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**A Historical Profile of Belgium:
From Urban to Modern Belgian
Citizenship**

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Vorwort

Der Begriff Bürgerschaft wird allgemein definiert als ein persönlicher Status, bestehend aus einer Reihe von universellen Rechten (gesetzlichen Ansprüchen gegen den Staat) und Pflichten, die für alle Mitglieder eines Nationalstaates einheitlich gelten (Marshall 1964; Brubaker 1992). In der Annahme, daß eine europäische Bürgerschaft tatsächlich vorstellbar ist und daß ihr die gesetzlichen, politischen und kulturellen Traditionen der EU-Mitgliedstaaten zugrundeliegen würden, untersucht das ZERP-Projekt *Begriffe von Bürgerschaft in Europa* die Frage nach den Inhalten und der Bedeutung, die diese europäische Bürgerschaft als integratives Element einer europäischen Politik haben müßte. Die Untersuchung konzentriert sich auf einige ausgewählte Mitgliedstaaten, nämlich Belgien, Großbritannien, Frankreich, Deutschland und Italien.

Die vorliegende Studie umreißt die Entwicklung des Konzepts der neuzeitlichen belgischen Staatsbürgerschaft bis zum Jahre 1814, dem Ende der französischen Annexion der belgischen Provinzen (*départements*).

Die Arbeit verfolgt zwei grobe Ziele: Zum einen behandelt sie die Ursachen der verzögerten Gründung des belgischen Staates, zum anderen untersucht sie die Geschichte der Städte und Fürstentümer der Südlichen Niederlande. Außerdem soll der Nachweis angetreten werden, daß sich in den verschiedenen Regionen unter der Herrschaft einer fernen ausländischen Macht bestimmte Prototypen gesellschaftlicher Funktionen, ökonomischer Rechte und politischer/linguistischer Kulturen entfalteteten, die eine zentrale Rolle in der Ausformung der belgischen Staatsbürgerschaft und der staatsbürgerlichen Rechte des 19. und 20. Jahrhunderts spielten.

Die Zeit der niederländischen Herrschaft über Belgien (1814-1830), die mit der belgischen Revolution endete und 1831 zur belgischen Unabhängigkeit führte, ist Gegenstand der zweiten Studie über die belgische Verfassung von 1831.

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Edwige Lefebvre

Abstract

Citizenship is defined generally as a personal status consisting of a body of universal rights (legal claims on the state) and duties held equally by all members of a nation-state (Marshall 1964; Brubaker 1992). Assuming that the idea of European citizenship is indeed conceivable, and that it would be grounded upon the legal, political and cultural traditions of the Member States of the EU, the ZERP project *Concepts, Foundations, and Limits of European Citizenship* explores what might be the content and the meaning of European citizenship as an integrative element of a European policy. The research focuses on a selected number of Member States of the European Union - namely Belgium, Britain, France, Germany and Italy.

This paper outlines the development of the concept of modern Belgian citizenship up to 1814, the end of the French annexation of the Belgian Provinces (*départements*).

The paper has two broad aims: to review the causes of the delay in the formation of the Belgian state; and to explore the history of the Southern Low Country cities and principalities. It also seeks to demonstrate that distinct prototypes of social functions, economic rights and political/linguistic cultures exhibited in separate entities sharing a distant foreign sovereign, were central in shaping the Belgian citizenship and citizenship rights of the 19th and 20th centuries.

The period of Dutch rule over Belgium (1814-1830) which ended with the Belgian Revolution and led in 1831 to Belgian independence will be the topic of the next paper, on the Belgian Constitution of 1831.

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1. Introduction

The Belgian nation-state offers a unique example of state-building, and poses questions whose answers are particularly relevant to today's underlying problem of the possibilities and meaning of European citizenship. The Belgian nation-state, in contrast to the French, is not the product of centuries of state-building and of the gradual development of national consciousness within a geographical and institutional frame of the developing territorial state, the model described by Brubaker (Brubaker 1992). Until 1831, there was no Belgian nation-state and thus no political frame for national citizenship. Belgium attained the full measure of its statehood in the second part of the 19th century. This was the last meaningful moment of what General de Gaulle later called "L'Europe des patries," and, what is more, a time in which Europe's smaller lands briefly profited from the failure of leadership once vested in that continent's larger national units. This historical profile investigates the causes of this delay in Belgian state-formation and identifies the factors that gave rise to the modern Belgian concept of citizenship rights and duties.

Citizenship has been commonly defined as a personal status consisting of a body of universal rights (legal claims on the state) and duties held equally by all members of a nation-state (Marshall 1964; Brubaker 1992; Somers 1993). However, the project *Concepts, Foundations, and Limits of European Citizenship* (Everson and Preuß 1995), to which this analysis belongs, questions this allegation and suggests that the concept of citizenship is not a simple proposition universally agreed upon. The following paper examines the specific legal, political and cultural traditions of the Belgian concept of citizenship and the rights and duties attached to it. The research takes into account how history and geography have shaped the peculiar virtues of Belgian citizenship by bridging Gallic and German cultures and, with a brief analysis of the early days of the provinces, how this old dichotomy is of relevance to an understanding of the Flemish and Francophone communities' quarrels over linguistic rights in the 19th and 20th centuries. This work investigates the regional conceptions of civil, political and social/community rights of subjects or urban citizens in the principalities and great cities of Belgium from the medieval period¹ until the end of

¹ Civil rights, political rights and social rights - and the duties attached to the concept of citizenship have had a universal connotation in the 19th and 20th centuries. Rights and duties attached to the urban citizenship and, later, to rural citizenship from the Middle Ages until 1795, were by no means universal. It is our understanding that these medieval conceptual rights reflected community

the French rule (1814).

Although the rise of Protestantism, traditionally cited as a factor in the origin of the modern state, was important in the emergence of European national identity (Greenfeld 1992), this process evolved differently in the Belgian case. Thus the paper analyzes conditions under the Spanish *reconquista* of the 16th century, which made the Southern Provinces polycentric and uniconfessional, under the rule of a supra-power, the Holy Roman Empire and delaying the advent of both modern statehood and modern concepts of citizenship in Belgium.

An additional delay in Belgian state-formation was caused by revolutionary France, which during its own state-building process asserted its hegemony over the principalities. During the twenty years (1795-1814) of French rule, Belgian regional political geographies as well as linguistic and religious political cultures gave rise to different outcomes in the acceptance or rejection of the French model of citizenship rights.

This study examines the origins of the conflicts between Belgian linguistic, religious and socio-economic factors and how *une politique du compromis* became necessary under foreign rule. In addition, it explains why a study of the causes of the delay in state-formation and of democracy and pre-citizenship rights in the principalities (and *départements*) of the past is valuable in any investigation of Belgian democracy and the Belgian concept of citizenship today.

2. The Origins of the Belgian People: Linguistic Implications

The Roman invasion of northern Gaul, took place between 60 and 50 BC. The people of northern Gaul, or the *Belgae*, as the Romans called them, were Celtic or had been Celticized people.² Around 15 BC, after becoming the Roman

rights. These terms, however, help us to understand the quality of modern Belgian citizenship.

Until 1795, when France annexed the Belgian provinces, the term **civil rights** implied the protection of individual interests: to protect property, to conduct one's own business and to regulate trade, prices, quality of product, etc. The term **political rights** expressed an ability to participate in the governance of the city and/or the principalities and to represent one's trade. **Social rights** referred to the benefits of corporate organization (amical leagues) which made up the welfare of the time and to save the care of their widows and orphans, arranged marriages and burials, as well as assuming the duty to train apprentices. These rights were by no means universal, they differed between city and the countryside, but also among cities, and among countryside, and also among principalities.

² Julius Caesar called all the tribes living in northern Gaul between the Seine and

province of *Belgae*, the area was divided into *civitates* more or less corresponding to the territories of the various Belgian tribes. Under the Emperor Claudius, Latin gradually supplanted Celtic tongues among the Belgae.³ Popular Latin, after a slow evolution, was transformed into the Roman dialects, which still persist in Wallonia, or the Romance languages such as French. A massive invasion of Germanic tribes took place on New Year's Eve 406, causing the collapse of Roman rule. Latin and its derivative dialects and languages prevailed only where the Gallo-Roman inhabitants were in the majority. Literary Latin remained the language of all important writing until the Middle Ages and the language of the Church until modern times.⁴

Linguistic Implications

The Frankish invaders were composed of two different linguistic groups the Saliens and the Ripuaires. The region where the Saliens Franks massed, from the entrance of the Lys in Belgium to Brussels to the Meuse close to Visé, delineates the present linguistic border between the Flemish and French languages. The Salien Franks remained in the North and consolidated their language and culture, which became Flemish. Meanwhile the Ripuaire Franks who occupied the country of Trevières originated the German dialect spoken today near Arlon and Luxembourg. The Franks settled south of the Roman road, mixed with the Gallo-Roman population and were Romanized; this territory is now Wallonia, in which a dialect derived from Latin is spoken.⁵ The exact geographical separation between the German north and the Gallo-Roman south is still a question today.⁶ The argument over linguistic borders continues between Flemish speak-

the Rhine "Belgae," and their country occasionally was indicated as "Belgium"; moreover he supposedly added the famous sentence: "of all the people of Gaul the toughest are the Belgae." In spite of that they were subjugated by the Romans between 60 and 50 BC.

3 Latin became the official language of the army, administration and trade.

4 De Schrijver (1990) 55-56.

5 At the end of the 19th century it was believed that a dense wooded region, *la forêt charbonnière*, stretched from the Schelt to the Meuse and stopped the advance of the Franks; there is, however, no evidence that this forest existed, and other historians claim that since the forest was crossed by rivers, it was not impenetrable. It is more likely that the invaders were stopped by the Roman fortress which protected the *chaussée de Bavai* in the town of Tongeren, as well as by the density of the Gallo-Roman population in the south.

6 Charlemagne's Frankish Roman empire was inherited by his son Louis. After the treaty of Verdun it was divided into three parts. Some decades later the northern part of the Central empire, corresponding to old Lotharingia, was conquered by Eastern Francia. Most of Belgium today falls within Lotharingia, whereas a

ers and Francophones in small districts and is regularly a source of conflict between the two communities (e.g., *Les Fourrons*); the main debate, however, centers on Brussels the capital of both Belgium and Europe.⁷

The following section analyzes the development during the Middle Ages, of the principalities, bishoprics, seigneuries and their cities located in the Belgium of today. What can we learn about their earlier model of citizenship that may be relevant to our understanding of modern Belgian citizenship?

