

PETER COLLIN
AGUSTÍN CASAGRANDE (EDS.)

Law and Diversity:
European and Latin American
Experiences from a
Legal Historical Perspective

Vol. 1: Fundamental Questions

Bruno Debaenst

The Tower of Babelgium. The Never-ending
Belgian Nation-building
| 267–281



MAX PLANCK INSTITUTE
FOR LEGAL HISTORY AND LEGAL THEORY

The Tower of Babelgium. The Never-ending Belgian Nation-building

1 Introduction

Ribeiro describes the Brazilian national identity from the point of view of a “diverse diversity”. The specific Brazilian context – a land of many races, living together in an ever-expanding country that did not have a political constitutive moment – led to discourses typical for Brazil. This makes it challenging to comment on Ribeiro’s contribution on *National Identity by Diversity – Brazilian Nation Building Ideas and Theories, 1920–1948 (and their Aftermath)*, because Brazil and Belgium are two very different countries, with their own history and identity.

The current Kingdom of Belgium, for its part, did have a decisive political constitutive moment: it was born out of a revolution in 1830, when it separated from the United Kingdom of the Netherlands. Before 1830, the “Belgian territories” were always part of other entities. This did not prevent nationalist historians such as Henri Pirenne (1862–1935) from detecting a “Belgian identity” already in the Middle Ages and before.¹ Generations of Belgians even learned in school that they descended from the “*Belgae*”, mentioned by Julius Caesar in his *De Bello Gallico*.² Despite these efforts to use

- 1 Henri Pirenne (1862–1935) was a Belgian medievalist of Wallonian descent. Between 1900 and 1932, he published his history of Belgium (*Histoire de Belgique*). On Pirenne, KEYMEULEN (2016).
- 2 Generations of Belgians had to study his words from Book I, I: “Horum omnium fortissimi sunt Belgae, propterea quod a cultu atque humanitate provinciae longissime absunt, minimeque ad eos mercatores saepe commeant atque ea quae ad effeminandos animos pertinent important, proximique sunt Germanis, qui trans Rhenum incolunt, quibus cum continenter bellum gerunt.” Translated into English: “Of all these, the Belgae are the bravest, because they are farthest from the civilization and refinement of [our] Province, and merchants least frequently resort to them and import those things which tend to effeminate the mind; and they are the nearest to the Germans, who dwell beyond the Rhine, with whom they are continually waging war.” McDEVITTE (1915). Personally, I have never really understood whether I had to take this as a compliment or an insult: my “ancestors” were the bravest of all Gauls, but only because they were the least civilized.

historical examples to create a Belgian national identity, Belgians are famously known for their lack of national pride. The Belgian identity is sometimes labelled as “*belgitude*” – literally “*Belgianness*”.³ It has in common with the Brazilian identity that it can be described as a “hollow” identity. Belgians are Belgians because they are not French, Dutch or German, just as Brazilians are Brazilians because they are different from their neighbors in South America.

There is, however, a more fundamental problem with the Belgian identity. As the Socialist Destrée wrote in 1912 in a letter addressed to the Belgian King: “In Belgium there are Walloons and Flemings. There are no Belgians.”⁴ In order to understand this, I have to explain the specific constituency of this little country. Just like Luxembourg and Switzerland, Belgium lies on the European fault line that separates the Germanic from the Romance-speaking territories. Therefore, I have decided to discuss how Belgium has dealt with its diversity in languages, because it is currently the most important determining factor for the Belgian identity – or the lack thereof. This is my interpretation of the dialogue between legal historians from South America and Europe, as organized by the Max Planck-Institut für Rechtsgeschichte und Rechtstheorie: an exchange of views and experiences from our own specific national, legal and historical perspectives.

I will start by analyzing the historical antecedents of Belgium, with emphasis on the French (1795–1814) and Dutch (1815–1830) periods, which culminated in the 1830 Belgian Revolution and the 1831 Constitution. Further, I will study how Belgium has implemented successive legislative and constitutional changes in order to deal with the growing division between its two main language groups, resulting in a unique state structure.

