

Belgian federalism in crisis: the failure of a multi-linguistic state

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'When a people shall have become incapable of governing themselves, and fit for a master, it is of little consequence from what quarter he comes'.

George Washington, Letter to Lafayette, 1788

Abstract

Belgium, a country in the heart of Europe, has no effective government since 2007. The political elites of the Flemish and the French speaking side are not able to find a compromise on the reform of the federal system. In this article an analysis of the causes of this long lasting crisis is developed. First, the difference of politics concerning policy within a given political entity (policy-politics) and politics about the optimal scope and size of a political entity (polity-politics) is explained. It is argued that a democracy can barely function when facing at the same time policy- and polity-conflicts. Such a combination prevents political transparency and degrades the quality of political decisions due to the linking of short-term decisions with long-term ones. The instability of the structure of the Belgian state has its historical roots in a weak historical identity and a low level of internalisation of Belgian nationhood among the Flemish population. This latter has its origins in a century long French cultural domination. While Switzerland remains a stable multi-linguistic state, Belgium fails in this respect. Three differences can explain this: Belgium has a past of cultural domination of one linguistic group by another; in Belgium social-economic characteristics are congruent with linguistic ones; in Belgium the federal authority is eroded by the growing powers of Europe. The prediction is that Belgium will continue to exist in the coming decades as a confederation. Due to asymmetries in nationhood-consciousness between the Flemish and French speakers, to the fear of impoverishment in the Walloon region and to the complex situation in Brussels, this transformation will be a long and painful process.

Section 1: There is a crisis.

Since June 2007 Belgium had no effective federal government. After the elections in June 2007 it took six months before a provisional government under the leadership of the demissionary Prime Minister Guy Verhofstadt could be set up. In April 2008 this provisional government was converted into a regular one, led by Yves Leterme, but he had to resign in January 2009 in the aftermath of 'Fortisgate'¹. Herman Van Rompuy became the new prime

¹ 'Fortisgate' is the name for the interference by some cabinet members of the Belgian prime minister in the decision making of the Brussels Court of Appeal. This court held that the decision to sell the biggest Belgian bank Fortis to the Banque National de Paris was illegal by lack of approval by the General Assembly of

minister but resigned to become ‘president’ of Europe. Yves Leterme became prime minister again but his government lost its majority in April 2010 because the Flemish liberals stepped out of the coalition. Since the elections of June 2010, won by the centre-right Flemish nationalists in Flanders and by the socialists in Wallonia, negotiations to start up a new government have yet to begin. Although this long lasting crisis is beneficial for the size of the Law Bulletin- few new federal laws are voted- everybody agrees that drastic reforms have to be implemented in order to save the ailing Belgian welfare state system, one of the most generous in the world. To mention some of these urgent reforms: 1) in the coming years ageing costs (pensions, medical care) are expected to rise considerably; this can only be coped by an increase in the pension age, drastic cuts in other government expenses and new taxes²; 2) government debt is at 96 % of GDP; Europe requires a balanced budget in 2014; to attain this target again serious cuts in expenses and/or increases in taxes are necessary; 3) Belgium is flooded by illegal immigrants and asylum-seekers, imposing serious costs on welfare provisions; drastic reforms in asylum-procedures and immigration laws are necessary. In the absence of an effective federal government all these important and urgent reforms are delayed to the extent that they may become non-manageable. For Belgium this could mean brutal impoverishment, political chaos and a creeping take over by European institutions. A constitutional system, which is not able to generate reforms in order to avoid such outcomes, is in a deep crisis.

In the next sections the origins of this crisis are analysed. Our analysis may contribute to the theory of federalism and imply suggestions for constitutional safeguards to avoid such crises in the future.

In section two we develop the distinction between ‘policy-politics’ and ‘polity-politics’ in order to show that lasting instability on both levels is detrimental to democracy.

In section three an outline is given of the historical origins of the Belgian federal crisis.

In section four we explain why Belgium has failed to become a multi-linguistic state and evolved to an unstable bi-national state. To explain this we compare the Belgian situation with Switzerland, also a multi-linguistic country.

In section five we explain why the process of reforms to adapt the constitutional structure to the bi-national reality is so painful and may end up in a chaotic separation climax.

Section 2 Constitutional instability: policy-politics and polity-politics

Politics are usually defined as the art of decision-making concerning a given political entity. Since Aristotle the political entity is considered as a communitarian/territorial unit³, which is wider than the individual, the family or the village⁴. According to this definition political discussions turn around appropriate policies, i.e. bundles of coherent measures to promote the ‘common wealth’ of the members of the political entity. Political science focuses on the

shareholders. Members of the cabinet of the prime minister used their link with one judge of the Court of Appeal in order to change the decision.

² According to the estimates of the official ‘Studiecommissie voor de vergrijzing’ (Commission for the Study of Ageing Problems) social expenses in Belgium will rise from 25 % of GDP in 2009 to 32% in 2060. In order to cope with these rising costs additional cuts in the budget of 20 billion Euro would be necessary (Report Itinera Institute 2010/23)

³ As we keep the notion of a political entity as open as possible we do not make a conceptual choice between a political entity rather defined by its communitarian bonds than by its territorial circumscription.

⁴ ‘When several villages are united in a single community, perfect and large enough to be nearly or quite self-sufficing, the state comes into existence for the sake of the good life. And therefore, if the earlier forms of society are natural, so is the state, for it is the end of them, and the completed nature is the end’. Aristotle, Politics, Book I, 1252 in *The Politics of Aristotle*, ed. B.Jowett, Oxford, 1885, p. 3

analysis of policy-producing processes and on the normative discussion on optimal policies, usually encompassed by the notion of ideology.

However, politics is not only on policy as defined above. Even a cursory overview of political history shows that many political discussions, movements, antagonisms and conflicts do not concern policies within a given political entity but question in which political entity we should pursue the 'common wealth' through different policies. Hence we distinguish policy-politics and polity⁵-politics. To draw some parallels: companies can discuss their commercial and managerial strategy, but can also discuss the merger with other companies, the breaking up of the company, the end of the company; religious associations may quarrel internally about the meaning of their 'Books', but they can also discuss the separation from the motherhouse or the merger with a formerly competitive association.

Policy-politics involves issues such as

- The scope, the structure and the strategy of collective services and collective goods
- The rights and the obligations the members have vis-à-vis the polity as a whole and vis-à-vis each other
- The kind of relationships with other political entities and the correct strategy to adopt in these relationships.

In the field of these issues broad ideological traditions were developed such as liberalism, socialism, communism, corporatism, conservatism, etc.