3. Evolution of Political Institutions

The collapse of central power in France beginning in the 9th century enabled the rise of powerful regional rulers⁸ and emperors, who maintained their grip on local vassals, even in distant areas such as Lotharingia, until the end of the 10th century, when the prince-bishopric of Liège emerged within the imperial church. In the 11th century Lotharingian aristocratic families started to set up principalities with their own dynasties, which came to bear names such as Hainaut, Brabant, Namur and Luxembourg and endured after imperial power was eliminated in the 12th century.⁹ These original provinces of Belgium lasted to the end of the 18th century.¹⁰

Europe was divided into many local units, some influenced by the survival of Roman law through the Church's influence, some taking their basic characteristics from a Germanic heritage. Feudal government accentuated localism and particularism; northern European cities exemplified a basic pattern of medieval

smaller part, between the Scheldt and the North Sea, was French territory. During the 9th century the Scheldt Valley was a main target for Norse invasions, which with the gradual disintegration of a centralized political power, promoted feudalism.

⁷ Today, the Belgian Federal State, Brussels, is a regional enclave in the Flemish Region and Community with 75 percent Francophones Brassine (1994) 37.

⁸ Such as the counts of Flanders and the German East Francian Kings.

⁹ There are political as well as cultural differences between Flanders and the Lotharingian principalities, which until the struggle of the Investitures in the 12th century had strong cultural connections with the German Empire. Liège, whose capital of the same name was called the "Athens of the North," took part in the Ottonian Renaissance of the 10th and 11th centuries. The immense church of Saint Gertrude in Nivelles, Brabant is comparable to the Dome of Mainz; in the Scheldt valley, the French influence was stronger in intellectual life, in architecture and in language. De Schrijver (1990) 54-72.

¹⁰ Most of the present provinces still bear the names of the medieval principalities.

citizenship as limited and local. At the beginning of the 11th century, the bishopric of Liège, one of the ecclesiastical principalities of the Holy Roman Empire, included, in the north, most of what it is now Belgian Limburg, in the south, the eastern part of the province of Namur, and in the southwest, a considerable area between the Sambre and Meuse rivers. Bouillon, south of Luxembourg, was also a part of the bishopric.¹¹ Its status was that of an independent principality ruled by a church-elected Prince-Bishop under the Holy Roman Emperor. It was given a communal magistracy in 1085. In 1208, Philip, Duke of Swabia and King of the Romans, confirmed the citizens' charter of the Bishop Albert de Cuyck (1195-1200).¹²

Namur, Hainaut and Luxembourg remained largely agricultural regions, while by the end of the Middle Ages, one-third of the population of Brabant and Flanders lived in towns. This trend was facilitated by the early freedom of movement allowed to the Belgian peasantry. In Brabant the most famous towns were Louvain, Brussels and Antwerp. In the prince-bishopric of Liège, the most important towns were Liège and Huy, where the textile industry flourished, and Dinant, famous for its copper and metal industries.¹³

Mainly from King Philip Augustus (1223) onward the French kings sought to enlarge their crown lands at the expense of Flanders, which turned for help to England, the Holy Roman Emperor and the Duke of Brabant. Their joint army was defeated at Bouvines in 1214, increasing the French King's influence in Flemish affairs in the 13th century. The Flemish towns, however, resented this; the murder of a royal garrison of soldiers and francophile patricians in Bruges in 1302 induced Philip IV (the Fair) to send an expedition to rout out the rebels. On July 11, 1302¹⁴ near Kortrijk a battle took place in which the royal French army, consisting of aristocrats, was defeated by a Flemish army, basically composed of craftsmen and peasants, but under the direction of the knights of various neighboring principalities. This victory freed Flanders and led to the establishment of democratic government in Flemish towns at the expense of the ruling patricians.¹⁵ In contrast to Flanders, the equally powerful

11 In 1131 Pope Innocent II met King Lothair at Liège at a council attended by St. Bernard.

12 De Schrijver (1990) 60.

13 The Meuse Valley, especially around Liège, has been an industrial area since the 12th century, utilizing local iron ore, charcoal from the Ardennes forests and water power.

14 This battle is also called *La bataille des éperons d'or*.

15 Modern Flanders celebrates July 11 as its national holiday. This event was a part of the myth of the strength of the "Flemish Nation" celebrated by the Flemish romantics and the Flemish movement of the 19th century, and by Flemish nationalists today. Wils (1996) 25-45.

duchy of Brabant enjoyed a peaceful 13th century during which it annexed the small duchy of Luxembourg.¹⁶

Beginning in the 11th century, the principalities and towns of the Low Countries demanded the recognition of constitutions and city laws - chartres or keures - from their lords; in the 13th and 14th centuries the principalities organized provincial institutions - parliaments in Flanders, Hainaut, Luxembourg and Namur; Le Sens du Pays in Liège; and le Commun Pays du Brabant and requested their recognition by the regional rulers. The first meeting of the Estates-General regrouping the provincial estates was in the mid-15th century under the rule of the House of Burgundy.¹⁷

The oldest legal texts connected with citizenship are the Constitutions of Huy (1066) and of Grammont (1067-70); according to the data, it is certain that more important cities such as Liège, Tournai, Saint-Omer, Ghent, Douai, Ypres and Bruges were also able to secure their constitutions in the 11th century. The oldest charter in Flanders is that of Geraardsbergen (1068). These city constitutions reflected social realities of their times. They secured both the privileges of their burghers, such as the degree of judiciary and administrative autonomy, allowed to them as well as their military and financial responsibilities. Even if the cities of the Belgian principalities developed similarities to the institutions of antiquity, mentioning the "first stage of citizenship," they did not have the precocious development of Italian cities and were not independent political units, but still part of the feudal world. In the 14th century the duke of Brabant recognized the model of government shared by the three estates originating in the 13th century: clergy, nobility and towns, later restricted to the clergy and the town. In Flanders, too, the estates rose to power at the end of the 13th century (1279); at first the aristocracy took part in them, but later, representation was restricted to the towns and the clergy. In Brabant, the *Charter of Kottenberg* (1312), the *Blijde Inknost* (1314) and the *Joyeuse entrée* (1356) have much in common with the *Magna Carta*. Those were the basis for the development of representative government in the principalities which would become present-day Belgium.¹⁸

16 Wils (1992) 35.

17 Gillisen (1952) 51-61.

18 The *Joyeuse entrée* firmly recognized the union of Brabant and Limburg. Only people from Brabant could become civil servants. If arrested, the inhabitants of Brabant could only be judged by Brabant law, and fair trial was guaranteed; roads had to be secured. The Duke of Brabant was required to obtain the agreement of the Estates concerning war, exterior alliances, and the borders of the Province; the issuance of money and the level of taxes. The people of Brabant had the right to resist the Duke if he did not respect these agreements. This constitution, the basis of the public liberties in Brabant, was renewed for each new Duke. The

The development of large autonomous principalities changed profoundly during a process that started about 1400. With the exception of the prince-bishopric of Liège, the House of Burgundy (1384-1555)¹⁹ succeeded through purchase, minor wars and matrimonial policy, in uniting the Seventeen Provinces, covering the territory of what is now known as Belgium, The Netherlands and the Grand Duchy of Luxembourg. The Duke of Burgundy held a protectorate over the three Prince-Bishoprics of Cambrai, Liège and Utrecht. Belgium saw the apogee of its medieval prosperity during the Burgundian period.²⁰

3.1. *Principalities' Ruling Institutions: Community Rights*

Urban citizenship, which developed during the Middle Ages in the principalities, was in part a result of the development of commercial capitalism, itself an urban phenomenon. The Low Countries belonged to what Rokkan and Urwin²¹ refer to as "Polycephalic Europe," a legacy of medieval overland trade patterns. These trade patterns consisted of a broad north-south belt of closely spaced cities stretching from Italy to the North Sea and the Baltic, and running to the heart of Western Germany, what Wallerstein called "the European dorsal spine."²²

Along with the Italian regions, the Region of Ghent presented the most populous cluster of large cities of Western Europe in the Middle Ages. During the 12th century the early commercial expansion soon gave way to remarkable productive capacity, above all in the textile industry. This industry was the basis for the great Flemish urban formations with their "proletariat" and their complex political history. The high population density was caused also by the concentration there of the large textile guilds of the time.²³

The medieval cities of the Belgian principalities enclosed a merchant society. For Pirenne the merchant was the key figure of this new society. This free

Joyeuse entrée was enforced until the fall of the *ancien régime*. Pirenne ([1915] 1962) 58.

19 In 1369, Margaret, daughter of the Flemish count, and heir not only to Flanders but to Artois, Franche-Comté et Nevers and other territories in France and Germany, married Philip the Bold, son of the King of France and himself Duke of Burgundy; they governed beginning in 1384.

20 The dukes of Burgundy excelled in diplomacy and possessed well-equipped armies. They patronized the arts and sciences and the numbers of painters, architects, musicians and writers grew constantly.

21 Rokkan and Urwin (1967)

22 Wallerstein (1980).

23 Cox Russel (1972) 112-121.

peasant who wandered and then settled, brought with him intelligence, capital, daring, dynamism, imagination and greed, all the attributes of capitalist success that made medieval city life successful as well. After the 13th century, the fact that most of the peasants in the Belgian principalities were free, whereas in Germany and Eastern Europe servitude still existed at the end of the Middle Ages help to explain the dynamism of the Belgian cities. For Pirenne communalism, thus, equaled a process of personal and collective freedom and provided the basis for a deep love of liberty and of democracy. Most important was the idea that "the air of the city makes one free." In his view, communalism undermined feudalism.²⁴

What was important in the case of the Low Countries in the 13th and 14th centuries is that the towns asserted their rights in a new manner, corporate in nature and attached to individuals only by virtue of their membership in a constituted collective operating as an entity. This ascent of the town marked the entrance of a new political force into a system of rule developed during a feudal system previously dominated by two partners: the lord and the vassal lord. The merchants knew that the legal powers they needed in order to function successfully as townsmen were derived from urban needs such as personal freedom, mobility, and exercise of a congenial law, usually incorporated in a charter of liberties. Because the franchises were held collectively, the towns requesting them helped in the formation of relatively wide communalities. Jan Dhondt has distinguished three patterns in the relationship between the franchise as an acknowledged set of faculties of rule and the communalities that tied together the franchise-holders. In the case of Belgium of these three patterns, the third pattern applied directly:

The inhabitants evolved a collective consciousness on the basis of shared interests. That consciousness was presupposed by the concession of franchises though it could be strengthened by it. It was probably on the basis of the common interest and independently of privileges, that the townsmen linked with one another in those "amical leagues" (*amitiés*) we read so much about in the sources.²⁵

Thus, commercial and productive interests as well as social protection drew the townsmen together and tied them into a complex and dynamic division of labor. The town sought political autonomy and military self-sufficiency to construct a context of rule and a juridical environment that would make the conduct of trade and practice of crafts possible and profitable. At this period, the greatest object of the towns was to provide themselves with institutions made for

²⁴ Henri Pirenne (1915) 52.

