Routledge
Taylor & Francis Group

Studia Theologica - Nordic Journal of Theology

ISSN: (Print) (Online) Journal homepage: www.tandfonline.com/journals/sthe20

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To cite this article: Matilda Arvidsson & Simon Larsson (18 Mar 2025): Fulfilling the Christian Mission Through Law, Studia Theologica - Nordic Journal of Theology, DOI: 10.1080/0039338X.2025.2470720

To link to this article: https://doi.org/10.1080/0039338X.2025.2470720

Published online: 18 Mar 2025.

Studia Theologica - Nordic Journal of Theology, 2025
https://doi.org/10.1080/0039338X.2025.2470720

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The Mission Covenant Church of Sweden as a Legal Actor in Congo 1881–1908

Matilda Arvidsson and Simon Larsson

This article concerns the legal activities of The Mission Covenant Church of Sweden (*Svenska Missionsförbundet*) in Lower Congo (present-day Democratic Republic of Congo) between 1881 and 1908. The temporal delimitation stretches from pre-colonial Bakongo societies of lower Congo through King Leopold II's infamous colonial Congo Free State. We ask about the Swedish missionaries' theological-practical and jurisprudential approach to fulfilling the Christian mission through law and state building in Congo. The focus is on a notebook from 1904, entitled "Trials" (*Rättegångar*), telling of trials held by the missionaries at Kingenge mission station. We show how the Swedish missionaries ministered divine faith and executed earthly justice by adjudicating over its Christian Bakongo parishioners and non-Christian peoples from surrounding villages. We argue that rather than pursuant to a division between state and church jurisdiction (theology of two kingdoms), the missionaries acted as colonial legal intermediaries in a context of legal plurality, pursuing a theological, practical, and jurisprudential approach through multiple kingdoms as they drew on pre-colonial normative-cultural frameworks and authority, theological argumentation, and Free State jurisdiction to fulfil their Christian mission in Congo.

Introduction: Locating Law at "The End of Times" in Congo, 1881–1908

The Swedish missionaries of The Mission Covenant Church of Sweden (*Svenska Missionsförbundet*) (MCCS) arrived in Congo in 1881, with laws of both divine and earthly natures as part of their Christian and civilizing missions.[1] Or, as missionary Georg Palmær put it, with reference to Romans 2:15 and Hebrews 10:16: "Paul's words about the Gentiles who have the Law in their hearts are increasingly applicable to the isolated backward race of the Congo".[2] The Congolese were, as the Swedes saw it, in need of Christian salvation. The missionaries had received an evangelical call for Christian mission "unto", as the Gospel puts it, "the end of the world".[3] In the utopian vision of the missionaries, it was the beginning of a new Congolese society built on Christian faith, and a realization of the second coming of Christ and the end of the world through the fulfilment of Christ's mission on earth: In the form of a secular state. The MCCS mission in Congo thus began as a task to build a model society at the end of times.

Much has been said about the close relations between colonialism, violence, and plunder in Congo during the time with which this article is concerned.[4] Much has

also been said about the co-option of missionary work, colonialism and law.[5] Sally Engle Merry and Donald Brenneis, for example, note that "law" in the colonial context "is a fundamental terrain for the creation of social life and for articulating a vision of social justice".[6] Yet, as Lauren Benton argues, law in the colonial context also functions "not by producing order, exactly, but by generating a framework for conflict",[7] as well as the "exchange of ideas, personnel and goods".[8] Talal Asad, moreover, has shown how the fundamental categories of thought and societal organization introduced by protestant missionaries – such as *the individual* and *the sacred* – have become secularized foundations in postcolonial societies.[9] In this article, we draw on this scholarships, as well as new empirical research.[10] And unlike most scholarship on law, missionary work and colonialism, we point to practices of law, theology and colonialism pursued as part of an evangelical *protestant* mission.[11] Coming to these questions from the fields of legal history and anthropology, we see law, Christianity, and colonialism as intrinsically intertwined and mutually reinforcing. Yet, in the time and place to which this article is dedicated, we also see law as a plurality of divine, cultural, and secular norms rather than as a "state-dominated legal order".[12]

Our article concerns the theological-legal activities of the MCCS in Congo, present-day Democratic Republic of Congo (DRC), in 1881–1908, a period spanning from precolonial Bakongo societies to Belgian King Leopold II's infamous rule through the Congo Free State, the *État indépendant du Congo*.[13] The emphasis is on the plurality of laws and jurisdictions – divine and secular – that the missionaries worked with in Congo. We ask about the Swedish missionaries' theological, practical, and jurisprudential approach to fulfilling the Christian mission through law and state building.[14]

The period and context of the Free State has previously been studied to uncover the brutality of the "red rubber" trade, to consider the legal foundations of the Congo Free State, and to set out the history of Christian mission in Congo.[15] This scholarship has established the reinforcing power of primarily Catholic missionary work, colonialism and the expansion of international law, while pointing to Baptist missionary work as part of the international humanitarian campaign against the violence of the Free State.[16] Our focus is on a less well-known and less researched actor: the Swedish MCCS mission.[17]

In contrast to other missionaries who were strongly associated with or against the Free State, the Swedish MCCS missionaries took an ambiguous approach to matters of the law and the secular state, navigating between divine and earthly jurisdictions and power. During both the precolonial and the Free State eras, the MCCS missionaries put their faith in "the ideology of the rule of law that linked imperial governance to assertions of rationality and civilization".[18] They identified the two latter with the creation of a secular state, with secular laws emerging from Christian values, and with a sense of law and governance from a lay Swedish grassroot point of view. This meant a unified Swedish legal system with basic codes enabling the state sovereign authority and the protestant Church an integral role in the execution of governance, authority and faith. The unified Swedish legal culture invested the local State Church authorities in Sweden with substantial power of governance alongside their pastoral authority.[19] In contrast to the more Catholic oriented continental European legal cultures – such as Germany – Swedish law at the time held "no overlapping jurisdictions in terms of local law, university-made law and

law of the Catholic Church".[20] Jørn Øyrehagen Sunde notes that the Nordic countries are generally characterized by "a mentality of equality, collectivism, cooperation, stability, strong social norms, and a balance between past and future orientations".[21] These are historically traceable characteristics of Nordic legal cultures. This brings us to the second point: popular movements – such as the temperance movement, the labour movement, and the evangelical free church movement of which the MCCS was part – had, by the time that the Swedish missionaries arrived in Congo, become central vehicles for what would later develop into the grassroot basis for democratic fostering and a governance by the people for the people in Sweden. These movements, built on individual and conscious choice, coalesced in the Swedish context into collective action and organization as part of a protestant secular society.[22]

As Lauren Benton notes, the "constant reference" to multiple and "other legal authorities and forums", sources of laws – secular and divine – as part of the rule of law(s) in the colonial context "helped to produce a shift towards a hierarchical understanding of the plural legal order and recognition of [secular] state law".[23] Thus, to achieve a model Christian society in Congo, law became a central concern of the Swedish missionaries. But law was also a contentious issue for the missionaries: how they came to practice law was not how they knew law – from their Swedish lay perspective – nor divine authority and theology. Yet, they made do with the situation as they found it and such as they saw fit based on situated and pragmatic decisions.

To say something about the relation between divine and secular law, between the two swords and the two kingdoms relevant for understanding the theology of the MCCS, and how this has been played out as a theological-legal practice in a concrete case, the Swedish MCCS legal work in Congo during the pre-colonial and Free State era offers rich material for analysis.[24] Not the least as it enables analyses of how protestant theological visions are translated into secular state building once put to the test in practice in a colonial context without a state in the Western sense.

Our analysis builds on archival studies, carried out in 2020–2024, of the largest surviving archive on the history of pre-colonial Bakongo societies, the Congo Free State, and the early Belgian Colonial Congo era: the MCCS archive, located at the National Archives of Sweden (*Svenska Riksarkivet*) in Arninge, Sweden.[25] The archive spans more than a kilometre of archive shelves filled with documents on the lives and work of the Swedish missionaries, their practical doings, financial dealings, letters and photographs, theological correspondence with the Swedish Board of the MCCS, official correspondences as officers of civilian authority in the Free State – the *d'État Civile* – and more. As Leopold had most of the Free State archives burnt at the transformation of the Free State into the Belgian Colony of Congo,[26] and the surviving Belgian archives are far from complete and much less extensive than the one in Arninge, the latter is considered the most comprehensive surviving archive recording the activities of the colonial state during the period of the Free State.[27]

Within the archival material, we focus on a notebook we uncovered entitled "Trials" (*Rättegångar*) – which we introduce below. A remarkable find in its own right, it sets out how Bakongo precolonial, Free State, and Swedish legal-political ideals interacted with the missionary work. We approach the Trials notebook as an example through which the broader context of the Swedish missionaries' theological,

