of the king, my analysis is anti-heroic. I will present the commissioners as insecure and not fully in control and their report as far too ambiguous and epistemologically frail to constitute a defining moment of truth. The commission paradoxically combined a *de jure* position of institutionally authorised (in the sense of officially commissioned) writing with a *de facto* inability to claim substantively authoritative (in the sense of widely accepted) knowledge or expertise concerning several of the main subjects discussed in its report.¹³ A close reading of the report reveals that the commissioners generally did not succeed in convincingly speaking a classic forensic language of 'fact'. Large parts of the report were not even based on acts of inquiry in the strict sense of the term – which Foucault aptly described as a procedure based on testimony, aiming at 'reactualizing what has transpired', and organised around the questions of whether or not something has happened, when and where it happened and who did it.¹⁴ Rather than being characterised by the retrospective gaze of more traditional judicial practices of inquiry, I will argue that the commission's report was largely prospective and primarily engaged in a reflection on the behavioural potentialities rather than past actions of people – an epistemic practice which Foucault described as 'examination' (*l'examen*) rather than 'inquiry' (*l'enquête*) and whose relatively

recent genealogy he related to the rise of human sciences such as sociology, psychology, criminology, and psychoanalysis.¹⁵

By engaging in an examination of the customs and behavioural potentialities of the Congolese, rather than sticking to a more classic inquiry, the conventionally trained jurists of the commission moved far beyond their usual field of expertise and, as I will show below, they did not succeed in fully obtaining epistemic authority in so doing. The move from inquiry to examination made the commission remarkably vulnerable to criticism.

Yet, I argue, it was precisely the particular combination of formal authority and substantive epistemic frailty or even epistemic failure that enabled the commission's profound impact. The importance of the commission was not primarily related to the factual insights it yielded but rather to how it changed (or enabled others to change) the 'hierarchies of credibility'¹⁶ between different knowledge claims and systems concerning colonial affairs in Belgium and how it enabled a new and broader part of the Belgian elite to engage in these matters and produce new kinds of discourse on them. If the publication of the commission's report became a politico-intellectual event, it was because it contributed to a (limited) epistemic crisis which unsettled precarious balances of epistemic authority and enabled the breakthrough of a new 'epistemic culture'¹⁷ and subject position which until then had only existed in a very embryonic state in Belgium: that of so-called colonial science and the colonial scientist. I argue that this epistemic crisis and the related rise of a discourse on colonial science were highly productive for the project of Belgian colonialism and can be seen as a necessary first step toward Belgium's later patriotic self-representation and legitimation as a model colonizer.¹⁸

In order to explain this argument I first have to introduce the influential thesis that Belgians were 'reluctant imperialists'.¹⁹ The most straightforward versions of this thesis claims that Belgians did not want to become colonizers and were reluctant to take over the Congo from their king but that they eventually did so in order to repair the situation in the Congo and simultaneously free Belgium from the bad name it had ('undeservedly') received due to what was called an international 'congo-phobe' campaign. In this form the 'reluctant imperialism'-thesis is clearly too simplistic and can be used to get rid of Belgians' responsibilities for the atrocities of the Congo Free State.²⁰ Yet, I do believe the takeover of Congo by Belgium was not a self-evident thing and that in the beginning there existed a real reluctance amongst several layers of the population. Even though, as Matthew Stanard and Guy Vanthemsche have argued, many Belgians would soon become convinced colonialists and although it can be argued that a real 'colonial culture' would eventually develop in Belgium,²¹ colonizing the Congo initially did not come naturally to Belgians. Congolese affairs for a long time had effectively been quasi monopolized by the king and his relatively small groups of Belgian and foreign collaborators and it could have

remained that way. Belgians' initial reluctant imperialism, however, generally had little to do with humanitarian concerns for the fate of the Congolese or with a principled anti-colonialism, but was primarily related to a pessimism about or fear of the practical effects of colonisation on Belgium. Part of this pessimism or fear was material (what will the costs be?²²) and governmental (what about a possible rebellion by a 'black spartacus'?²³), but there was also a combination of learning and unlearning that had to be done by the Belgian elite in order to become an imperial elite.²⁴ Belgians had imagined themselves at least since their independence (in 1830) primarily as victims of imperialism – since their national territory, according to the nationalist rhetoric, had been 'occupied' or even 'colonized' by foreign powers since time immemorial. It took some efforts for the Belgians to turn around this national imagination and create a new self-image as imperial power.²⁵

For this process of learning and unlearning, the Congo commission was of key importance. The commission, I argue, helped Belgian elites to become imperial elites in three entangled ways. Firstly, by using its official mandate and prestige to venture into relatively unexplored intellectual territories (relating to colonial ethnology, sociology and psychology among others) while remaining unable to effectively 'occupy' these territories by successfully asserting epistemic authority over them, the commission opened up an intellectual space which by some aspiring colonialists was seen as an intellectual *terra nullius* which could freely be annexed. The commission indeed catalysed a scramble for colonial epistemic authority which would strongly contribute to the development of the field colonial science in Belgium. Secondly, by opening up this perceived intellectual *terra nullius* of colonial science and by provoking a more general discussion on the Congo, the commission enabled a much broader part of the Belgian elite intellectually to appropriate the colonial project, which until then had mostly been monopolized by (military) colonial personnel, missionaries and a small club of top jurists working for King Leopold. Thirdly, by its particular epistemic approach and by enabling the rise of a discourse of colonial science, the commission helped to transform an initially quasi-forensic debate about guilt or innocence into a discourse about rational colonialism and social reform in which the actual atrocities moved to the background and were quickly conceived as a thing of the past. Commentators increasingly came to refer to the situation in the Congo as a social 'question' which much like any social question (such as those concerning poverty, labor conflicts, public hygiene etc.) demanded forward looking and rational reform rather than a retrospective gaze. By enabling the transformation of the Congo scandal into the Congo question, the commission and its interlocutors not only enabled Belgium to become a colonial power without losing face internationally or incriminating its own king, but at once gave its colonial project a sense of purpose and legitimacy.

The Congo Free State and the international campaign against the Congo atrocities

Until the end of the nineteenth century Belgium had nearly no colonial or imperial tradition; along with Germany and Italy the country belonged to the club of 'colonial latecomers'.²⁶ The Belgian King Leopold II obtained his African colony through a combination of armed conquests, cunning and often forced treaties with local chiefs, and a diplomatic game in which he outmanoeuvred other colonial powers.²⁷ After promising to engage in a civilising mission, to suppress slavery and create a realm of free trade, Leopold succeeded in getting himself recognized by the Conference of Berlin of 1884–1885 as the sovereign of a newly created independent country, the so-called Congo Free State or *Etat Indépendant du Congo*.²⁸ Although the Belgian government would offer financial and logistical support, many Belgian citizens would become active in Congo and much of the revenue from Congo would end up in Belgium, no formal legal ties initially existed between the two countries other than their sharing the same king. For about two decades Leopold ruled the Congo Free State as a quasi private dominion. This changed between 1906 and 1908 when the king was forced to leave his colony to Belgium due to strong political pressure.²⁹

After an initial period of massive budget deficits and poor economic prospects, Leopold and his collaborators during the early 1890s developed an exploitation model of colonisation whereby they tried to extract as much revenue as possible out of the country – primarily in the form of ivory and rubber, and on the basis of forced labour – without any concern for the human costs. During the 1890s and 1900s, a culture of violence developed in large parts of the Congo Basin under Leopold's rule and the social, demographic and psychological impact of the colonial terror was massive in the short- as well as long-term.³⁰

After around two decades the Leopoldian regime in Congo became the subject of an extensive international campaign which criticized its violent and exploitative character. The accusations included general exploitation of the population, forced labour, bloody military expeditions, mutilations, but also that Leopold engaged in monopolistic economic policies which violated agreements on international free trade. The first gruesome stories and testimonies were published in travelers reports, most famously the open letter written to King Leopold in 1890 by the Afro-American Civil War soldier George Washington Williams.³¹ Other early accusations came from humanitarian activists and from Protestant missionaries. After 1900 the protests gained strength and in 1903 the Congo atrocities became the subject of an official report by the British Consul Roger Casement³² and were also the topic of fierce discussions in the British as well as Belgian parliament. That same year E. D. Morel established the Congo Reform Association which was dedicated to informing the public about the Congo atrocities, first in Britain but soon also in the US and other countries.

Leopold and his collaborators reacted by setting up an international campaign of counterpropaganda in which they denied the accusations about the atrocities and questioned the trustworthiness of the testimonies about them.³³ Simultaneously, the Congo government in its '*Bulletin Officiel*' started publishing extensive series of, often strongly manipulated, administrative reports which aimed to create a sense of transparency and to present the Congo Free State as an unexceptional colony. Leopold furthermore hired a team of world renowned jurists to prove the legality of his Congo rule in terms of international and public law.³⁴ The initial official reactions of the Congo Free State against the criticisms were thus characterised by a mix of forensic style of factual denial, the creation of a sense of voluntary governmental transparency and legalistic defence strategies stressing Leopold's lawful sovereignty and it is against this background that the particularity and novelty of the reaction by the commission of inquiry has to be understood.³⁵

The commission of inquiry

The commission of inquiry was not a spontaneous initiative by Leopold. It resulted from international – and to a lesser extent Belgian – political pressure and a process of negotiation between the Congo Free State, the British Foreign Office and civil society actors in Belgium and abroad. This particular genesis strongly influenced the form which the commission would eventually take. Sensing it could no longer avoid taking some action, the Congo government in August 1904 published a decree establishing a commission which had to engage in a 'complete and impartial inquiry'.³⁶ The decree appointed three commissioners: Edmond Janssens, Attorney General at the *Court de Cassation* in Brussels, as president of the commission; the Italian Baron Giacomo Nisco, president *ad interim* at the Court of appeal in Boma, Congo and Edmund de Schumacher, head of the department of justice in the Swiss canton of Lausanne. Furthermore the decree declared that the commissioners had to follow the instructions of the Secretary of the Congo State.

Although the commissioners were clearly carefully selected by Leopold, their names were generally received positively in Belgium and abroad.³⁷ Other parts of the decree, however, were criticized heavily. In Belgium a critical reaction appeared in the *Mouvement Géographique*, a well-respected journal that was funded by a colonial financial holding and until then had a long history of being supportive of Leopold's colonial enterprise.³⁸ The authors of the reaction, Alphonse Wauters and Félicien Cattier, argued that the envisioned commission could not guarantee the revelation of the impartial truth. They especially criticized the fact that the commissioners had to function under governmental control and that their investigatory powers were restricted to those of ordinary officers of the Public Prosecution, which would not give them enough authority

to fully scrutinize the Congo administration.³⁹ Furthermore the decree was criticized because it did not specify whether the hearings were going to be public or closed. The British Foreign Office reacted in a similar way and asked the Congo government to change the set-up of the commission in such a way as to guarantee the impartiality of its findings, the public nature of its hearings and the protection of witnesses.⁴⁰

Confronted with these criticisms, the Congo Free State felt compelled to grant the commissioners more inquisitorial authorization and to give up on its attempt to keep full control over the commission. On September 5, 1904 the commissioners were informed that they were granted complete 'freedom, autonomy and initiative'.⁴¹ Later, extra official circulars were published which arranged the (nominal) protection of witnesses and informed state-agents in Congo that they had to collaborate with the commissioners.⁴² The decision on the public or closed character of the hearings was left to the discretion of the commissioners. The commissioners opted for public hearings but only communicated this rather late in the day, which prevented the official observer of the British government, consul Mackie, from arriving in time to attend the most important hearings.⁴³

The commission left Belgium on 15 September 1904 to arrive about three weeks later, on the 5th of October, in Boma, Congo. During their long sea journey the members of the commission started the first collective preparations of their inquiry. This preparation time was no luxury since the members of the commission knew very little about the Congo Free State. Of the three commissioners, Janssens, de Schumacher and Nisco, only the latter had been in Congo. The commissioners employed two secretaries, Victor Denyn and Henri Grégoire, to assist them, but they too had no experience in Africa whatsoever.