2 Historical antecedents of the language diversity in Belgium

Already in the Middle Ages, most of the territories of the current Kingdom of Belgium had language diversity. Interestingly, the historical state borders never coincided with the language divide. The County of Flanders, the

3 This neologism was first used in 1976 by Pierre Mertens and Claude Javeau in *Nouvelles littéraires*. Since then, it has often been used. JAVEAU (1989).

4 “Il y a en Belgique des Wallons et des Flamands. Il n’y a pas de Belges.” Lettre au roi sur la séparation de la Wallonie et de la Flandre, published in the *Revue de Belgique* on 15 August 1912.

Duchy of Brabant and the Prince-Bishopric of Liège all had a French-speaking population in the South and a Dutch-speaking population in the North of their territory.

Between the 14th and the 16th centuries, the Burgundy⁵ and Habsburg dynasties⁶ united most of the Low Countries.⁷ At the end of the 16th century, the North became independent, as the Republic of the Seven United Netherlands,⁸ while the South remained under Habsburg rule.⁹ This split would have salient consequences for the languages used. In the North, a standard Dutch language developed (“*Nederlands*”).¹⁰ Just as in Germany and England, a decisive element, here, was the translation of the Bible into the local language (the so-called “*Statenbijbel*”). This new standard language was a mixture of the local Dutch dialect (“*Hollands*”) with the dialects (“*Brabants*” and “*Vlaams*”) of the many Protestant refugees who had fled the South at the end of the 16th century.

In the South, a different picture emerged. In the Dutch-speaking parts, the majority of the population continued to speak their local dialects, while the upper class increasingly began to speak French. Since the Middle Ages already, this had been the language of the nobility, and, especially in the 18th century, the upcoming bourgeoisie started to adopt this language. This interesting sociological phenomenon can be explained by the fact that the local dialects did not have the same status as French, which was the lingua franca of its time – it was the language of diplomacy, science, literature, culture, philosophy, etc.

In 1795, the French revolutionary armies conquered the Southern Netherlands and annexed these territories to France.¹¹ As they had done in France itself, they made tabula rasa of the *Ancien Régime*. They set up, for instance, new judicial and administrative institutions, introduced new legislation

5 BOONE (2015); VAN LOO (2018).

6 CURTIS (2013).

7 The Prince-Bishopric of Liège, for example, would remain independent until the French conquest in 1795 and the subsequent annexation by France.

8 Spain officially recognized the Republic of The Netherlands with the 1648 Treaty of Münster. For more on this Treaty, MANZANO BAENA (2013); on the Dutch Republic, ISRAEL (1995).

9 In the 16th and 17th centuries, the Spanish Habsburgs and, after the 1713 Treaty of Utrecht, the Austrian Habsburgs.

10 For a short history of the Dutch language (*Nederlands*), VAN DER HORST (1997).

11 BERGER et al. (2015); ROEGIERS/VAN SAS (2006).

(with the Napoleonic law codes between 1804 and 1810), and drew up new judicial and administrative boundaries (the *départements* and *cantons*). Unsurprisingly, this increased the importance of French in public life, also in the Dutch-speaking areas.

After the defeat of Napoleon Bonaparte in 1813/1815, the newly formed Kingdom of the Netherlands reunited the two parts of the historical Low Countries. Centuries of separation and divergent evolution, however, had left their marks. The marriage was uneasy, to say the least, since the two parts of the Kingdom were very different.¹²

The North had experienced centuries of independence, fighting off its many enemies on land and at sea. During its so-called Golden Age, its economy boomed, and art flourished. Dutch ships ruled the waves. They established a global trade network and brought home spices and other riches from all over the world. The Dutch were mainly Calvinist, which translated into a sober, hard-working way of life. As already stated, Dutch (*“Nederlands”*) had developed as the national language, with a rich literature, also in the scientific, legal and administrative fields.