Polity-politics involve issues such as

- Secession in order to establish a new communitarian/territorial unit (p. ex. the secession of the Czech Republic and Slovakia, of South-Soudan from Soudan, of Kosovo from Serbia, of Montenegro from Serbia, etc.)
- The merger of political entities (p. ex. the merger of Egypt and Syria to establish the United Arab Republic (1958-1961))
- Federalisation as a result of the establishment of different sub-polities within a given unionist entity (p. ex. Belgium since 1980, Italy, Spain) or as a result of the establishment of a supra-political level (p.ex. the European Union)
- The 'confederalisation' of a given political entity by which this entity is split up in several sovereign entities but maintaining common institutions with limited competences (p.ex. Belgium in these days?)
- The changing of the territorial borders of a political entity in order to annex new territories and new populations (p.ex. the U.S. acquiring about one third of the territory of Mexico during the nineteenth century) or the expulsion of territory and populations (p.ex. the expulsion of Singapore from the Malaysian federation in 1965)

⁵ The meaning of the term 'polity' is not very clear. Mostly it refers to a political authority related to a geographical area within which it has jurisdiction. In this article it applies to all political entities.

Also about the issues, involved in polity-politics, ideologies have been developed, albeit to a lesser extent. As the main ideologies on polity-politics we distinguish:

- **Nationalism:** polities should coincide with nations and nations are defined as pre-political (more or less) coherent communities⁶. As a polity-ideology nationalism is, at least since the American and French revolutions, by far the most successful ideology pushing all competitors either in the reactionary intellectual camp (feudalism, religious communitarianism, dynasticism, tribalism, imperialism) or in the area of political utopias (libertarian anarchism, cosmopolitanism). Often nationalism pretends to be also a policy-ideology. This pretention is often based on the possibility to derive from national identity and the common characteristics of the members (racial, cultural, religious, linguistic, etc.) the policy-principles appropriate for the national community. In this case policy-nationalism is rival to other established policy-ideologies such as liberalism and socialism. In countries ridden by polity issues (p. ex. separatist movements, tensions between federal member-states and the federal government) parties focusing on these issues often adopt versions of policy-nationalism in order to provide themselves with an image of ideological coherence and completeness.
- **Political feudalism**⁷: the polity is a patchwork of feudal entities ruled by a contractual and hierarchical network of feudal lords and vassals. The feudal prince (king, emperor) constitutes the top of the feudal pyramid but he has neither direct regulatory nor taxing power on his subjects, living under the jurisdiction of their lords.
- **Imperialism-colonialism:** one polity has the right to rule other polities, which are then reduced to an inferior political status such as colonies, protectorates, provinces, etc. While empires in antiquity did not care for ideological justification – the stronger rules the weaker- modern imperialism arrogated for itself a mission of civilisation. More developed nations should rule less developed peoples in order to bring them to higher levels of wealth and civilisation (British Empire, French, German, Dutch, Belgian, Spanish and Portuguese colonial empires)⁸.
- **Religious communitarianism:** the polity is the community of the faithful. Religious communitarianism is the most radical denial of the secular state as it claims the

⁶ In the same sense Ernest Gellner in Nations and Nationalisms, Oxford, 1983: 'Nationalism is primarily a political principle that holds that the political and the national unit should be congruent'. This definition tells us more about what nationalism is certainly not (imperialism, feudalism, etc.) than what it is. For a further clarification of nationalism everything depends on the meaning of the notion of 'nation'. Benedict Anderson defines nations as imagined communities emphasizing that national communities surpass the boundaries of actual communities (families, associations) the members of which know each other personally. In the national community the commonality between the members is 'thought' and is submitted as Renan stated, to a daily referendum. (See Benedict Anderson, Imagined Communities: Reflections on the Origin and Spread of Nationalism, 1991). A further concretisation of 'nation' leads also to divergent versions of nationalism such as civic and liberal nationalism (the nation is a value community around political values and political procedures), ethnic nationalism (the nation is a community of people with the same ethnic origins, language and traditions, revolutionary nationalism (the nation is the people, suppressed by capitalist imperialism).

⁷ Political feudalism has to be distinguished from mere economic feudalism. In the latter case political power is rather centralized in the hands of the king, while feudal lords control agricultural production through large land-holdings and personal control of their tenants. Since the Norman Conquest in 1066 England shifted towards mere economic feudalism while the European continent remained for a further two centuries in a situation of feudal political fragmentation.

⁸ For a reappraisal of the British Empire (Pax Britannica), see Deepak Lal, In Praise of Empires, New York, 2004

complete coincidence of political entities with religious entities. Religious communitarianism often conflicts with existing polities, based on other principles. In West-European Christianity the idea of the Res Publica Christiana, led by the pope and claiming to have supervision of all Christian secular rulers, conflicted with the cesaro-papism of the emperors of the Holy Roman Empire of the German Nation, claiming to have supervision of the church⁹. In Western-Europe the first vision prevailed during the twelfth and the thirteenth century. In Eastern-Europe cesaro-papism prevailed, first in Constantinople, later in Moscow. In the Muslim-world the idea of a political community of all Muslims (the ‘umma’), actively promoted by international Muslim-groups such as El Qaeda, poses a serious threat to the political stability of the nation-states in this part of the world.

- **Tribalism:** the tribe, i.e. a group of people, believed to have a common ancestry and practicing common religious and customary rituals, is the polity. Tribalism is more a political practice than an ideology. In Africa the non-congruence of the pre-colonial tribal organisation with the borders of the nation-states, originating from the colonial carving up of the continent, remains a source of numerous, long lasting and violent conflicts. To a certain extent German national-socialism consisted of a revival of tribalism, wrapped into the pseudo-scientific cover of racism. Often national-socialism is defined as an extreme case of nationalism. It is doubtful whether this label is correct as the emphasis on the unity of the ‘Volksdeutsche’ across many nations prevailed over the stability of the ‘Reichsdeutsche’ nation-state.
- **Dynasticism:** the polity is or are the communitarian/territorial units ruled by a common dynasty. This ideology prevailed in Europe from the sixteenth until the eighteenth century and continued to exist in Central- and Eastern-Europe with the Habsburg Austro-Hungarian Empire. When the populations, ruled by the dynasty, were rather homogeneous, the dynastic state converted easily into a modern nation-state¹⁰. This was the case for many European states such as France, England, Spain, Portugal, and Poland. This was not the case for the Habsburg dynastic conglomerate. As a consequence it fell apart after defeat in World War One.
- **Cosmopolitanism:** the polity is the global community of human beings. The term is mostly used in a non-political meaning, i.e. an internationalised life- style. When it claims to have a political meaning cosmopolitanism refers to a preference for international conglomerates of nations as the most important political level¹¹. Cosmopolitans favour human rights made enforceable on an international level, international trade communities, international levels of redistribution (‘global solidarity’) and international currency.
- **Libertarian anarchism:** the polity is the individual human being. Broader political entities should be based on contracts between individuals, having always the right to

⁹ On this struggle and its impact on the evolution of the legal tradition see Harold Berman, Law and Revolution. The Formation of the Western Legal Tradition, Cambridge (Mass.), 1983

¹⁰ Of course often dynasties tried to homogenize their heterogeneous population in order to evolve from a simple dynastic seventeenth century-style state, towards a dynastic nation-state. The most prominent example is the Russian czarist regime, developing major political campaigns of Russification. Many revolts under the czars had their roots in the opposition against Russification and not in mere class struggle.