The commissioners heavily depended on information but also on material and logistic support provided by the Congo government.⁴⁴ This was certainly the case when they started travelling up the Congo river. The commission travelled in two steamships provided by the state and also received servants and a large military escort. In order to secure the health of the commissioners, but also to make forensic style medical findings, two doctors successively joined the expedition. Furthermore the commissioners were assisted by two Congolese interpreters. All included the expedition counted around about 150 people).⁴⁵

The commissioners mostly followed the route previously taken by Casement (Figure 1). They tried to verify as much as possible the allegations made in the Casement report.⁴⁶ The commission gathered around 370 statements from state-agents and Protestant and Catholic missionaries as well as from Congolese people whose testimonies were written down in French translation – although the archived written deposition of the latter's statements are remarkably shorter than those of the white witnesses. The commissioners held most of their hearings on the deck of one of their steamers and did so with all the decorum of a real court: they appeared in black and scarlet gowns and were flanked by

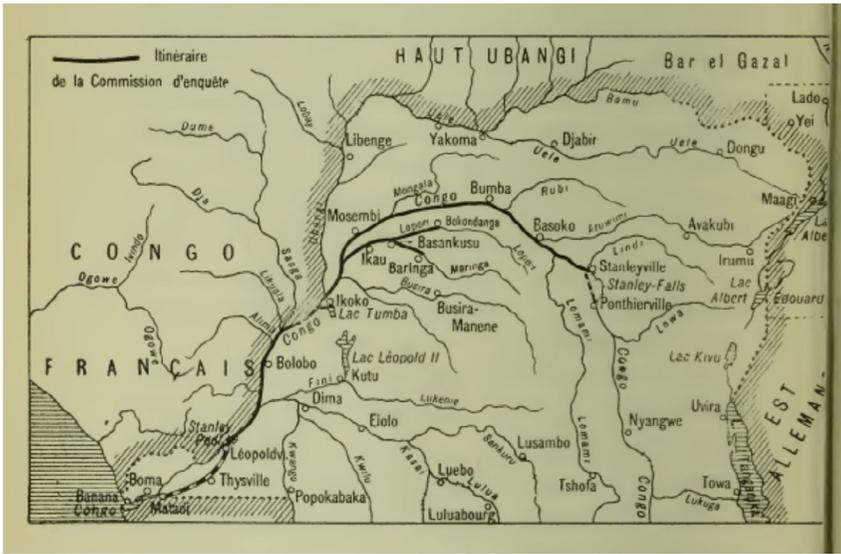


Figure 1. Itinerary of the commission. Source: Félicien Cattier, *Étude sur la situation de l'État indépendant du Congo* (Bruxelles, 1906).

soldiers 'armed with guns and bayonet fixed'.⁴⁷ The commission mostly stayed close to the waterways, but once in a while they visited nearby villages, which they occasionally did without military escort and where – allegedly – 'the population could freely address the commissioners'.⁴⁸

The commission returned to Europe on 21 February 1905 and soon started preparing its final report. The writing phase would turn out to be long and difficult however. Although the report was signed by each of the commissioners, the text was not written collectively and the commissioners had many differences of opinion. Tensions ran especially high between Nisco and Janssens.⁴⁹ The final report would become a product of negotiation and compromise. Before being published the manuscript of the report was moreover sent to king Leopold and 'corrected' by him personally.⁵⁰ The final report was eventually published in the official bulletin of the Congo Free State on 5 November 1905. At the moment of the publication of the report the establishment of a new commission was announced, the so-called commission of the XVII, which had to study the findings of the commission of inquiry and propose practical solutions to the problems that were raised by latter's report.⁵¹

The actual testimonies and documents upon which the report claimed to base its findings remained unpublished and the archive of the commission remained sealed until the middle of the 1980s.⁵² Parts of the testimonies were nevertheless publicly available, even before the report was released, because they were published by the Congo Reform Association which received them directly from Protestant missionaries in Congo.⁵³ The publication of these testimonies

was a very effective strategy because it significantly limited the possibilities of denial by the commissioners and because it kept public opinion attentive to the postponed report.

The report and its ambiguities: from inquiry to examination, between law and colonial science

The commissioners interpreted their research mandate broadly. The report counts 125 pages in its original French version and besides an introduction features eight sections which discuss a wide range of themes, among others: the land regime and freedom of trade, the issue of forced labour, the use of (punitive) military expeditions, the taking of hostages, mutilations, the land concessions ran by private companies, the depopulation of the Congo basin and its causes, the treatment of 'abandoned' children, the recruitment of soldiers and laborers and the administration of justice. Due to the different authors, the different sections of the report are quite heterogenous in style and content. The commissioners tried to discuss most of the published criticisms against the Congo Free State. Although explicit references are mostly absent, the report implicitly enters into dialogue with a set of previously published texts such as the Casement Report and the publications of the Congo Reform Association.

The members of the commission considered their assignment a very challenging and heroic one, not only in physical and logistic terms but also intellectually. In one of the letters to his mother, secretary Henri Gregoire compared the intellectual efforts of the commission to the painstaking efforts of the first explorers who had to cut their way step by step through the tropical forest. Only half jokingly Gregoire wrote that 'the commission, which has to open up a route toward the truth through the contradictions of the obscure psychology of the negro, luckily does not have to battle obstructions of such a material nature.'⁵⁴

This penetration of the 'obscure psychology of the negro' provoked some profound 'epistemic anxieties' among the commissioners.⁵⁵ The members of the commission speak from personal experience when they warn that a proper evaluation of the report will ask great intellectual effort from the readers who have to cast aside their European habits of thought. Most members of the commission left Europe with the firm belief that they had been granted the honor to acquit Leopold from libellous allegations.⁵⁶ They were in for an unpleasant surprise, however. What they were about to read, hear and see must have been quite shocking for the commissioners. The commission's archive is full of handwritten notes and exclamation marks which all indicate that the commissioners were stunned by the amount of incriminating material which they found.⁵⁷ Some of the findings of the commission were disconcerting even for their authors who were sometimes unable to find internal consensus – which created several ambiguities and contradictions in the report.

A first ambiguity is related to the commissioner's claims to epistemic authority and the credibility of their research methods. There is a non-surprising but still remarkable absence in the report: that of the testimonies of the Congolese. It is rare in the report to find textual representations of their voices. The commissioners give a straightforward explanation for working as little as possible with these testimonies in their report, even after having gathered them in large numbers during their research:

The black man of the Congo has not the same notion of truth that we have [...] Truth in the eyes of the native is not what is or has been, but what ought to be, what he wishes, what he thinks one wishes or what is expected of him. More than that, he has only a very vague notion of time and is totally incapable of localising the events of the past. [...] After a certain time, in the best of faith, he confounds the deeds of which he was a witness with those of which he has heard others speak. Great caution and unceasing patience are necessary in extracting from his testimony the exact truth.⁵⁸

The commissioners here merely followed a widespread 'colonial hermeneutics of suspicion'⁵⁹ often used by the Congo government in its strategy of denial. These hermeneutics of suspicion, however, created serious epistemic problems for the commission. The commissioners received the authority to speak as masters of inquiry, but the radical suspicion of indigenous witnesses made their mission nearly impossible because it seriously restricted the extent to which they could make use of the conventional procedures of (forensic) inquiry and of the extensive material collected during the hearings. As a contemporary commentator wrote, the commissioners' radical distrust of the African witnesses raised the question of what then had been the value of their entire voyage in the Congo.⁶⁰ The commissioners partly tried to solve this problem by engaging in an alternative type of truth-claim which was not based primarily on oral testimonies by the victims but on generalizing observations about the customs, habits and behavioural potentials of the Congolese population – and which with Foucault we can call 'examination' rather than inquiry. In many places in their report the commissioners make quasi-ethnological claims about allegedly typical behaviour and customs of 'the natives' – sometimes relying on their own observations, more often relying on second-hand observations and theses by missionaries and colonial personnel. The commission, for example, argues that the natives generally have 'no predilection' for work. The core of the problem in Congo, according to the report, is that the natives only work if they absolutely need to and that they have very few needs⁶¹: '[the native's] energy is only stimulated by the desire to procure weapons, ornaments, or a wife; but once this desire is satisfied there is nothing to be done but to exist.' The commissioners therefore warn that wise and prudent colonisers 'should never lose sight of the nature of the Congo native[s]'⁶² when trying to make them work. Yet, based on this same claimed intimate knowledge about the nature of the 'natives', the commissioners stress that coercion is nevertheless sometimes necessary,

because 'the native can understand and respect nothing but might and with this he confounds right.'⁶³ Similar generalizing quasi-ethnographic 'observations' occur all over the report: the commissioners, for example, claim that military life has 'great charm' for the native since 'it answers to his nature',⁶⁴ they argue that the notorious mutilations 'resulted from an ancient native custom'⁶⁵ and they lament that the battle against sleeping sickness is greatly impeded by the alleged 'habit' of the natives to abandon their sick in the forest and the bad quality of black nursing personnel – 'the black has no sentiment of charity'.⁶⁶

Moving from inquiry to examination might have defended the commissioners from the potential ridicule by pro-Leopoldian skeptics for having attributed too much value to the testimonies of the natives. Yet, this move also created its own epistemic vulnerabilities: not only did the jurists of the commission move far beyond their normal field of expertise, they also engaged in an epistemic practice for which the techniques and procedural conventions of 'truth finding' were still far less established and widely accepted than those of the much older tradition of inquiry. As I will show below it was indeed precisely when they made knowledge claims based on practices of examination that the commissioners were most epistemically frail and most fiercely attacked by critics.