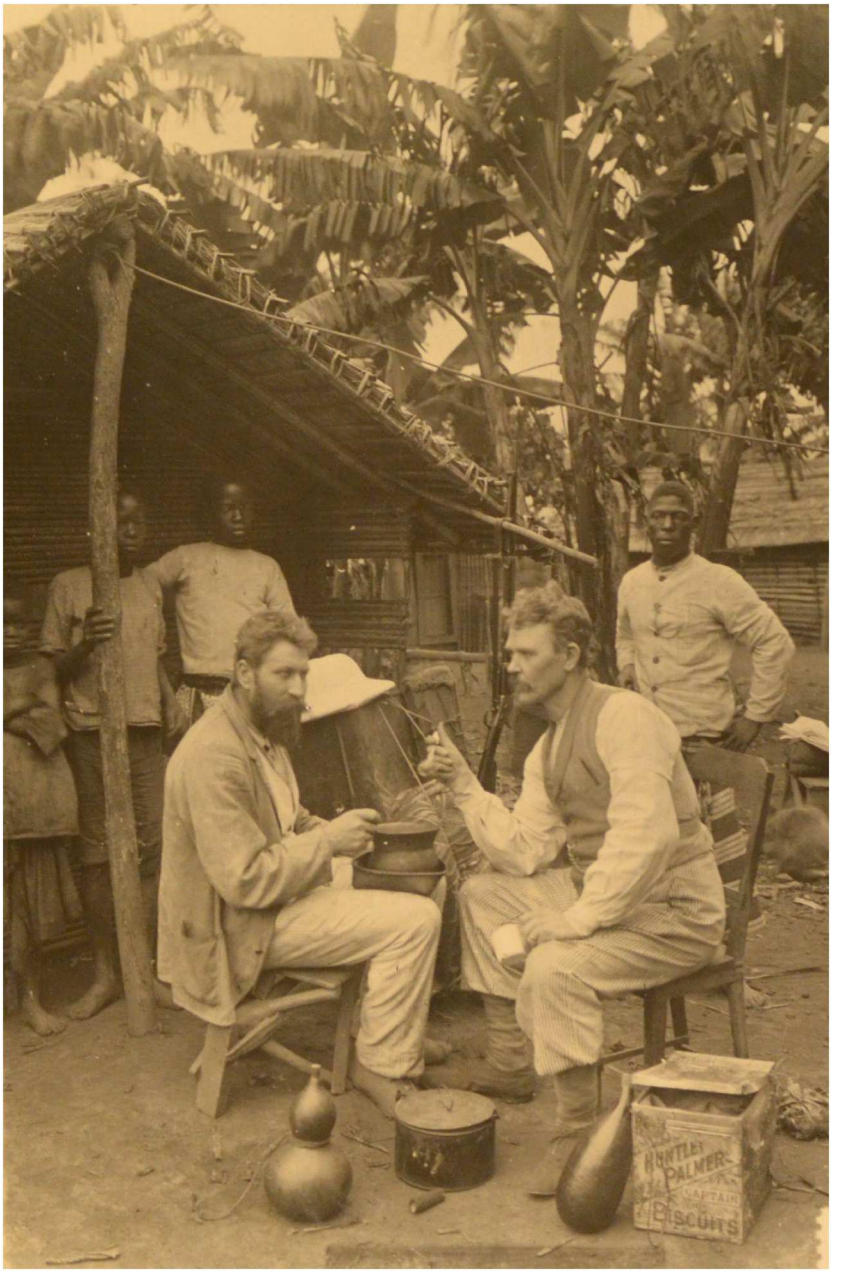

Figure 1. Swedish MCCS Missionaries in Congo: At the front left, C. N. Börrisson and to the right, S. A. Flodén. Börrisson, who was stationed in Congo from 1892 until 1921, is the author of the notebook *Rättegångar*, on which our analysis in this article focuses.

practical, and jurisprudential approach to the fulfilment of the Christian mission through law and state building in Congo can be read.

The article is organized as follows: First, we give a background to the Swedish MCCS missionaries' arrival in Congo. In this part we briefly set out the historical, legal and theological setting in which the missionaries came to work. We then go on to focus on the Trials notebook. We end by bringing our findings from the Trials notebook to bear on the overarching argument of the Swedish missionaries' theological, practical, and jurisprudential approach to the fulfilment of the Christian mission through law and state building "at the end of times" in Congo (Figure 1).

Arriving in Congo: Foundations

Who were the Swedish MCCS missionaries, why did they set out to Congo, and what made them actors of a globally significant legal, historical and political event – that of the Congo Free State – and the trajectory of how law, state and society as an extension have emerged into the present day DRC?

In contrast to some missionaries – who, as Jedidiah Kroncke points out – were "formally trained in law", the MCCS missionaries were Christians of humble background: many were maids, farmhands or artisans with basic trainings in farming, healthcare and carpentry.[28] While generally lacking in education and social status in Sweden, they were highly motivated and often became fluent in English, French, and Kikongo. They developed skills in medicine, ethnography, photography, and crafts.[29] Unlike other missionaries at the time who, as Kroncke shows, had a significant impact in the fields of public governance, medicine and foreign service upon returning to their respective home countries, the MCCS missionaries who survived their positions in Congo returned to Sweden to face relative obscurity. The skills they acquired in Congo, e.g. as medical doctors or nurses, where generally not recognized as relevant for Swedish circumstances or standards.[30]

Before heading out to Congo, the Swedes joined the mission training available at the time: in the early days organized through the Livingstone Inland Mission. They arrived in Congo, at the basin of the Congo river, just a few years before the establishment of the Congo Free State. The MCCS mission stayed until 1961 – one year past Congolese independence. At their departure, the MCCS congregations transitioned into Congolese leadership, and they became an independent protestant Church in a predominately Roman Catholic newly independent nation.[31] Yet, when the Swedes arrived in Congo in 1881, there was no state, in the international legal or Western sense.

The Swedes were not the first Christian missionaries to the Bakongo people. In 1483 Portuguese explorers "discovered" the Congo River with Portuguese Roman Catholic missions establishing their presence in the area from 1490 until 1814 – and from 1894 Belgian Roman Catholic missions entered the area as part of the Free State presence.[32] During this first encounter with Christianity, local customs and beliefs blended with Roman Catholic ones through early Christian Bakongo kingdoms. When the Swedish MCCS missionaries arrived, the memory and remains of this early mission had, for the most part, fallen into obscurity.[33]

Leopold had begun exploring commercial interests in Congo in 1879, as part of a global rush for resources and influence. To establish a commercial state he hired Henry Morton Stanley. The latter had arrived in Boma in 1877, as his final destination

in an expedition across Africa – an expedition that contributed to opening up the area to slave traders from the East coast and to European colonisers from the West.[34] Shortly after Stanley's commission in 1879 by Leopold, the Swedish MCCS missionaries set foot in Boma (in 1881). At this point, the International African Association (IAA), an organization set up by Leopold to further his ambitions, was an association and canopy for commercial trading-exploitation companies rather than a sovereign state.[35] Yet, via Stanley, the presence under which Leopold exerted his commercial interests in the area amounted to, if not the *de jure* so, at least a *de facto* jurisdiction in a Western legal sense of parts of the Congo basin. Through military presence, authority by force, and trade negotiations, Leopold asserted his power and control over territories while maintaining legal plurality. The latter in the sense that pre-colonial normative orders and administration of justice was generally still allowed if it did not intervene with colonial legal orders, while Free State, imperial and international laws were partially (and inconsistently) exercised and applied.

As this was before the 1885 Berlin Conference at which Leopold's sovereign claims in Congo were recognized (in terms of international law, meaning that other states acknowledged him, in his private capacity, as sovereign of the territory),[36] there was no *pro forma* sovereign power able to grant the MCCS missionaries any legal rights of presence as they arrived in 1881. Their missionary venture to enter Congo, to establish their mission stations, and to pursue their missionary work and exchange with both local indigenous Bakongo and Western (Leopold's as well as later on the Free State's) claims to power and jurisdiction during the early years were negotiated taking into consideration a plurality of claims to (military) power and authority.[37]

Negotiations had to be pursued through pragmatical cooperation and conflict resolution, navigating several jurisdictional claims, a plurality of normative-legal-cultures, and "legal" personnel.[38] The latter could mean Stanley and his men – and later on those of the Free State – as well as Bakongo chiefs and kings. Stanley had already concluded contracts with some chiefs in the area during his initial expeditions. The Free State secured the authority of these chiefs, who, in return for the recognition of their local authority and the title of "medal chief", provided goods and labour as taxation and subjugated themselves to the sovereign claims of Leopold and the Free State. The division of power and authority during the early days of the MCCS mission was in some sense stable, although continuous military uprises and international protests continued to question the colonial authority.[39]

This situation is what Bennet refers to as legal pluralism: instead of the rather straightforward legal context which the Swedes were used to – where the question was of separation or not between Church and state, and where the division between law and theology was made through state-centered jurisdiction – the Congo that the Swedish missionaries encountered was one of a truly legally plural context.

The missionaries arrived in a situation where Leopold pursued some sovereign claims akin to Western state-like forms, yet where no state in any Western sense had emerged or seemed likely to do so by means of the IAA, Stanley's presence, or Leopold's commercial interests.[40] There were fragments of state structures and the capacity for military violence to back it up, but there was little content in terms of actual state building efforts or effects. The MCCS missionaries held a protestant conviction of separating state jurisdiction from church jurisdiction (commonly referred to as the doctrine of two kingdoms).[41] The separation between the role, responsibilities, and jurisdiction of the state and church was crucial in the Swedish context. In Congo

however these roles became increasingly intertwined, as the missionaries didn't view the pre-colonial system as compatible with a Christian life. As Matthew Doherty writes on the early protestant mission in Congo and their partaking in state building:

> there were complementary social institutions that both the Church and the State, with its various interests in the Congo, had a stake in promoting. These were (non-exclusively) a language hierarchy, Christian marriage and patrilinear succession, and professionalization.[42]

As the Free State would slowly emerge, the role of the state in a Christian society was a common concern of the MCCS missionaries. It is worth noting, however, that the de-facto colonial Free State did not share the mission's interest in issues related to succession and family life. It was rather a hope among the missionaries.

Establishing from whom to gain permission to pursue their mission, and thus whose jurisdiction they acknowledged in Congo, was primarily a practical matter for the missionaries. Yet, it also held theological significance.[43] The appropriate authority was the rightful "emperor", to paraphrase Matthews 22:21, as the missionaries located themselves within the framework of the two-state doctrine. Clearly, in this situation, the missionaries were not satisfied with operating only within the realm of divine authority under an umbrella of the theology of two kingdoms. The legal plurality offered contenders on different levels of authority and power. Rather than recognizing the Bakongo chiefs as sovereigns – such as e.g. the Anglican missionaries to the Tzwana people of South Africa had done – the Swedes opted for the emerging Free State as the placeholder for their theologically infused hopes and expectations to a (secular) state.[44] The latter of which they saw as necessary for the fulfilment of God's call and their mission in Congo.