The South was almost the opposite. For centuries, it had been a subjected territory within larger entities: the Spanish Habsburg Empire, the Austrian Habsburg Empire, and last, but certainly not least, the French Empire. Its population was mostly active in agriculture and (proto-) industrial activities. The Counter-Reformation had re-established Catholicism as the dominant religion, omnipresent in all aspects of public and private life. Finally, French had become deeply rooted, not only in the Southern parts, which were historically French-speaking, but also in the Dutch-speaking North.

King Willem I, who ruled the country as an autocratic leader, made it even worse. Especially his politics regarding education, religion and language met massive resistance in the Southern part of his Kingdom.¹³ For instance, the King imposed Dutch as the only official language in the Dutch-speaking territories, which frustrated the French-speaking upper class there. Many young, French-speaking lawyers, who were also active as journalists, were prosecuted and sent to prison for their inflammatory publications.¹⁴

12 MARTEEL (2018).

13 For a recent overview of the literature on the language politics of King Willem I and King Leopold I (the first Belgian King), DENECKERE (2015).

14 DELBECKE (2013).

The tensions culminated in 1830, when revolt broke out. The Belgian Revolution was successful, and consequently, in 1831, the national Congress promulgated the Belgian Constitution.¹⁵ In many respects, this Constitution was a reaction against the autocratic policies of King Willem I. For instance, since many revolutionaries had experienced repression for their political ideas, it included the principle of the freedom of the press. The Constitution protected many other freedoms, turning it into the most liberal constitution of its time. One of these freedoms was the freedom of language. Article 23 of the Constitution stated: “The use of languages spoken in Belgium is discretionary; only the law can rule on this matter, and only for acts carried out by the public authorities and in judicial affairs.”¹⁶

3 Linguistic diversity in the kingdom of Belgium (1831–1970): French dominance and the Flemish movement¹⁷

The constitutionally guaranteed “freedom of language” resulted in French taking over as the single dominant language. Since only the wealthiest could vote, the French-speaking upper class populated the parliament. Furthermore, French-speaking citizens staffed all the other Belgian higher institutions: the government, the judiciary, the central administration, higher education, the Church’s senior administration, the army’s senior staff, etc.

Unfortunately, the majority of the Belgian population did not speak French, but only some local dialect. In the South, where the population spoke French (Walloon) dialects, the step to standard French was not that big. In the North, however, the majority of the population just continued to speak their local dialects (i. e., the West-Flemish, East-Flemish, Brabantian and Limburg dialects). As a reaction against French dominance, the so-called “*Flemish Movement*” (“*Vlaamse Beweging*”) arose.¹⁸ This was a romantic, cul-

15 On the Belgian Constitution, POPULIER/LEMMENS (2015).

16 “L’emploi des langues usitées en Belgique est facultatif; il ne peut être réglé que par la loi, et seulement pour les actes de l’autorité publique et pour les affaires judiciaires.” BIVORT (1858) xxii. This principle has not been altered; it is now, after the renumbering of the articles in 1994, in Article 30 of the Constitution. For the English text of the current Constitution, https://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/GrondwetUK.pdf (consulted on 28 May 2019).

17 VAN GINDERACHTER (2001); for a general overview of Belgian political history, WITTE et al. (2009); for the Belgian Constitution, DESCHOUWER (2005) and DELMARTINO et al. (2010).

18 For an overview of the historiography of this movement, DE WEVER (2013).

tural movement, fighting for the rights of the Dutch-speaking population of Belgium. The diversity in dialects soon proved to be a considerable obstacle. There was no standard writing style, only some archaic writing styles from the past. The local dialects also heavily influenced the spoken language. Therefore, when Karel Lodewijk Ledeganck, the Justice of the Peace of Zomergem, wanted to write a translation of the Code Civil, he was confronted with huge problems. Many French words did not have a Flemish equivalent while many old Dutch words were obsolete, etc. Still, when he managed to publish his translation, it proved an instant success, illustrating the need for this kind of publication.