A second related paradox in the report concerns the statute of legal reasoning – and more specifically that of international and public law. As said, the commissioners were all trained legal scholars and practitioners. Occasionally the commissioners indeed tried to apply principles of international and public law to evaluate, and mostly confirm, the legitimacy of Leopold's Congo government, including its claimed right to levy taxes, forcibly recruit soldiers, militarily 'suppress' revolts, etc. Yet, the efficacy of this legalist defence was greatly diminished by the overarching findings of the report: namely that the Congo Free State was ruled by legal fiction and that this fiction moreover was not adapted enough to the African context. What had often been presented as among the world's most progressive pieces of legislation, the commission found, only existed on paper or was even actively meant to incapacitate the rule of law. In order to fix this, the commissioners argued, one needed more than classic European legal expertise, but also knowledge about the customs of the natives. This argument is very explicit in the chapter on the land regime and freedom of trade which features some of the most critical passages in the report. Leopold had developed a model of colonisation whereby the state claimed the ownership of enormous pieces of land which it considered 'vacant' and which it exploited as a monopolist. Until the publication of the report, critics of Leopold mostly criticized this monopolistic model of colonisation in legal terms as a breaching of international agreements made at the Conference of Berlin.⁶⁷ The commission of inquiry, in contrast, did not question the legality of the state's appropriation of vacant lands but rather questioned the *meaning* that was given to 'vacant' land. The commission criticized the fact that the Congo Free State never legally defined what were to be considered 'occupied'

lands and that it could therefore claim absolute property rights over almost all the land.⁶⁸ The problem, according to the commissioners, arises due to the special African context:

At the time of the formation of the Free State, with the exception of a few acres [...] there existed in the Congo no private property in the sense in which the term is used in European jurisprudence [...] The many communities, under the authority of their chiefs, lived upon a vast territory belonging to the State without having cultivated more than a very small part of the same, but they made use of, in a certain measure, the surrounding lands.⁶⁹

Similar criticisms about the failure of European law to take into account the peculiarity of African reality are spread throughout the report. The commissioners, for example, criticized the liberal application of a decree which gave the state guardianship over 'abandoned' or 'orphaned' children by arguing that in the 'native classification' orphans were rare and that even if children lost their biological parents there were often still other relatives to take care of them.⁷⁰ The legal period of state guardianship over these 'orphans' – until the age of 25 – was criticized in similar terms:

The Decree does not recognize the conditions of the life of the native. The length of life of the black seldom exceeds 30 or 35 years; the age of the adult is his sixteenth year and the result of the provisions of the Decree as stated is to keep the pupils of the State in a semi-perpetual minority.⁷¹

A comparable criticism was directed at the legal regulation of the recruitment of labourers. The commissioners praised the 'civilizing' effects of labour and the Congo laws which prescribed 'absolute freedom of labour contract'.⁷² Yet, they admitted that these labour contracts were not always respected and that their long term of seven years was not adapted to the Congolese context because 'the intelligence of the native reaches its apogee at the age of thirteen or fourteen' and the native 'has a very vague notion of time'.⁷³ The commissioners claimed that the natives with their 'habitual fatalism' did not really resist their loss of freedom.⁷⁴ Nevertheless they warned this should not encourage the violation of the law. In order to protect state officials and take them out of this 'extremely delicate position', the commissioners proposed to adjust the law and make forced labour legal whenever it served 'public utility'.⁷⁵

Finally, and closely related, there is a constant tension in the report between culturally and ethically universalist logics on the one hand and cultural and ethical relativism on the other. The commissioners sometimes emphatically asked their readers to look through the 'eyes of the native' or take into account the 'native classification', while at other times they asked their readers to engage in the 'common sense' perspective of experienced colonial administrators or the universal laws of civilized humanity.

The members of the commission were fully convinced of the superiority of European laws, culture, knowledge and values which they often used as standards to evaluate the situation in Congo. The commissioners, for example,

condoned the forced recruitment of soldiers in the Congo because it merely applied a ‘principle which has the sanction of the majority of the European countries.’⁷⁶ While recognizing that the Congolese generally wished not to change their allegedly lethargic ways of life, the commissioners argued that this wish could not be granted because of ‘the inflexible law of labour which civilisation imposes.’⁷⁷ Apparently anticipating readers who might feel some romantic attraction in African ways of life, the commissioners warned that these could not ‘produce a hopeful future for the human race.’⁷⁸

Yet, in order to be able to claim extenuating circumstances for the Leopoldian regime, and occasionally to ask empathy for particular complaints by the Congolese, the commissioners had to stress the particularity of the African context and at least partially give up on the idea of the universality of law, morality and even ‘truth.’ This meant embracing perspectivism and even relativism and unlearning the ideal of legal universalism. Nisco had already come to this conclusion before his assignment as a commissioner – in a report dated December 4, 1903, for example, he argued that the Congolese context demanded other laws than those of Europe⁷⁹ – but for the other commissioners this clearly came as a shock. In their final report the commissioners attempted to solve this tension by resorting to a reasoning about different historical stages:

It should be always borne in mind that in spite of the progress achieved, the natives of the Congo are still in a large measure savages. Twenty centuries were necessary to create from Gaul, of the time of Caesar, the France and Belgium of today and if our ancestors were, in the eyes of the conquering Romans, barbarians, one can, we think, say that they were civilised people in comparison with the inhabitants of the immense territory of the Free State at the moment of its constitution. [...] How should one expect that a code of laws as European as that of the Congo should not frequently meet in its application insurmountable obstacles? Hence arises a contradiction between the law and the fact; hence come those violations which the courts punish while granting to the offenders the benefits of extenuating circumstances.⁸⁰

Apparently doubting whether their readers, lacking colonial experience, would be able to fully understand this need for perspectivism, the commissioners added an explicit disclaimer toward the conclusion of their report:

[...] a proper perspective is necessary. African affairs can be correctly appreciated only when they are seen, one might almost say, when they are lived. Examined from a European point of view a large number of facts [...] will assume a character which they cannot have in the eyes of those who have been their witnesses. [...]⁸¹

Immediate reception of the report in the Belgian mass media

How were people informed about the commission’s findings? Doubtlessly only few people in Belgium and abroad read the actual report in its original French version or its English translation. Most were probably informed through *résumés* and commentaries in the daily press, in periodicals or in specially

published pamphlets. Judging from the contemporary papers, the publication of the report was considered a major event in Belgium, in Britain and some other countries. In Belgium several daily papers dedicated a special edition to the commission's report and in the first weeks after its publication many discussions took place in the press.

Although there was a large consensus in Belgian public opinion that the report was an important document, interpretations were notably diverse and often contradictory.⁸² For a great part this was doubtlessly related to the fact that Leopold spent considerable funds in promoting his own position through the press. Such contradictions were also due to the deeply divided structure of Belgian society along religious, socio-economic and linguistic lines (the phenomenon of so-called pillarization). Members of a particular pillar in society had their own channels of information and were used to distrusting information produced by others. Yet, the contradictory readings also seem to have resulted from a genuine confusion about the contents of the report.

The commission received plenty of media attention from the very moment it was established. Although the exchange of information between Congo and Belgium was difficult, the papers reported as much as possible on the whereabouts of the commission during its mission. Journalists speculated about possible findings by interviewing people who returned from regions where the commission was active.⁸³ When the commissioners returned to Belgium, journalists rushed to get the first news.⁸⁴ In the long intermediary period between the return of the commission and the publication of the report, journals kept the issue alive by interviewing public figures about their expectations concerning the report⁸⁵ and by speculating on the question whether the Commission would publish the testimonies it gathered.⁸⁶ In the last days before the publication of the report, speculations ramped up and pro-Leopoldian papers started warning their readers that the commission would doubtlessly find some abuses but that this would mean little since abuses took place in all colonies and were not unknown even in a civilized country such as Belgium itself.⁸⁷

Soon after the report was published, polemics started regarding its interpretation. According to the socialist newspaper *Le Peuple* the report did not give the full truth because the minutes of the hearings were not published. Yet, even this incomplete truth, according to socialist leader Emile Vandervelde, confirmed all the criticisms which the socialists had been expressing for years.⁸⁸ *Le Peuple* did not support the general conclusions of the report, but it praised the commission for recognizing that the spoliation, abuses and crimes were systemic. The commission's praises of the king were considered empty and forced diplomatic formalities and the report seen as a true 'indictment' and 'condemnation' of the Leopoldian system.⁸⁹

The analysis by the socialist newspaper was not shared by most of the other major Belgian newspapers. Many newspapers stated that the commission praised the civilisatory progress in Congo and disproved the allegations by

foreign and Belgian 'congophobes' about the 'cut off hands' – which it was now proven, they argued, resulted from a native custom and were never committed by whites.⁹⁰ Surely the commission noted some abuses and excesses in certain regions and mostly in the past, but, so argued many of the Belgian papers, the report clearly showed that these were not systemic and should thus not be used to condemn colonialism in the Congo as a system. The main point of the report was that the basis and principle of the colonial model is “healthy” (*sain*)⁹¹ and “fecund and truly civilizing” (*féconde et vraiment civilisatrice*).⁹²

Reactions to the report among politicians and academics in Belgium: the scramble for colonial epistemic authority

Beyond the short term reception in the mass media, discussions on the commission's report were prolonged and intensified in a series of scholarly articles and monographs – with some of these publications possibly being even more influential than the report itself on a national level.⁹³ Furthermore, several professional and civil society organisations – such as the *Jeune Barreau de Bruxelles* and the *Ligue belge des droits de l'homme* – discussed the report at their meetings.⁹⁴ Finally the findings of the commission were vehemently debated in the political sphere, including in the Belgian (and British) parliament.

In these polemics many politicians, activists and academics seized on the ambiguities in the report in order to make their own claims. Several commentators used the report to react against the quasi-monopoly of (a particular type of) legal discourse in the discussions on the Congo Free State. Remarkably it was often legal scholars who did so. In the years before the establishment of the commission, the Congo government and its supporters had often reacted to the accusations about the atrocities by engaging in legal reasoning and by defending the legality of Leopold's sovereign rule in Congo. This strategy was for example used in the first official reactions to the Casement report and was also used by supporters of the King during debates in parliament. When some opposition politicians in July 1903 interpellated the Belgian minister of foreign affairs and doctor in law, Paul-Louis de Favereau, on the situation in Congo, for example, the latter responded that he was 'talking law' (*Je parle droit*)⁹⁵ and that Belgium did not have the legal right to intervene in the interior affairs of Congo which was an independent country. Moreover he argued that what happened in Congo was entirely legal and that 'the state can only be held responsible for the laws it passes', not for the fact that some do not respect these laws.⁹⁶ The critics of Leopold grew increasingly frustrated with this type of legalist discourse but they could do little more than lament that 'the science of law' was abused to justify the exploitation of the Congolese people.⁹⁷

During the next large Congo debate in the Belgian parliament in February 1906, the position of critics of Leopold had become much stronger and the publication of the commission's report was a major factor in this change. Critics

used the report to show that the sophisticated Congolese constitution was a fiction that only existed on paper and that the Congo government was directly responsible for the atrocities because it actively undermined the rule of law by, for example, sending out secret orders.⁹⁸ This made it much harder for supporters of Leopold to resort to what Stanley Cohen calls ‘magical legalism’ – ‘a method to “prove” that an allegation could not possibly be correct because the action is illegal.’⁹⁹ The findings of the commission also enabled critics to question the authority of the small club of jurists engaged in the defence of the Leopoldian project and the value of their particular expertise – mostly international and public law. As Georges Lorand, a progressive liberal member of parliament and doctor in law, exclaimed, Congo was not ruled by a ‘science of law’ but by a ‘sad caricature of law’ which served the most brutal spoliation by ‘a ridiculous abuse of the similitude of words for referring to totally different things and by the application of principles to situations for which they were not created.’¹⁰⁰ Lorand was implicitly referring to the finding by the commission that the laws used to rule Congo were too European and did not take into account cultural differences. Emile Vandervelde, another of Leopold’s most vocal critics in parliament and another jurist by training, similarly used the report’s findings about the need for more local cultural (and legal) knowledge to question the authority of classical legal discourse. Vandervelde argued that the question of the indigenous landrights could not be solved by armchair jurists: ‘one has to go study them locally. All those who have not done this, I reject them, even though they be professors of law.’¹⁰¹