Through the existence of a state – *any* state, even a limited and violent one – the Swedish missionaries saw that the promise of Christ's mission on earth could become fulfilled. Coming from a Swedish legally conformist and state-centered jurisdiction, the choice was perhaps not difficult to make. Moreover, and practically-pragmatically speaking, the MCCS in Congo relied on the authority offering the strongest protective power: the gunpower was on the side of the Free State. They thus came to partake in "building", as Simon Larsson puts it, "a society at the end of times".[45] And for such a society to emerge – and the fulfilment of Christ to take place – law became a central vehicle: theirs became a task of upholding and spreading the knowledge not only of God but also, simultaneously and somewhat ambiguously, of the Free State legislation.[46]

This coalescence of Christian mission, law and ideology was, as we have noted above with Merry and Brennais, a common vehicle of colonial operation at the time.[47] Yet, in contrast to the Swedish legal culture, which the MCCS missionaries were familiar with and which we have briefly described above, pre-colonial and Free State Congo was a place of legal plurality. The missionaries noted that the pre-colonial Bakongo had a sophisticated system for the administration of justice, with dedicated lawyers relying on legal precedence.[48] As Benton points out, colonial powers often "sought simultaneously to establish limited jurisdiction and to reinforce – and in some cases create – indigenous legal forums".[49] This kind of legal plurality was generally "hardly a straightforward colonial project", as it required "procedural links, jurisdictional boundaries"

and changing "roles of legal personnel".[50] As such, legal plurality was a pragmatic reality rather than a conscious ideological design.

As the Trials notebook – to which we will turn shortly – shows, the Swedes found themselves in the midst of these colonial legal and cultural processes, oscillating between positions of seeking out a stronger state. In line with this, they called on the Free State to step forward to, for example, promulgate "civilised" laws on marriage and inheritance – denouncing the State's "unlawful" acts, rejecting traditional Bakongo cultural-legal norms as not that of the "emperor", while still – as the Trials notebook shows – reinforcing pre-colonial legal norms through their own secular authority as arbitrators of earthly power and authority.[51] The missionaries placed themselves in a legal and theological pluralist oscillation between being facilitators of and complicit in the emergence of the Free State – as *the* "society at the end of times" – instating themselves within the pre-colonial Bakongo cultural-normative structure of polity, and their theological visions.

A few years after the arrival of the Swedish MCCS missionaries, by 1886, the Free State had established no less than one hundred and thirty two trading stations, primarily along the Congo basin, with Boma as its administrative capital.[52] It was an expansive period with the Free State enlarging their explorations and exploitations of the area and its people. A Governor General was put in place to rule by decree from Leopold in Brussels; a general court was established in Boma, with a Court of Appeals for the Free State located in Brussels; and a prison was set up in Boma and one, later on, in Stanleyville (present day Kinshasa) (Figure 2).[53]

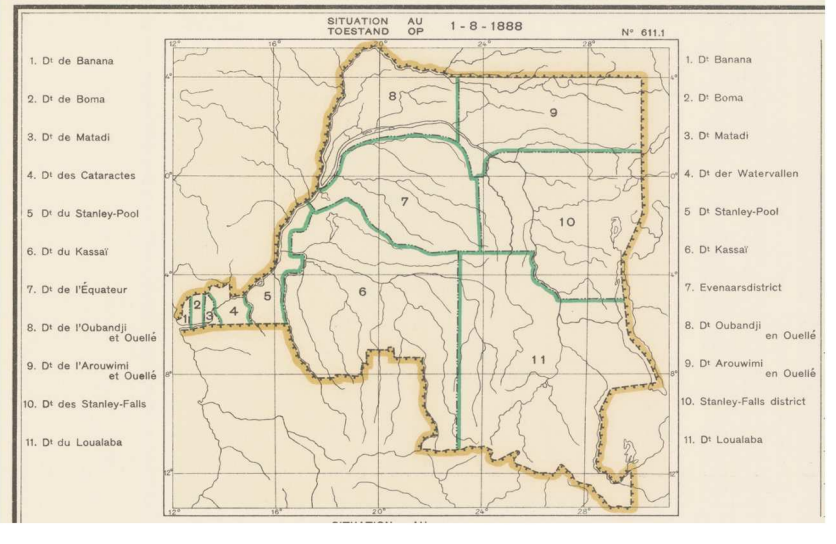

Figure 2. Atlas général du Congo / Algemene atlas van Congo (in fr, nl), Belgium: Institut Royal Colonial Belge, 1948–1963, OCLC 681334449 / http://www.kaowarsom.be/en/online-maps. Licenced under the Creative Commons Attribution-Share Alike 4.0 International license. The MCCS missionaries worked in areas 1, 2, and 3 on the map.

Organization in the Free State

The Free State was organized through a civilian branch of governance called the *État Civile*. It also had a military branch – the *Force Publique*, established in 1885–1888. Several Swedes – albeit not missionaries – took on mercenary service in the latter.[54] By 1890 the Free State operated through the *système domanial*, which "reserved all 'unused' land and its fruits for the Free State"[55] – land and property legislation being a central tenant of colonial legal cultures.[56] The legal and civilian governance introduced by the Free State was barely enough to convince anyone of "rationality and civilization".[57] Rather, it was a system of law and governance with the least ambition of accomplishing anything beyond securing authority for commercial purposes and a few morally coded interventions. While nominally state-centered, in practice the legal plurality hosted several "cultural others" as Benton describes it, "and intermediaries whose legal roles were difficult to fix and who themselves exploited and attacked ambiguities in the law".[58]

As the Free State progressively emerged, the MCCS missionaries became more directly involved. In contrast to other missionaries at the time – such as the early Livingstone Inland Mission, the British Baptist Missionary Society, and the American Presbyterian Congo Mission – several Swedish MCCS missionaries were appointed *Officers d'État Civile*. Among them was C. N. Börrisson, the author of the Trials notebook, appointed via an order issued in the "capital" Boma on 9 December 1898.[59] Holding formal positions as part of the Free State was a way for the Swedish missionaries to secure a continuous support for their presence in Congo – as protestants in a state run by a Belgian Roman Catholic sovereign – while exercising limited civilian tasks of the Free State. Yet, in theological terms it was less than straight forward: In Sweden – as we will come back to below – the MCCS pursued a kind of two-kingdom theology of full separation between Church and state jurisdictions. In Congo they took the opposite position. The Free State primarily exercised military control and jurisdictional claims over issues of commercial concern, and the criminal law concerns connected to it – often through punishment expeditions to villages and chiefs who did not subject themselves to the state's control and taxation. It was, as we have already pointed out, a colonial *state* only in the most limited sense.

While the Free State nominally banned international slave trade as well as some indigenous norms and customs – e.g. "poison oracle" trials, in which suspects were to take poison as proof of their innocence[60] – the Swedes pursued "limited" civilian tasks, which meant acting as a point of reference for reports to and from the central administration of the Free State.[61] The "civilian" nature of the office of the *Officer d'État Civile* thus included the complex intermediary legal role that Benton describes as central to colonial legal cultures:[62] acting to build a model Christian society, through which God's plan could be fulfilled, in practice meant to change the social and normative structure of the indigenous Bakongo societies, focusing on gender roles and social structures – the matrilineal social structure that was abhorrent to the missionaries, was made into a patrilinear one and the nuclear family was made the norm. In using their role as *Officer d'État Civile* to promote certain types of family and kinship structure, they transcended the requirements from the colonial state that showed no interest in making such changes at the time. All social and normative ties to the indigenous kinship structures and matrilineage of

the past had to be cut, the missionaries reasoned. At least if the newly saved indigenous Christian souls were to adhere to what the Swedes saw as the true Christian faith.

Furthermore, the MCCS missionaries introduced a paid labour system. Professions such as farming, carpentry, and dressmaking were introduced, and labour for pay was promoted as the logic of everyday life. One way to describe this is that the Swedes introduced capitalism as the core ideology of their ideal Christian society in Congo as this is how they understood a model society. It was, as Andrew Preston has noted, a common practice for protestant missionaries to "[p]reach[-] the twin gospels of Christian religion and Western development" and to do so through capitalist logics.[63] Yet, another (and not mutually excluding) understanding is to see the missionaries making pragmatic choices to enable Christian proselytes to support themselves and the congregation and live as "free" individual subjects, independent from the matrilineal clan and the associated rights and obligations of the Bakongo kinship structures. These notions of being free, independent, and individual subjects are something which Asad and others have identified as a core legacy of protestant missions to the colonial world, and as a key enabler of post-colonial developmentalism as liberalism and secularism in the present.[64]

The MCCS established several missionary stations as part of their work up until the end of the Free State era: Mukimbungu, acquired from the American Baptists in 1885; Kibunzi, in 1887; Diadia, in 1888 (abandoned in 1906); Nganda, in 1890; Kingenge, in 1897; Londe (Matadi), in 1892; and Kingoyi, in 1900.[65] All of these held important social functions in terms of education, health clinics, and churches. The MCCS Congo mission also published a newspaper in Kikongo from 1892 and onwards: *Minsamu Miayenge*. It became a central platform for communicating the Free State – and later the Belgian colonial state – legal decrees and policies, as well as for bringing forth first-person accounts by MCCS Bakongo pastors and assistants of events taking place at the time.[66] The MCCS missionaries thus became part of building a civil society of a very Swedish, mid-late nineteenth century kind, building and partaking in state governance, as well as building and exercising legal authority in Congo.[67] And, not the least, they spread the word of salvation through Christ.