²⁵ Jan Dhondt (1970) 335-336.

conditions under which all could live and work together. Social equality did not exist among the members, but all held the same title and the same basic rights; all belonged to the commune and shared in its government.

Cities displayed a remarkable variation in local institutions and political solutions to the changing problems of ruling. However, cities both great and small came to have some common traits. First, all had large or small councils, an executive body, each with its councillors. Access to these bodies would be sought by single families and social groups. From the 12th century on, new urban strata pressed for entry into town councils, with new groups bidding for power. At times the waves of ascending citizenry coalesced into political groups whose goal was to regulate and guarantee access to the magistrature. Membership in guilds could become a path which merchants, artisans and workers might enter municipal councils. At the same time, it was also a necessary step for powerful families who wanted to maintain their influence in a new political situation. In some Belgian cities, the Patriciate itself formed something similar to a guild with a right to a limited number of seats. Such inner divisions of the citizenry as the three members of Ghent, institutionalized access to power for social groups who had wealth been the sole criterion, would certainly have not been represented. Yet, here too, was a mechanism for limiting access without denying it entirely to the powerful.²⁶ In several cases (including Ghent and Liège) the ruling group at times grew quite large. At times, too, it was subject to rapid social turnover. In the second half of the 14th century cities such as Liège experienced particularly violent attempts by the nobles and the patriciate to exclude the guilds from urban offices.²⁷ According to Henri Pirenne, Flanders and the Prince-Bishopric of Liège present two particularly characteristic types of the differing systems of town civic organizations in the Low Countries, to which the towns of the other principalities more or less conformed.²⁸ These two prototypes of civic organization are briefly described in Annex A.

3.2. *Medieval Citizenship in Belgian Principalities*

From the 12th to the 14th centuries, important as they became, Belgian principalities and cities were embraced by a feudal world, and the ruler had a *droit de regard* on the city. Citizenship existed, but not as one of the principal institutions by which a political life - civic republicanism - was defined and run. The principalities and cities functioned within the political framework of feudalism.

26 Boone (1990)

27 In Annex A.

28 Pirenne ([1915] 1963)

However, the ruler consulted with important members of the local oligarchy on matters of politics and taxation, and his policies had to coincide with both the interests of the cities and the town hall councils. In the Belgian principalities and cities, contrary to Riesenbergs claim, rulers did not cooperate with merchants and bankers to be popular and economically secure, but because of constitutional necessity. Citizenship in the Belgian cities was a localized, limited institution practiced within the town walls. In the Belgian cities, similar to the Italian medieval cities, there was not one definition of citizenship since there were several citizenships.²⁹ Citizenship was local, and voting and eligibility to hold political office depended on a variety of political and local statuses. Citizenship in the Belgian principalities was mainly urban, but a regional dimension was not completely excluded. As in the Italian cities³⁰ birth, local parentage and social class within a given territory determined not only the circumstances under which one might be considered a citizen but also one's political role.

Charters from Flanders, Brabant, Hainaut and Liège stipulated that the citizen was one born within the territory. Only people from the principality could become public servants. If accused of a crime, the accused could not be extradited to another entity to be judged. In several cities, such as Bruges, nobles belonging to the principality were excluded from holding town office. Large cities such as Ghent, Bruges and Liège might be taken as examples of the prevailing complex social and political life and its influence on feudal politics: urban politics reflected class, political and factional differences. All aspects of local justice and administration were handled by locally nominated or elected officials,³¹ in addition, an official was appointed by the regional ruler to advise him on city affairs, but he could not attend in town meeting and could not be a city resident. Professional jurists and notaries were formally educated and often used the concepts and formulas of Roman Law. Thus, though the principalities and cities were still dependent on the policies of the lords, a measure of self-government flourished.³²

City life in the principalities of Flanders, Brabant, and Liège produced civic traditions, architecture and religious and secular pageantry which reflected the entrepreneurial success of the citizens. Although they were not comparable to the Italian cities with their long tradition of achievement in politics, culture and education, from the 14th to the 16th century the Belgian cities were centers of

29 Riesenbergs (1992) 111; 182-186.

30 Riesenbergs (1992) 138-139; 182-186.

31 The *electeurs* or *eswardeurs* were elected by the *chef d'ostels heritiers* (property owners).

32 Gilisen (1952) 29- 49.

tremendous artistic, scientific, literary and theological activities. For Belgium this was the period of Van Eyck and Memling, of Gérard David and Jérôme Bosch, of the Bruguels; of the designing of the Palace of the Prince-Bishop of Liège and of the King's House in Brussels; of the chroniclers Jean Froissart and Philippe de Commines; of Erasmus, born in Rotterdam, who lived all his life in Brussels and Louvain; of Andrea Vesalius (Brussels born), the founder of the study of anatomy; of Mercator and Ortelius (of Antwerp), both to become widely known because of their geographical studies and map-making; of the establishment of a printing press in Antwerp by the Frenchman Plantin and the publication of the famous Alcala polyglot Bible. It was under the House of Burgundy that the University of Louvain was founded in 1425.³³

Riesenberg correctly states that as economical as they were within their walls, the merchant-citizens lacked a certain competence to make their citizenship completely similar to the Italian cities. What was lacking; it seems, was contact with the Greco-Roman tradition of true, meaningful and purposeful freedom of action.³⁴ Within the limits of their medieval realities, urbanism in the cities of Flanders and Liège developed similar civic attitudes and institutions since within the feudal framework cities and city people had conventional needs. Each city needed the support of its citizens, if not to pursue its own policies, at least to fulfill its obligations to its local lords. Residents had to build and guard walls, pay taxes and perform military and administrative duties. In their interest, since they did business locally, regionally and internationally, townsmen sought from the city what they needed in the commercial arena: legal as well as political status and powers, true weights, measures and coinage, and, more importantly, direction of their economic affairs. Against this background, citizenship is defined as a form of participation in the political process and a performance in some administrative capacity out of a perceived sense of duty to the city.

The Flemish cities also offer a good example of political organization, which is particularly useful for comparison with that of Northern and Central Italy. In Flanders the presence of a princely figure, who was weak in relation to the cities, seems to have acted as a catalyst in creating a bond of equality between the greatest cities. A bipolar regime emerged based on the league of the great cities, Arras, Saint-Omer, Lille, Douai, Bruges,³⁵ Ghent, Ypres, and the Count. During the second half of the 14th century, when Arras, Saint-Omer, Lille and Douai

33 De Schrijver (1990) 61.

34 Riesenberg (1992) 114.

35 In the late Middle Ages Bruges was a great commercial center, having in the late 13th century 60,000 inhabitants and being the largest producer of cloth in Western Europe. Cox Russel (1972) 115.

were ceded to France, the *Franc de Bruges*, the plain around Bruges, was added to the three remaining members in the Assembly of estates in order to reduce urban power. Politically united, although dominated to a certain extent by Ghent, their economic and political power was sufficient to ensure *de facto* independence until the Hapsburg period. Such an egalitarian bond between cities is specific to the Low Countries.³⁶

In Brabant, too, cities had their period of glory in which they were supported by their dukes in an attempt to limit the power of the local nobility. This political space was guaranteed by a three-way competition in which the rivalry between two feudal territorial authorities allowed the cities to consolidate their power. During the Burgundian period life in the countryside improved, making the surroundings of the large cities commercially more secure and economically more profitable. The late medieval depression was lessened in the countryside where the people improved agricultural techniques, produced more new specialized products such as butter, cheese, meat and beer, and initiated rural industries using cheaper Spanish wool to produce cheaper cloth, or producing flax for the linen industry. In the Meuse Valley coal mines were opened and an associated industry of iron smelting developed. There were a variety of other occupations such as printing, diamond cutting and glass-making.

Medieval citizenship was far from the simple vision of the Greek and Roman worlds, which viewed citizenship in solely moral and political terms. Medieval citizenship in the Low Countries was largely economic and commercial. Moral concerns and community rights, while depending on the patronage of the nobility, strongly relied on the guilds, whose strength varied with the prestige and economic status of their membership.

The Burgundian union (the Seventeen Provinces) fits within the postfeudal tendencies toward territorial unification and more absolutist rule. Indeed, the politico-economic geographic concept of the Seventeen Provinces was managed more smoothly than in other parts of Europe, where new political entities and dynasties were also being established. The participation of many classes and professions, was a pre-condition for the great success of medieval civilization. The Burgundians used this strength of the medieval principalities and cities. In order to gain access to the wealth of the towns, the House of Burgundy needed the cooperation of the burgher merchants, urban rulers and officials of dynastic states of urban origin and often of the guilds. In the political formation of the urban entities of the Low Countries, in order to protect their commercial maneuvers, the burghers were successful in reducing the centralizing bureaucracy of the territorial rulers and the higher-level powers. The Estates-general met

36 Isaacs (1996) 216.

frequently and both parties were able to work out a compromise until the Seventeen Provinces came under the rule of the Spanish Hapsburgs.

4. Successful Reconquista, Uniconfessional Belgian Principalities

The successor of the Burgundians, the Holy Roman Emperor Charles V (1515-1555) from the Spanish Hapsburgs, continued a policy of unification. An absentee Prince ruling through personal representatives, he allowed the provinces to preserve their constitutions and their legal structure.³⁷ His son Philip II (1555-1598) was an unconditional supporter of the Roman Catholic faith.³⁸ He considered his overt intolerance one of the foundations of his empire's strength. The cities and the principalities of the Seventeen Provinces attempted in this time of violent crisis to maintain what they perceived as their political independence and moral character from the control of both the Spaniard and the Church.

In the Seventeen Provinces, several important social groups had reason for dissatisfaction with their social positions. The Spanish encroachments on traditional rights and the subordination of the Burgundian lands to Spain were the most general grievances, but the religious question also became increasingly significant. After 1560, Calvinist preachers from France made converts in the Seventeen Provinces, creating numerous Calvinistic and egalitarian "republics" each under the spiritual direction of its pastors and grouped into a firmly established consistory. In 1559, the Peace of Chateau-Cambresis, which terminated the Franco-Spanish War, opened the gate to Calvinist preaching in Spanish dependent territories. Calvinist proselytism was well organized and its political doctrine, the "monarchomaques," found fertile ground. This doctrine stipulated that the prince cannot request obedience from his subject unless he himself obeys the law of God as expressed in the Bible. The Calvinists were also fascinated by the idea that God in creating the world included the order of society. The active energy of the elect, liberated by the doctrine of predestination, thus

³⁷ Charles V, born in Ghent, saw the Burgundian territories as one indivisible block. By the Convention of Hapsburg (1548) he granted them the status of independent sovereign state and incorporated them into the Holy Roman Empire under the title of the Circle of Burgundy.