Similar criticisms of abstract legalist reasoning are found in the scholarly works published in response to the commission’s report. Even the ‘best juridical reasonings – supposing they exist,’ argued Félicien Cattier, a professor in law and author of one of the most influential critical monographs on the Congo Free State, ‘cannot legitimize a politics condemned as much by the principles of humanity as by those of political economy.’¹⁰² And he added that ‘the great skill of the Congo State has been to carry off the debate to the terrain of law and the great weakness of its adversaries has been to permit that it was not kept on its true terrain [i.e. the principles of humanity and political economy].’¹⁰³ Arthur Vermeersch, yet another doctor in law, and among the first prominent Belgian Catholics to openly speak out against Leopold similarly argued that after the findings by the commission it had become naïve ‘to open the Congolese Code to become ecstatic with admiration for the beauty of certain texts.’¹⁰⁴ Vermeersch therefore proposed to move from ‘theory and abstraction’ to ‘concrete reality.’¹⁰⁵ He praised the commissioners for partially having made this move, but also criticized them for not having consistently done so and for remaining stuck in rigid legalist reasonings. Elaborating on the commission’s argument about the all too European character of the laws of the Congo Free state, Vermeersch pleaded for legal pluralism based on a close study of Congolese customs. According to Vermeersch some ‘African customs can usefully be retained and put to work to

serve as a basis of a national law which, as the ancient German law, would not lack merit or originality.¹⁰⁶ Vermeersch was well aware of the radicality of this claim and knew it could be counter-intuitive to 'modern peoples [who] like to contemplate the unity of the laws that rule their entire territory.'¹⁰⁷ Yet, he reminded his readers that the unification of law even in France and Germany had come only after many centuries, and he rhetorically asked whether 'for the tribes [*peuplades*] disseminated in the Congo basin, this unity would not become a mistake.'¹⁰⁸

Several commentators also used the lack of colonial expertise of the commissioners to criticize the parts of the report which spoke about the nature, customs and behavioural potentialities of the Congolese (thus where the commissioners engaged in examination) or where they recommended practical measures for reform. Having been in Africa and 'being travelled' could grant someone great authority to speak about colonial affairs and not having done so, or not having been there long enough, could conversely be used against anybody who voiced criticism.¹⁰⁹

The commission of inquiry had been 'there' and had 'experienced' Congo, yet their stay had not been very long and their colonial credentials could be questioned. In his discussion about the authority of the Commission's report, Félicien Cattier differentiated between on the one hand 'the ascertainment of facts' which he argued had to be considered definitive and inarguable and the other hand the 'appreciations' and 'propositions' made by the commissioners, which 'do not carry the same weight'.¹¹⁰ The reason for Cattier's scepticism about a part of the commission's findings was not that all appreciations imply a level of subjectivity but rather that the commissioners did not have the proper subjectivity to make authoritative interpretations. 'The commission', Cattier argued, 'was made up of juriconsults who did not possess the practice nor the theory of colonial things.'¹¹¹ Cattier especially rejected the commission's thesis that a tax in the form of labour (i.e. forced labour) was necessary in Congo. In claiming this the commission made incomprehensible mistakes that were at odds with all 'theory of colonial politics' and with 'the practice of all colonising states.'¹¹² In order to challenge the commissioners' authority, Cattier referred to 'competent witnesses',¹¹³ to 'scholars competent in colonial science',¹¹⁴ and to the experts at the international conference on colonial sociology held in Paris in 1900¹¹⁵ who had testified to the industrious nature of the Congolese and unanimously condemned forced labour. What the Congolese people needed, according to Cattier, was a 'rational treatment' based on 'colonial science'.¹¹⁶ 'How is it possible to do useful work in the colonies', he wrote, 'if one does not first profoundly study the indigenous institutions, their customs, their psychology, the conditions of their economic existence, the structure of their societies?'¹¹⁷ Cattier complained that such a scientific approach to colonisation had been strongly neglected in Congo under Leopoldian rule and pleaded for the creation of a 'bureau of ethnological studies'.¹¹⁸

Challenging the commission's findings in the name of colonial science or experience was risky, however, because the King's supporters, in their turn, were quick to question the scientific and experimental credentials of critics. Such scepticism was always possible because there was still very little consensus over what constituted proper colonial knowledge and who exactly could speak with epistemic authority about colonial affairs. With the exception of geography,¹¹⁹ colonial scientific research and teaching developed very late in Belgium (starting around the last decade of the 19th century) and the country was running far behind its neighboring countries in this field.¹²⁰ While the Dutch had institutionalised colonial education since the first half of the 19th century and the French since 1889 had an *École Coloniale* which offered a three year training for colonial administrators, the colonial agents of the Congo Free State for a long time generally did not receive any special training before they left.¹²¹ Only in 1903 did the government of the Congo Free State set up a *course coloniale* to train colonial personnel, and this only involved a training of around three hours a day for three months.¹²² Even the Belgian universities for a long time showed little interest in Congo.¹²³ Only in 1908 and 1909 was the first university level training in colonial science created respectively at the Catholic University of Leuven and the Université Libre de Bruxelles.¹²⁴

Henri Rolin, a judge and law professor at the university of Brussels, in response to the polemics after the commission's report, complained, that suddenly 'everyone feels competent in colonial affairs':

Everybody talks about it, everybody judges and solves its questions. While one generally admits that physicists have physics as their proper domain and literary critics books, colonial politics (like political economy) somehow belongs to the public domain. The ignorance of the climatological and social conditions belonging to the colonies, which the specialist may study during his entire life without exhausting a subject so vast, thus has free play.¹²⁵

This general ignorance of colonial affairs was problematic, according to Rolin, because the general public which is 'well intentioned but little versed in colonial science' sees that there are abuses but it does not understand their complex context and the best remedy. This fact, according to Rolin, was abused by people such as Cattier who 'speak with an assured tone and appear to speak in the name of 'science'.¹²⁶

The interference in colonial affairs of non-experts, including members of parliament, was dangerous, according to Rolin, because life in tropical Africa differs so radically from life in Europe that it does not fit any universalist model of reason. 'The majority of the mistakes in colonial affairs', Rolin claimed, 'result from the fact that one does not know how, or does not want to make the intellectual effort necessary to forget about the conditions existing in Europe in order to envision the conditions existing in Africa.'¹²⁷ In making this argument Rolin actively played upon an ambiguity that, as argued above, was present in the report of the commission. Rolin was not alone in doing so. Supporters as

well as critics of Leopold seized upon the commission's ambiguities concerning the universality vs. relativism question to engage in a struggle over what was the correct way to interpret the commission's report and African reality in general. Rolin's relativist and historicist interventions in the Congo debate were, however, doubtlessly the most radical ones.

In a notorious article Rolin pleaded against universal human rights claiming that this notion was too Eurocentric and disrespectful towards local customs.¹²⁸ Rolin argued that notions such as property and liberty made no sense in Congo and even claimed that the Congolese indeed had to be attached to the land, as serfs were in the medieval European feudal system, because this corresponded with the historical stage of Congo and because, letting the natives roam their lands would undermine the authority of local chiefs.¹²⁹

It is hard to assess whether Rolin's claims had much influence on Belgian public opinion but his use of relativist and historicist logics reflected a more widespread rhetorical technique found among supporters as well as critics of Leopold. In the parliamentary discussions, the conservative Catholic politician Charles Woeste, for example, used similar relativist and historicist arguments to defend Leopold's policy in Congo and referred to the commission's report to authorize these arguments. Elaborating on the commissioners' line that 'twenty centuries were necessary to create from Gaul, of the time of Caesar, the France and Belgium of today', Woeste argued that it would be a mistake 'to think that one governs a barbaric country with the same techniques as those in use in a civilised country.'¹³⁰

Conclusion

Given the many contradictory claims and interpretations that existed concerning the commission's report it is hard to conceive of this report as a defining moment of truth in the Congo debate in Belgium. Yet, the commission did have some real effects, even though indirectly and most probably in a manner not foreseen by the commissioners.

The commission's report and the polemics that followed created profound politico-epistemic struggles about who could speak with authority on Congolese affairs. The opinion of colonial administrators and travelers was placed against those of legal scholars and men speaking in the name of colonial science and the hierarchy between these different claims to colonial knowledge was far from clear or settled. A marked change that was at least partially caused by the commission's report was the decreasing authority of classical legal reasoning in the Congo debate and the increasing epistemic authority of 'colonial science' and 'colonial scientists'. Although the commissioners themselves were magistrates and legal scholars, they paradoxically gave a strong impulse to this relatively new discursive space or epistemic culture of colonial science because of the specific questions they raised and due to the fact that their report

challenged the quasi-monopoly of specialists in international and public law who had until then ruled the field of colonial matters in Belgium and certainly the denial-campaign of Leopold and his collaborators. ‘Colonial-science’ was, as remarked above, a quasi non-existent field in early 20th century Belgium, broadly perceived as an intellectual ‘terra-nullius’ (to use some colonial terms), and in the years after the report we indeed see a scramble for colonial epistemic authority.¹³¹ Although this would remain an elite affair, many new people in Belgium entered the Congo debate and intellectually appropriated the colonial project. Rolin was right when he remarked that colonial matters increasingly entered the Belgian public domain.

Another important effect of the commission’s report was that it helped to change the focus of the debate in Belgium from a quasi-forensic discussion on the existence or non-existence of systemic abuses in Congo towards a so-called constructive discussion on colonialism as a social question which demanded rational and forward looking reform rather than a discussion on blame and guilt. It is remarkable how many of the publications that appeared in the wake of the commission of inquiry refer to the Congo debate as ‘the Congo question’ or ‘the colonial question.’¹³² As Arthur Vermeersch explains in his book “*La question congolaise*”:

Our age, fertile with famous problems, has given to this word *Question* a new meaning [...] There is a *social* question when one debates the relations between the different classes, the existence of these classes and the very foundations of society; a question of *property*, because one contests the legitimacy of private wealth, following the famous dictum: property is theft. The labor question places under dispute the very principle of wage labour. One notices by these examples; a *Question* presupposes at least a controversy and a particular difficulty that has to be solved; it is commonly a complex problem, a set of grievances which one attempts to set straight, of complaints that one wants to put an end to, of claims that are being examined, of doubts that one tries to resolve or dispel.¹³³

Vermeersch tellingly adds that: ‘The abuses may have given occasion to the *Congo Question*, but merely to seek the number and importance of these abuses is not to solve it, it is scarcely to touch it.’¹³⁴

Looking at colonialism as a social question and a project of rational social reform had great appeal. While before the commission, much of the criticism on the Congopolitics of Leopold in Belgium was anti-colonial, or at least sceptical or pessimistic about Belgium’s colonial capacities, this changed after the intervention of the commission. The commission catalyzed the creation of a discursive space for pro-colonial criticism of the Leopoldian regime. The prominent socialist leader Emile Vandervelde, for example, would in the aftermath of the commission’s report and the discussions about the annexation of the Congo by Belgium change his anti-colonial stance into an anti-Leopoldian but pro-colonial one. And this change would be of major importance for the stance of the socialists in relation to colonialism.