Theological Positions and Developments in Congo

The MCCS in Sweden held a strong position on the two-state doctrine. It was a Christian Church positioning itself closely to, yet separate from, the Swedish Lutheran State Church (*Svenska kyrkan*). Unlike other protestant Christian evangelical Churches (*frikyrkor*) in Sweden at the time, the MCCS had escaped religious persecution: until 1858 the *Konventikelplakat,* introduced in 1726 especially aiming at outlawing Christian evangelical and pietist movements, made religious gatherings illegal if held outside the framework of the Swedish State Church.[68] MCC was part of the State Church – or rather its internal revivalist movement *Evangelista Fosterlandsstiftelsen* – and became a fully independent Church in 1878.[69] While still sharing basic convictions with the Church of Sweden, the MCCS drew its theological teachings and practices from revivalist and pietist movements of its time, aiming to revitalize the Christian faith.

A central part of such revitalization was evangelizing amongst non-believers in Sweden and abroad,[70] other theological questions being lay pastors and the right

to communion (led by non-ordained priests),[71] and the doctrine of atonement.[72] In the Swedish context, the MCCS sought autonomy from the state to maintain the theological integrity of their congregations: questions of faith and theological compliance could only be effectively pursued – ultimately through excommunication – if the Church had full pastoral authority over its members. This separation from the state was a way to facilitate a "truer" Christian life. Yet, it was not a move away from a holistic view on state building and political life. P. P. Waldenström, for example, the first president of the MCCS in Sweden, was an independent member of the Swedish parliament, a position through which he promoted evangelical Christian values: To act politically in the world and pursue state-building and governance, was thus not a far theological stretch for the MCCS.

In Congo, the mission work became a litmus test of the scope of the missionaries' understanding of the organization of states: Church responsibilities and roles, and those of the State, dividing the two kingdoms. In a very practical sense, the precolonial jurisdictions of the chiefs were seen by the MCCS missionaries as mixed up with local religious-cultural authority, and chiefdom authority was, thus, an obstacle to the spread and practice the Christian faith. The multi-centered legal plurality of authorities, jurisdictional claims and practices became something to both theologically and practically manoeuvre: the translation of the two-kingdom and two-sword theological doctrine into several "swords" and several "kingdoms" was a reality that did not sit comfortably with the MCCS' theology: chiefs authority and jurisdiction, serfdom, and not the least the matrilinear organization of Bakongo society and culture became a major issue of concern for the missionaries.[73]

The missionaries saw individuality and autonomy as a requirement for a Christian life, as salvation in their theological understanding required accepting individual responsibility and sin. This, the MCCS missionaries concluded, was impossible within the precolonial Bakongo cultural and political context where chiefs, and not the individual members of the kinships, were accountable for the acts of their subjects. The close kinship ties and associated obligations and loyalties in the matrilineages made the individualization and the institution of the Christian nuclear family and Christian household impossible.[74]

Moreover, as is evident from the lengthy discussions in letters sent to and from the MCCS missionaries, and from the protocols of the MCCS board meetings in Sweden, much of the practical work and duties carried out by the Swedish missionaries upon facing the actual conditions in Congo, were not originally part of that mission plan. Theological authority over the practical work in Congo became an issue. The theological discussions and dogmas in the Swedish context – including those in the MCCS mission board and the instructions sent by the MCCS mission director in Sweden – did not match the realities in Congo. The MCCS mission board in Sweden forbade certain theological practices developed by the missionaries in Congo, including for example the prohibition against palm wine in the Congolese Christian congregations and the purchases of slave children.[75]

So, whereas the MCCS in Sweden were concerned with theological battles of revivalism, autonomy in relation to the state, and the doctrine of atonement, their Congo mission turned to fundamentals of state building through their theological imaginaries in ways very similar to those already mentioned by Doherty, i.e. introducing individual subjectivity and accountability for salvation – the divine jurisdiction – and in all matters of secular jurisdiction; undoing matrilineages and introducing

"true" patriarchal Christian nuclear families; and "freeing" individuals from serfdom and the chiefs' authority through introducing individual labour, are some key examples.[76] The MCCS missionaries' theological foundations blended with colonial imaginaries of the civilizing mission through Christianity, law, and governance, where the authority and jurisdiction of the chiefs were both a hindrance for their mission and a point of authority and jurisdiction they had to work with.[77] In doing so, they transcended the mission as formulated by their mother church in Sweden. Especially so in want of an option of a secular Western state, as the emerging Free State took little interest and effort to address the issues that the MCCS missionaries found pressing: the introduction of state registers of marriages, inheritance laws, taxation and a pecuniary system that encouraged wage labour, and similar "civil law" measures of state and governance.

The Swedish missionary practices were part of the "ideology", as Merry and Brenneis put it, "of the rule of law that linked imperial governance to assertions of rationality and civilization".[78] Thus, when the Free State emerged from 1885 and onwards as a sovereign power in Congo, with a presence that in some respects took on the shape of a secular state, the MCCS missionaries embraced the state. Not without hesitations, as they filed complaints about the overuse of violence in some instances, yet the Swedes viewed the state as a necessary placeholder for their theological eschatological vision of spreading the Christian gospel unto the end of the world, to herald the second coming of Christ.[79]

The Trials Notebook: The Laws of God, the Laws of Chiefs, and the Laws of the Many Swords

The Trials notebook dates from 1904 – the height of the Free State era in colonial Congo. It is written in and around Kingenge, an area north of Matadi close to the border of present-day Congo (Brazzaville).[80] Its entries give brief descriptions of cases, presentations of parties, and statements of the verdicts or agreements arrived at. The notebook provides evidence of several things of significance for our article: questions of jurisdiction and authority to adjudicate on legal matters, legal subjectivity, and, not the least, the existence of a plurality of laws, norms, and legal cultures that were not mutually exclusive.

The entries in the Trials notebook are signed "CNB", short for Carl Niklas Börrisson. Börrisson had arrived in Congo in 1892 and was stationed at the Kingenge mission station at this time.[81] With no training in law, or any formal training except the few years of mandatory primary school in Sweden in the 1860s, Börrisson had worked as a farm hand and craftsman in Sweden, and attended the seminar for aspiring missionaries between 1889 and 1891. As one of the first MCCS missionaries arriving in Congo, Börrisson was appointed as an *Officer d'État Civile*, as one of the few protestant missionaries explicitly mentioned in the official records of the Free State.[82]

The trials recorded in the notebook seem not to have served any official purpose of the Free State, even though its legislation is referred to and hinted at by Börrisson in his elaborations and judgements. There are no direct references to the trials in other documents from the time, neither in the official correspondence with the Free State, nor with the MCCS board in Sweden.[83] While we cannot fully know the reasons for this absence, there are indications. First, the trials sat uneasily with the theological position of the separation between Church and State that the

MCCS pursued as a matter of theological position in Sweden. The legal acts, as described by Börrisson in the Trials notebook, were not sanctioned by the Swedish MCCS board. And as the MCCS board aimed to minutely control what their missionaries did in Congo, we assume that Börrisson and other missionaries who took on roles as local arbiters of justice would not write home about it, unless absolutely necessary.[84]

Moreover, the official theological-political position of the MCCS, both in Sweden and in Congo, did not, as already noted, embrace pre-colonial Bakongo normative-social structures, and the Swedes actively sought to reduce the jurisdiction and authority of the chiefs. Börrisson's approach in the Trials notebook does not embrace chief jurisdiction and authority. Instead, we read it as an attempt at superseding and replacing the very same with the missionaries' authority. In this move to become an intermediary legal actor,[85] Börrisson did what many other colonial agents did before and after him: he became one of many "[w]esterners who encountered chiefdoms [and] also 'found' law where it did not exist", as Jane F. Collier explains.[86] Collier explains that Westerners often misunderstood how the peoples they encountered in colonial contexts resolved their conflicts, failing to see "the social processes and cultural concepts through which the people in chiefdoms negotiated their obligations to one another".[87] As we will show, the use of precolonial law and taxonomy shows that in contrast to what Collier has argued, the Swedish missionaries, to some extent, recognized the social importance of Bakongo cultural norms of conflict resolution.

In the Trials notebook, Börrisson works with a taxonomy of what he entitles "laws" (*lagar*) of the precolonial chiefdom authority. Between the last page and the cover of the Trials notebook there is a folded piece of paper with a list of different applicable "laws", with their Kikongo names. From the context we assume that this list consists of categories of regulations that correspond to a precolonial taxonomy for cultural domains under the authority and jurisdictions of chiefs.[88] Thus not, as Collier points out, "law" in the Western sense, but modes of sustaining social and cultural relations: "when people in chiefdoms face a problem that Westerners might view as theft", Collier explains, chiefdom authority is "often less concerned with who took what or whether the object belonged to the victim when discussing past exchanges to decide whether the relationship between the parties is one in which the person who suffered the loss has the obligation to provide the taker with the object".[89] This corresponds well to the cases Börrisson relays in the Trials notebook. While there are several remarkable and interesting cases to choose from, we specifically mention three below. These are representative of the kinds of cases found in the Trials notebook, and they also showcase the legal and normative relations that the MCCS missionaries faced in Congo at the time. Having only a lay knowledge of a unified Swedish legal culture with a strong state, bringing together the plurality of laws and authorities present in Congo at the time must have been a demanding challenge to Börrisson. And, while doing so, pursuing his authority in accordance with the MCCS theological orientation seems, from what the Trials notebook tells, to have been only a secondary consideration. If a consideration at all. With no formal training, and no training at all in law or public governance, Börrisson navigated with and through what he seemed to have found (Figure 3).