Within the Flemish Movement, there was initially no unanimity. Some wanted to preserve the local dialects. One example is the priest-poet Guido Gezelle (1830–1899),¹⁹ who wanted to turn his West-Flemish dialect into an autonomous language.²⁰ The majority, however, with Jan-Frans Willems as leader,²¹ believed that it was smarter to adopt the already existing standard language of The Netherlands, as this was the only way to gain enough strength to fight French dominance. Eventually, the latter happened. From 1849 onwards, there were Dutch-language conferences, with representatives from Belgium and The Netherlands.²²

What followed was an intensifying power struggle between the Flemish Movement and the French-speaking elite in Belgium. In the 1870s, the Flemish Movement achieved its first successes, with the voting of several Language Acts. In 1873, the First Language Act introduced Dutch as an official language in criminal affairs in Flanders, as the Dutch-speaking North of Belgium is called nowadays.²³ In 1878, the Second Language Act stipulated that public-sector administrations had to address the Flemish population in Dutch (or offer bilingual communications in Dutch and French).²⁴

19 <https://www.britannica.com/biography/Guido-Gezelle> (consulted on 31 May 2019).

20 It may sound like a strange idea, but this is what actually happened in Norway, with Nynorsk as the language based on the dialect of the Bergen region.

21 <https://www.britannica.com/biography/Jan-Frans-Willems> (consulted on 31 May 2019).

22 One of the results of this collaboration was a dictionary of the Dutch language: this project started in 1864, only to be finished in 1998. The result reached 40 volumes containing half a million words in total, turning it into the biggest dictionary in the world. http://neon.niederlandistik.fu-berlin.de/nl/nedling/taalgiedenis/woordenboeken_van_de_19e_en_20e_eeuw/ (consulted on 24 May 2019).

23 Act of 17 August 1878, *Moniteur belge*, 26 August 1873.

24 Act of 22 May 1878, *Moniteur belge*, 25 May 1878.

In 1883, the Third Language Act introduced new regulations for high schools in Flanders: until then, these had been unilingual French, but, from then on, language courses had to be taught in Dutch, while science courses had to be bilingual.²⁵ In 1898, the Flemish Movement won its greatest victory of the 19th century with the so-called “*Equality Act*” (“*Gelijkheidswet*”),²⁶ which formally declared Dutch an official language in Belgium, equal to French.²⁷

Although the Flemish Movement had acquired some success, its supporters still had many more demands: university education in Dutch, unilingual Dutch justice system and administration in Flanders, administrative autonomy, more Flemish officers in the army, etc.

In 1914, the Germans conquered most of Belgium, only to be stopped at the River Yser in the far West of the Belgian territory. In the occupied territories, the Germans applied the old adage, “*Divide et Impera*”. In 1916, for instance, German Governor-general Moritz von Bissing transformed Ghent University into a Dutch-speaking university.²⁸ Nevertheless, the Germans could only seduce very few, radicalized Flemish nationalists, while the vast majority remained loyal to the Belgian cause.

After the First World War, the voting system was reformed according to the principle, “one man, one vote”, which gave the Flemings an even bigger majority in parliament. At that time, however, the ideological differences between Catholics, Liberals and Socialists were more prominent than the ones between Dutch- and French-speakers, which explains the reason why the Flemings did not use their numeric majority to push through further reforms. Besides, one should not underestimate the power of the “establishment”, which was still majority French-speaking and preferred the status quo.

Nevertheless, the French-speaking population, especially in Wallonia (as the South of Belgium is called), felt threatened for another reason: in the previous decades, many Flemings had migrated to the South of the country to seek work in heavy industry (coalmines and steel mills) and agriculture, creating huge Flemish migrant communities within Wallonia. This way,

25 Act of 15 June 1883, *Moniteur belge*, 25 June 1883.

26 Act of 18 April 1898, *Moniteur belge*, 15 May 1898.

27 This 1898 Act was a direct consequence of the 1893 voting reform, when every man aged 25 and older received at least one vote.

28 TOLLEBEEK (2010).

Belgium was slowly evolving into a bilingual country, with both languages being spoken across the whole territory.