³⁸ Philip II, King of Spain in 1556, was an austere and intolerant Catholic, a Spaniard first and foremost, and neither he nor the Castilian dukes he sent to govern the Seventeen Provinces were ever popular.

flowed into the struggle to rationalize the world.³⁹ For the Calvinist, the assurance of his salvation was determined primarily by his maintenance of ethical integrity in the affairs of every day life. For this reason, the belief in predestination assumed ever greater importance in Calvinism as this religion became urbanized. It is significant that the puritan belief in predestination was regarded by authorities everywhere as dangerous to the state and as hostile to authority, because it made the puritan skeptical of the legitimacy of all secular power. Furthermore, Calvinism made it a religious obligation to defend the faith against tyranny by the use of force. Calvin taught that this defense might be undertaken only at the initiative of the proper authorities, in keeping with the character of an institutional church.⁴⁰

To strengthen his Inquisition, Philip II divided the Seventeen Provinces into smaller dioceses, nominating a subservient episcopate for each. Eighteen were set up, of which fourteen were new. By 1570, the first Jesuits arrived in Belgium. This measure was especially resented in Brabant and in the northeastern provinces, not only by the Protestants but also by Catholic nobles, and the urban power elites. The opposition became more radical as the leadership passed from the nobles to the gentry, and then to the burghers and the Calvinist ministers. In 1564, a league of the magnates headed by William I, Prince of Orange, Lamoral Count of Egmond, and Philip de Montmorency, Count of Horn, obtained the retirement of the Archbishop Cardinal of Mechelen, Antoine de Granvelle. Soon another league, headed by William's brother Louis de Nassau, presented the government a request for the withdrawal of the Inquisition. In response, Philip II dispatched the Duke of Alba to the Seventeen Provinces. Dressed as beggars, the nobles participated in a banquet, shouting *vive les Gueux* - an all-inclusive term that embraced the fiefs, the poor, the Calvinist⁴¹ and the Catholics who opposed Philip II.⁴² The nobles organized an underground resistance and took the popular name of the "Beggars of the Sea" and the "Beggars of the Woods", the Prince of Orange declared a war of liberation in 1567. However, after a year of conflict the union between the North and the South dissolved. The northern provinces pursued their revolt, helped by England and German Lutheran princes, and proclaimed themselves an independent state, the United Provinces. In the southern provinces, despite a strong Protes-

39 Max Weber ([1930] 1991) 224.

40 Max Weber ([1922] 1964) 204; 229.

41 However, there is an irony in the nobles' amalgam between the poor and the Calvinist, since the Calvinist had no benevolent attitude towards the beggars. For Calvinism held that God possessed good reasons for having distributed the gifts of fortune unequally.

42 Lacrosse (1997) 15.

tant movement and Catholic opposition (Lamoral and Montmorency, both Catholic, were executed), the regional princes, nobles and local elites were unable to sustain a united front against the Spaniards.

The formation of the Leagues of Arras (January 6, 1579) by the Catholic provinces of Artois and Hainaut enabled the Spanish envoy Alessandro Farnese, after a series of sieges, to make himself master of Ypres, Dunkerque, Bruges, Ghent, Brussels and finally Antwerp on August 17, 1585. Thus, the southern provinces formally recognized Philip as their sovereign.⁴³

If disagreements among regional rulers from the north and the south were a factor in the success of the *reconquista*, the geographical position of the provinces and consequently the support they were able to get was also a determinant factor in the outcome of the revolt. The Calvinists from the Seventeen Provinces received assistance from the French Huguenots, the German Lutheran Princes and England. However, after the Saint Barthelemy massacre, August 24, 1572, the southern provinces lost the support of France and were cut off from the support of Germany and England. As the civil war grew, the intransigence of the Calvinist extremists toward the Catholics in the south became a factor in the failure of the alliance. In all the provinces that were reconquered, the Protestants were obliged either to be reconciled with the Catholic Church or to emigrate. The Spanish Netherlands, as it was then called to distinguish it from the United Provinces, henceforth became exclusively Catholic. The Southern Low Countries now were not only Spanish but also Catholic. Catholicism in Belgium became closely connected with the Spanish *reconquista* and the Counter-Reformation. Philip II's persecution of the Belgian Protestants produced a "brain drain," as educated and skilled Calvinists (from Antwerp but also other towns and Wallonia as well) fled to Amsterdam. Protestants and Catholics in large numbers fled the Inquisition to the northern provinces, England and Germany. The brain drain from the southern provinces and the United Provinces blockade of Antwerp, the main southern port, caused an economic decline in both Flanders and Wallonia. The Church threw its resources into the *reconquista*. By 1630, among the 2 million people in the principalities there were 60,000 ecclesiastics, or three percent of the population, organized in 88 colleges, 240 monasteries, and 173 abbeys.⁴⁴

The system set up by the League of Arras in all the reconquered provinces

43 William of Orange, who was supported by the Union of Utrecht (January 29, 1579), tried to set the Duke of Anjou, brother of the King of France, in opposition to the King of Spain. Anjou attempted a *coup de force* against Antwerp (January 17, 1583), an act which put an end to his pretension and promoted the success of Farnese. Wils ([1992] 1996).

44 Lacrosse (1997) 17.

was not one of Spanish domination, but a dynastic union with Spain.⁴⁵ All the provinces were confirmed in their "constitutions" and their privileges. The domains in which the King had sole control were the army and foreign policy, although raising troops was done by the local power. Taxes could not be levied without the agreement of the provinces, a major safeguard of regional autonomy. Philip II and his successors did not attempt to break the local autonomy and respected the principalities' and cities' constitutions for fear of causing a fresh revolution.⁴⁶ Although the structure established by the League of Arras represented a capitulation by Philip II in the political sphere, it gave him complete satisfaction on the religious question.⁴⁷

In 16th century Europe, the fact that Protestantism was able to institute itself as an authentic Christian religion outside of the Roman Catholic Church was emblematic of the disintegration of the centuries-old structure of European Christendom. Though springing from different sources, the Reformation and what would become the notion of a national identity, thus, were made possible by the same development. While in The Netherlands Calvinism catalyzed the formation of a Republic, in the Belgian case the outcome was very different. There, the Reformation brought Philip II's successful Counter-Reformation. It established a Catholicism closer than ever to Rome. Foreign domination made the southern provinces polycentric and uniconfessional. A national consciousness like that of The Netherlands was thus aborted and Belgian identity remained local.

If the successors of Philip II at the head of the Holy Roman Empire of Germany, as it came to be called in the 16th century,⁴⁸ were able to reorganize Catholicism on a firm basis with the aid of the Jesuits,⁴⁹ they lacked the integrative power of a centralizing bureaucratic administration and a unified state to reduce the political, economic and social autonomy of the principalities. The dis-

45 The King was represented by a governor general in Brussels. The Council of State, the Private Council and the Council of Finance which acted with him were entirely made up of Belgian notables.

46 Mabile, Xavier (1992) 17-28.

47 Pirenne (1926) Vol6.

48 The Spanish successors to Philip II were his daughter Isabella (1598-1633) and her husband Albert (1598-1621).

49 The Jesuits from that time onward exercised a predominant influence over the religious and intellectual life of the country. During the 16th century the Jesuits took a strong lead in Belgian education, enhancing the reputation of Louvain and producing the brilliant group of scholars known as the Bollandists, who began the monumental work of the *Acta Sanctorum*. They impressed themselves so strongly upon the educational system that the results may be traced even down to the present day.

parity between the Empire and the Belgian semi-sovereign political principalities of all sorts fostered a largely local, regional and religious Belgian identity. After the Thirty Years' War, which had ravaged Belgium, the European powers decided its future in the Treaty of Utrecht (1713-1715), placing it under the control of Charles VI (1711-1740), head of the Austrian branch of the House of Hapsburg.

5. Belgian Dependent Territory

The change of dynasty involved no change in the political system established by the League of Arras; just as there had been no Spanish domination, so there was no Austrian domination. Regional autonomy was maintained, the traditional institutions were preserved and the provinces continued to vote their own taxes. The only connection between Belgium and Austria was that they had the same sovereign.⁵⁰ After Louis XIV made restitution of the last Belgian towns he had occupied, the frontier between France and Belgium became the basis of the modern border.⁵¹

The country that had been the battlefield of Europe since the middle of the 17th century was now exhausted. Under Charles VI, an Austrian Hapsburg, peace was restored and an attempt was made to improve the economic situation of the country. There was no hope of reviving the prosperity of Antwerp, since the closing of the Scheldt had been ratified by the Treaty of Utrecht.⁵²

The death of Charles VI and the accession of Maria Theresa (1740-1780)

50 The Emperor was represented by a governor in Brussels, just as the King of Spain had been, appointing a "minister plenipotentiary" at Brussels with whom his chancellery corresponded directly, to keep watch over the conduct of the governor.

51 In order to prevent any further attempt at annexation on the part of France, England and the United Provinces required the Emperor to sign the Third Barrier Treaty (November 15, 1715). This treaty gave the United Provinces the right to maintain garrisons at Namur, Tournai, Menin, Veurne, Warneton, Ypres and Termonde. Belgium was thus for a second time sacrificed to its northern neighbor, for whose safety it was made a bulwark.

52 A proposal was made to develop the maritime trade of Ostend and to connect it by means of canals with the Scheldt, the Meuse and the Rhine. In 1722, Charles VI founded an Indian company, the Imperial and Royal Company of East and West India, in Ostend, endowing it with a large capital fund. Trading posts were established and London and Amsterdam became seriously alarmed by the competition. England and the United Provinces opposed the venture and on May 31, 1727, in the preliminaries to the second treaty of Vienna, the Ostend company was sacrificed to the "welfare of Europe."

provoked the war of the Austrian Succession (1740-1748) and Belgium again became a battlefield, this time for the French, the British and the Austrians. The Peace of Aachen (October 18, 1748) resulted in thirty-five years of peace and prosperity under the rule of Maria Theresa and her son Joseph II (1780-1790).⁵³

Reforms inspired by the doctrine of enlightened despotism were introduced in order to rouse the country from the intellectual apathy into which it had fallen since the middle of the 17th century.⁵⁴ When the Society of Jesus was suppressed in 1773 by the Catholic Church, the government secularized and modernized secondary education by creating "royal colleges" to replace those of the Jesuits in several of the towns.⁵⁵

Under Maria Theresa, private individuals and provincial authorities worked together in restoring the prosperity of the country and developing communications, industry and agriculture.⁵⁶ She was accepted by the Belgians because of the skill with which she managed to avoid offending the conservatism of her Belgian subjects (Dumont 1995). Her successor, Joseph II, acted in an entirely different manner.