¹¹ For an ethical and educational version of current cosmopolitanism see Martha Nussbaum, Cultivating Humanity. A Classical Defense of Reform in Liberal Education, Cambridge(Mass.), 1997

exit the community¹². There are no examples of lasting polities based on this principle. Some polities however came close to this model such as the medieval cities, based on constitutional contracts between the citizens¹³. In libertarian anarchism the basic principles to order society (individual freedom, property, contracts and liability) are the same as for polity-formation. Libertarian anarchism is at the same time a polity- and a policy-ideology.

Comparing policy-conflicts and polity-conflicts we should remark that the former involve much more violence than the latter. Wars of conquest, civil wars, separatist insurgencies, wars of independence, are all related to polity conflicts. The remaining centres of political violence in Europe concern polity conflicts: ETA in Basque region against Spain, the IRA in Northern Ireland against the British or Kosovo against Serbia. Needless to say that the Israel-Arab conflict is a multi-faceted polity-conflict.

Polity-conflicts are not necessarily violent. Often they appear as an issue within the peaceful competition between political parties of a democratic state. Although a democratic and peaceful dealing of polity issues is by far preferable to violent struggle, the combination of policy-politics and polity-conflicts within a single democratic system places a heavy strain on this system and risks to destabilizing and paralysing it.

We distinguish two main difficulties for democracies, dealing at the same time with polity- and policy-conflicts, namely low transparency of the political market and the difficulty of making stable compromises.

As with the commercial market, efficiency on the political market is enhanced by transparency. Political parties are supposed to offer in their party-program a coherent bundle of policy-proposals. In these policy-bundles multi-issue-parties such as socialists, liberals and conservatives, used to integrate within their programs internal trade-offs about the current political dilemmas, as for instance on the balance between expenses and taxes, the distribution of social benefits and the interregional spread of public investments. Taking into account the complexity of policy-issues in modern omni-competent governments, transparency for the voters remains problematic, even within stable and non-contested polities¹⁴. Things become however much more difficult when policy- and polity-issues are both at stake within the political market.

Vis-à-vis the policy-polity-combination we can distinguish three types of structuring within political markets:

- **Political parties are divided along policy-lines but offer also solutions on the polity-question.** Such a situation existed on the Belgian political market between 1945 and 1961. The political landscape was dominated by christian-democrats, socialists and liberals. The Flemish wing of the christian-democrats was in favour of granting the Flemish ‘cultural autonomy’ (linguistic matters, cultural policy, education), while the socialists and liberals remained in favour of the unitary status-quo. This changed from the sixties on when in the three parts of the country

¹² For a discussion on libertarian anarchism see Boudewijn Bouckaert, *Anarchy, State and Somalia. Reflections on the Viability of Anarchy and the Consequences of Privatized Justice* in Thomas Eger, Jochen Bigus, Claus Ott, Georg von Wangenheim (eds), *Internationalization of the Law and its Economic Analysis*, Wiesbaden, 2008, p. 707- 719

¹³ On medieval cities see Boudewijn Bouckaert, *Between the Market and the State: The World of Medieval Cities*, in Gerard Radnitzki, *Values and the Social Order. Volume 3*, Aldershot, 1997, p. 213-241

¹⁴ Huge information-asymmetries between voters and the suppliers of policies explain a lot of irrationality in politics. See for instance Bryan Caplan, *The Myth of the Rational Voter. Why Democracies choose Bad Policies*, Princeton and Oxford, 2008

autonomist parties started to prosper in the voting booths (Volksunie¹⁵ in Flanders, FDF¹⁶ in Brussels, RW¹⁷ in Wallonia). A similar situation prevails in the United States where the political market is dominated by Democrats and Republicans, both policy-parties, but where Republicans favour more state-power ('The New Federalism') while Democrats favour more federal power.

The polity-policy-combinations do not always reflect the combinations preferred by the voters. Suppose the right-wing party is autonomist and the left-wing party is unitary. Right wing voters with unitary leanings and left wing voters with autonomist leanings are 'forgotten' in this political setting and have to make a meta-choice on choices: should they vote according their viewpoints on policy- or on polity-issues?

- **Political parties are divided along polity-lines but offer also solutions on policy-issues.** Such a situation prevails in Northern Ireland where Unionist Parties (Democratic Unionists of Ian Paisley, Ulster Unionists) cast about 50 % of the votes while republican parties (Sinn Féin, Social Democratic Labour Party) cast about 38% of the votes. A cross-community party such as the Alliance Party casts only 5,2 % of the votes. The same problem prevails here as in the former structure of the political market. The polity-parties combine their views on the future structure of the polity (Unionists in favour of a lasting union with England, Scotland and Wales within the United Kingdom; Republicans in favour of a unification with the Irish Republic), with views on policies. Sinn Féin, and especially its former armed wing the official IRA, adopted an extreme left wing ideology. The official IRA for instance assisted North Korea in fabricating forged dollar notes. Nevertheless these extreme leftist movements promoted the merger with a centre-right country where few will applaud Marxist revolutionary action. Right-wing nationalists and left-wing Unionists in Northern Ireland are also faced with a choice between choices.
- **On the political market there are as well policy-orientated as polity-orientated parties.** Such a mixed situation prevails now in Belgium: in Flanders polity-oriented parties cast about 43 % of the votes (N-VA 27 %, VB, 13 %, LDD¹⁸ 3%) while the policy oriented parties cast about 53 % of the votes (Christian Democrats 17 %, Socialists 15 %, Liberals 12 %, Greens 8 %). A similar situation prevails in Cataluña where the separatist parties obtain about 48 % (CiU 38 %, ERP 7 %, Solidaritat Catalana 3 %) while the more federalist or even unitary parties obtain about 30 % (PSC 18 %, PPC 12 %). In the Catalan case voters do not face the hard choices as in the first two situations. They can combine left-right-wing policy options with unitary-separatist polity-options. Such mixed political markets are however

¹⁵ The Volksunie started as a party in the fifties in order to curb the legal consequences of the repression against Flemish collaborators with German occupiers in World War II but evolved soon to a multi-issue party with a nationalist-left liberal programme. Its electoral results peaked in the early seventies. In the eighties the party split into a radical right-wing party (the present Vlaams Belang, VB), a centre-right party (the present N-VA) and a left wing party (Spirit, now absorbed by the socialists).

¹⁶ The 'Front Démocratique des Francophones' (FDF) became the strongest party in Brussels during the seventies and the eighties. It organised the resistance against the Flemish presence in Brussels and aims at an expansion of the bilingual region of Brussels into Flanders. It is still a considerable political force in Brussels but in alliance with the French-speaking liberals of MR (Mouvement Réformateur).