Alarmed by this evolution, the French-speaking population in Wallonia insisted on the implementation of the so-called “territoriality principle” in their part of the country. This specified that only the dominant language of a region could be used as an official language in that region. The Walloons got what they wanted with the Act of 31 July 1921 “on the use of language in administrative affairs”, which defined language areas according to the language of the majority of the local population.²⁹ In Wallonia, this was French; in Flanders, Dutch; and, finally, in Brussels, both. The Flemings were also in favour of the 1921 Act, since it strengthened the position of Dutch in Flanders, to the detriment of French.

This law had far-reaching implications because, in the following years, more and more aspects of public life were affected. In 1930, for example, Ghent University became the first homogeneous Dutch-speaking university in Belgium. In 1935, the Act on “the use of languages in judicial affairs” determined what language should be used in courts of law: only Dutch in Flanders, only French in Wallonia, and both in Brussels.³⁰

In other words, the struggle for Dutch as an official language in Flanders, combined with the preference of the French-speaking population for the territoriality principle to keep Wallonia unilingual, resulted in an exclusive monopoly of Dutch in Flanders. This meant that the historical French-speaking minority in Flanders became officially marginalized. Its members could, of course, continue to use their mother tongue in the private sphere, but had lost their ability to do so in public life. In itself, this was not that big a problem, since most of the French-speaking Flemings were already bilingual. The other way round, Dutch-speaking immigrants in Wallonia also had to assimilate, which was also no problem, since they were doing this by themselves already.

One specific problem was that the boundaries of the language areas were not officially determined in 1921. The legislator intervened in 1932 and stipulated that the population would have to be counted every ten years

29 Act of 31 July 1921 “op het gebruik der talen in bestuurszaken”, *Moniteur belge*, 12 August 1921.

30 Act of 15 June 1935 “op het gebruik der talen in gerechtszaken”, *Moniteur belge*, 22 June 1935.

in order to determine the language regime.³¹ The Flemings, however, found this hard to accept. With every census, they were losing some territory. The reason was simple: French-speaking Belgians who went to live in Dutch-speaking villages did not adapt. They continued to speak French until they became the majority through immigration, and the language regime of the village changed. The same did not apply when Flemish-speakers went to live in majority French-speaking villages: they tended to adapt and to start speaking French. This way, the language boundaries moved only in one direction, with Flemish-speakers always on the losing side.

In 1962, the language areas were definitively determined, with a Dutch-language area, a French-language area, a German-language area (for the German-speaking territories that Belgium had acquired after the First World War) and, finally, a bilingual Dutch-French language area centred on Brussels. A number of villages with large minorities received so-called “facilities”.

4 Constitutional reforms from 1970 to the present

All the changes above were simple legislative changes, without affecting the Constitution. In fact, from the outside, Belgium looked in 1970 quite the same as it had in 1830. It was still a unitary state, with a strong central government in Brussels. All the institutions and ministries were national. Political parties were also nationally organized, except for the Flemish nationalist party, “*Volksumie*”.

Under the surface, however, the centrifugal forces had been building up strongly. On all major postwar issues, Flemish-speakers and French-speakers had different views.³² Both major language groups also had their own spe-

31 A similar system, with fluctuating language areas, is still in force in Finland, which has, historically, a Swedish-speaking minority. HALONEN (2014) 61 and further.

32 Immediately after the Second World War, there was, for instance, disagreement regarding the return of King Leopold III as Belgian King. This led to the 1950 Referendum, with Flemings predominantly saying “yes” and Walloons predominantly saying “no”. The population of Brussels was undecided. The problem was solved by the abdication of King Leopold III in favour of his son, Boudewijn/Baudouin. Another example is the 1960 Economic Expansion Act, which was heavily contested by the trade unions in the South of the country. A final example is the University of Leuven: in the 1960s, this university was still bilingual, but the Flemish Movement wanted to turn it into a Dutch-speaking university, since it was situated in Flanders. French-speakers resisted. In 1968, the latter lost the battle. The University of Leuven was turned into a Dutch-speaking university,

cific reasons for wanting to reform the state. The Flemings wanted more cultural autonomy, which they saw as the next step in their historical emancipation process. The French-speaking community had different considerations. The South of the country had major economic difficulties, due to the decline of the traditional heavy industry (coalmines and steel mills). French-speaking Belgians felt they needed more autonomy in economic matters to be able to deal with their specific problems. They also wanted guarantees to protect their minority position in numeric terms within the Belgian Kingdom.