5.1. The Belgian principalities: Polycentric Entities and Regional and Local Citizenship

Before analyzing Joseph II's reform attempts and their consequences, let us return for a moment to the implications of the arrangement in which for several centuries Belgian principalities with their cities were dependent territories of the Holy Roman Empire. The Belgian principalities followed the faith of the Hapsburgs, first the Spanish, then the Austrian branches. However, the Holy Roman Empire lacked the integrative power of a centralizing bureaucratic ad-

⁵³ Maria Theresa managed to keep Belgium out of the Seven Years' War (1756-1763).

⁵⁴ In 1772 she founded the Royal Academy of Science and Letters (today the *Académie Royale*).

⁵⁵ These were the first lay educational establishments to be created in Belgium. Although it was not successfully implemented, she envisioned an all-embracing plan for a state system of primary education to fight against illiteracy.

⁵⁶ In the Meuse Valley, the clothing and wool trades revived and mining techniques were improved; in Hainaut coal mining and the glass industry were actively developed. The population increased. Maria Theresa entrusted the administration in 1744 to her brother-in-law Charles de Lorraine, providing him with able ministers to administer customs tariffs in such a way as to protect the national industries.

ministration. It failed to shape a firmly state-anchored national consciousness among the profusion of sovereign and semisovereign political units in Germany, and even less in the Southern Low Countries. The scale of political authority in Belgium made it impossible to identify with a nation (with the institutional and territorial framework of a state), in which the principalities would belong. The principalities had their own institutions and their delimited territories. In Belgium the principalities' inhabitants saw their identities as local (the town, the village) and regional (the principality) on one hand and religious on the other.

In the polycentric and uniconfessional southern provinces, we can find no evidence of patriotism or national sentiment toward the Holy Roman Empire among the Belgian regional rulers or urban elites, who may have considered themselves at the service of the Emperor but not of a state. The idea of citizenship in the principalities had remained well-defined as urban citizenship. Even if the groups in charge of the affairs of the cities were more diversified than in the classic polis, as we have stated earlier, Belgian urban citizenship was not egalitarian. In accord with Rousseau, in the Southern Low Countries urban citizenship was a special, not a general, status and reflected the special institutional and political status of the different principalities. The principalities' status as dependent territories as well as their distance from the political center (Madrid or Vienna) often strengthened the bonds between the regional rulers, the local elites and the population. Often the regional rulers tended to assume the role of representative of the principalities rather than of agent of the Roman Empire. In their complex interplay of compromise and conflict between the distant absolutist sovereign and the resistance of the principalities social orders, the regional rulers had to maintain the greatest possible freedom with respect to the Empire's sovereign. In this sense and also in the fact that the regional elites were more like each other than like their Vienna counterparts, there was less difference between the regional rulers and the local elites and other groups of society; one could say their society was more egalitarian.⁵⁷

5.2. *From "Estate" to "Class", the Rise of the Bourgeoisie: The Decline of Community Rights*

Let us return to the advent of Joseph II's reign (1780-1790). As we have seen, the change from the Spanish to an Austrian Hapsburg regime in the Southern Low Countries had little effect on the political and cultural relations between the principalities and the imperial central power, at least, that is, until Joseph II's

57 Rao and Supphellen (1996).

attempted reforms.⁵⁸ In the relative successes achieved by the various European "enlightened absolutists" of the 18th century, much depended on the methods and personalities of the individual rulers and their advisers as well as on the past histories and present conditions of their respective countries, especially how well they handled central-provincial and central-local relations. This was, as we saw, unique to the 18th century.

Joseph II may have won popularity for his foreign policy toward the United Provinces, but the internal reforms which he introduced aroused both religious and political opposition. His first object was to reopen the Scheldt to Belgian ships and to remove the Dutch garrison from Belgian territory.⁵⁹ Much to his surprise, the Dutch fired on the vessels that he had ordered to sail up and down the Scheldt. The outbreak of war was prevented by French intervention and the Treaty of Fontainebleau (November 8, 1785) confirmed the *status quo*.⁶⁰

Joseph II, who typified the enlightened absolute ruler of the 18th century, used the ideology of public welfare to legitimate the expansion of his power over the Church.⁶¹ Internally, his first measures were aimed at the Church. The Edict of Tolerance (November 1781), which recognized religious freedom in Belgium for the first time since the formation of the League of Arras, deeply offended the clergy and the Catholic sentiments of the population.⁶²

Joseph II firmly believed that progress had to be imposed from above. His chief concern was the authoritative regulation and promotion of the private preoccupations - primarily economic - of Belgian individuals. In the principalities, Joseph II wanted to make uniform and modify as needed the rules that over the previous centuries corporate bodies in the Belgian cities and in the rural areas

58 Also called the Josephine reforms.

59 Stipulations imposed on the principalities by the Munster Treaties (1648) and the Barrier treaties (1715), which he regarded as incompatible with his sovereign rights. Maria Theresa had already refused to pay the sums due for the upkeep of the Dutch garrisons. In 1781, Joseph II informed the Estates-General of the United Provinces that he had decided to dismantle the Belgian fortresses and that they should therefore recall their troops. They accepted the situation so readily that he thought he would be able to reopen the Scheldt.

60 However, Joseph reopened the coastal ports to stimulate a growing seaborne traffic.

61 Joseph II was interested in the Southern Low Countries, and was the first Emperor since Philip II in 1549 to visit the principalities. Before he succeeded his mother he had made a hurried tour of the country and had come back full of contempt for the antiquated state of affairs he found there.

62 The 1783 suppression of the "unnecessary" convents, religious confraternities and pilgrimages, and the 1786 closing of the episcopal seminaries and their replacement by two seminaries founded by the state at Louvain and Luxembourg, aroused bitter feelings.

had autonomously and locally imposed upon commercial and productive pursuits, including prices, standards of merchandise, training of apprentices, controlling competition and innovation.

Joseph II's attempt to modernize the traditional institutions of the country aroused great anger. In 1787, he ordered the entire administration to be remodeled, and the country was divided into districts headed by administrative officers attached to the Council of Government at Brussels. Justice was to be administered by two Councils of Appeal, a Supreme Council of Revision and 64 Courts of First Instance. Thus, by nothing more than a stroke of the pen, the traditional autonomy of the Belgian provinces, respected by all rulers from Philip II onward, was cancelled. A formidable opposition movement broke out in all the provinces.⁶³

Joseph II created two oppositions, a conservative one as might be expected, composed of some members of the clergy, the nobility, the princely bureaucrats and the old patriciate as well as the guild magistrates, attached to their privileges. But there was opposition also from a more liberal/progressive group which comprised members from the same categories as the conservative group and included part of the rising bourgeoisie, new entrepreneurs, traders and merchants who wanted to break the protectionist barriers of the principalities. In the principalities, during the 18th century an increasingly significant section of the capitalist entrepreneurs had been redefining their identity as that of a *class* rather than an *estate*.⁶⁴ These new groups were politically radicalized by some of their

63 Joseph's sister Maria-Christina, duchess and governor of Saxe-Teschen, did not dare to enforce the edicts. The Emperor, however, persisted. He sent a new minister plenipotentiary, Ferdinand von Trauttmansdorf, to Brussels and entrusted the command of the troops to General Richard Count d'Alton, who had orders to enforce the reforms and repress disturbances. In November, 1788, the estates of Hainaut and Brabant refused to pay taxes. The events in France and especially the news of the taking of the Bastille encouraged the Belgians in their resistance.

64 In the context of political developments in Belgium at the end of the *ancien régime* in the 18th century and even more so in the 19th, the shift from the concept of *estate* to that of *class* is crucial. Let us briefly characterize the difference. Both are collective units, but a class is more abstract, more impersonal and more distinctively translocal than an estate. Its visible boundaries are set not by a style of life or a specific mode of activity, but by the ability of its members to claim a disproportionate share of market resources, which can consequently be accumulated and continuously redeployed. In the case of the groups were are considering these sources reside in private capital. The unity of an estate is maintained by internal organs of authority that guard the collective's traditional rights, both particular and common and enforce discipline upon its individual components; if a class may be said to have such unity, it is in its common acceptance of competition for advantage among its components, all of whom are acting privately in their own self-interest. Such competition is, however, expected to be self equilibrating; this both legitimizes and limits one component's

members who made up a new category in Belgian society: journalists, lawyers, judges, writers, academics.⁶⁵ Active particularly in intellectual, literary and artistic pursuits, they had been developing a distinct social identity - that of a public, or rather, at first, of a variety of "publics" (Habermas 1989). As in France, throughout the principalities and especially in the major cities of Wallonia and Flanders as well as Brussels, they had increasingly carried out their pursuits through scientific societies, bookstores, coffeehouses, publishing houses and the daily press – in short, in places accessible to all interested comers (Lenders 1991). These places were frequented by the learned, the technically competent, the persuasive, the creative and the critical members of society, making such places lively cultural centers. Belgian Freemasonry added an international dimension to this expanding group. The Belgian Masonic lodges had been active very early in the history of Freemasonry in Europe and were a source of critical knowledge. Joseph II's attempt to reduce their influence was circumvented by secret meetings. These new intellectual groups were allowed to contribute to the open-ended, unconstrained process of argument intended to produce a widely-held critically established "public opinion" about any given theme. Their meeting-places in Brussels, Liège and Ghent had been visited by members of the French, English and Russian opposition, and much of the criticism of the French monarchy was published in Brussels and Liège during the 18th century. The themes discussed had been scientific, literary and philosophical, however, as in France the topics had progressively shifted toward political matters, and criticism of the archaic nature of the political and administrative structures and privileges existing in the principalities.⁶⁶ Even if Joseph II shared some of the concerns of these new groups, he was not prepared to tolerate any type of criticism or any area that remained free from his intervention. After all, his attempts at reform had only succeeded in uniting the conservative and progressive elements of Belgian society against him, at least for a short while.

The conservatives, whose leader was the lawyer Henri Van der Noot, combined with the partisans of reform, the chief of whom was another lawyer, Jean François Vonck. They fled to Holland where they formed *le corps des volontaires*. On October 24, 1789, under the leadership of Col. J.A. Van der Meersch, contrary to all expectations they defeated the Austrian troops at

advantage over others. Moreover, infraclass competition is limited by the recognition of shared interests, as one class challenges another within the market structure. In the present study, the shift from the *ancien régime* to its successor is paradigmatic of the shift from *estate* to *class*. Habermas (1989), Poggi (1978).