¹⁷ The 'Rassemblement Wallon' was the offspring of the radical leftist strikes in Wallonia in 1961. Many leftists in Wallonia considered Belgium as a tool of Flemish reactionary and capitalist politics. They promoted Walloon autonomy in order to develop a radical socialist experiment in that region.

¹⁸ Libertarian, Direct, Democratic (LDD) is a radical liberal party also favouring a wide autonomy of Flanders and Wallonia. Its electoral results peaked in 2007 and 2009 but the party lost most of its voters in 2010 to the soaring N-VA.

problematic for government-formation. When all positions on the matrix of policy- and polity-positions have to be represented by different political parties the political landscape risks to becoming extremely fragmented by which transaction costs for government formation become extremely high.

Beside transparency and the ensuing ill representation of voter's preferences, political markets in which policy- and polity-issues are at stake present another danger. Polity-issues differ from policy-issues in that decisions on that level are more difficult to reverse. Take for instance a policy-issue par excellence, taxation. Socialists, favouring higher taxes on companies, but willing to participate in a government with centre-right-parties, can easily make concessions on lower taxes on companies hoping that with the next election their party will be stronger and consequently able to bargain away this lowering. As the decision is easily reversible the stakes are not that high during the negotiation. The situation is different with polity-changes. These changes imply competence-shifts, i.e. power-shifts on a long term. Once a competence is shifted for instance from the Belgian federal level to the regions, there is little hope these competences will be re-shifted in the coming decades. The same applies for bottom-up competence-shifts from the member-state to the European Union. These shifts are usually protected by constitutional safeguards. Once in action bureaucracies and other power groups crystallise around the competence. These bureaucracies create their own legitimacy among the population. This all contributes to the relative irreversibility of competence-shifts. For political elites within democracies polity-changes involve a lot of uncertainty as the devolved competences will have to be exerted within a new balance of power. Political parties are not sure whether they will be winners or losers in this new constitutional setting. Particularly the parties, orientated rather towards policy-issues, will be risk-averse and prone to delaying new competence-shifts. As in political markets with policy- and polity-issues at stake at the same moment, decisions have to be negotiated on the two levels. In such a two-tiered negotiation-setting things can go wrong in two directions. Either parties repeatedly delay more urgent decisions on policy-issues because they are afraid to dive into the unknown of new competence-distributions. Or parties, chased by urgent policy-issues decide too quickly and too slovenly on the current polity-issues so that no stable reform on the polity level is accomplished¹⁹.

To conclude this section, we must state that a steady combination of polity- and policy-issues within a democracy is poisonous for a sound functioning of democracy. It obliterates the view of the voters on political party programmes and either delays urgent decisions on the policy-level or it urges politicians to make half-hearted polity-reforms, creating a hotbed for new conflicts. This combination has been on the Belgian political menu for more than forty years. This combination makes politics in Belgium non-transparent, it exhausts politicians and citizens alike and must lead to a catharsis in which nobody knows whether there will be a happy end.

Section 3 Born to be split: Belgium a failed democracy?

Present Belgium is part of the historical 'delta-area' in Europe (the 'Low Countries'), the geographical area where mighty and navigable streams find their way to the North Sea (Scheldt, Meuse, Rhine). Although the area was formally part either of the feudal French kingdom or of the feudal German empire, political control from these rulers was weak. The

¹⁹ This occurred in the constitutional reforms in Belgium in 1970, 1980, 1987, 1993 and 2003. Constitutional reforms were decided during nightly meetings between parties under the pressure of the ordinary political urgencies.

feudal entities of this area (p.ex. Flanders, Brabant, Holland, Zeeland, Luxemburg, etc.) developed as near independent entities. Due to its accessible location the area enjoyed rapid economic growth from the twelfth century on. In the fifteenth century the Duke of Burgundy was able to bring nearly all the entities under his rule. Under the Habsburg emperor Charles the Fifth the entities of the Low Countries became a single administrative and dynastic entity, relatively independent from the German Empire. Common legislative, executive and judicial institutions were established. The nascence of this nation-state was brutally disrupted by the Dutch revolt against the Spanish king. This revolt was fuelled not only by religious antagonisms but also by strong disagreements on tax policies. The Dutch revolt led to the independence of the Republic of the United Provinces, probably one of the most successful political experiments in world history²⁰. The southern part of the Low Countries remained subjugated by the Spanish.

While the Dutch Republic developed as a nation state with a proud patriotic feeling, the south languished politically as a loose conglomerate of regions under foreign domination. The lack of political autonomy and the weak feeling of 'togetherness' were not favourable for the emergence of a political identity. If any identity developed at all it was a religious one, i.e. as an outpost of catholic contra-reformation. Only at the end of the eighteenth century did some political identity appear, when most of the Southern Netherland regions revolted against the Austrian emperor. Much inspired by the French and American revolutions the 'United Dutch States' or the 'United Belgian States'²¹ were briefly established. The Austrians suppressed this revolt and soon after this the French annexed the Southern Netherlands and ruled it from 1794 until 1814. During this occupation the intellectual and administrative elites in the Dutch-speaking northern part of the Southern Netherlands (present Flanders) were thoroughly 'frenchified'. After the French defeat the members of the Holy Alliance at the Congress of Vienna decided to establish a strong state between France and Germany, the United Kingdom of the Netherlands. This kingdom lasted only fifteen years. In the South two powerful elite groups contested the authority of the Dutch king. The conservative catholic elites abhorred the Dutch king for his Protestantism while the leftist liberal elites, including many French exiles, considered the rule of the Dutch king too authoritarian and linguistically too Dutch-leaning. In the summer of 1830 workers rioted for redundancies. Civil guards restored order but also proclaimed the autonomy of the Southern provinces. As the Dutch troops were not able to suppress this revolt very quickly, the revolt spread rapidly, especially in the French-speaking south of the country. As the independence movement ran against the contra-revolutionary deals, made at the Vienna conference, the members of the Holy Alliance had to come to rescue to the Dutch king. The Russian czar was ready to intervene but his troops were held up by the Polish uprising. After a war with the Dutch kingdom in which the Belgian revolutionaries were rescued from defeat by the French army, the Belgian state seemed to stabilise and the main European powers, especially the United Kingdom, recognised Belgium as an independent state. Between 1830 and 1914 Belgium functioned quite well as a nation-state. The coherence of the state was built on a common language, i.e. French, on a liberal constitution providing a kind of 'Verfassungspatriotismus'²² and on a strict bourgeois-rule by which most of the population remained deprived from political influence. The French cultural and linguistic coherence of the political elites constituted the firm foundation of the Belgian state. The Belgian bourgeois elites agreed on a strict *laissez-faire* in social and economic

²⁰ On the Dutch republic see Jonathan Israel, *The Dutch Republic. Its Rise, Greatness and Fall, 1477-1806*, Oxford, 1997 and Simon Schama, *The Embarrassment of Riches*, New York, 1987

²¹ Until the 19th century the term Belgium and Netherlands were used interchangeably. Only with the Belgian independence in 1830 Belgium got its present meaning.