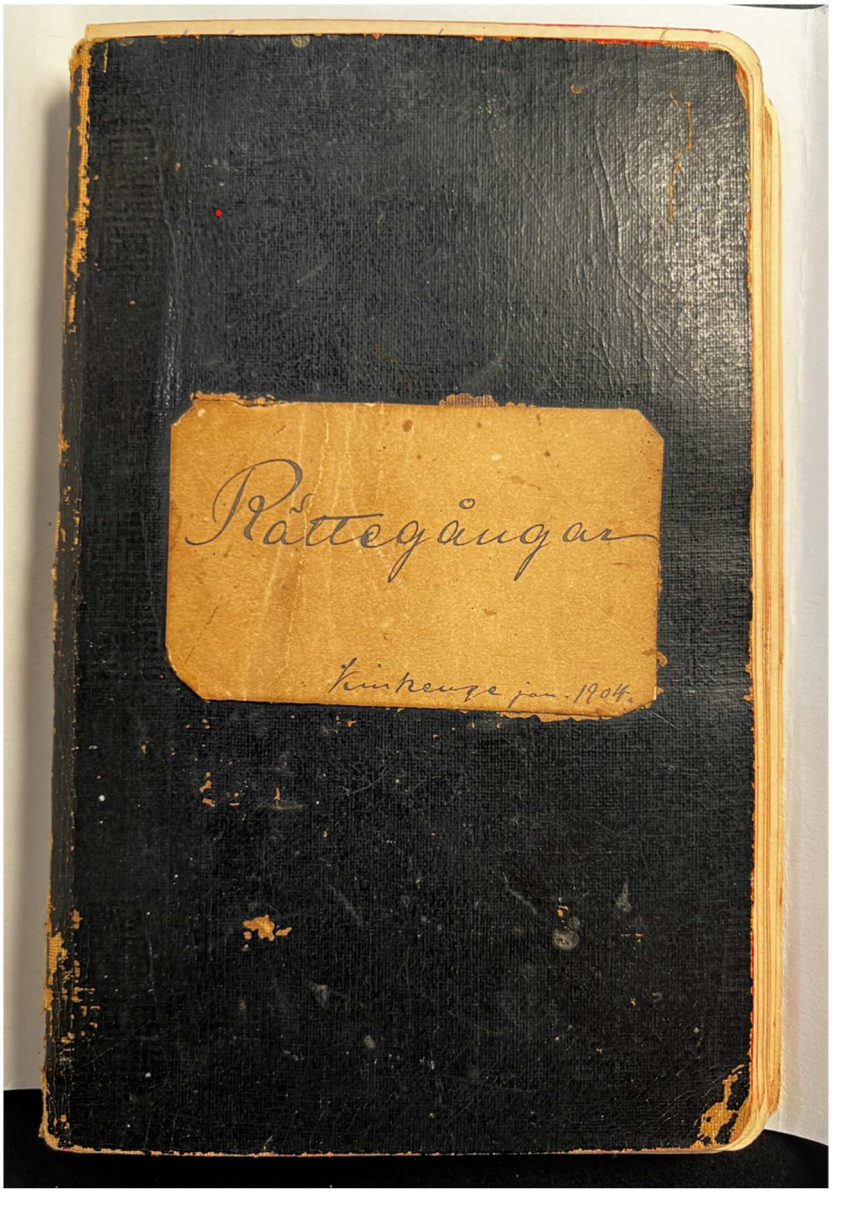

Figure 3. The Trials notebook, Kingenge 1904, by Swedish MCCS missionary C. N. Börrisson. Note: Riksarkivet (RA), Svenska Missionsförbundet-Missionskyrkans arkiv (SMF-SMK) SE/RA730284, Missioner och missionsstationer, Kongomissionen missionsstationer, Kingenge Missionsstation, Handlingar rörande församlingar och rättsväsende, 1904–1936 (F2:1).

Examples of Cases from the Trials Notebook

According to the Trials notebook, Börrisson exercised his juridical powers in relation to both free and enslaved Congolese persons. Thus, in a case dated 24 October 1905, Börrisson uses his authority – and what we read as a judicial mandate from the Free State as an *Officer d'État Civile* – to free an enslaved woman named Mudula. Börrisson notes that Mudula was born into the Mambona kinship group, but then changed hands as a slave in two subsequent pre-colonial trials, first to the Kimbabwi kinship group, and then later on to Kinsusi. A member of the Kinsusi family named Luviete had wanted to marry Mudula against her will and, upon her refusal, had beaten her and humiliated her in public. Börrisson declared in his judgment that Mudula should be considered a free woman and be allowed to go as she pleases, all of which was to be registered in the file records of the "colonial state".

In another case, dated 1904, Börrisson accounts for events taking place in and between the villages of Nsundi and Kingenge. The village of Nsundi had arranged so-called "poison trials". Such trials were a well-documented administration of justice among the pre-colonial Bakongo peoples at the time.[90] Its basic principle was a poisonous bark administered under ritual forms to a person suspected of killing another by witchcraft. The poison, commonly referred to as the "poison oracle", or *nkisi* was administered to the suspect by a *Nganga* – a Bakongo ritual expert.[91] If the accused reacted to the poison, he was seen as guilty and was killed. Poison oracles and poison trials were one of the few local customs prohibited by the Free State.[92] The prosecution over the Nsundi poison trial was thus carried out within the framework of Free State jurisdiction, administered not by the Swedish missionaries, but under the auspices of the Free State judge in Boma, enforced by and with the assistance of the military.

In the 1904 case, no one had reportedly died in the poison trial setting off the events leading up to the trial administered by Börrisson. Börrisson noted that a number of people were on their way to the village of Nsundi to question the ones organizing the poison trials, to "have them convicted [*dömas*]". Three individuals were arrested in Nsundi, to be brought to the Swedish MCCS mission station and Börrisson's jurisdiction. On the way to the mission station, however, the whole party was surprised and attacked by people from the village of Kiwola, shooting into the crowd. On the side of the attacked, two individuals were killed and an additional four individuals wounded. One of the attackers was killed, and another one was slightly wounded. The attackers, moreover, stole a number of guns and livestock from the party.

At the MCCS mission station in Kikenge, Börrisson was presented with the facts and claims by representatives from each kinship group, the attackers (Kiwola) and the attacked (presumably Nsundi). The parties respectively demanded two slaves, one pig, and one goat for each person killed, and one slave, one pig, and one goat for each person wounded. Börrisson noted this in the Trials notebook, and without describing the pleas and arguments, he announced the sentences: the party of one of the killed received a boy named Ndonde and 100 Congolese francs, another representative received a woman, Nkembi Ngimbi, and her child named Masongita. Each wounded individual was to receive 150 Congolese francs for pain and suffering, as well as medical costs, from the other party. Furthermore, two people from one of

the parties were commanded to stay at the mission station as "hostages" until all other prisoners were released. Börrisson concluded that by this verdict, all parties were satisfied, yet notes that neither the original trial concerning the poison trial nor the court costs were yet declared (*rättegångskostnaderna äro ej klarade än*).

Yet another case described in the Trials notebook, dated 25 November 1905, concerns an arbitration between the two individuals, Nzebo mu Kintadi and Bula Madibu, representing their respective kinship groups. While nominally a simple matter of settling a financial dispute between two kinship groups, the case involves the coexistence of Free State jurisdiction and pre-colonial Bakongo normative practices as sources for solving the case.

From Börrisson's notes we assume that the parties had approached him for adjudicating on the following matter: A woman, Nzebo's sister, had married into Bula Madibu's kinship group, bringing a previous child into the marriage. Her new husband then died, after which she returned to her brother together with her child and re-joined the Kintadi kinship group. Among the Bakongo peoples *nloko* – bride's price – was an established practice: when a woman was married, she brought with her a set wealth. Nzebo had then taken his sister to another chief, of another kinship group, called Motto. Nzebo received goods from this other chief at a value of 100 Congolese francs for his sister and her child, goods that were then returned to Bula Madibu's kinship group. This was regarded as compensation for the Madibu kinship group's loss of the bride's wealth, as it had been paid before the marriage between Nzebo's sister and the now deceased man of the Madibu kinship group. All this was well until Nzebo heard that the "State" – the Congo Free State – had declared bride price unlawful – a reference to the Free State legislation. "As the State says, the 'nloko' [bride's price] is now nothing".[93] Nzebo wanted his 100 Congolese francs back from the Madibu kinship group. Börrisson decided that the kinship group of Madibu should repay Nzembo 50 Congolese francs and keep 50, which he claimed was according to the "old law of the land" (*således landets gamla lag*). It seems that Börrisson made a compromise between Free State legislation and local normative-cultural practices to satisfy the parties of the negotiations, and thus settle the dispute with an authoritative outcome.

How to Read the Many Laws, Kingdoms and Swords of the Trials Notebook

The Trials notebook provides evidence of several things of significance for this article. From the cases mentioned, we find a plurality of law and authority: Börrisson – an appointed *Officer d'État Civile*, yet not acting during the trials on behalf of the Fee State or, at least not un-ambiguously so – invoked the laws of the Free State by reference to the poison oracle, as well as through holding hostage individuals at the mission station that had violated this prohibition (described in yet another case in the Trials notebook). Yet, more than anything Börrisson seems to have exercised a secularized form of chiefdom jurisdiction and authority, such as Collier describes it: *not* in a Western legal understanding of e.g. criminal law, but rather as social relations of obligations between kinship groups, as an arbiter of continuous cultural-social bonds. While officially and simultaneously promoting "language

hierarchy, Christian marriage and patrilinear succession, and professionalization", as Doherty puts it, the MCCS missionaries also took on roles as an integral part of the Free State – Börrisson explicitly exercised Free State authority and law in several of the cases mentioned in the Trials notebook – and as the ones replacing chiefdom jurisdiction and authority.[94] Neither being part of the state, nor adjudicating chiefdom authority and law made any theological sense. Yet, it seems to have made sense in practice for Börrisson and, perhaps, for those seeking out his authoritative judgments at the mission station in Kingenge.

Thus, the Trials notebook provides evidence of the MCCS missionaries' legal activities of positioning themselves between earthly and divine authority, navigating a space that did not entirely make theological sense – or, at least, did not appear to be coherent with official Swedish MCCS theology.