⁶⁵ P. Lenders (1993).

⁶⁶ Mabilie (1992) 28-35.

Turnhout. This was the signal for a general uprising. In December, Belgium, with the exception of Luxembourg, denied Joseph II's sovereignty and proclaimed their independence. Inspired by the United States's Article of Confederation, the principalities formed a Confederation of the United Belgian States and set up a Congress.

The various parties were, however, very far from unanimity in their political views. Two opposing parties at once appeared. The Vonckists wished to adopt a constitution based on the principles laid down by the French national assembly. Meanwhile, Vender Noot, supported by the clergy and the traditional part of society, desired to restore the privileges and position the nobles and the clergy previously enjoyed. Riots broke out, Vonck's partisans were outnumbered and left the field to their opponents. Vender Noot was unable to control events, and the Belgian Republic, divided by internal disputes, soon fell into a state of anarchy and became unable to prepare resistance.⁶⁷ Within one year, Austrian authority and the old regime was restored.

In Liège under the progressive Prince-Bishop Velbruck (1772-1784) French philosophical and revolutionary ideas spread. His successor, the more conservative Prince-Bishop Hoensbrock (1784-1792), spurred the inhabitants to rebellion.⁶⁸ The real demands were for the reinstatement of political rights for the rising bourgeoisie and the abolition of the Agreement of 1684 excluding this group from the administration of the city. The revolutionaries were asking for a parliamentary regime. On August 18, 1789 they took the town hall and demanded the resignation of the magistrates, whereupon the Prince-Bishop took refuge in Germany. The revolutionaries prepared a constitution, which was never ratified. Although initially successful, the Liège Revolution, like the *Brabançonne* Revolution, finally failed due to foreign politics, first Austrian, then French (Demoulin 1938).

Joseph died on February 20, 1790 and was succeeded by his brother Leopold II (1790-1792). Leopold at first attempted to win over the Belgians by conciliatory means, but his conditions were rejected. He finally took up arms, and the Belgian army was driven back without difficulty. On December 3, 1790 Austrian troops occupied Brussels. A few days later the subjugation of the country was complete.

Leopold, who did not wish to provoke further disturbances, made no attempt to reintroduce Joseph's reforms.⁶⁹ Meanwhile war broke out between

⁶⁷ Mabile (1990) 42-47.

⁶⁸ The pretext used was the shutdown of the Casino of Spa, which had been opened illegally.

⁶⁹ Under Leopold and under his son François II (Emperor of Austria from 1792

France and Austria. The French, under Dumouriez, won the battle of Jemmapes (1792) and occupied Belgium. The Austrians resumed the offensive, defeated Dumouriez at Neerwinden (March 18, 1793) and took possession of Belgium.

The restored regime was of short duration. Following Jean-Baptiste Jourdan's victory at Fleurus (June 26, 1794), the rule of the Austrian sovereigns ended with the treaties of Campo Formio (1797) and Luneville (1801), under which Leopolds' successor, François II, bowed to the annexation of Belgium by the French Republic.⁷⁰

6. Belgium under French Annexation

6.1. *The French Model of a Modern State in Belgium*

In 1792, during the liberal and cosmopolitan stage of the French Revolution, the project of the Convention was to organize a belt of free Republics at the border of France.⁷¹ However, in 1795 the Revolution went through a radical phase, and war and factional struggle had engendered a climate of extreme suspicion of internal enemies who might serve foreign interests. Before the battle of Fleurus, Danton had advocated the annexation of the Belgian principalities, this was accepted by the Convention in March 1793. After a period of occupation and military rule, the National Convention on October 1, 1795 voted to annex Belgian principalities including that of Liège. France then accomplished the aims of Joseph II in a far more radical manner. The *ancien régime* - the political, administrative, economic and social structure of the principalities - was destroyed, and all privileges abolished. The Church came under attack and its properties were seized; and secularization and French language policies were enforced. Meanwhile, access to a larger market gave rise to an industrial revolution and profound socio-economic changes.

6.1.1. *Jacobin Centralization: the End of the Regional and Local*

until 1835) the Government was restored to the form in which it had existed under Marie Theresa.

⁷⁰ Mabile (1992) 49-50.

⁷¹ It was the President of the Diplomatic Committee, Brissot, who made that statement on November 21, 1792; however, on the 26th he spoke of moving back the borders of the Republic to the Rhine.

Citizenship Rights

France imposed its own model of nationhood and citizenship on Belgium, one eminently different from the urban model. Revolutionary and Republican definitions of nationhood and citizenship - unitarist, universalist and secular - reinforced what was already in the French *ancien régime* an essentially political understanding of nationhood.⁷² During the military occupation prior to annexation, Belgium was divided into nine *départements* (August 31, 1795),⁷³ establishing a system for all the communes, and defining their responsibilities. In order to assimilate Belgium, the French increasingly penetrated all of the instruments and methods of the central Jacobin State, the administration, the school, the army, transportation and communication. The town mayors, originally elected by the people, were to be nominated by the central leadership, the communal boundaries were changed, some disappearing while new ones were created; this continued through the Directory, the Consulate and the Empire.⁷⁴

Under the French regime, all branches of the administration were centralized and systematized. During the Consulate and the Empire's new judiciary legislation was voted in and put in place in Belgium as well as in France.⁷⁵ During the first ten years of the annexation, there was great confusion in the judiciary, as the Belgian members of the former judiciary apparatus at first boycotted the new regime. The French government attempted to arrest and replace those members of the legal profession who were its most obvious opponents. However, as the years went by, opposition receded and they as well as the justice administration were often kept in place because of a lack of replacements for them and also a lack of knowledge of the local communities by the French. Meanwhile, a new generation of lawyers and judges was forming in Paris, enlarging the legal profession and promoting the French language and ideology.⁷⁶ This new generation joined with the former critics of the *ancien régime* under

72 Brubaker (1992) 49

73 The new division did not take account of the old delimitations of the former political/administrative entities. Prefects and sub-prefects were nominated by the central leadership.

74 In 10 years 93 communes were suppressed out of 465 in Sambre-Meuse; and 30 out of 387 in the Dyle. The law of February 1800 gave back some autonomy to the communal bureaucracy that the Constitution of *l'An III* (August 22, 1795) had taken away. On June 1, 1800 Lucien Bonaparte asked the Prefects to suggest a reunification of communes and gave reasons why it would be beneficial. Mabilie (1992).

75 March 21 1804: Code Civil (code Napoleon), 1806: Civil Procedure, 1807: Trade Code, 1808 Code of Criminal Instruction, and 1810 Penal Code.

76 Lenders (1993).

Joseph II, the lawyers, judges, academics and journalists, to form a new component of Belgium society, a part of the new bourgeoisie (French speaking) who brought new energy to Belgian society, but did so in French.

6.1.2. Linguistic Assimilation, Failure and Success: A Divisive Factor for Modern Citizenship

Probably the most detrimental aspect of the French centralization and assimilation strategy was the linguistic policy imposed upon a territory which had a long history of autonomy and a traditional politics of compromise between the Empire, the regional and local levels. This problem has repercussions in Belgium today. The linguistic differences between the two communities (Flemish and Walloon) existed during centuries of compromise under sovereign rulers who spoke neither language, during which cities and principalities had largely preserved their linguistic rights. The assimilationist linguistic policy of the French Revolution was resisted by a part of both communities. As a result, Belgian society divided, not along communal lines but along class lines within both communities, according to their need to speak French. The use of the French language was enforced in the administration as well as in education, as the French government attempted to extirpate the Flemish language from the public sphere. French became the language of the bureaucracy, the judiciary, education, culture, the army and all public life. The rural Flemish population as well as the urban working class perceived this as an attack on their cultural, linguistic and religious identities. At the beginning of the annexation, the French administration produced its edicts in both French and Flemish. When the assimilation policy prevailed in the Belgian *départements* the government attempted by coercive measures such as arrests and trials to impose French as an official language in the administration. However, this policy failed, due to communication problems between the population and the administration and the lack of French-speaking candidates to replace the Flemish. In Wallonia the French linguistic propaganda was reinforced by the Belgian revolutionaries and by the fact that the upper and middle classes already spoke French. Some Walloon intellectuals supported l'Abbé Grégoire's position that Walloon was a "patois" and had to be extirpated from French territories, and the Walloon language and culture (literature, theater) came under more attack than the Flemish. French presented the means for social ascent in the administration, as did the military draft, which favored linguistic assimilation of Walloons mainly during the Napoleonic wars. However, there were also uprisings, the so-called "peasants revolt" organized against these assimilative measures and the military draft in the Ardennes, Waes and Campine. These were severely repressed.

6.1.3. Anti-Clerical Policy: Reinforcement of the Flemish Religious

Identity

Linguistic policies were only a part of the changes imposed by the French government. Under French religious policy, the Belgian Catholic Church, like that of France, was under attack. Privileges were abolished and the Church's property confiscated. These properties were called "Biens nationaux" and sold to new owners. The religious policy voted by the French Constitution was also enforced in Belgium. The secular State had the right to make changes if it deemed wise, not only in ecclesiastical organizations but also in areas concerning worship. The State had the right to intervene in the elections of bishops and the ecclesiastical districts were changed. A large number of members of the lower clergy refused to swear allegiance to the government and went into hiding or were deported to France and to Guayana. Yet the Flemish repression, as bad as it was, was never extreme because of the fact that Belgium was annexed after the Terror and because of the experience the French had acquired with insurrections in Alsace and in the Vendée, which they were not eager to repeat. However, this repression reinforced the Flemish community consciousness against the French, already associated with centuries of wars and attempts at annexation.

On September 8, 1801 Napoleon and Pope Pius VII signed a *Concordat* applying to all lands under French domination. This *Concordat* stated that the Church was public and recognized by the State, which had the right to regulate it. Dioceses were reopened with new boundaries. Secularization as well as centralization gave French nationals total control over Belgians. In the Belgian *départements*, the bishops at the head of dioceses, as well as the *départements* prefects, were, for the most part, French. The State took away the responsibility of the Church concerning hospitals, welfare, etc. and created new civil hospitals and communal welfare offices. However, in 1800, the Interior Ministry, realizing that this arrangement was not working, asked for the assistance of the religious orders.⁷⁷

6.1.4. Rise of the Liberal Freemason

The French regimes' anti-clerical policy went hand-in-hand with a secularization policy strongly supported by Freemasonry, which in spite of having been undermined by Joseph II, had strong roots in Belgian society but had been undermined by Joseph II. Masonic lodges were reopened and new ones were created, Belgian lodges receiving their constitution from the Grand Orient of France. Freemasonry became extremely important under the Consulate and the

⁷⁷ *La Belgique sous le Consulat et l'Empire*. Brussels: Bibliothèque Albert 1er (1965).