²² The notion was developed by Dolf Sternberger (*Verfassungspatriotismus*, Frankfurt a.M., 1990) and Jürgen Habermas (*Staatsbürgerschaft und Nationale Identität*, in *Faktizität und Geltung*, Frankfurt a. M., 1992)

affairs but disagreed strongly on matters of secularism and education (Catholics vs. liberals). Due to the liberal character of the Belgian state Dutch remained tolerated on the local political level and in primary schools.

Unlike the French state, the Belgian state never tried to eradicate completely non-official languages and cultures. This allowed the so-called Flemish movement to develop. During the nineteenth century the claims of the Flemish movement, supported by the middle classes in the Dutch speaking part of Belgium, were limited to linguistic matters. Dutch should be allowed in secondary schools, Dutch had to be recognized as an official language in the courts, a Dutch-speaking university had to be established, all civil servants in the Dutch speaking part should be bi-lingual. These claims, however evident they may seem now, were only slowly and with much struggle conceded by the French-speaking elites. After the First World War a part of the Flemish movement turned nationalist and claimed a federal state, a Flemish independent state or unification with the Netherlands. Due to general voting rights, granted after the war, Dutch speaking elites entered the political stage and started to claim either generalised bilingualism in the whole of Belgium, or an exclusive monolingual zone in the North and a Francophone one in the South. As the French speaking elites feared the penetration of Dutch in Wallonia they agreed with linguistic exclusivity in the North for Dutch and for French in the South, while for Brussels bilingualism was adopted.

Since the Nineteen Thirties Belgium has been a multi-linguistic state, to be compared with Switzerland. In contrast with Switzerland, a coherent nation-state, Belgium evolved towards an incoherent bi-national state. What causes the difference between Belgium and Switzerland?

Section 4: From a multi-lingual state to a bi-national state

Switzerland has four official languages : German (63,7 % of the population, 72,5 % of the Swiss citizens), French (20,4%, 21%), Italian (6,5%,4,3%), Romansch (0,5%, 0,6%).

Most of the 26 cantons are linguistically homogeneous. Three cantons are bilingual and one is trilingual.

Notwithstanding Switzerland has enjoyed constitutional stability since 1848, when the Old Swiss Confederacy was transformed into a federal system, with strong similarities to the American one. No separatist movements to break away from the Swiss federal state developed. On the contrary, the Austrian province Vorarlberg voted in 1920 with an 80 % majority to join the federation but this was vetoed by the Allies and the non-German speaking Swiss. An internal separatist movement developed however. During the seventies the French speaking part of the Bern canton, i.e. the Jura, asked for independence from Bern. After a general referendum in 1979 the Jura was given the full status of a canton.

Belgium has three official languages: Dutch (59 %), French (40 %), German (0,7 %). The regions of Flanders and Wallonia are linguistically quasi-homogeneous, with exceptions in the border-area of the Brussels region where some Flemish municipalities have French speaking linguistic majorities of more than 80 %. As already mentioned, the region of Brussels has an officially bilingual status, although French is the main language of a majority of the population.

In contrast to Switzerland, Belgium does not enjoy constitutional stability at all. During the 1930-ties mono-lingual areas were established. The Flemish movement and several Flemish political parties also asked for autonomy on matters such as culture, linguistic affairs and education ('cultural autonomy'). The Second World War, during which the Flemish-

nationalists²³ collaborated with the German occupier, and the post-war repression by the Belgian authorities dampened these claims for some years but they flared up again during the sixties with renewed power. Meanwhile, also in Wallonia autonomist tendencies developed. After a failed general strike of the socialist unions in 1961, which was generally followed in Wallonia, but very little in Flanders, the Walloon left started to claim social and economic autonomy in order to be able to pursue a radical socialist policy, not hampered by Brussels capitalists and Flemish conservatives. Both pressures led to many successive constitutional reforms in 1970 (cultural autonomy), 1980 (regional economic autonomy), 1987 (establishment of constitutional court and deepening of regional autonomy), 1993 (settlement on Brussels; Belgium becomes officially a federal country) and 2001 (more fiscal autonomy for regions). These successive and often very complicated constitutional reforms did not introduce a long-lasting rest in political Belgium. Most Flemish political parties continued to ask for more devolution of competences and more fiscal responsibility. Among the Flemish parties a wide polity-political spectrum continues to exist, ranging from radical separatists, confederalists, supporters of the status-quo and unionists. In this spectrum the separatists and the confederalists are overwhelmingly in the majority²⁴. Without them, no federal government can be set up, by which new and thoroughgoing reforms remain inevitable.

For this widely diverging development in two multi-lingual democracies we distinguish three explanations: the prehistory of cultural dominance by the French-speakers, the coincidence of linguistic diversity with social-economic diversity and the European factor.

In Switzerland no linguistic group tried to dominate the other ones. In the Old Swiss Confederacy the languages were protected by the thoroughgoing autonomy of the cantons. In modern federal Switzerland the languages enjoy strong constitutional protection. As a consequence, Swiss linguistic groups never ‘imagined’ themselves as political communities, as nations. The ‘Verfassungspatriotismus’ of the Swiss, built on their confederal-federal constitutions with an emphasis on direct democracy and on their long shared history of resistance against powerful neighbours, overrides any awakening of linguistic secessionism. Belgium to the contrary has a history of cultural dominance of the Dutch-speaking by the French. In its struggle against this dominance, the Dutch-speaking linguistic group gradually developed a feeling of a nation within a nation. Gradually the Dutch-speakers in the North, speaking a variety of Dutch dialects in the nineteenth century, started to consider themselves as Flemish instead of Dutch-speaking Belgians. The association of the Belgian state with French cultural dominance resulted in a fairly low internalisation of Belgian authority in the Flemish mindset. Belgium was not ‘our state’ but ‘their state’. French cultural dominance ended several decades ago. But the ‘imagined community’ of political Flanders had already been shaped. During the 1950-ties and 1960-ties the community feeling was strengthened by the development of the popular mass media radio and television²⁵. The emergence of mass

²³ The Flemish nationalist movement VNV, representing about 20 % of the Flemish population collaborated with Nazi-Germany in the naive hope that Germany would grant Flanders independence. Unlike the Flemish SS and the Walloon Rex-movement, the Flemish nationalists did not participate in the persecution of the Jews in Belgium. However, they did not raise a single voice of protest either.

²⁴ In June 2010 the N-VA (centre-right nationalists) obtained 27 %, the christian democrats 17 %, the socialists 15 %, the Vlaams Belang 14 %, the liberals 13 %, the Greens 7 %, LDD 3,9 %. Only the socialists and the Greens are in favour of a federalist status-quo. All the other parties favour strong devolution in favour of the regions.

