

# CEGESOMA NEWSLETTER

## NO 1 - JULY 2013

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### COMMEMORATING THE GREAT WAR

In 2014-2018, Cegesoma will participate in a variety of projects related to WWI: books, exhibitions, conferences... One of our focal points is an international conference in 2015 on the impact of the Great War on the development of the European nation state. [\[MORE INFO\]](#) ([http://www.cegesoma.be](http://www.cegesoma.be/cms/index_en.php?article=2358)

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### MAGISTRATES DURING WWI

Scholarly research on WWI will remain a priority during the coming years. Researcher Mélanie Bost recently defended her PhD thesis on the difficult position of the Belgian judicial magistrates during the German occupation of 1914-18. [\[MORE INFO\]](#) ([http://www.cegesoma.be/cms/index\\_en.php?article=2372](http://www.cegesoma.be/cms/index_en.php?article=2372))

### CONFERENCE ON JEWS AND RESISTANCE

This year is the 70th anniversary of a spectacular resistance action near the Flemish town of Boortmeerbeek, against the 20th Jewish transport of death from Malines to Auschwitz. To commemorate this event, Cegesoma and Kazerne Dossin will co-organize a conference on 20 November 2013 on the topic of Jews and resistance. [\[MORE INFO\]](#) ([http://www.cegesoma.be/cms/index\\_en.php?article=2361](http://www.cegesoma.be/cms/index_en.php?article=2361))

### BULLETIN BOARD

Because of recent budget cuts, we are forced to temporarily limit the transport of documents from our second depot at Rue Belgrade. [\[MORE INFO\]](#) ([http://www.cegesoma.be/cms/index\\_en.php?article=2357](http://www.cegesoma.be/cms/index_en.php?article=2357))

### ABOUT THIS NEWSLETTER

From now on this newsletter will keep you informed about our activities. If your mailbox is overflowing as it is, you can easily unsubscribe. [\[MORE INFO\]](#) (<mailto:cegesoma@cegesoma.be>)

### THE ARCHIVES OF MRAX: RACISM IN POST-WAR BELGIUM

Cegesoma finished the transfer of the recently acquired archives of MRAX (Mouvement contre le Racisme, l'Antisémitisme et la Xénophobie). This impressive collection opens up many new avenues of research. [\[MORE INFO\]](#) ([http://www.cegesoma.be/cms/index\\_en.php?article=2370](http://www.cegesoma.be/cms/index_en.php?article=2370))

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## Conference 'War and Fatherland' - World War I and the nation state

Cegesoma will coordinate an international **academic conference** regarding the impact of WWI on the development of the European nation state. The conference will be held in **October 2015** in the Egmont Palace in Brussels (thanks to the support of the Belgian Ministry of Foreign Affairs). The scientific committee consists of representatives of all Belgian universities together with several specialists of Federal Scientific Institutions. A committee of patrons was created as well. Chaired by Belgian Prime Minister Elio Di Rupo, this committee consists of the prime ministers of all four regional governments in Belgium.

It is clear that between 1914 and 1919, the notion 'fatherland' in Europe was subjected to rapid and fundamental changes. This international conference aims to critically assess the notion of fatherland and its impact on the construction of the nation state. The conference programme will be structured along **thematic sessions**, inviting renowned scholars as well as early stage researchers. A final programme will be communicated after the summer of 2013. After the scholarly part of the programme, the conference will be concluded by a broader **public session** in which the ambassadors of a number of countries involved will be invited to discuss the current significance of WWI in their respective countries.

**Organization/coordination:** Nico Wouters

**Members of the scientific committee:** Rudi Van Doorslaer (director Cegesoma), Mélanie Bost (Cegesoma), Geneviève Warland (FUSL), Emmanuel Debruyne (UCL), Laurence van Ypersele (UCL), Antoon Vrints (UGent), Pieter Lagrou (ULB), Serge Jaumain (ULB), Marnix Beyen (UA), Axel Tixhon (UNamur), Catherine Lanneau (Ulg), Emmanuel Gerard (KU Leuven), Peter Scholliers (VUB), Stanislas Horvat (Koninklijke Militaire School), Michaël Amara (ARA), Marc D'Hoore (KBR), Sophie De Schaepe drijver (Penn State University).