Empire. The secularization policy as well as the sale of the Church's property in Belgium was supported by a new bourgeoisie, which had not been a part of the corporate organizations of the *ancien régime*. This new bourgeoisie was, thus, ready to work with the new regime in realizing its goal of enlarging Belgian Freemasonry.

It should be noted that in Belgium, the nobles were not persecuted to the same extent as in France. This was due in part to the fact that Belgium was under Austrian rule during the major part of the Terror. In 1795, the Belgian nobles either did not emigrate or quickly returned. The French needed the Belgian economy and enterprises and the nobles were already actors in Belgian industrialization. Consequently most of the confiscated "biens nationaux" in Belgium were Church properties, called "biens noirs." The Belgian nobility, like the British, had not followed the French nobles in rejecting the industrial endeavor. Belgian nobles traditionally supported manufacture, trade and urban commerce. The economy accordingly, thrived because of the nobles' comparative freedom from domination from the central imperial monarchy and because the nobles formed a network among all the actors of the periphery (urban elites, administration and guild).

6.2. *The French Origin of an Entrepreneurial State: The Industrial Revolution in Belgium*

The abolition of guilds and their privileges, the sale of Church properties, the administrative restructuring imposed by the French regime, as well as access to a huge French and international market under the Empire, all propelled the Industrial Revolution in Belgium. Belgium was the first Continental European country to experience a rapid and early industrial revolution. Like its British progenitor, the Belgian Industrial Revolution was centered around iron, coal and textiles.

Unlike Britain, Belgium did not have a great merchant fleet and did not control much of the world's commerce. However, like Britain, Belgium possessed all the raw materials necessary for the development of extensive industry: wool, linen, cotton, iron, coal, water, and lumber. Apart from Belgium, in the period from 1760 to 1830 the Industrial Revolution was largely confined to Britain which, aware of its head start, forbade the exportation of machinery, skilled workers and manufacturing techniques. However, the British monopoly could not last forever, especially since some Britons saw profitable industrial opportunities abroad, and continental European businessmen sought to lure the British know-how to their country. During the French annexation Belgian industrialization benefited by unification of the laws and the centralization of power.

Of course, institutional and political changes interacted with the Industrial Revolution in Belgium. The abolition of the privileges and particularism, especially the borders between the provinces, the unification of law and of the administrative and judicial structures, produced a more open economy; concurrently, access to the French market, and to an even larger market at the apogee of the Empire, favored the flow of goods. The French armies required supplies which the Belgian factories produced. During the Napoleonic period, wool became very important on the Continent because of the interruption of the supply of raw cotton from abroad and the sharp increase in the military demand for woollen cloth. Trade in both cloth and weapons had lasting effects on the Belgian economy.

Like all of Western Europe, Belgium profited by improvements in transportation as well. This was a period of active road-building, and canal construction, and development of faster, more capacious vehicles. To some extent the two went together: as roads improved, it was possible to shift from pack animals (the main method of transport in most areas of the continent) to wagons, while waterways of greater depth and dependability permitted the use of steamboats and team barges. Until 1830, Belgium thought of transport in terms of canals. In keeping with the plan conceived during the Napoleonic era, Antwerp sought to develop connections with Cologne and Charleroi by means of waterways, the very short and narrow railways being no more than their tributaries. The canal from Mons to Condé, opened in 1814, further facilitated commerce between Belgium and France. River improvement also played a crucial role in facilitating transportation. This infrastructure, put in place by France for political reasons, became an important factor in Belgium's industrial development. The natural access of the Southern Low Countries to the sea via the Scheldt had been interrupted by the Dutch at the end of the 16th century, and was to remain blocked until French annexation of the area. Efforts to make Ostend another Antwerp had only been partially successful. The manufacturers of Wallonia, the industrial heart of the country, had in fact been compelled to turn to central Europe for markets.⁷⁸ After The Netherlands were occupied by France, however, Antwerp was reopened and further developed. In addition, while the removal of the border between Liège and The Netherlands encouraged industry in the Liège region.

At the end of 18th century, domestically-woven cotton replaced imported wool and coal replaced wood as the main source of industrial fuel. The continental countries under French control either had little coal or it had not been discovered, and what they had was widely dispersed, usually at a distance from

78 Habakkuk and Postan (1978) 356.

associated raw materials such as iron. Also, more often than not, the coal was of the wrong kind for industrial use. Only in England and Belgium was known to be a substantial measure of accessible and usable coal. The Belgians with their abundant coal deposits and long mining experience, became the first on the continent to make the shift to mineral fuel.

Thus, French administration made an effort to facilitate the extraction of coal. Its law of December 16, 1795 on mining regulations applied in the Belgian *départements* favored the creation of more important and better equipped enterprises than before. By 1812, the *département de l'Ourthe* possessed 140 coal mines, ten of them using steam engines. The mines employed more than half of the total labor force and produced more than half of Belgian commodities. Coal had long come to dominate the refining process, and the traditional "Walloon" techniques had given way in most places to the puddling furnace and rolling mill.

The first foundations of the Belgian Industrial Revolution had been put into place, with Ghent, Liège and Verviers as its cornerstones. In 1798, Lievin Bawens, a Belgian entrepreneur who had fled to England in 1794, returned to Ghent. Bawens acquired "des biens nationaux" confiscated by the State and installed his workshops in Passy and then Ghent, where he mechanized the cotton industry. In 1799 William Cockerill (1759-1832),⁷⁹ a British inventor and manufacturer, was brought to Verviers, to build the first wool-carding and wool-spinning machines on the continent. Wool manufacture was then concentrated around Verviers, a vigorous progressive center, well able to compete in distant markets and be alert to changes in technique and fashion. Verviers had prospered enormously under Napoleon thanks to the growth of the market and the heavy government demand for woolen cloth.

In 1807, with two of his sons, Cockerill opened factories in Liège for the construction of spinning and weaving machines, thus producing an industry that previously had been an English monopoly. Demands came from all over Europe, and he amassed a large fortune. Napoleon granted him "Grand citizenship" in return for his merit and his philanthropy. Cockerill's youngest son John (1790-1840) took over his father's business in 1812.

Whereas in Britain use of the new machines spread in cotton far more rapidly than in woollens, on the continent, the interruption of the supply of raw cotton during the Napoleonic period and the sharp increase in the military de-

⁷⁹ As a young man in England, Cockerill revealed unusual mechanical ability by constructing models of a great number and variety of machines. In 1794 he went to Russia as an artisan and two years later to Sweden to construct lock gates for the government. He could not, however, arouse interest in his own field, spinning machines.

mand for woolen cloth temporarily reversed that order. The long experience of the Walloons in metal work enabled them to become the machine builders of Europe. The first newcomen engine on the Continent had been erected in Liège in 1720-21, and by the middle of the century the ironworks of the vicinity were making copies for Hainaut and other nearby mining centers.⁸⁰

It had been the clothiers of Verviers who had brought John Cockerill to the Low Countries to build spinning machinery; and it was the wool manufacturers of France, Spain and the Germanies who bought the bulk of the equipment produced under the Empire by Cockerill and his rivals, Douglas in Paris and Spineux in Liège. Within a decade after Waterloo, however, the return to peaceful trade relations and the natural suitability of the vegetable fibre to mechanical manipulation restored the cotton industry to its earlier technological pre-eminence. It was never to lose its lead again.⁸¹

It was not enough to bring techniques and technicians over from Britain. Industry needed a sympathetic business community moving ahead in its own right, anticipating the State's needs and decisions (not an easy task) and exploiting its resources.⁸² The Belgian aristocracy, more than any other on the continent, was intensely alert to business opportunity. Like the British gentry, they were ready to shift capital wherever it would earn the most.⁸³ Much of the entrepreneurial interest in industrial development was part of the general process of growth and accumulation of capital, as Belgian business followed the British example. Population growth was an important part of this history: in spite of the lack of census figures in the 18th century, a steady upward trend, rising yet more sharply in the 19th century (France: 27.5 to 34 million; Belgium: 3 to 4.3 million and Germany: 23.5 to 33.5 million, for the years 1801-1850).

The French State created state enterprises such as *La Fonderie impériale de canons* in Herstal (Liège), which traditionally made weaponry. To summarize, the Industrial Revolution in Belgium, the first on the continent, was propelled by the needs of a foreign absolutist ruler, Napoleon I. Under France, Belgium became a "modern" industrial nation. Freed from the guilds' privileges and enriched by the acquisition of the *biens nationaux*, an active entrepreneurial group developed. The political, religious, linguistic and economic cleavages thus created would prove to be extremely important for the future of Belgian society.

80 Habakkuk and Postan (1978) 369.

81 Habakkuk and Postan (1978) 387.

82 Habakkuk and Postan (1978) 380.

83 Jacquemyns, Langrand-Dumonceau (1960).

6.3. *Civil Rights and Political Rights versus Community Rights: The Rise of the Modern Citizen-Burgher*

The French Revolution had destroyed the constraining power of the guilds. Because of guild privileges and protectionism, the guilds had been detrimental to the development of a free economy. Ending the special community rights and control over the affairs of the city that guild members had enjoyed for centuries was a significant step toward modernization and the construction of the French modern state. This modern state and state citizenship, thus developed, replacing urban autonomy and urban citizenship, destroying corporate buffers between the individual and the central power or, at that point, the Jacobin state.

The Industrial Revolution profited various groups: entrepreneurs (noble as well as bourgeois) and merchants, conservatives as well as liberals, landowners from various classes, lawyers and administrators. The buyers of the "biens nationaux/biens noirs" were important agents of the Industrial Revolution in Belgium. The outcome of this economic phenomenon was the creation of a new active bourgeoisie: civil servants and entrepreneurs, anti-clerical in nature, who were both beneficiaries and participants in the process of centralization and secularization. This new entrepreneurial group had redefined its social identity under the French regime. The trend of shifting "estate" to "class" began in the early 18th century. After the destruction of the guilds and their function as a central organ of authority and internal disciplines, the former entrepreneurial "estate" increasingly defined more loosely as a "class". Now these entrepreneur burghers had to compete for financial advantage among themselves as private and self interested individuals. It was a competition tempered by the recognition of certain shared interest regarding other groups of the society or foreign competitors.

These economic advantages proceeding from the Revolutionary civil rights proclamation and the downfall of the *ancien régime* were hardly visible for urban poor, mostly former craftsmen, laborers, domestics deprived of the protection of the guild (Lebrun 1979). Formerly, political rights had been tied to civil rights, which in turn had derived from a guild membership designed to protect economic success. Now a new poor without benefit of citizenship rights had been created. These people had no possibility to gain political strength since the French revolutionaries had denied them the right to associate.