²⁵ In the nationalism-theory of Benedict Anderson mass-media such as the printed press (‘print-capitalism’) played a crucial role in the formation of nation-states. The mass –media constituted a platform, by which the elites communicated among each other and distinguished themselves from other elites, reading other mass

media however cannot be considered as an autonomous drive of Flemish community-feeling. Switzerland too has its German, French and Italian radio- and television-stations. This however does not lead to linguistically based secessionism.

In Switzerland neither political nor economic diversity coincides with linguistic diversity. In all linguistic groups the same all-Swiss political tendencies are represented (conservative nationalists, socialists, liberals, christian-democrats). Traditionally the 'left' is somewhat stronger in the French-speaking areas while the 'right' is somewhat stronger in the German-speaking areas. These differences are however not strong enough to speak about a left wing 'Suisse Romande' and a right wing 'Deutscher Schweiz'. Concerning economics, both most important linguistic areas, the German and the French, have a mix of rural-touristic areas and urbanised areas with developed industrial and service sectors. This more or less equal economic development makes huge and systematic financial transfers from one linguistic area to another unnecessary. Although there are transfers on the federal level between richer and poorer cantons, they are not perceived as transfers between linguistic groups.

In Belgium by contrast, political and economic diversity coincides to a much larger extent with linguistic diversity. Politically centre-right- parties dominate in Flanders. Until the 1950-ties christian-democrats were in overwhelming majority. Since then, other centre-rights parties, such as the Flemish nationalists and the liberals took large shares of the votes. Although more fragmented than fifty years ago, Flanders voted and keeps on voting centre-right. This is different in Wallonia. Since general voting rights were granted, industrialised Wallonia voted overwhelmingly socialist and communist and is still now one of the most leftist regions in Europe. Economically Flanders remained rural during the nineteenth century with some industrial and commercial centres (p. ex. Ghent, Antwerp), while Wallonia, an early mover in Europe, industrialized on coal and metallurgy. With the closing of the coal mines and the delocalisation of the metallurgy Wallonia slid into a deep decline, with high unemployment-rates (around 20 %), desolate rust-belt areas, overkills in public employment, political clientelism and cities with high crime rates. Flanders by contrast industrialised in the 1960-ties through high tech investments, first from the U.S. and later from European countries operating within the internal market. While in Wallonia class divisions between small and rich elite and a poor working (but partly jobless) class remain, Flanders developed into a dynamic middle class society, in which meritocracy became more important than family or party affiliation. The economic divergence between Flanders and Wallonia led also to huge financial transfers between the regions. Because it is richer, Flanders pays more into the (still federal) social security and to federal taxation. Because it is poorer Wallonia receives more from social security and from federal taxation²⁶. The considerable transfers from Flanders to Wallonia triggered of course a populist 'I want my money back' –feeling in Flanders. Similar feelings are current in the North of Italy ('Roma ladroni'), in Cataluña and in England (towards Scotland). Besides this populist feeling, economists in Belgium, not only Flemish, agree that the continuous subsidisation of Wallonia creates a moral hazard for the political elites in the region, having no interest in changing inefficient economic policies and keeping their population in permanent regional dependency.

media. The rise of new mass media such as radio and television has further strengthened these imagined communities.

²⁶ According to a study of ABAFIM (Administratie Budgettering, Accounting en Financieel Management) in 2005 Flanders, with a population of 58 % of Belgium paid 64,3 % of the taxes. Social security transfers from Flanders amounted to 4 billion Euro. Transfers occurred also in the financing of the member states (regions and communities). Estimates of total transfers amount to 6,6 billion euro. This is about 2 % of the total GDP of Belgium.

Although enjoying a lot of benefits of the European internal market, Switzerland stayed out of the European Union. Politically Switzerland is still a full nineteenth century style sovereign nation-state. The keeping out of international alliances prevented erosion of political sovereignty and the feeling of national identity. Not only the fact that the Swiss kept out, but also the fact that they were the only ones in Europe and in the world to keep out of everything, made the Swiss regard themselves as 'special', as 'unique', as the exceptions in a politically integrating world. Although quite cosmopolitan in finance and economics, the Swiss withstood like no other country political cosmopolitanism.

Belgium is probably the most opposite case in this respect. It was one of the founding members of the EU, it is the host of the European Commission and, for the most of the year, also of the European Parliament. Belgian political leaders, such as Paul-Henri Spaak and Jean Ray, played an important role in the development of European institutions and the European common policy. Within two important very pro-European political forces, the christian-democrats and the liberals, Belgian politicians steadily punch above their weight²⁷. In European polls the Belgian population seems quite enthusiastic about a further strengthening of European political integration²⁸. Although Belgium has no tradition of referendums, a popular vote on treaties like Maastricht, the European constitution or Lissabon, would have resulted in a comfortable 'yes'-vote.

The pro-European attitude of the Flemish, Walloon and Brussels elite and their populations facilitates further erosion of the Belgian identity and of the willingness to keep the country together. Europe not only 'takes the gun out of European politics', it also facilitates the entry of non-violent secessionist movements on political markets, and above all, it reduces the dramatic character of future polity changes within Europe, such as secession from and mergers between member-states. Before the establishment of Europe secession involved a new currency, the possibility of new economic boundaries with ensuing problems of additional toll barriers and protectionism. The introduction of the Euro and the establishment of the internal market have taken at least these torches out of the powder-magazine. The more competences that are assumed by the European Union the less dramatic secession and other polity changes become. Moreover the establishment of a large free market-area such as the European internal market favours the tendency towards smaller but more homogeneous states as large states are not necessary anymore to enjoy the benefit of large markets. The establishment of the European Union has a lowering impact on the 'costs of secession'. As a consequence, countries with low internal cohesion will be subject to a higher pressure to split²⁹. This is what is happening in Belgium. If we compare for instance the process of the dismantling of the Austro-Hungarian Empire, we remark a very different evolution. The collapse of this Empire after the defeat in World War I led to the founding of, as they were called, 'small and dirty states', ridden by protectionism, political instability, dictatorship and anti-Semitism. Finally Nazi-Germany took advantage of the weaknesses of these new states and was able to establish complete political and economic control over Central Europe. Such horror-scenarios are unthinkable within the framework of the liberal and free market oriented EU. The centre-right Flemish nationalists adopt a clear pro-European position. Belgium will evaporate by being caught between bottom-up encroachments by the regions and the top-

²⁷ The president of the European christian-democrats is a Belgian, Wilfried Martens. The president of the European liberal fraction is a Belgian, Guy Verhofstadt.

²⁸ In the 2007 poll of the Eurobarometer 74 % of the Belgians questioned consider the European Union as a positive institution and 75 % consider that Belgium gains large advantages from its membership of the Union (Eurobarometer 68).