**Members of the committee of patrons:** Prime Minister Elio Di Rupo (chairman), Regional prime ministers Rudy Demotte, Karl-Heinz Lambertz, Kris Peeters and Rudi Vervoort.

For all further information please contact : [Karel Strobbe](#).

**Nico Wouters**

18 / 6 / 2013



*Panoramic view on the Egmont Palace (Brussels).*

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## Justice in face of the enemy. Experiences of Belgian magistrates during 1914-1918

Judicial history has long been absent from historiography of the first German occupation. A PhD thesis recently defended at UCL by [Mélanie Bost](#) (researcher at Cegesoma) rediscovers the magistrates' roles during this period. This thesis, entitled "*Traverser l'Occupation 1914-1918. Du modus vivendi à la grève, la magistrature belge face aux occupants allemands*" ("Crossing the occupation 1914-1918. From modus vivendi to strike, the Belgian magistrates in face of the enemy") sheds new light on the relationship between occupant and occupier between 1914 and 1918. In this short interview below, the author tackles the initial starting points as well as main conclusions of her research.

### What was the initial starting point for your research ?

My thesis was carried out within the framework of the IAP "*Justice and Society: The Sociopolitical History of Justice Administration in Belgium (1795-2005)*", funded by the Belgian federal ministry of science policy. The subject of this PAI programme grew out of the lack of scholarly knowledge on the history of the Belgian judiciary. This gap in our knowledge was especially significant where it concerned those at the very heart of the judiciary – the magistrates – who are traditionally discreet, although they are the so-called 'third power' within the state and as such play an essential political and societal role.

Nevertheless, there are two events from February 1918 that resonate throughout collective memory: the persecution for treason of the activists of the Raad Van Vlaanderen by the Brussels court of appeal and the general strike by the magistrates, provoked by the deportation of the heads of the court because of 'political expressions' ('manifestation politique'). In contrast, the co-habitation of the judiciary with the occupier during the preceding three years, although not free of incidents, remains largely unknown and is reduced to the most distinct abuses of the occupier.

This black-white narrative was in dire need of re-examination. Thanks to the National Archives who opened up the judicial archives of the First World War for research, the investigation of this relatively untouched field created exciting new ways to participate to the renewal of occupation-historiography as well as deepen our knowledge about the state's 'third power' during a time of crisis.

### How would you describe the attitude of the Belgian magistrates after your research ?

Patriotic literature of the 1920s created the image of the resisting magistrates. However, sources revealed a completely different reality. Up until February 1918, the magistrates' main priority was to preserve the workings of the judicial apparatus, and to guarantee its autonomy, even at the price of certain unpleasant concessions to the occupier.

Several factors help to explain this strategic policy. At the end of 1914, magistrates were forced to sign a declaration of loyalty. They were allowed to continue their activities, on the condition they would refrain from any hostile action against the occupier. During the invasion, the Belgian government had issued directives that also favoured a neutral and loyal cooperation. These directives were directly influenced by international law, the legal texts (The Hague Convention IV, 1907) as well as legal doctrine, giving an occupier provisional administrative tasks within the territories fallen under its control. In the spirit of The Hague, the higher magistrates acknowledged the 'factual power' of the occupier, including legislative powers in order to withdraw certain competences from them, if the occupier would refrain from interventions and would not force certain concessions on them. Each would have its own sphere of influence. This was the negotiated deal.