In the Belgian *départments*, after 1795, in a period of rapid industrialization, the working class did obtain partial civil rights (the right to work). However, without economic success an individual had no political rights, wealth being one of the conditions for suffrage. French rule shifted the basis for political rights from a group status to an individual economic substance, making political rights tributary of civil rights. Meanwhile, the principle of social rights, educa-

tion, health care, accident, and death related subsidies, unemployment, and poor relief, as an integral part of the status of citizenship had not yet been recognized. Thus, under the French regime, the kind of citizenship which had existed for the craftsmen and the laborer in the principalities since the Middle Ages had disappeared with little to replace it in its function of social integration.

In the Belgian principalities citizenship(s) from the Middle Ages until 1795 derived from the status of the individual or the group he belonged to. This status was not one of citizenship in the modern sense. There was no principle of the equality of citizens against the inequality of classes/groups. On the other hand, examples of genuine and equal citizenship could be found. But its specific rights and duties were strictly local. After the French Revolution they became national. After 1795 the social rights which had been rooted in membership of the town, the guild and the village community were dissolved. The active participation of the citizens in community affairs on the local and regional levels diminished not to say disappeared. After 1795 in Belgium as in France, a new distinction was established between active and passive citizenship, as defined by Sièyes in 1791 in a commentary on *des droits de l'homme et du citoyen*. Passive citizenship safeguarded everyone's property and liberty – including the peasantry, and workers. Active citizenship meanwhile was reserved for the adult male, who contributed to the welfare of the state with his body and property - leading the military, fulfilling the roles of politician, or entrepreneurs, or in public service as lawyers, judges, journalists, or academics/scientists. It is likely that this French distinction between active and passive citizenship was a legacy of fifteen years of French annexation and therefore will be studied in the next chapter, in the light of Belgian Independence. It was at this point in 1831, that the concept of citizenship became an endogenous concept. Belgian entrepreneurs and those involved in public service accepted Sièyes' views and none envisioned full male suffrage. They had only contempt for the working class and the uneducated, who made up the Flemish and Walloon peasantry and the masses of industrial laborers and displaced craftsmen. The accent on civil rights in the French concept of citizenship and the rapidity of the Industrial Revolution in Belgium made citizenship an economic matter even more so than in France.

The Industrial Revolution and the imposition of French rule and French universal civil and political rights enlarged the entrepreneurial group and the rising civil service (lawyers, judges, academics etc.) who formed the upper class, the *fransquillons*, throughout Belgium (both Flanders and Wallonia) while destroying the community rights of the guilds - leaving the individual face to face with the state, unprotected by intermediary corporate organizations - thus cre-

ating large working-class⁸⁴ masses in geographically defined regions such as Ghent and Liège. In the Flemish and Walloon communities, subjected to the French national law, alienated from, the *fransquillons* reacted differently to those French citizenship rights and duties concerning cultural (linguistic and religious) and military French policies. The rural Catholic Flemish community as well as a large part of the industrial workers living in the outskirts of Ghent, resisted the linguistic and religious French policies and supported their persecuted low clergy, as they resisted conscription and the levy of arbitrary taxes. Due to this resistance, the rural Flemish sense of cultural identity remained strong. In industrial Wallonia, however, the Walloon culture eroded, as the working-class were (1) subjected to both *francisation* as well as to the military draft, and (2) deserted by the Catholic Church, which in the 19th century opposed modernity and industrialization and considered the working-class in urban areas as sinful and sordid. The resulting differences in social cohesiveness would strongly shape the two communities' responses to the next phase of Belgian development.

7. Conclusion

This study has examined some factors that may account for the delay in the state-building process in Belgium and the impact of this delay on the endurance of the pre-citizenship rights in the principalities. The key factor in Belgium's early development was that when under Philip the Fair's (1419-1467) and the House of Burgundy's unification of the Seventeen Provinces. These provinces then were able to secure their local and regional institutions and hold meetings of the Estates-General that guaranteed civil, political and social/community rights for their regional constituencies. Under the rule of the Spanish Hapsburgs (1477-1713), the 16th century was the turning-point in the process of unification of the Seventeen Provinces and also saw a new configuration of international relations. The great struggle of that epoch, the question at the heart of the conflict between Catholics and Protestants in the Seventeen Provinces Revolt, was which constitutional structures which major European states ought to take as their norms. The northern of the Seventeen Provinces were successful in their revolt against Spain and became an independent Dutch

⁸⁴ The term "working-class" is used to refer to the working people at the bottom of Belgium's social ladder who worked for wages, apprentices, servants, journeymen etc. In the context of the first Belgian Industrial Revolution (end of the 18th century until 1845), I make no judgement about whether these working people were part of the working class in the Marxist sense.

Protestant Republic with strong ties to England and the German principalities. In the southern provinces (present-day Belgium), despite a strong Protestant movement, Philip II's *reconquista* was successful and the Southern Low Countries remained dependent territories of the Spanish Hapsburg.

The Spanish religious victory was achieved at the expense of regional and local political and institutional control, leaving a great deal of autonomy to the principalities. The disparity between the distant Empire and the Belgian semi-sovereign political principalities of all sorts fostered a largely local, regional and religious sense of identity. Although the southern provinces of the Low Countries became homogeneously Catholic, they remained polycentric, and for almost three centuries, they proved resistant to the formation of a larger territorial unit, becoming a remarkable example of late state-formation. A salient trait of the local rulers in the Southern Low Countries in their relations with the distant sovereign was the interplay of compromise and conflict, absolutism and regional resistance. Compromise and conflict would remain characteristics of modern Belgian politics.

The French annexation (1795-1814), a pivotal transition between the Belgian *ancien régime* of the principalities and the modern state, further delayed Belgian state-formation. The *ancien régime* was destroyed, and the administrative and political structure of the modern nation was established by a foreign power. A Jacobin centralization was imposed and the provinces divided into *départements*. French was imposed as the official language. These administrative changes created economic and social divisions between the two main communities, Walloon and Flemish, as each suffered or profited from the Belgian Industrial Revolution, and a deep cultural division due to linguistic and religious prejudices resulted as well.

Revolutionary France destroyed the autonomy of the principalities, ended the structure of the *ancien régime*, sweeping away privileges, regional liberties and immunities, corporate monopolies and fiscal exemptions - it had created a class of persons formally equal before the law. The inhabitants became French citizens, sharing the Bill of Rights of the Republic. The French revolutionary power created the social and legal framework for the emergence of "bourgeois society."⁸⁵ The French revolutionary power promoted in the now-Belgian territory, universal civil and political rights.

Although the Revolutionary and Napoleonic wars and the French annexation did postpone Belgian state-building, these combined with the Industrial Revolution also set the stage for Belgian statehood in the 19th century and for its development of an endogenous modern concept of citizenship rights. With the

85 Brubaker (1992).

foregoing history in mind, the next section will analyze the further development and context of Belgium under Dutch annexation as a background to Belgian state-formation, Belgium's independence and the drawing up of the Constitution of 1831.

Annex A

The Liège prototype

In the 13th century Liège conflicts between the popular classes and the aristocrats resulted in the so-called "Sens du Pays" of the early 14th century. In 1303, the twenty guilds of Liège secured their position as an integral part of the local municipal constitution, under which the *jurés* and two masters formed the Council, representing two groups of magistrates. The older group, the *échevins*, formed a tribunal belonging to the lord; the more recent, the *jurés*, the sworn members of the council, were the nominees and the representatives of the commune. The former administered the law in the name of the bishop, the latter in the name of the burghers.⁸⁶ This was a kind of popular representation in which the nobility, the clergy and the prince-bishop cooperated. The nobles and the upper class bitterly resented the strengthening of the municipal power and of the guilds, with their right of representation on the city council. They attempted a *coup de main* on the night of August 3-4, 1312, which failed.⁸⁷ On February 14, 1313 political equality was granted to the laborers and a preponderance of the trade guilds. According to the Peace of Fexhe (1316) the government was divided between the bishop and the "wish of the country," that is to say the local estates. It was divided between the bishop and the "city" of Liège. Neither the clergy, represented solely by the chapter of the cathedral, nor the nobility, few in number and not very wealthy, could counterbalance the action of the third estate in the popular assemblies (Pirenne [1915] 1963).

86 The competence of the *jurés* extended only to municipal regulations and police jurisdiction. The term used in Liège expressed that competence: "statutable jurisdiction" while the status of *échevins* was called "legal jurisdiction." In spite of many attempts the towns never succeeded in bringing the episcopal tribunal under their own jurisdiction.

87 The result was the burning to death by the populace of the noble armed party in the church of St. Martin. It is remembered as *le male de Saint-Martin*.

Annex B

The Flanders Prototype

In Flanders, although most of the towns were in the Flemish-speaking district, the organization and rights of the Flemish cities were based on the Charter of the French-speaking town of Arras. The type of organization, says Pirenne, was very simple. Each town was withdrawn from the territorial *échevinage* (jurisdiction) of the lordship in which it lay, and had its own *échevins*, generally twelve or thirteen, chosen by the count but exclusively elected by the burghers. The *échevins* were the lord's judges, and he deputed one of his own officers, the *bailiff*, to preside over them. They were, at the same time, the councilors of the commune. The duplication of the magistracies which we have described in Liège, where each of the opposing parties was clearly distinguished from its rivals, did not exist in Flanders. The great Flemish towns, powerful commercial centers in which municipal law was developed, knew nothing about the *jurés*. Although the count nominated the *échevins*, there is no evidence that he could depose them; his power over them was very slight, although he ratified their choice at each vacancy. On the other hand, while the *bailiff* sat on the count's committee, he was forbidden to take part in deliberations when the affairs of the communes were being discussed. Thus municipal autonomy developed quite freely in Flanders.

The *échevins* were representatives of the commune; the *bailiff* was the instrument of the count and obeyed his orders. He was chosen from outside of the town in which his administrative duty lay and was frequently replaced. As development occurred a rivalry arose between the autonomy of the town and the authority of the lord: the great communes became republican and wanted to extend their privileges, while the prince aimed at monarchy and wanted to increase his sovereignty. These conflicting ideological views came into the open during the Reformation.

The growth of the medieval towns of the Low Countries was in large part due to economic transformation. Pirenne claims that although the organizations of the Church and of the State in the Middle Ages were of much earlier origin than that of the municipality, the Church and the State remained distinct from it. Even though many towns were the seat of a bishopric, or of the central state, such conditions were not essential to civic development.

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