²⁹ For the impact of free trade zones on the size of nations see Alberto Alesina and Enrico Spolaore, *The Size of Nations*, Cambridge (Mass.), 2005

down encroachment by the European Union. The more Europe, the less dramatic a separation of the country will be. Paradoxically, Euro-cosmopolitanism seems here to act as the midwife of new, regional nationalisms in Europe.

Section 5 Waiting for reforms: explaining the Belgian stalemate.

Notwithstanding the weak Belgian identity and its erosion by Europe and the regions and notwithstanding the remarkable political and economic differences between the regions, Belgium has not fallen apart yet and will probably not split in the coming ten years. The process of constitutional reforms through which the half-hearted and inefficient federal structures should be adapted to the bi-national character of the Belgian state, are trailing. In section 1 we mentioned the permanent crisis of the federal government since the elections of June 2007. However, the process of constitutional adaptation stretches much earlier in time. It started in 1970 and was followed by four consecutive but always half-hearted reforms. As a consequence the question arises as to why the political elites in Belgium do not succeed in finishing their job, i.e. establishing a workable (con)federal bi-national state. It took the Czechs and the Slovaks some weeks to separate and to found two new states, the Czech Republic and Slovakia. Flemish nationalists often invoke this separation as the example to be followed, but apparently political reality does not come close to their dreams. As reasons for this seemingly endless series of reforms we distinguish: the impoverishment-fear of Wallonia, the asymmetry in national feeling by Flemish and French speakers, and most important the Brussels knot.

Belgium has one of the most developed and also most generous social security systems. About 25 % of GDP is redistributed through the system. During the period 1920-1945 the social security system was established within the framework of a still unitarian Belgium. As already mentioned especially Wallonia profits from the system as Walloons receive far more than they contribute. These transfers are caused partially by non-political, 'objective' factors as well as by policy measures. As Wallonia has a past of heavy industry and coal-mining, many workers suffer from diseases, p. ex. black lung disease, linked with sectors which never existed in either Flanders or Brussels. Transfers are however also caused by the lack of an appropriate conversion policy. For a number of years the Walloon political class tried to fight industrial decline by a policy of heavy subsidisation³⁰ and high public employment³¹. It did not work. Due to lagging behind in private investment unemployment became chronically high, by which social security contributions diminished and social security allowances increased. Moreover, transfers are also caused by a far more generous application of the social security regulations. For instance, while Flanders removed unemployed workers, who were not active in job-seeking from the list of unemployment-benefits, the social security administrations in Wallonia turned a blind eye to this and did not remove anybody from this list. Also the consumption of health care, covered by social security insurance, exceeded over years substantially similar consumption in Flanders. Although transfers are diminishing due to the better economic performance of Wallonia during the recent years and by the growing costs of retired people in Flanders, it is estimated that a sudden stop of the transfers would

³⁰ The heavy subsidies to the so-called national sector (metallurgy, coal-mines, textile, ship-building, glass), which went mainly to Wallonia led the basis of a huge rise of the Belgian national debt. This debt was at 45 % of GDP in 1973 but rose to 128 % of GDP in 1993.

³¹ In 2007 public employment in Wallonia was at 36,71 %, in Brussels at 32,21 % and in Flanders at 30,16 % (Johan Albrecht, *Slank, zwaarlijvig of onbegrensd? Een analyse van de publieke tewerkstelling in België tussen 2001 en 2007*, Itinera Insitute Memo 24 september 2008. Over the years however the difference is decreasing as the Flemish provinces and municipalities increased their staff-numbers dramatically.

impoverish Wallonia by about 20 %. As a consequence, Walloon political parties, especially the socialists, counting about 20 % unemployed among their members, oppose vigorously the idea of splitting the social security. Moreover, splitting social security would mean that the costs of the social policy in each region would have to be covered by regional taxes, exclusively paid by the inhabitants of the region. This would be particularly embarrassing for the socialist party in Wallonia, which is now able to shift the costs of its generosity to the solidarity of the 'Belgians'. By an exclusive link between regional expenses and taxation regional social policy would come under the scrutiny of much sharper political debate.

Although Belgium evolved gradually into a bi-national state, the emergence of national feeling in Flanders and in Wallonia was far from symmetric. While the collective feeling of Flemish nationhood has its roots in the linguistic struggle of the nineteenth century, the national sentiment in Wallonia was rather a reaction to the Flemish awakening, originating not earlier than in the beginning of the twentieth century³². Moreover, Walloon national identity remains confused by its relationship with Brussels. The relationship between the French speaking in Brussels, depending on the way of counting between 50% and 80 % of the Brussels population, and the Walloons is very ambivalent. Historically, the labour movement in Wallonia perceived Brussels as the centre of all capitalist evil, exploiting the Walloon working class. Still now the social distance between the French-speaking Brussels 'bourgeois' –mentality and the Walloon labour- mentality is considerable. Notwithstanding this mentality-gap among the population, Walloon and French speaking Brussels politicians like to stress their common interests in their fight with the so-called Flemish quest for dominance. This ambivalence has its institutional expression. For cultural, linguistic and education matters there are common institutions for the Brussels French speakers and the Walloons: the assembly and the government of the French community. For economic, environmental and zoning matters the Walloons have their own assembly and government, residing in Namur and not in Brussels, while Brussels has its own assembly and government, in which also the Flemish of Brussels have legally guaranteed representation. 'Are we a Belgian community of French speakers, or are we a separate Walloon community and a separate Brussels French speaking community?' This ambivalence explains why there is much less pressure from the French speaking side to dismantle federal Belgium than from the Flemish side, where such ambivalence does not exist, neither on the level of collective mentality nor on the institutional level.

In Brussels French speakers and Flemish live territorially mixed together. The number of Flemish is estimated at about 12 %. Within the French speaking majority a lot of people practice other languages (Arabic, Turkish and many others) at home. Nevertheless French is beyond doubt the 'lingua franca' of Brussels and a foreigner would perceive Brussels rather as a French city, although less outspoken than for instance Paris. This because of the official presence of Dutch as a second language and the quick rise of English as a competing 'lingua franca' among the elites, working in the international and European institutions, vested in Brussels.