The law and authority exercised by Börrisson was not a unified "state law" that "descends" – as in state-centric legal systems similar to those of Sweden at the time – but rather "an internally fragmented"[95] legal and political authority in which Börrisson as well as other contemporary missionaries had to navigate as legal arbitrators in a "multicentric" plural legal order.[96] The legal encounters – between missionaries and the Bakongo societies in which they set out to work among – resulting in the trials seem to have emerged from the plaintiffs in the individual cases who approached the MCCS missionaries and sought adjudications over their concerns and disputes: did Börrisson seek out the authority, or was it given to him? We do not know. Yet, based on the Trials notebook, we can say with certainty that Börrisson, and probably other contemporary missionaries in Congo, acted as judges in semi-structured trials at their mission stations, as well as in surrounding villages at the time of the Free State. They presided over cases involving both their Congolese parishioners and non-Christian subjects – over free and enslaved individuals – who either sought justice by them or were called to the missionaries' hearings as defendants or witnesses. In doing so, the missionaries presided over cases which, in contemporary legal terminology, qualify as civil law, criminal law and administrative law: yet it would be anachronistic to name it so, and it would invest a state law and authority that was not present at the time in Congo. These findings of the MCCS missionaries as legal actors in local Bakongo matters are corroborated by notes in the official reports from the Free State, where Börrisson was appointed as an *Officer d'État Civile*, and where in 1904 – which coincides with cases relayed in the Trials notebook – the Report of the Free State Governate-General to the Secretary of State states:

> Il n'est pas douteux que c'est là le résultat de menées sourdes sapant plus ou moins consciemment l'autorité légale. La remarque s'impose fatalement que cette situation se révèle dans le seul voisinage de certains postes évangéliques, et elle prend un caractère plus significatif lorsque l'on sait la tendance de ces établissements à exercer sur les populations d'alentour une sorte de pouvoir souverain, à s'imposer à elles en opposition avec, selon l'expression indigène, "Boula Matari", à créer ainsi un état d'antagonisme entre l'influence des oratoires et l'autorité des agents de l'Etat.[97]

The Free State was evidently annoyed by the authority exercised by the "evangelicals" – meaning protestants, in contrast to the Catholic Pères Blanc missionaries –

who the Free State had begun perceiving as, at least in part, a too bold contenders of sovereign authority within its jurisdiction.[98]

What is less evident from the Trials notebook is to what degree, if at all, any Christian theological considerations were made by Börrisson and others when adjudicating. He invokes "the law of the old" and mentions and quotes chiefdom "laws". None of the cases in the Trials notebook mention theological considerations. There is no division between two kingdoms or two swords. Perhaps, we could say, the elaboration Börrisson made on which of the norms and customs to invoke, as well as how to arbiter them between Free State legislation and Christian theological aims, is where the theological considerations came into play: it is in the actual creation of a society at the end of times where, regardless of earthly laws and authority, the ultimate aim is to realize God's plan on earth through missionary work. Taking over the role of the chief as the administrator of justice, the Swedish missionaries undermined the chiefs' authority, which in itself could be seen as a motivation for engaging in the trials, as noted in the Trials notebook.

Although well documented in other sources, there are no references in the Trials notebook to the ongoing crimes or atrocities committed by the Free State and its officers – civilian or military. This may be explained by the fact that the cases heard by Börrisson concerned everyday life and grievances of parishioners and nearby villagers in areas less afflicted by the Red Rubber trade. Moreover, the MCCS missionaries *did* note the ongoing atrocities which were mostly carried out in areas further upstream and inland, where they did not have any mission activities and consequently no authority. Even so, the silence says something. While most Christian missionaries at the time publicly spoke up against the violence of the Free State – including famously Swedish Baptist missionary E.V. Sjöholm, and US Presbyterian pastor Wiliam Henry Shepard – the Trials notebook is evidence of how the MCCS missionaries navigated as legal actors both inside and outside the Free State. As Kroncke notes,

> Missionaries often became critics of the excesses of colonial or neocolonial exploitation but were fundamentally committed to continuing the popular frame of foreign transformation which economic and military interest became increasingly adroit at deploying – if again reconciled through private religious sentiment by individual actors.[99]

This is something that the very existence of the Trials notebook confirms: Börrisson and the other MCS missionaries were committed to building a Christian model society in Congo, at the end of times. Beyond everything else, the transformation of the Bakongo societies towards this Christian society was the goal. Collaboration with a violent state was, apparently, acceptable as part of reaching that goal.

The coalescence of Christian mission, law and ideology comes through in the Trials notebook as a theology of several, rather than two, kingdoms and swords: those of God, those of chiefdom authority, and those of an emerging secular state. Perhaps more than anything, law, mission and governance comes through in the Trials notebook as a Christian chiefdom authority in a time of transformation and plurality of laws and colonial cultures.

Conclusions

When theological visions are turned into practice, things can get messy, cloudy, and complicated – this is one of the lessons learned from the Swedish MCCS missionaries' theological-legal activities in Congo, as analysed in this article. The messy details of everyday life in the emergent colonial state overwhelmed the theological ambitions of the missionaries when their theological visions met with the realities in Congo. Law became a crucial point of focus for them, as secular jurisdiction was needed for the missionaries' attempt to achieve a model society at the end of times in Congo. This was in line with colonial ideologies and practices at the time rather than an outcome of their theological convictions. As Merry and Brenains have pointed out, state building and, in particular, legal acts as part of general rule of law efforts "linked imperial governance to assertions of rationality and civilization".[100] And as Doherty has shown, there were "complementary social institutions that both the Church and the State, with its various interests in the Congo, had a stake in promoting".[101]

The Swedish missionaries saw rationality, civilization, and a secular state as necessary conditions for God's word and deeds to be received in Congo. For the Bakongo people to become converted to the missionaries' vision of true Christian faith and ways of life, the people needed to become individuals in a new sense: subjects of Christian faith and subjects of a secular state. The eschatological urgency – a trait of the time, but also of the evangelical movement of which the MCCS was part – had placed the missionaries in Congo with a theological vision. Yet time – that of the second coming of Christ and that of earthly and divine law to become fulfilled – was not a straightforward matter. What was, theologically speaking, the end of time for the missionaries was simultaneously the beginning of a time of a new law: a law of God's forgiveness, grace, and salvation through Christ.

Yet, another way of understanding the missionaries' theological-legal practice in pre-colonial and Free State Congo is to question the *dual* order of the two-kingdom theology and doctrine. This would mean to take seriously the plurality of laws and authorities that the missionaries evidentially encountered while in Congo. A finding of this article is that the MCCS missionaries pursued theological-legal activities in Congo pursuant to a practical theology of plural kingdoms: in want of *a* state, *a* king, and *an* emperor, the Swedes navigated to fulfil their mission – spreading God's gospel in Congo – through a plurality of secular, pre-colonial and other laws and norms, and theirs was a rule(s) of law(s) activity of several states, several kingdoms and several emperors. They partook in building a state, yet their theological-legal-political vision of that state did not coincide with Leopold's Congo Free State.

In want of a state to match their visions, they actively took part in, and exercised part of the authority of such a state. In short, the Swedish missionaries of the MCCS became one of many actors navigating a plurality of authoritative claims to power and influence – divine and earthly – in Congo. As often was the case in colonial projects, the authority of chiefs and indigenous customary laws and norms was a necessary vehicle for colonial expansion Congo.[102] The transition from pre-colonial Bakongo normative legal cultures to legal plurality during the colonial Free State and Belgian Congo era placed the MCCS missionaries in the midst of a historical

development beyond their theological horizons – they became a central actor of a globally significant legal, historical and political event – that of the Free State – and the trajectory of how law, state and society has emerged in the history of the contemporary state of the DRC.

Even as the Swedish missionaries saw chief authority and jurisdiction, and the legal-cultural norms of pre-colonial Bakongo as irrational and uncivilized, they still related to it through negotiation of power and authority. It was, as they saw it, better than no order at all and, through assuming chiefdom authority, they became contenders, not just of divine authority, but could also exercise theological-legal-cultural authority over the Bakongo peoples.[103] Perhaps the missionaries' lay understanding of the unified Swedish legal culture at the time, as well as the central role of the Church officials of the Swedish State Church in exercising state authority, was a source of inspiration for the MCCS missionaries in Congo. Perhaps, part of the inspiration was drawn from the organization and work of the Swedish popular movements, of which the MCCS were part.[104] Even as they, theologically speaking, pursued a vision of separation between state and church, the lack of state institutions in Congo transformed them into authoritative legal actors pursuant to both divine and earthly powers.

At times, the missionaries became slave owners to "save" individuals from old kinship structures to set them "free" to enjoy Christian salvation and life. And, as the Trials notebooks shows, the Swedes assumed the role of chiefs to exercise a legal-political-cultural authority and jurisdiction stretching over and between pre-colonial customs and norms, Free State legislation, and their own theological-normative visions. While we cannot say for sure why, for example, Börrisson took on the role as a judge in the cases he relays in the Trials notebook, it may well have been to supersede the authority and jurisdiction of the chiefs and, in any account, to weigh in as a "legal intermediary" in the larger struggle over authority – divine and earthly – in Congo.[105]

What we can say with certainty is that the central tenant of the constitution of the MCCS in Sweden – as a church separate from both the state church and the state – was not as easily pursued as a theological and practical policy when arriving in Congo. To build a society at the end of time, to fulfil Law, and to practice the Christian mission was a double-edged sword, or rather, it was a task of a plurality of laws, kingdoms and swords.

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Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

This work was supported by Vetenskapsrådet [grant number 2020-01697].