In the parliamentary debate that was organised after the publication of the commission's report, Vandervelde, for example, argued that:

The question which have I the honor to bring before parliament is not a partisan question; it is equally independent from the opinion which each of us may have on the advantages or inconveniences of colonisation in general. I would like to, in making this interpellation, forget about my republican convictions, as I would like to see you make abstraction of your monarchist convictions; what really matters is exclusively to know whether the system of exploitation which rages in Congo does not have negative consequences for the native who are its victims as well as for Belgium which is its pretended beneficiary. ... [the report of the commission] demonstrates the frightening difference which exists between a rational system of colonisation and the system of colonisation which exists in Congo.¹³⁵

Soon after the commission of inquiry the project of rational colonisation became a strong rallying cry and the attention for the actual atrocities and the question of the guilt of the Leopoldian regime soon strongly decreased. English missionary Rev. John Harris, who had delivered incriminating testimonies to the Congo commission, shortly before the publication of the report still had very high expectations about the judicial potential of the findings which would be made: these, he felt sure, would be

so damning to the State, that if King Leopold were to take no action but to allow the whole infernal business to proceed unchecked, any international tribunal which had powers of a criminal court, would upon the evidence of the Commission alone, send those responsible to the gallows.¹³⁶

The effect of the commission's findings, at least in Belgium, turned out to be different from that which Harris expected: rarely ever after the publication of its report was the question even raised whether Leopold actually deserved the *de facto* amnesty which the settlement of the Congo debate implied.¹³⁷ Raising the Congo question indeed helped Belgium to save face with regard to foreign public opinion, and to take over Congo without having to incriminate its own king and in the longer run generally without having to deal with the burden of memory of the Leopoldian regime. Soon Belgians would present the Congo as a model colony based on principles of rational and scientific colonisation.

Although the case of the Congo Commission has some distinct features and although conclusions concerning this commission cannot simply extrapolated with regard to other cases, the case elaborated in this article does enable me to make some suggestions that I believe are relevant for the broader study of public inquiries. First I suggest that public inquiries are best understood as inter-textual or inter-discursive practices. Although they are generally presented differently, the discourses and knowledge claims produced by public inquiries never completely stand on their own and are generally less groundbreaking or new than they can seem at first sight. Public inquiries are generally established as a reaction to pre-existing rumours, stories, testimonies, political statements, scholarly publications or even official reports about wrongs,

injustices or misguided policies etc. Because commissions of inquiry often receive plenty of public attention they can in their turn strongly influence or transform subsequent popular or elite discourses. Moreover, particular commissions of inquiry historically often function against the background of longer (national or international) traditions of preceding inquiries which have often established certain procedural and discursive conventions and expectations. Public inquiries should therefore always be studied in relation to these preceding, simultaneous and successive discourses and knowledge claims with which they interact and on which they depend.

My second and related point is that this interactive and often plainly reactive nature of public inquiries can make them more frail on a discursive and epistemic level than they are often depicted. Rather than being uncontested hegemonic agents of Foucauldian style 'knowledge-power', public inquiries often, willingly or unwillingly, become central to negotiations over, and contestations of, knowledge-power and epistemic authority. In the analysis above I have tried to demonstrate that the epistemic authority of commissions of inquiry is far from self-evident, that it has to be actively claimed and defended by commissioners and that this can fail.

My third point, however, is that this epistemically frailty of public inquiries does not necessarily diminish their potential political impact. To the contrary, commissions paradoxically can sometimes have considerable impact, and thus in a sense be successful, because of their failure to produce a fully authoritative discourse about the issues they address in their reports. The successful failure of the Congo Commission and the considerable impact which it had on the longer term history of Belgian colonialism show the complexity of conceptualizing and assessing the impact of public of inquiries. Clearly one should not exclusively focus on the quality of the knowledge yielded by their 'findings' or the (absence of) direct policy impact of their recommendations. The skeptical or even cynical tone of much writing in public inquiries indeed seems to come from an all too strong focus on these aspects. It has rightly been remarked that public inquiries seldom produce extensive new knowledge – that their 'yield of facts' is hardly ever in balance with the energy and costs they take – and that their recommendations have a dishearteningly small chance of being politically implemented.¹³⁸

Yet, I argue that the potential impact of public inquiries does not only relate to the direct knowledge claims or policy proposals they make but also to the way in which they may stimulate or restrain others in making knowledge claims or policy proposals. It is important to pay attention to how commissions' findings interact with existing beliefs or knowledge systems, how they can transform the status of competing truth claims and how they may enable some to speak with perceived epistemic authority while disabling others' ability to do so.¹³⁹

Notes

1. Dean Pavlakis, *British Humanitarianism and the Congo Reform Movement, 1896–1913* (London, 2016).
2. Shortly after the publication of the commission's report in 1905, the British paper *The Morning Post* called it 'one of the most damning indictments levelled at any government in modern times'. Cited in: William Roger Louis, *Ends of British Imperialism: The Scramble for Empire, Suez, and Decolonization* (London, 2006), 162.
3. Chambre des représentants de Belgique, "Proposition de résolution visant à reconnaître le génocide perpétré dans l'État indépendant du Congo par le roi Léopold II et ses représentants entre 1885 et 1908, à condamner le régime du travail forcé mis en place durant cette période par le roi des Belges et à reconnaître les crimes commis par la Belgique durant la colonisation" (submitted by Laurent Louis, March 19, 2012) [DOC 53 2114/001]; Chambre des représentants de Belgique, "Proposition de résolution concernant le devoir de mémoire de l'État belge à l'égard de son passé colonial au Congo, au Rwanda et au Burundi" (submitted by Zoé Genot and Eva Brems, April 23, 2014) [DOC 53 3570/001].
4. Jean Stengers, "Le Rôle de La Commission d'Enquête de 1904–1905 Au Congo," *Annuaire de l'Institut de Philologie et d'Histoire Orientales et Slaves* (1950): 701–26, 703. [my translation]
5. Félicien Cattier, *Étude sur la situation de l'État indépendant du Congo* (Bruxelles, 1906), i & iii.

According to E. D. Morel it was ultimately the British public which 'compelled exposure of a crime unparalleled in the annals of the world', but he similarly identified the publication of the commission's report as a key moment in which the facts could no longer be denied. Edmund Dene Morel, *Red Rubber: The Story of the Rubber Slave Trade Flourishing on the Congo for twenty years, 1890–1910* (London, 1920 [1906]), xiv & 200.

6. In a pro-leopoldian account of the 'anti-congolese' campaign published in 1929, for example, one can read that report of the Congo commission 'undoubtedly was not entirely without errors' and that 'from the perspective of colonial and indigenous politics it is very disputable', but that it 'offered a new proof, this time irrefutable, of the groundlessness of the accusations of Morel and his informants.' Christian Monheim, *La Bourrasque Anti-Congolaise* (Louvain, 1929), 32. (my translation)

Charles Liebrechts, a high ranking administrator of the Congo Free State, in his memoirs published in 1920, similarly wrote that 'the Commission of inquiry never found any recent abuses.' Cited in: Stengers, "Le Rôle de La Commission d'Enquête", 721. (my translation)

7. Guido De Weerd, *L'État Indépendant du Congo: À la recherche de la vérité historique* (Bruxelles, 2015).
8. (Royal) commissions of inquiry were already used in medieval Europe as an administrative practice and at least since the early 19th century different types of public inquiries have become popular as instruments for social and political reform in Europe and the US as well as in imperial and colonial settings. Among the most famous recent examples are the 9/11 commission in the US; the public inquiries on Bloody Sunday in the UK; the Dutch, French and UN inquiries into the Srebrenica genocide, and the inquiries on colonial historical injustices in Australia and Canada.

9. As Jennifer Balint, Julie Evans and Nesam McMillan argue, truth commission are often presented as a recent institutional invention while in fact they can be seen as merely a ‘distinctive manifestation’ of the older and broader phenomenon of public inquiries. Jennifer Balint, Julie Evans and Nesam McMillan, “Justice Claims in Colonial Contexts: Commissions of Inquiry in Historical Perspective,” *Australian Feminist Law Journal* 42, no. 1 (2016): 75–96, 76.

10. Jonathan Simon, “Parrhesiastic Accountability: Investigatory Commissions and Executive Power in an Age of Terror,” *Yale Law Journal* 114, (2004), 1419–57.

Other optimists stress that public inquiries can contribute to rational policy making by enabling politicians to draw lessons from past mistakes. For example: Ronald Wraith and G. B. Lamb, *Public Inquiries as an Instrument of Government* (London, 1971). And: Ricard A. Chapman ed., *The Role of Commissions in Policy-Making* (London, 1973).

Even commentators who have doubts about public inquiries’ capacities to reveal complex truths from which practical lessons can be drawn, still often praise these inquiries as weapons against denial. As Michael Ignatieff claims in a reflection on truth commissions, these institutions should at least ‘narrow the range of permissible lies.’ Michael Ignatieff, “Articles of faith,” *Index on Censorship* 5 (1996): 110–22, 113.

11. Frank Burton and Pat Carlen, *Official Discourse: On Discourse Analysis, Government Publications, Ideology and the State* (London, 1979).

12. Adam Ashforth, “Reckoning Schemes of Legitimation: On Commissions of Inquiry as Power/Knowledge Forms,” *Journal of Historical Sociology* 3, no. 1 (1990), 1–22.

Oz Frankel is more skeptical about this type of Foucauldian reading. Commissions of inquiry, in his view, engage in complex practices of representation whereby the commissioners on the one hand represent state power but whereby the commissions’ work can also be used by previously excluded groups of the populace to voice complaints toward the state and demand equal representation as citizens. Oz Frankel, *States of Inquiry: Social Investigations and Print Culture in Nineteenth-Century Britain and the United States* (Baltimore, MD, 2006).

13. As Adam Ashforth argues official commissions of inquiry are institutions which with a particular authority which they generally derive from three sources:

Commissions are authorized (commissioned) by high-level political authorities within a State to conduct investigations on behalf of the State. Secondly, they are empowered to speak authoritatively on particular subjects by virtue of the status and expertise of their members (deriving from sources formally external to the political institutions of the State, such as universities and the legal profession). Thirdly, the rational, impartial, objective and independent procedures of truth seeking Commissions follow impart an authority to their ‘findings’.

Ashforth, “Reckoning Schemes of Legitimation”, 16.