For the Flemish Brussels is perceived as an historical part of Flanders, but most Flemish realize that Brussels has grown away from Flanders due to the rise of French since the nineteenth century and due to the huge influx of non-European immigration and the establishment of international and European institutions. For a variety of reasons a large

³² On Walloon national identity see Philippe Destatte, *Op zoek naar een Waalse identiteit zonder Waals nationalisme*, in Kas Deprez and Louis Vos, *Nationalisme in België. Identiteiten in Beweging 1780-2000*, Antwerpen 1999, p. 253-262

majority of Flemish prefer nevertheless to keep an institutional link with the city. The city has international prestige, it has a rich cultural life and its mainly service economy is strongly intertwined with the companies established in the rich Flemish neighbourhood of Brussels (‘De Rand’). Flemish fear that a unilateral move to independence from their side would lead to the alliance of Wallo-Brux, which would present itself as the legal successor of former Belgium and take up the international positions of former Belgium. Therefore also moderate Flemish nationalists bow for reality and advance a confederal solution for Belgium, in which Brussels can remain institutionally embedded. The French speaking politicians are perfectly aware of this Achilles heel in the Flemish strategy and do not miss an occasion to stress the possibility of a Wallo-Brux-alliance in case of Flemish secession. Already now agreements are made between the region of Brussels and Wallonia while the offices of minister-president of the French speaking Community and the region of Wallonia have been recently unified into one entity.

If Belgium would nevertheless fall apart due to a unilateral declaration of independence of Flanders, the consequences for Brussels as the capital of residual Wallo-Brux-Belgium, would be grim. Probably Flanders would then tax the companies on its territory according to their production site in Flanders and not according to their legal corporate address, mostly in Brussels. This would result in a loss for Brussels of a lot of corporate tax income. Flanders can also withdraw its more than eighty thousand functionaries from Brussels, resulting in a serious contraction of the housing market and service sector. As retaliation, Brussels could then tax the Flemish employees commuting every day to Brussels which would lead to a serious loss of Flanders in terms of tax income and social security contributions. Brussels would lose a lot a financial means it draws now from the federal government. Due to its status loss and the worsening of its public financial means, it would also risk to losing its status as the ‘unofficial’ European capital. By the secession of Flanders Brussels risks becoming a ‘third class Paris’ and losing its reputation as the most internationalised city of Europe.

However, if Belgium would remain on the contrary as one country and evolve to a confederal status, the situation of Brussels still raises many questions.

Either a confederalism with two full partners, i.e. Flanders and Wallonia, prevails while Brussels remains competent for all domains with a territorial character, such as zoning, environmental matters, public works, police and security and other classical municipal services. All competences, which can be personalised (p.ex. education, cultural policy, social security) will be exercised in Brussels either by Flanders or Wallonia according to the choice of the individual Brussels citizen. Such a confederalism with ‘two-and a half’ would inevitably lead to the establishment of subnationality in Brussels. This solution is preferred by the Flemish centre-right parties, but rejected by the French speaking and Flemish leftist parties. The introduction of subnationality is considered as too complex. Also reasons of political equality are often invoked because Brussels is not treated on equal standing with the other parts of the country.

Or a confederalism with three or even four (also the German community) could prevail. In this case Brussels, and eventually the German Community, becomes competent for all domains, except the ones which remain on the confederal level. This solution is advanced by the French speaking parties and the Flemish left. The Flemish centre-right rejects this solution because it fears that Flanders will become marginalised by the two other confederal members. There are also doubts as to whether social security schemes on a Brussels level are sustainable.

To complete the description of the Brussels knot we mention the problems of the scission of the electoral constituency Brussels-Halle-Vilvoorde. This constituency encompasses the

region Brussels and a large part of the province of Flemish Brabant. While due to an electoral reform in 2002 all electoral constituencies in the country were organised on a provincial basis and respected the linguistic border, the French speakers could block the reform in this case because they wanted to maintain the political link between the French speakers in the neighbourhood of the city ('De Rand') and the city itself. For the Flemish the resisting of the scission revealed a strategy of rendering the whole province French speaking in order to annex it later to Brussels. In 2005 the Supreme Court ordered the parliament and the government to change the electoral law in order to introduce an equal arrangement throughout the whole country. The court set a deadline for these reforms. This deadline was not respected by the government and elections were held anyway in 2010. Legally the incumbent Belgian parliament is unconstitutionally elected, but few persons apparently care about that. The French speaking parties are willing to split this circumscription but only in return for a price, i.e. the extension of Brussels to the detriment of Flemish territory. Flemish parties who give in on this last point face the prospect of being devoured by the Flemish voter.

Section 6: Conclusions

The Belgian situation is complex with no need to emphasise this. The intertwining of problems related to the delineation of territory, to competence distribution, to public financing, to regional social and economic conditions, to feelings of collective pride and frustrations, has transformed Belgian politics into a marshland from which also the most able politicians will be drawn. Many elements of the Belgian puzzle, although crucial for the solution, are typical and not apt for generalisation. Other characteristics of the Belgian situation are not idiosyncratic and can be brought into more general considerations, applicable to other conflictual situations.

In the first place, the Belgian situation illustrates well our thesis that a long-lasting combination of policy- and polity-politics exhausts the political potential of a democracy. It is doubtful whether a democracy can solve important polity-problems from inside. In a pure world of nation states, without international pacifying institutions, such polity-conflicts will be finally solved by violence, war and suppression. In a world with such institutions, pressure from international institutions, in which the quarrelling nation is embedded, will stimulate the conflicting political elites to look for a peaceful and consensual solution. If this cannot be reached, a take-over by an international care-taker is not excluded.

Secondly, linguistic diversity within one state can lead to the disruption of this state. However, as linguistic diversity is one of the most innocent ones compared to, for instance, religious or ethnic ones, it will probably not lead to violence and civil war. When linguistic diversity is congruent with other differences as for instance on the political, social and economic level, it will lead to multi-nationalism within one state and trigger a process of dismembering of this state. Linguistic diversity in Belgium was a necessary, but not a sufficient condition for the crisis. Other factors such as political and economic differences between Flanders and Wallonia, the history of domination of the Flemish by the French speakers, and the erosion of the Belgian state by Europe, created a deadly cocktail for Belgian federalism.

Thirdly, a federal state with only two member states will have systematic problems with its stability. Dyadic federalism implies that all possible conflicts will occur between the same partners. This is different with federal systems with more members. In the latter case conflicts may occur with successively different partners and shifting alliances are probable by which

some states are sometimes an ally, sometimes an opponent. In a dyadic federal system the two partners are nearly condemned to quarrel with each other. This must inevitably lead to a further erosion of federal loyalty and a narrowing of the shared competences.

On foreign and diplomatic visits, Belgian political leaders used to hail the federal system in their country as a 'model' for other countries, struggling with similar polity-conflicts. Especially the protection of minorities and the creative solution of splitting territorial and personal competences were advanced as examples of institutional top-engineering. The evolution since 2007 indicates however that there is no such thing as a Belgian model. As Belgian institutional top-engineering did not generate solutions for its domestic problems, how could it be considered as a model for other countries? If the Belgian case is interesting, it is not for its problem-solving capacity, but for the fact that the Belgian problems may announce similar problems in Europe and in all parts of the world, with strong economic integration and internal markets. As in Belgium, countries in such areas may also face a similar prospect: shifting territorial borders, secessions, mergers, shifts in competences and constitutional revisions. Nothing is built for eternity, neither palaces and thrones, nor states and institutions.