This narrow and exclusive focus on the issue of its specific autonomy falls back on the traditional strategy of the judiciary to guard its distance towards the other powers. Normally, the judiciary avoided all encroachment, even to the point of damaging its own power to better safeguard its own independence. This habitus existed well before the war, as Françoise Muller pointed out in a recent work on the Cour de Cassation. Understanding the attitude of the magistrates in wartime, necessitates taking into account a larger temporal framework.

In light of these judicial and sociological elements, it seems less relevant to phrase the interpretative framework of magistrates' behaviour in terms of resistance-collaboration.



Official visit of King Albert I to the magistrates of the Cour de Cassation, at the palais de Justice in Brussels, 25 November 1918. (KB, Cabinet des Estampes / Prentenkabinet)

### Consequently, how can the events of February 1918 be explained?

Throughout the Occupation, it became more difficult to observe this position of neutrality and positions changed. The *modus vivendi* had become more fragile because of external factors on the one hand – the policy of the occupier which was increasingly in contradiction with international law (forced labour, administrative separation) – and the controversy which developed in the legal world as a reaction against the wait-and-see policy of the judiciary. These clashes of men and ideas that will be mainly disregarded after the war, explain in part the 1918 strike which demonstrated a total change in the attitude taken until then. The stroke of genius of the Belgian magistracy was to have taken a sensational action at the right moment which absolved it of the compromises of the previous years.

The singular nature of the strike in the light of the previous behaviour of the Belgian magistracy also enables us to assess what constituted their point of no return. It was ultimately less the defence of the national institutions, menaced by the declaration of self-governance of Flanders – the magistracy did not protest at the moment of the administrative separation of the country –, but the defence of this essential attribute of the magistracy – its independence – that made it choose resistance over cooperation.

It was not until the independence of the magistracy was disregarded, when the counsel of the Court of Appeal of Brussels was suspended and their chiefs of staff deported that the Court of Cassation decided its collective withdrawal. The trial of the war underlines the importance of the corporatist issues.

### In your opinion, which are the principal contributions of this study to the historiography of the Occupation?

I would like to mention two points. This study underlines the multiple and evolving nature of the concept of patriotism. Within the same professional universe, the policy of presence soon came in conflict with competing definitions of judiciary patriotism. Some lawyers, but also a number of magistrates, in particular Jean Servais who played a fundamental role in the post-war repression of collaboration, regretted the lack of fighting spirit of the magistracy and the fact that it refused to use judicial language to fuel the spirit of national resistance.

This study has also demonstrated the existence of manoeuvring space of the occupied population. In the historiography of military occupations the occupied territories are generally considered as lawless zones, where the affected populations are subjected to the brutal force of the occupation armies. It has revealed the coexistence of spaces for negotiation between the Belgian judiciary power and the German civil administration. A professional complicity and relatively balanced power relations could be established. The magistracy was a power and asserted itself as such in its relations with the occupier. Its juridical expertise puts it in a position of strength in the context of the symbolic battle between Justice and Power, in which international law was an ubiquitous reference.

Mélanie Bost / Editors of the site



Jean Servais (1856-1946). He was counselor with the Cour de Cassation during the war, and as such in favour of a stronger opposition of the judicial power against the occupier's policy. After the war, because of his qualities as a lawyer as well as his energetic personality, he was nominated as chief magistrate with the central public prosecutor's office at the Brussels court of appeal. (Cour de cassation of Belgium)

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## Conference on Jews and Resistance

To commemorate the 70th anniversary of the attack on the 20th convoy, Cegesoma and Kazerne Dossin will organize a **conference** on the topic of 'Jews and Resistance'.

This conference is aimed at a broad audience and will take place in Kazerne Dossin (Malines/Mechelen) on **20 November 2013**.

On 19 April 1943, an event occurred that holds a unique place in the occupation history of Western Europe. On this day, a train left Malines taking 1631 Jews to a certain death. While taking the curve near Boortmeerbeek, the convoy was attacked by three young men who were armed with only one revolver, and who had left Place Maiser in Schaerbeek by bicycle. 17 people managed to escape from the only wagon they were able to open. Using the ensuing confusion, 219 people could escape before the train left Belgian territory; 25 of them were killed and 91 were apprehended. A total of 120 deportees regained their freedom.