14. Michel Foucault, “La vérité et les formes juridiques,” in *Dits et Ecrits 1954–1988: Tome II 1970–1975* (Paris, 1994), 538–645. Translated in English as: Michel Foucault, “Truth and Juridical Forms,” in *Power: The essential Works of Foucault 1954–1984 (vol. 3)* (New York, 2000), 1–89.

15. Foucault, “La vérité et les formes juridiques”.

The practice of inquiry, in contrast, according to Foucault has a longer history which reaches back to ancient Greece or at least the middle ages and

in the eighteenth century gave rise to the great sciences of observation, such as geography and astronomy.

16. Concept Ann Laura Stoler, "In Cold Blood: Hierarchies of Credibility and the Politics of Colonial Narratives," *Representations* 37 (1992), 151–89.
17. Karin Knorr Cetina, *Epistemic Cultures: How the Sciences Make Knowledge* (Cambridge, Mass., 1999).
18. On the importance of the coloniale sciences for the self-image and self-legitimation of Belgian colonialisme see: Marc Poncelet, *L'invention des sciences coloniales belges* (Paris, 2008). Also see: Johan Lagae, "'Het echte belang van de kolonisatie valt samen met dat van de wetenschap': Over kennisproductie en de rol van wetenschap in de Belgische koloniale Context," in *Het geheugen van Congo: de koloniale tijd*, ed. Jean-Luc Vellut (Gent, 2005), 130–4.
19. Expression: Martin Ewans, "Belgium and the Colonial Experience," *Journal of Contemporary European Studies* 11, no. 2 (2003), 167–80.
20. The thesis that Belgium became a colonial power against its own will or at least with little enthusiasm by its population, seems almost as old as the Belgian Congo itself. Contemporary commentators often complained about the lack of enthusiasm of the Belgian population for the colonial project of their king. Arthur Vermeersch, for example, tried to explain this skepticism of the Belgian people concerning colonialism by referring to Herni Pirenne's "*Histoire de Belgique*" where he read that the Belgians are a people with a 'hereditary repugnance of distant and maritime expeditions, of which they shy away due to reasons of domestic comfort and familial affections.' Arthur Vermeersch, *La question congolaise* (Bruxelles, 1906), 73 & 75. (my translation)

Matthew Stanard, however, rightly points out that one should not take at face value this alleged disinterest of the Belgians in colonialism, since it provided a useful 'semblance of altruism'. Matthew Stanard, *Selling the Congo: A History of European Pro-Empire Propaganda and the Making of Belgian Imperialism* (Lincoln, 2011), 8.
21. Stanard, *Selling the Congo*. And: Guy Vanthemsche, *Belgium and the Congo, 1885–1980* (Cambridge, 2012), 269.
22. One of the main concerns of the commission that prepared the Belgian takeover of the Congo was that the colony would drain metropolitan resources: Chambre des Représentants. 'Scéance du 1er Avril 1908. Rapport fait au nom de la Commission des XVII.' (Bruxelles, 1908).
23. This reference to the danger of colonial rebellions and a new Spartacus was made by the socialist politician Jules Destrée in a discourse before parliament on 10 July 1908 that was also published in a Dutch translation as Jules Destrée, *Het koloniaal Vraagstuk* (Gent, 1908), 16.
24. For more on the nature of Belgian imperialism and the creation of a Belgian imperial elite, see: Vincent Viaene, "King Leopold's Imperialism and the Origins of the Belgian Colonial Party, 1860–1905," *Journal of Modern History* 80 (2008): 741–90.
25. Belgians felt insecure about their colonial rule. Nancy Hunt aptly calls colonial Congo 'a nervous state', thereby referring to the psychological state of many among the Congolese population as well as among the colonial administrators. Nancy Rose Hunt, *A Nervous State: Violence, Remedies, and Reverie in Colonial Congo* (Durham, 2016).
26. Vanthemsche, *Belgium and the Congo*, 269.
27. On the use of contracts and treaties in the Scramble for Africa see: Steven Press, *Rogue Empires: Contracts and Conmen in Europe's Scramble for Africa*

- (Cambridge, Mass, 2017). And: Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge, 2001), 136–43.
28. Martin Ewans, *European Atrocity, African Catastrophe: Leopold II, the Congo Free State and Its Aftermath* (London, 2002).
 29. Jean Stengers, *Belgique et Congo: l'élaboration de la charte coloniale* (Bruxelles, 1963); Jean Stengers, *Congo, Mythes et réalités* (Bruxelles, 2005). And: Lewis H. Gann and Peter Duignan. *The rulers of Belgian Africa, 1884–1914* (Princeton, NJ, 1979).
 30. For discussions of the culture of violence in the Congo Free State see: Jean Luc Vellut, “La Violence Armée Dans l’État Indépendant Du Congo,” *Cultures et Développement* 16, no. 3–4 (1984): 671–707; Jean Luc Vellut, « Réflexions sur la Question de la Violence dans l’Histoire de l’Etat Indépendant du Congo » in *La Nouvelle Histoire du Congo: Mélanges Eurafricains Offerts à Frans Bontinck* ed. P. M. Mantuba-Ngoma (Paris, 2004), 269–87; And : Aldwin Roes, “Towards a History of Mass Violence in the Etat Indépendant Du Congo, 1885–1908,” *South African Historical Journal* 62, no. 4 (2010): 634–70. For a very interesting account of the long term psychological and social impact of colonial violence in Congo, see: Hunt, *A Nervous State*.
 31. For a printed reproduction of this letter see: Barbara Harlow and Mia Carter, *Archives of Empire: Volume 2. The Scramble for Africa* (Durham, 2003), 770–80. For an online version see: <http://www.blackpast.org/george-washington-williams-open-letter-king-leopold-congo-1890> (accessed September 8, 2017)
 32. For a critical edition of the Casement report see: Seamas O. Siochain and Michael O’Sullivan eds., *The Eyes of Another Race: Roger Casement’s Congo Report and 1903 Diary* (Dublin, 2004).
 33. This was done for example via organisations which were especially established for this cause, such as the *Fédération pour la défense des intérêts Belges a l’étranger* and its monthly bulletin “*La Verité Sur le Congo*”.
 34. Alain Stenmans, *La reprise du Congo par la Belgique: Essay d’histoire parlementaire et diplomatique* (Bruxelles, 1949), 277. For a good example of a typical legalist official response by the Congo Free State to the criticism coming from the UK, see: *Bulletin Officiel de L’état Indépendant du Congo*, No. 6, June 1903. Also see: Koskenniemi, *The Gentle Civilizer of Nations*, 143–52.
 35. This defence strategy is very clear in the official response by the Congo Free State to the Casement report. On March 12, 1904 the Congo Free State published a document in which it gave a first response to the Casement report. The document essentially used four techniques to counter Casement’s critiques. Firstly alternative interpretations were given for the facts described by Casement: it was for example argued that the depopulation of the Congo region was caused primarily by sleeping sickness. Secondly the document raised doubts about Casement’s methodology and sources: it, for example, argued that Africans are not trustworthy witnesses. Thirdly it argued that Leopold’s rule was legal and that the Congo state had the right to exercise its sovereignty ‘beyond any external pressure or foreign interference’. Fourthly the document gave a detailed forensic style presentation of the results of a counter-inquiry which (allegedly) disproved Casement’s claims about the notorious case of Epondo who according to the Congo state lost his hand not due to colonial violence but due to a hunting accident. See: “Notes sur le rapport de M. Casement, consul de S. M. Britannique,” *Mouvement Géographique* (1904), 135–43.
 36. See: *Bulletin Officiel de l’Etat Indépendant du Congo* no. 7, July 1904.

37. Each of the commissioners had some relation to the king or the Congo Free State. Edmond Janssens had previously been involved in a case against an anarchist who committed a murder attempt against king Leopold. De Schumacher had once candidated to serve in Congo, his brother, Félix de Schumacher, was a consul for Belgium in Lucern. Giacomo Nisco was in a paying service of the Congo Free State. Due to the fact that he delivered a series of critical judgements concerning the maltreatment of Indigenous Congolese, however, Nisco was well-regarded and even actively suggested by the British government. For more info on the commissioners, the selection process and the other candidates originally contemplated by Leopold, see: Daniel Vangroenweghe, *Rood Rubber: Leopold II En Zijn Kongo* (Brussel, 1985). Pierre-Luc Plasman, “L’Etat indépendant du Congo face aux campagnes anti-congolaises,” in *Léopold II, entre génie et gêne : politique étrangère et colonisation*, ed. Vincent Dujardin et al. (Bruxelles, 2009), 209–24. And: Olivier Greck, “Le rapport de la commission d’enquete au Congo (1904–1905)” (master thesis, Université libre de Bruxelles, 1986).

Shortly after the selection of the commissioners was made public, the British humanitarian activist Fox Bourne claimed that one of the members of the commission was the brother of the personal secretary of the king. This proved to be wrong however, and by the Belgian supporters of Leopold it was considered a sign that the British critics would not give the commission a fair chance. See: “Les Anglais et Le Congo,” *L’Indépendance Belge*, June 11, 1904.

38. Henri Nicolai, « Le mouvement géographique, un journal et un géographe au service de la colonisation du Congo » *Civilisations: Revue internationale d’anthropologie et de sciences humaines* 41, no. 1 (1993), 257–77. And: Elise Henry, “Le Mouvement Géographique, entre géographie et propagande coloniale,” *Belgeo* 9, no. 1 (2008): 27–46.
39. *Le Mouvement Géographique*, July 24, 1904. Also see: Alphonse-Jules Wauters, *Histoire Politique Du Congo Belge* (Bruxelles, 1911) 230–2.
40. *Africa* No. 1 (1905) “Further correspondence respecting the administration of the Independent State of the Congo”.
41. *Bulletin Officiel de l’état indépendant du Congo*, No. 9 & 10 (1905), 3.
42. See folder “3/2: Documents diplomatiques” in *Archives Africaines* (AA), *Papiers Janssens*, D 1365.
43. According to Athur Conan Doyle, Mackie asked to see the minutes of the previous hearings and meetings, but was denied access. Arthur Conan Doyle, *The Crime of the Congo* (New York, 1909), 107.
44. In the commission’s archives which are kept in the Belgian ministry of foreign affairs in Brussels it can be seen that the commissioners received several published materials (such as books, journal articles and papers) as well as official documents such as administrative reports and circulaires from the government of the Congo Free State. The government also recommended particular ‘witnesses’ to the commissioners. In a letter dated December 7, 1904, for example, Adolphe de Cuvelier, the Congo Secretary-General for Foreign Affairs wrote to president Edmond Janssens that it ‘seemed useful’ for the commission to interrogate Lord Mountmorres, an Irishman who shortly before wrote some some pieces in the journal *The Globe* which were very apologetic of king Leopold’s Congo regime. See folder “Correspondence” in *Archives Africaines* (AA), *Papiers Janssens*, D 1365.
45. A lot of detailed information about the personal, the movements and the daily life and personal tensions in the expedition can be found in the letters that were send by Henri Grégoire to his mother. The reproduction of ten of these

letters can be found in the unpublished ‘mémoire de licence’ (master thesis) by Olivier Greck, “Le rapport de la commission d’enquête au Congo (1904–1905)” (Université libre de Bruxelles, 1986). Greck was given access to the letters by prof. Jean Stengers. I have tried to find the original letters but have not been able to locate them. They may still be part of the personal archives of prof. Stengers which are held at the university archives of the Université libre de Bruxelles. The Stengers collection has not been indexed yet, however, and I have not succeeded in finding the letters in the boxes which I was able to study.