Notes

1. On law as central to the civilizing mission, see Merry and Brenneis, *Law and Empire*.
2. "Pauli ord om hedningarna, som hava lagen i sina hjärtan, fick alltmer sin tillämpning på Kongos avskilda, efterblivna släkte": George Palmær cited in Nyrén, *Svenska Missionsförbundets femtioårsjubileum*, 80.
3. The Gospel of Matthew 28:19–20.
4. Reports were made public already in 1890: journalist George Washington Williams published "An Open Letter to His Serene Majesty Leopold II, King of the Belgians and Sovereign of the Independent State of Congo" on 18 July 1890: https://www.blackpast.org/global-african-history/primary-documents-global-african-history/george-washington-williams-open-letter-king-leopold-congo-1890/; and the same year, The New York Times published the article "Massacre in Congo State", *New York Times*, 5 January 1900, 1. https://www.nytimes.com/1900/01/05/archives/massacre-in-congo-state-missionaries-say-villages-have-been-burned.html, based on letters sent from Congo by US Southern Presbyterian missionaries Rev. L. C. Vass, Rev. H. P. Hawkins, and by Rev. William Sheppard, both of which were sent to Congo as missionaries in the American Presbyterian Congo Mission. Official reports followed, for example the Belgian Secrétaire-Général du Department de l'Intérieur to Gouverneur-Général au Congo, Brussels, 3 November 1903: AA, AIMO 1642, as cited in Gordon, "The Red Rubber," 162. Despite a rich scholarship on the horrors of the Congo Free State, until Hochchild's *King Leopold's Ghost*, published in 1998, the horrors of Leopold II's rule during the time was largely bypassed in general history. Relevant examples of contemporary scholarship on the colonial violence in Congo include: Hunt, *A Nervous State*; and Grant, *The Congo Free State*.
5. Particularly on mission and colonialism in Congo, see e.g. Markowitz, *Cross and Sword*; Mc Veigh, "The Early Congo Mission"; Grant, "Christian Critics of Empire"; Doherty, "The Congo Baolo Mission."
6. Merry and Brenneis, *Law and Empire*, 24.
7. Benton, *Law and Colonial Cultures*, 27.
8. Ibid., 25.
9. E.g. Asad, *Formations of the Secular*.
10. For theory and method: see e.g. Brettell, "Fieldwork in the Archives"; Benton, *Law and Colonial Cultures*; Benton, "Beyond Anachronism"; Starr and Collier, *History and Power*.
11. Whereas much mission history scholarship, as well as anthropological scholarship, has studied the work of protestant missionaries, few legal scholars have paid any substantial attention, other than to Roman Catholic colonial missionary work. See, for example, Anghie, *Imperialism*. Jedidiah Kroncke's book *The Futility of Law*, is an excellent, although rare, example of an in-depth study on the legal significance also of protestant missionary work. See also his "Missionary Knowledge," as well as Preston, "Standards for Righteous."
12. Benton, *Law and Colonial Cultures*, 28.
13. For a general background on Leopold's Free State, see Hochchild, *King Leopold's Ghost*. For a historical background of the Bakongo people and culture, see Renton et al., *The Congo*.
14. Larsson, "Att bygga ett samhälle."
15. See e.g. MacGaffey, "Ethnography and the Closing"; Markowitz, *Cross and Sword*; Mc Veigh, "The Early Congo Mission"; Hochchild, *King Leopold's Ghost*.
16. In legal analyses, "Christianity" and "the Church" are often conflated with the work of the Roman Catholic Church as a vehicle of colonial power and expansion of (international) law. For an overview, and examples to the contrary, see Slotte and Haskell, *Christianity and International Law*.

17. For previous research on the MCCS, see Larsson, "Att bygga ett samhälle"; Andreasson, *Liv och rörelse*; Axelson, *Culture Confrontation*; Lagergren, *Mission and State*; Lundqvist, *Ett motsägelsefullt möte*; Natermann, "To Maintain or Adjust."
18. Merry and Brennais, *Law and Empire*, 25.
19. See e.g. Sterzl, "Staten och Kyrkan."
20. Nylund, "Mixing Past and Future," 3.
21. Sunde, *The History*, 51.
22. Lundkvist, "The Popular Movements," e.g. at 228.
23. Benton, *Law and Colonial Cultures*, 264.
24. The "two kingdoms" is a reference to Luther (Luther, "Temporal Authority"; and usually also to Matthew 22:15–22, Mark 12:13–17), while the Augustinian tradition (invoked by Luther) invokes the "two cities" (St Augustus, *The City of God*). The notion of the "two swords" is also frequently used, and refers to Luke 22:36–38 and Matthew 26:50–52, and the theological traditions around it. All three notions and their theological doctrines share the understanding that that there are two powers, one spiritual-divine and the other temporal and earthly. Both are needed for God's plan. The central theological question is how the two powers relate to one another, and how the Church and Christians should relate to the two.
25. The main archive is "Svenska Missionsförbundet/Svenska Missionskyrkan" SE/RA/730284, https://sok.riksarkivet.se/arkiv/5p904qcobKwrZ8qql7HYi0, of which the following two posts contain the material from Congo: "Kongomissionen" [The Congo Mission] SE/RA/730284/5/**4** https://sok.riksarkivet.se/arkiv/5p904qcobKwrZ8qql7HYi0 and "Kongomissionen missionsstationer" [The Congo Mission Mission Stations] SE/RA/730284/5/**5** https://sok.riksarkivet.se/arkiv/DDnv1t7ZKas5CX5K66UyY7.
26. Van Reybrouck, *Congo*. The Official Bulletin of the Free State – *Bulletin Officiel État Indépendant du Congo* (BOEIC) is available here online at the Académie Royale des Sciences d'Outre-Mer, at: https://www.kaowarsom.be/fr/bibliotheque/bulletin-officiel-du-congo-belge. For an overview and guide to the colonial archives, see: Taller et al., *Belgique, Congo, Rwanda*. See also: Schuylenbergh and Leduc-Grimaldi, *The Congo Free State*; Piret, "Reviving the Remains."
27. Janzen, "Laman's Kongo Ethnography."
28. Kroncke, "Missionary Knowledge," 209. This was, of course, true for canon law training in the case of Roman Catholic missionaries, but as Kroncke points out, many missionaries from the US had training in law from law schools, and on their return played significant roles as legal and foreign policy advisers and scholars. This was, needless to say, not the case in the case for the MCCS missionaries. For a detailed account of the lives and background of the MCCS missionaries, see Lundqvist, *Ett motsägelsefullt möte*.
29. Lundqvist, *Ett motsägelsefullt möte*. On the significance of ethnographic training of missionaries, as well as the significance of ethnographic studies made by missionaries, see Kroncke, "Missionary Knowledge," especially at 208 note 33 with references. Doherty ("The Congo Baolo Mission," 77) notes that the protestant missionaries of Congo Baolo Mission (CBM) – a British Baptist mission society active in Congo in 1889–1915 – were trained artisans, often with a working-class background.
30. Kroncke, *The Futility of Law*. He notes, e.g. that "many original faculty positions with foreign orientation were filled by former missionaries" (214). Such positions, or equivalent positions in medicine or other practices, did not open up for the MCCS missionaries on their return to Sweden. On the lives of the MCCS missionaries, see: Lundqvist, *Ett motsägelsefullt möte*. For a comparison with missionaries of the CBM, see Doherty, "The Congo Baolo Mission."
31. The MCCS (now Equmenia) have maintained contact with the now independent Congolese churches until this day.
32. Mc Veigh, "The Early Congo Mission"; Thornton, "The Development." MacGaffey, "Ethnography and the Closing," 263. Thornton points out that the early Portuguese Roman Catholic missionaries were "tolerant of syncretism in Kongo" (147). As the kings and chiefs took on and adapted the Catholic faith, it developed into variants of faith and practices which later missionaries – Portuguese Roman Catholic arriving in the early nineteenth century, as well as the protestant missionaries arriving soon afterwards – did not recognize as Christian (147).
33. Fromont, *The Art of Conversion*. Remnants of both religious artifacts, such as crucifixes, and practices of Christian-and-local traditions remained.
34. Van Reybrouck, *Congo*.

35. Both by direct and indirect ownership and influence, Leopold set up a number of companies for commercial exploitation in Congo, including *The Union Minière de Haut-Katanga*, *Compagne de Fer du Congo*, the *Compagne des Magasins Généraux*, the *Compagnie des Produits du Congo*, and the *Syndicat Commercial du Katanga*. See: Renton, Seddon, and Zeilig, *The Congo*, 25ff.
36. The legal framework and basis of the Free State was established pursuant to the *General Act of the Berlin Conference on West Africa*, 26 February 1885. Available at: https://loveman.sdsu.edu/docs/1885GeneralActBerlinConference.pdf; as well as the legislative acts of the Free State – *Bulletin Officiel de L'Etat Indépendant du Congo* (BOEIC) – available at: https://www.kaowarsom.be/en/BOCB?fbclid=IwAR2mEJcIC1Ku4CQHM_txfEutl3ujF8Er1v4tSPFxpHx4uipJpHNuIi1jdos See further: Craven, "Between Law and History"; Reevs, "The Origin"; Ala'i, "Leopold and Morel"; Gathii, "How American Support."
37. According to missionary K. J. Pettersson ("Svenska missionsförbundets mission"), who arrived in 1883 as the third MCCS missionary in Congo, the Swedes had obtained the rights to a plot of land (*tomtplats*) for building the first MCCS mission station from Stanley's "commandant" (*Stanelys kommendant*).
38. Larsson, "Att bygga ett samhälle."
39. MacGaffey, "Ethnography and the Closing," 266. Hochschild, in *King Leopold's Ghost*, argues that the chiefs "had no idea what they were signing. Few had seen the written word before, and they were being asked to mark their X's to documents in a foreign language and in legalese" (72). Yet, the fact that Stanley – and Leopold – made the effort to make contracts in "legalese", i.e. legal language, speaks to the fact that there was at least nominally a recognition of sovereignty transferred from the Kings and local chiefs. This is evidence to the fact that the Bakongo Kings and chiefs were recognized as sovereign in the international legal sense of the time. Of the two colonial legal approaches to chiefs and chief sovereignty that Merry and Brenneis note – the British colonial rule generally sought to maintain the authority and power of the chiefs to rule indirectly, whereas e.g. the U.S. sought to "privatize land" to "convert [the local populations via Christian] into free labourers independent of their chiefs" (5) – the Free State took a less invested approach: although some argue that it was in part an indirect rule (e.g. Lowe and Montero, "Concessions, Violence") a more adequate description is one of mutual tolerance.
40. According to the Swedish missionaries, the Free State officials imposed very few restrictions on the way these chiefs handled local affairs as long as they provided taxation. Taxation, in this context, meant manpower for expeditions (carriers) and, in some cases, men for military service. See: Larsson, "Att bygga ett samhälle."
41. The MCCS had their origin in the Swedish Lutheran Church (Church of Sweden). Their original leaders were trained as Lutheran priests, but separated from the Church of Sweden in 1878 due to disputes over organizational and theological matters. The division between church and state became even more prominent in the MCCS, as they needed freedom of religion to practice their faith.
42. Doherty, "The Baolo Congo Mission," 79.
43. Missionary C. W. Lembke writes that "The state has, insofar as the Congo mission is expanded through the establishment of new stations, transferred to it the eternal rights to land for a small sum of money" [I den mån kongomissionen utvidgats genom nya stationers anläggande, har staten överlåtit jordområden till densamma för en ringa köpeskilling till evärdlig tid]. Lembke, *Londe station*, 385.
44. See Comarof and Comarof, "Christianity and Colonialism."
45. Larsson, "Att bygga ett samhälle."
46. See e.g. Lembke, "Londe station," 388: "[t]hrough the missionaries the natives are brought to a rather considerable degree of knowledge of the laws and regulations of the State, which in the service of civilisation are of great assistance in the suppression of unjust and cruel heathen customs and practices" [[g]enom missionärerna bringas infödingarne i ganska avsevärd grad till kännedom om statens lagar och bestämmelser, vilka i civilisationens tjänst äro till stor hjälp vid undertryckandet av orättfärdiga och grymma hedniska seder och bruk]. For a similar history of mission practice during the Free State era, see Doherty, "The Baolo Congo Mission."
47. Merry and Brenneis, *Law and Empire*.
48. E.g. Laman, *Några drag*.
49. Benton, *Law and Colonial Cultures*, 128.
50. Ibid.