This historic event will provide the framework for this conference which will span a broader range of topics. How did Jewish people join the resistance ? How were they perceived by other resistance movements ? Attention will be paid to the role and place of the Jews in the resistance, but also to individual strategies, including those implemented in the context of incarceration in Kazerne Dossin. The conference will also be the occasion to focus on specific cases (such as Liège) and to highlight current ongoing research. There will also be room for the topics of the post-war and memory.

Each speaker will dispose of 15 minutes for his/her individual presentation, leaving ample time for discussion. The final detailed programme including information on registration will be made available after the summer via the websites of Cegesoma and Kazerne Dossin.

**Chantal Kesteloot**

19 / 6 / 2013



*29 October 1944 : paying homage to Jewish heroes. A ceremony organized by the Comité de Défense des Juifs (CDJ) at the Tir National (the national shooting range). At the first row one can see the members of the resistance. (Cegesoma collection)*

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## Important message

Due to important financial economies we have to make in 2013, some exceptional measures will be taken. Thus, **from Monday 10 June 2013 and until at least 31 December 2013, the transfer of documents from the Belgrado depot to the reading room of the Square de l'Aviation will only be ensured on Mondays.** As a consequence, to be able to consult documents from the Belgrado depot on weekdays (from Tuesday 9 a.m.) it will be imperative to order them before Monday 8 a.m.

Also, the next *Cegesoma Bulletin* to be published in the autumn of 2013 will only be available online via the heading "Publications", sub-heading "Bulletin" of this website.

Finally, the 4th issue of 2013 of the *Journal of Belgian History* will appear in January 2014 instead of December 2013.

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## MRAX-archives deposited in CEGESOMA

Cegesoma has finished the transfer of the archives of the *Mouvement contre le Racisme l'Antisémitisme et la Xénophobie* (MRAX). This impressive archival collection contains primary information on Belgian migration history after the 1960s as well as on the country's evolution towards a multicultural society. At this moment, the collection is being classified at our institute's new facilities of the Rue Belgrade Depot.

MRAX was created in 1950 by former communist Jewish members of the resistance, mostly former members of the [Front de l'Indépendance](#) (the Independance Front). First known by the name *Union des Juifs contre le racisme, l'antisémitisme et pour la paix* (UJRAP) and after that by the name MRAP-Belgique (*Mouvement de lutte contre le racisme, l'antisémitisme et pour la paix*), this organization led by Hertz Jospa collaborated from 1950 with the French periodical *Droit et Liberté*, ensuring its national distribution.

During the 1960s, the waves of immigration caused by the large need in Belgium for an industrial working force caused the MRAP to focus more on questions of welcoming and integrating these people. Because of these new challenges, the organization integrated in 1966 the notion of the fight against xenophobia in its acronym, adopting the name MRAX.

MRAX quickly proved to be one of the most important actors in the fight against racist discrimination, shown by its numerous campaigns for prevention and permanent education, through exhibitions, conferences on discrimination in general, lobbying towards policy makers in order to provide and respect the legal framework against racism etc. MRAX also engaged in fieldwork with immigrants and, since 1968, also provided judicial support for foreign workers.

These archives can therefore shed some light on how post-war Belgium gradually evolved into a multicultural society. Always on the frontline of the fight against all kinds of discrimination, the Mrax archives also show the difficulties of this evolution. Throughout the personal files of the welcome service, one can also discern an image of the conditions of everyday life of these recently arrived and as such, these documents form a unique source for an immigration history from below.



mrax

At this moment, this collection is being classified and inventorised at the Rue Belgrade depot (visits by appointment). For all further information, please contact : [Mathieu Roeges](#).

**Mathieu Roeges**

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