46. The Commission started the preparations of its inquiry by a close study of Casement’s report. In the archives of the commission a translated and annotated version of the Casement report and a hand-drawn map depicting Casement’s itinerary can be found. See files AE 346 and AE 526 of the collection *Affaires Etrangères* in the *Archives Africaines* (AA) in Brussels.

Initially the commissioners even planned to ask Casement himself to testify. See: document dated 24 September and signed V. Denyn in *Archives Africaines* (AA), *Papiers Janssens*, D 1365.

47. John Weeks, “Report of the commission of Enquiry which sat at Monsembe, Haut Congo, on January, 7th. 1905.” *Archives Africaines* (AA), *Affaires Etrangères*, in file AE 350.

As president Janssens remarked, the commission surrounded itself with this decorum “in order to give even more prestige to the justice system [in Congo].” “Une Interview”, *Journal de Bruxelles*, November 14, 1905.

48. “Rapport de la commission d’enquête,” *Bulletin Officiel de l’état indépendant du Congo*, No. 9 & 10 (1905), p. 6.

Although the commission occasionally would interrogate and have informal conversations with workers and local people on the general conditions of life or work, they mostly relied on the mediation of protestant missionaries to get in touch with the Congolese witnesses of the worst and most infamous atrocities such as mutilations and extra-judicial killings. Another form of mediation was needed to bridge the linguistic divides: as noted above the commission hired local interpreters of its own and occasionally it also made use of the translation services of missionaries or colonial personnel.

49. Greck, “Le rapport de la commission d’enquête au Congo”, 65–7. For his discussion of the tensions between the commissioners during the redaction of the report Greck refers to a series of interviews which Jean Stenger took from Henri Grégoire in 1961. I have attempted to find the original transcriptions of these interviews in the personal archives of Jean Stengers which are held at the university library of the ULB but I have not been able to locate them.
50. For a detailed analysis of the different drafts of the report and the editorial interventions by the kings, see: Greck, “Le rapport de la commission d’enquête au Congo”, 67–70.
51. This decree was published as an annex to the report of the commission of inquiry. Also see: Stengers, *Belgique et Congo*.
52. A. M. Delathuy, *De Geheime documentatie van de Onderzoekscommissie in de Kongostaat* (Berchem, 1988).
53. Congo Reform Association, *Evidence Laid Before the Congo Commission of Inquiry* (Liverpool, 1905).
54. Grégoire letter nr. 8. “S.S. Archid. Stéphanie. le 16 novembre 1904. entre Lukolela et Irebu”. A transcribed version of this letter can be found in the unpublished Master thesis by Olivier Greck : “Le rapport de la commission d’enquête au Congo”, p 70 of the annexes.

55. Concept: Stoler *Along the Archival Grain*.
56. Stengers, "Le Rôle de La Commission d'Enquête", 712.
57. See for example the documents in files AE 526, AE 347 and AE 348 in the Archives Africaines (AA)
58. For practical reasons I am here and below using a contemporary English translation of the report: *The Congo. A Report of the Commission of Enquiry appointed by the Congo Free State Government. A complete and Accurate Translation* (New York, 1906), 13–4. Below I will also give references to the French original. For the French original for this passage: *Rapport de la commission d'enquête*, 10.
- Edmund Janssens later in an interview added that:
- the best and most trustworthy witness, in Congo, is the child. The intelligence of the black develops until the age of 14, after which his [sharpness of] mind decreases considerably if it is not cultivated. In Belgium, the use of testimonies of children in court has often been criticized, probably with good reason; the opposite happens in the Congo. It is from the children alone, most of the time, that one gets to obtain precise information.
- "Une Interview," *Journal de Bruxelles*, November 14, 1905. [my translation]
59. Marouf Hasian, "Colonial Hermeneutics of Suspicion, the Spectacular Rhetorics of the Casement Report, and the British Policing of Belgian Imperialism, 1904–1908," *Critical Studies in Media Communication* 30, no. 3 (2013): 224–40.
60. "Les Civilisateurs Congolais," *Le Peuple*, September 16, 1905.
61. *The Congo: A Report*, 27; *Rapport de la commission d'enquête*, 20.
62. *The Congo: A Report*, 80; *Rapport de la commission d'enquête*, 58.
63. *The Congo: A Report*, 83; *Rapport de la commission d'enquête*, 60.
64. *The Congo: A Report*, 89; *Rapport de la commission d'enquête*, 95.
65. *The Congo: A Report*, 101; *Rapport de la commission d'enquête*, 73.
66. *The Congo: A Report*, 118; *Rapport de la commission d'enquête*, 85.
67. Koskenniemi, *The Gentle Civilizer of Nations*, 155–66.
- Also see: Matthew Craven, "Between law and history: the Berlin Conference of 1884–1885 and the logic of free trade," *London Review of International Law* 3, no. 1 (2015): 31–59.
68. *The Congo: A Report*, 19; *Rapport de la commission d'enquête*, 14.
69. *The Congo: A Report*, 17; *Rapport de la commission d'enquête*, 13.
70. *The Congo: A Report*, 122; The corresponding expression in the original french is "selon les idées indigènes" *Rapport de la commission d'enquête*, 88.
71. *The Congo: A Report*, 123–4; *Rapport de la commission d'enquête*, 89.
72. *The Congo: A Report*, 135; *Rapport de la commission d'enquête*, 98.
73. *The Congo: A Report*, 142; *Rapport de la commission d'enquête*, 103.
74. *The Congo: A Report*, 140; *Rapport de la commission d'enquête*, 101.
75. *The Congo: A Report*, 140 & 141; *Rapport de la commission d'enquête*, 102.
76. *The Congo: A Report*, 131; the original French version reads: "[...] un principe consacré par la plupart des législations européennes." *Rapport de la commission d'enquête*, 95.
77. *The Congo: A Report*, 81; *Rapport de la commission d'enquête*, 58.
78. *The Congo: A Report*, 28; the French original reads 'un avenir souhaitable pour la race humaine.' *Rapport de la commission d'enquête*, 20.
79. A copy of this report can be found in the archive of the commission of inquiry. See: 'Rapport du Baron Nisco du 4 décembre 1903' AA, AE 526. Also see the

document 'judgement Smith' dated 13 February 1901 which was co-signed by Nisco and where similar arguments are made. AA, AE 346.

80. *The Congo: A Report*, 163 & 164; *Rapport de la commission d'enquête*, 119.
81. *The Congo: A Report*, 162 ; *Rapport de la commission d'enquête*, 118.
82. The most controversial aspect of the report was its criticism of the treatment of indigenous children at catholic missions. The majority of the reactions to the commission's report in Belgium debated the fairness of this criticism. See for example: "Les Critiques de La Commission D'enquête Congolaise Concernant Les Mission. Réponse D'un Missionnaire Catholique," *Le Vingtième Siècle*, November 9, 1905 ; "Chronique Du Jour: L'enseignement 'neutre' ... Au Congo," *Le Vingtième Siècle*, November 14, 1905; "Open Brief," *Het Handelsblad van Antwerpen*, November 24, 1905; "De Beschuldigingen Tegen Onze Missionarissen in Congo," *Het Handelsblad van Antwerpen*, November 26, 1905. "De Schuld Der Vrijmetselaars," *Het Laatste Nieuws*, December 18, 1905. Even until very recently the fairness of the criticism of the commissioners toward the catholic missions has been the subject of many discussion. See for example the discussion on the website of the Catholic congregation De zusters van O.L.V.-ten-Bunderen (<http://www.tenbunderen.be/congo6.html>; retrieved September 10, 2017).
83. See for example the mostly untitled articles in *L'Indépendance Belge* of October 12, 1904 ; November 9, 1904; December 17 and 20, 1904, and February 21, 1905. Also see: "Abominations Congolaises," *Le Peuple*, April 3, 1905 ; "Les Civilisateurs Congolais," *Le Peuple*, August 9, 1905; "La Justice Au Congo," *Le Peuple*, October 30, 1905; "Le Procès Du Congo: A Propos Du Rapport de La Commission D'enquête," *Le Vingtième Siècle*, October 18, 1905. And "Le Dr. Dupont," *Le Vingtième Siècle*, December 12, 1904.
84. See for example: Jules Lekeu, "Retour de La Commission D'enquête Au Congo," *Le Peuple*, 14 March 1905. And: "Les Journaux Belges," *L'Indépendance Belge*, March 16, 1905.
85. See for example: "Au Congo Belge. Graves Accusations Plusieurs Centaines de Victimes," *Le Peuple*, February 26, 1905; "La Polémique Congolaise," *Le Peuple*, March 10, 1905.
86. See for example : "Retour Du Congo," *Le Peuple*, February 21, 1905 ; "Petite Chronique," *Le Peuple*, September 25, 1905 ; "La Question Congolaise," *Le Peuple*, October 18, 1905; And: "Le Rapport," *Le Vingtième Siècle*, November 4, 1905.
87. See for example: "Le Procès Du Congo. A Propos Du Rapport de La Commission D'enquête" *Le Vingtième Siècle*, October 18, 1905
88. E. Vandervelde, "Le Rapport de la Commission d'Enquête," *Le Peuple*, 7 November, 1905.
89. "Petite Chronique" and "Premières Constations. Condamnations de La Politique Congolaise L'Enquête Au Congo," *Le Peuple*, November 6, 1905. [my translation]
90. One Belgian Catholic newspaper for example opens its discussion of the commission's report with a front page article titled 'the legend of the cut of hands': 'La Légende des mains coupées,' *Le Vingtième Siècle*, November 6, 1905. Also see: "Congo-Onderzoek. Rapport Der Onderzoekscommissie," *Het Handelsblad van Antwerpen*, November 5, 1905; "Verslag van de Commissie Tot Onderzoek in Congo-Vrijstaat," *Het Laatste Nieuws*, November 5, 1905. And: "Leur Patriotisme," *Journal de Bruxelles*, November 6, 1905.
91. "La Commission D'enquête Congolaise. Publication Du Rapport," *Le Vingtième Siècle*, November 6, 1905.