51. This is a similar stance compared to many other protestant missionaries in Congo at the time. See: Doherty, "The Baolo Congo Mission."
52. Vansina, "King Leopold's Congo," 338.
53. Lundqvist, *Ett motsägelsefullt möte*, 38.
54. Lagergren, *Mission and State in the Congo*.
55. Viaene, "King Leopold's Imperialism," 752. Akin to a sovereign claim to crown property, in practice this meant that the local Bakongo population had no right to local resources and neither Free State legislation nor its implementation recognized the local slash-and-burn agriculture and the need for land to lay fallow. On land and property rights as key to colonial expansion, see Riles, "Law as Object," 192ff.
56. Benton, *Law and Colonial Cultures*, e.g. at 19.
57. Merry and Brenneis, *Law and Empire*, 26.
58. Benton, *Law and Colonial* Cultures, 253. See also Doherty, "The Congo Baolo Mission," 76.
59. Norberg, "Missionen i Kongo," 4.
60. See Larsson, "Att bygga ett samhälle."
61. The rights and duties of the Officiers de l'État Civile are set out in BOEIC, *no 2, État Civile, Chaptre 1*, 47ff. On institutions and order in the colonial context, see Benton, *Law and Colonial Cultures*.
62. Benton, *Law and Colonial Cultures*, 253.
63. Preston, "Standards," 229. For a comparison on how this was played out in Congo, see: Doherty, "The Congo Baolo Mission," 78.
64. Asad, *Formations of the Secular*. On missionary developmentalism, see Kroncke, *The Futility of Law*; and "Missionary Knowledge." On protestant mission and secular liberalism in the postcolonial context, see Preston, "Standards"; and Greenberg, "International Protestantism."
65. See further, MacGaffey, "Ethnography and the Closing."
66. The *Minsamu Miayenge* is part of the MCCS archive. On the centrality of the new bulletin for first person Bakongo accounts, see MacGaffey, "Ethnography and the Closing." On its function as a voice of Free State legislation, see Lembke, "Londe station," 388.
67. On the Swedish legal culture and context of the time, see e.g. Sunde, *The History.*
68. *Placat Och Förbud Angående The oloflige Sammankomster*, 12 January 1726 (Konventikelplakatet): https://stockholmskallan.stockholm.se/post/28107.
69. Sundström, "Svenska Missionförbundet 100 år."
70. Ibid. With funds collected from Church members the MCCS sent its missionaries to proselytize among the Sami of the Swedish areas of Sápmi (see *Svenska missionssällskapet kyrkan och samernas arkiv* [The MCCS and Sami archive at the Swedish National Archives]: SE/HLA/**3012459)**, as well as to do the same in Russia, Turkmenistan, Palestine, China, and – from 1881 and onwards – in Congo. See Larsson, "Att bygga ett samhälle."
71. *Nattvardspetitionen* [Petition on Communion], SE/RA/730284/13/**2.**
72. Pressklipp, Svenska Missionsförbundet / Missionskyrkan [Press clips, MCCS / The Mission Church] SE/RA/730284/1/F/F 6/F 6 A/F 6 AA/**193.**
73. Larsson, "Att bygga ett samhälle."
74. For similar observations of the British Baptist missionaries, see Doherty, "The Congo Baolo Mission." On the importance of individuality, see: Asad, *Formations of the Secular*; Preston, "Standards"; and Greenberg, "International Protestantism."
75. E.g. Martin Westling, Brev till Svenska Missionsförbundets Styrelse, 1 Januari 1906. Korrespondens internationellt arbete Kongo (E7aa:1.), Huvudarkivet, SMF-SMK, RA.
76. Doherty, "The Baolo Congo Mission," 79.
77. Merry and Brenneis, *Law and Empire*, 25.
78. Ibid.
79. See e.g. Ekman, "Om Kongomissionen."
80. The Kingenge mission station had been established in 1897, see: Widman, "Archives". Trials similar to the ones described in the Trials notebook are briefly mentioned elsewhere in the MCCS archives. For example, "hållit ett palaver", and in his autobiography published long after he was retired, K. J. Pettersson describes a court case in some details. However such accounts are rare, and to some extent "hidden" in the archives. The notebook under scrutiny in this article is an exception to this.
81. Andersson, "Korta biografier."
82. BOEIC 1899 (https://www.kaowarsom.be/fr/BOC_EIC_1899), Article 4b.

83. At least not in what we have been able to retrieve by searching the MCCS archive in Stockholm as well as the BOEIC.
84. The MCCS missionaries relied financially on donations from Swedish MCCS parishioners, which is why it may have been a sensitive issue to communicate about the trials. On the financial basis for protestant missionaries, see Kroncke, "Missionary Knowledge," e.g. at 217.
85. Benton, *Law and Colonial Cultures*, 253.
86. Collier, "A Chief," 51. Collier writes within the context of her work on Fiji and Hawaii. It is all the more interesting, then, that her typology speaks to the situation of the Swedish missionaries in Congo.
87. Ibid., 50. See also Talal Asad's critique of Clifford Geertz' anthropology of religion: Asad, "Anthropological Conceptions of Religion."
88. The full list: (1) chiefly laws, (2) laws for the chiefs' women, (3) laws for the chiefs' children, (4) laws regulating the ownership of slaves, (5) laws regulating the women of slaves, (6) laws regulating the children of slaves, (7) laws regulating the village community (in Swedish: *byalag*), (8) laws of the markets, (9) laws of theft at the market, (10) laws regulating agriculture, (11) laws of farm land peace, (12) regulations of animals, (13) laws of theft in general, (14) pre-martial sexual relations, (15) laws of marriage, (16) prohibitions of sexual relations after or during marriage, (17) inheritance laws, (18) laws regulating the return of bride wealth, (19) regulations of abandoned farm land, (20) regulation of war, (21) regulations of trials, (22) regulations of fist fights, (23) regulation of access to private property rights, (24) regulations of debts, (25) regulations of death penalties, (26) regulations regarding identification of magicians and witches, (27) regulations of ownership of land, (28) regulations of fishery, (29) regulations of hunting, (30) the legal requirement for husbands to bring protective fetishes to a sick spouse (32) regulations of burials, and (33) regulations of loans and interest rates.
89. Collier, "A Chief," 51.
90. Ekholm-Friedman, *Catastrophe and Creation*; MacGaffey, "Comparative Analysis."
91. Larsson, "Att bygga ett samhälle."
92. Wilhelm Sjöholm, Brev till Monsieur le Commissaire i Lukungu, 28 mars 1896, Korrespondens (E1:2), Mukimbungu missionsstation, SMF-SMK, RA.
93. "Som Staten säger att 'nloko' är intet". The Trials Notebook, case 5.
94. Doherty, "The Baolo Congo Mission," 79.
95. Benton, *Law and Colonial Culture*, 9.
96. Ibid., 253.
97. BOEIC 1904 (https://www.kaowarsom.be/fr/BOC_EIC_1904), 139. In translation to English: "There is no doubt that this is the result of secret actions more or less consciously undermining legal authority. The observation inevitably follows that this situation is revealed only in the vicinity of certain evangelical [protestant] posts, and it takes on a more significant character when we know the tendency of these establishments to exercise a sort of sovereign power over the surrounding populations, to impose itself on them in opposition to, according to the indigenous expression, 'Boula Matari', thus creating a state of antagonism between the influence of the oratories and the authority of state agents".
98. See, e.g. BOEIC 1901 (https://www.kaowarsom.be/fr/BOC_EIC_1901), 201ff.
99. Kroncke, "Missionary Knowledge," 202.
100. Benton, *Law and Colonial Culture*, 25.
101. Doherty, "The Baolo Congo Mission," 79.
102. Benton, *Law and Colonial Culture*.
103. As is evident from the report in the BOEIC 1904.
104. Lundkvist, "The Popular Movements."
105. Benton, *Law and Colonial Culture*, 253.

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