92. "Le Congo: Les Abus, Les Réformes," *Journal de Bruxelles*, 9 November 1905.
 93. The most influential among these works were undoubtedly Félicien Cattier's *Étude sur la situation de l'État indépendant du Congo* (Bruxelles, 1906) and Arthur Vermeersch's *La question congolaise* (Bruxelles, 1906).
 94. "La Question Congolaise. Le Meeting de La Ligue Des Droits de l'Homme," *Le Peuple*, 12 January, 1905 ; "Le Congo au Jeune Barreau," *Le Vingtième Siècle*, 4 April 1906.
- On the relation of the *Jeune Barreau* (Young Bar Association) to the Congo Free State, see: Sebastiaan Vandenberghe, "'Une telle apathie est presque coupable': How in Belgium's Journal des tribunaux the interest for the Congo Free State sparked off (1885–1908)," *Clio@Thémis* 12 (2007): 1–15.
95. Chambre des Représentants, *Annales parlementaires*, 1 July 1903, 1723.
 96. Chambre des Représentants, *Annales parlementaires*, 2 July 1903, 1737. [my translation]
 97. Georges Lorand in Chambre des Représentants, *Annales parlementaires*, 3 July 1903, 1765.
 98. This argument was for example made by Emile Vandervelde. See: Chambre des Représentants, *Annales parlementaires*, 20 February 1906, 722–3.
 99. Stanley Cohen, *States of Denial: Knowing about atrocities and suffering* (Cambridge, MA, 2001) 108.
 100. Chambre des Représentants, *Annales parlementaires*, 28 February 1906, 797.
 101. Vandervelde was citing the Belgian catholic missionary R. P. Cus. Chambre des Représentants, *Annales parlementaires*, 20 February 1906, 721. [my translation]
 102. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 73.
 103. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 73.
 104. Vermeersch, *La question congolaise*, 253.
 105. Vermeersch, *La question congolaise*, 155.
 106. Vermeersch, *La question congolaise*, 257.
 107. Vermeersch, *La question congolaise*, 257.
 108. Vermeersch, *La question congolaise*, 257.

It would be interesting to see whether and in how far the legal experiences and problems in the colonial realm impacted on legal thinking in metropolitan Belgium, as Lauren Benton claims was often the case: Lauren Benton Lauren, 'Colonial law and Cultural difference. Jurisdictional politics and the formation of the Colonial state,' *Comparative Studies in Society and History* 41, no. 3 (1999), 563–88.

109. Henry Wack, a vocal American supporter of Leopold's colonial enterprise, for example, mocked the 'smug men of the study' who were 'untravelling in regions wilder than Westminster, St. Albans, or Liverpool' and thus 'as incompetent to judge of civilisation in Congoland as are the Manyema [a people in the Congo region] of the lack of it on Park Lane, in London.' Henry Wellington Wack, *The story of the Congo Free State* (New York, 1905), 475.
110. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 16.
111. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 17.
112. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 141.
113. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 250.
114. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 247.
115. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 162.
116. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 251.
117. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 321.

Cattier was quite specific about what such a colonial science had to look like: although the study of the psychology of the indigenous peoples was important, sociological analyses were even more promising: “The most distinguished among the scholars who have specialized in the study of colonisation have, since some time, understood that colonial politics has to take into account the indigenous societies and civilizations much more than the individuals.”

118. Cattier, *Étude sur la situation de l'État indépendant du Congo*, 322.

Other commentators too focussed on the lack of colonial expertise when criticizing the findings of the commission and they similarly referred to alternative figures of authority. Arthur Vermeersch, for example, challenged the commission's claim that free (non-forced) labour could not be obtained in central Africa by ‘interrogating numerous colonials’, by referring to the opinion of a president of a society of colonial studies and by citing ‘an ensemble of authorised testimonies’ found in a travelers manual. Vermeersch, *La question congolaise*, 171–3.

The Congo Reform Association in a similar vein challenged many of the commissioners’ claims by referring to the authoritative opinion ‘not only of one experienced African administrator, but of all the most experienced African administrators, both British and French’, by calling the commissioners ‘superficial observers of African life’, by contrasting them to more ‘experienced residents among African races’, and by stating that ‘had the commissioners known anything of native life’ they would have come to different findings. Congo Reform Association, *The Report of King Leopold's Commission of Enquiry: Its Admissions and Suggestions; Its Reticences and Omissions. From Philanthropy to Slavery by Successive Steps* (Liverpool, 1905), 6. & 12.

119. Geography and the geographical movement played key role in Leopold's strategy to obtain his Congo and the development of this field in Belgium in its turn strongly influenced by the colonial enterprise. See: Jan Vandersmissen, Jan. 2009. *Koningen van de wereld: Leopold II en de aardrijkskundige beweging* (Leuven: 2009). And: Jan Vandersmissen, “De rol van de aardrijkskunde in de koloniale wetenschappen,” *Bulletin des Séances de l'Académie royale des Sciences d'Outre-Mer* 56, no. 2 (2010): 105–20.
120. Poncelet, *L'invention des sciences coloniales belges*. And: Maarten Couttenier, *Congo tentoongesteld: Een geschiedenis van de Belgische anthropologie en het museum van Tervuren (1882–1925)* (Leuven, 2005).
121. Couttenier, *Congo tentoongesteld*, 123.
122. In 1895 an “Ecole Coloniale” was established by the “Société d'Etudes Coloniales” but according to Couttenier, this primarily served propaganda purposes and actually only ran for one year.
123. Poncelet, *L'invention des sciences coloniales belges*, pp. 166–79.
124. Couttenier, *Congo tentoongesteld*, 229.

Although Belgium had some tradition of anthropological research this was for long almost entirely focussed on the study of physical anthropology (e.g. craniometry) and initially mostly applied to the study of alleged racial differences between Flemish and Walloon people in Belgium.

125. Henri Rolin, “Les ‘droits de l'homme’ aux colonies,” *Revue de l'université de Bruxelles* (1905): 161–73, 161–2.
126. Henri Rolin, “La question coloniale: A propos d'une livre récent,” *Revue de l'université de Bruxelles* (1905): 441–93, 441–2.

Rolin, who considered it his ‘duty as a man of study’ to react to any abuses of the name of colonial science, claimed that ‘the opinion of men who possess

a prolonged experience of African life has much more weight than the votes of certain Conferences of which some try to exaggerate the importance.' Rolin, "La question coloniale," p. 479.

127. Rolin, "Les droits de l'homme," 170.
128. Rolin, "Les droits de l'homme," 167–8.
129. Rolin, "Les droits de l'homme," 161.
130. Chambre des Représentants, *Annales parlementaires*, 27 February 1906, 788.

Catholic critics also used the commissioners' scepticism about black witnesses against the commission itself and argued that its criticisms of the catholic missions were based too much on the untrustworthy words of Africans. For example: "Lettre ouverte à messieurs les membres de la commission chargée d'examiner le rapport sur l'enquête au Congo," *Journal de Bruxelles*, 19 November 1905.

For an elaborate discussion of the reaction of catholics and especially jesuits to the commission of inquiry, see: Wim François, "De onderzoekscommissie voor Congo (1904–1905) en de missies van de Jezuïeten," *Belgisch Tijdschrift Voor Nieuwste Geschiedenis* 37, no. 1–2 (2007), 79–142. And: Wim François, "Een tropische storm in katholiek België: De controverse rond de plaats van de katholieke missies in Congo-Vrijstaat (1905–1906)," *Trajecta* 10, no. 2 (2001), 136–59.

According to Victor Roelens, apostolic vicar in Haut-Congo, the commission had lost its reputation of impartiality due to its harsh and unchecked criticism of the catholic missions:

Has the commission seen for itself and observed on the spot the abuses which it signals? I don't think so. [...] And which witnesses? Of blacks? Of malcontents, without doubt; there are malcontents everywhere. You know which opinion the commission itself has expressed on the truthfulness of blacks, who believe, the commission correctly says, that the truth is that which pleases the interrogator.

'Les Missions Du Congo et La Commission D'enquête. Interview de Mgr Roelens Vicaire Apostolique Du Haut-Congo,' *Le Vingtième Siècle*, 17 November 1905.

131. Even though jurists would remain a dominant group in Belgian colonial affairs they developed an increasing interest for local legal traditions (so called legal ethnology) and many branches of the new colonial sciences were pioneered by legal scholars or at faculties of law. For a good analysis of the development of the colonial sciences in Belgium and the role of jurists in this process, see Poncelet, *L'invention des sciences coloniales belges*.
132. See for example: Vermeersch, *La question congolaise*; Félicien Cattier, "La question congolaise," *Revue de l'Université de Bruxelles* (1905–1906): 625–68; Henri Rolin, "La Question Coloniale. A Propos D'une Livre Récent." *Revue de l'Université de Bruxelles*, (1905–1906): 441–93; Henri Rolin, "Un dernier mot sur la question coloniale," *Revue de l'Université de Bruxelles* (1905–1906): 755–64; Destrée, *Het koloniaal Vraagstuk*; Octave Louwers and André Hoornaert, *La question sociale au Congo: rapport au Comité du Congrès colonial national* (Bruxelles, 1924). Also see the many articles and open letters entitled "La question congolaise" or "la question coloniale" in the newspapers of the period.

The notion of the 'Congo question' was also taken over in English publications by supporters as well as critics of leopold. See for example: (Anonymous) *The latest phase of the Congo question* (Baltimore, 1906); John Daniels, "The Congo

Question and the ‘Belgian Solution,’” *The North American Review* 188, no. 637 (1908): 891–902. And: Edmund Dene Morel, *The Present State of the Congo Question: Official Correspondence between the Foreign Office and the Congo Reform Association*. (s.l., 1912).

133. Vermeersch, *La question congolaise*, 93.
134. Vermeersch, *La question congolaise*, 93.
135. Chambre des Représentants, *Annales parlementaires*, 20 February 1906, 719 & 721
136. This quote appeared in an interview by W. T. Stead: “Ought King Leopold to Be Hanged,” *Review of Reviews*, (September 1905), 246–8.
137. For a notable exception see: Stanislas Lefranc, *Le régime congolais: opinion d'un magistrat du Congo*. Fascicule 1. (Liège, 1908), 5.
138. Peta Sheriff, “State Theory, Social Science and Governmental Commissions,” *American Behavioral Scientist* 26, no. 5 (1983): 669–80, 670.
139. In a publication on the Belgian parliamentary inquiry (2000–2002) into the murder of Patrice Lumumba in 1961, for example, I argued that rather than producing much new historiographical insights, this commission primarily engaged in a kind of translation-struggle in which existing historiography was re-phrased in order to fit the procedure of parliamentary decision-making. This process enabled the formulation of official Belgian apologies toward Lumumba’s relatives and the Congolese people but it also seems to have restrained further historiographical debate on the case of Lumumba in Belgium. Berber Bevernage, “History by Parliamentary Vote: Science, Ethics and Politics in the Lumumba Commission,” *History Compass* 9, no. 4 (2011): 300–11.

Elsewhere I have argued that the significance of public inquiries such as the truth and reconciliation commissions of South Africa and Sierra Leone may not so much be situated in the facts they revealed but rather in how they predominantly used a modern historical discourse to describe these facts and how they depicted them as a matter of the past which had to be contemplated from the perspective of history or memory rather than being seen as objects of continuing struggle or revenge. Berber Bevernage, *History, Memory and State-sponsored Violence: Time and Justice* (New York, 2012). And: Berber Bevernage, “Writing the past out of the present: History and the politics of time in transitional justice,” *History Workshop Journal*, 69, no. 1 (2010), 111–31.

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