In 1970, the reform of the state started. It was the beginning of an unstoppable and ongoing process, which generated and reinforced its own dynamics, with successive reforms in 1980, 1988, 1993, 2001 and 2011. The result is an incredibly complex institutional framework, with three communities (Flemish, French and German), three regions (Flemish, Brussels-Capital and Walloon), and the dismantled but still strong national level, each with their own competences, parliament, government and administrations. Interestingly, all these entities are equal, without any hierarchy between them. Conflicts of competence are solved by a newly created constitutional court.³³ The Constitution also contains many guarantees for the protection of minorities (the French-speaking minority in Belgium, the Dutch-speaking minority in Brussels, the German-speaking minority in Wallonia, etc.).

In the slipstream of the constitutional reforms, the separation between the two main language groups has been growing ever stronger. In the 1970s, the three main Belgian political parties all split into separate Flemish- and French-speaking political parties: both the Christian Democrats and the Liberals in 1972, and the Socialists in 1978. Many other entities would follow suit. The National Bar Association, for example, was dissolved in 2001, since Flemish lawyers had founded their own breakaway Flemish association.

Since then, Belgium has increasingly become a divided country. In the North, there are the Flemings, with their own language (Flemish, a variation on Dutch), mentality, culture, media, political context (in their majority,

French-speakers founded a new, French-speaking university, some 30 kilometres to the South, called Louvain-la-neuve.

33 On the Constitutional Court: <http://www.const-court.be/public/brbr/e/brbr-2014-001e.pdf> (last accessed on 1 June 2019). ALEN (1992).

voting for right-wing parties) and economic situation (prosperous, with a low unemployment rate), etc. In the South, there are the Walloons, also with their own language (French), mentality, culture, media, political context (mirroring the Flemings' but, in their majority, voting for left-wing parties) and economic situation (bad, with a high unemployment rate), etc. The Flemings tend to look to the English-speaking world, while French-speakers gravitate towards France. Both language groups are living next to each other, with very few things in common.

To make things even more complex, there are two exceptions in this general picture: Brussels and the German-speaking part of Belgium. They deserve some further explanation.

Brussels was historically seen as a Dutch-speaking city, but, in the 19th and 20th centuries, it became rapidly majority French-speaking due to the sociological process of francization, as explained above.³⁴ Therefore, Brussels has always been a point of friction between Flemish- and French-speaking Belgians. The Flemings consider it a Flemish city, with the (remaining) Dutch-speaking population being part of the Flemish community. French-speakers, on the other hand, consider it primarily a separate region, which they can dominate thanks to their numeric majority. This way, Brussels seems to be little Belgium, but in reverse, with a majority French-speaking community and a minority Dutch-speaking population. In fact, in the past decennia, reality has been changing again, due to the massive influx of immigrants, both poor (due to economic migration) and rich (linked to Europeanisation), turning Brussels into a truly international city.

The German-speaking part of Belgium has another, specific history. After the First World War, with the Treaty of Versailles, Belgium received some small territories in compensation for the damages caused by the War: Eupen-Malmédy and Moresnet. The language situation, here, is again complicated, with German-speaking districts and French-speaking ones. In the wake of the titanic struggle between Flemish-speakers and French-speakers, German-speaking Belgians acquired their own German-speaking community and a certain autonomy. In general, however, this language group has no impact on Belgian politics, due to the small number of German-speakers.

34 WITTE et al. (2009).

5 Some concluding reflections

Language diversity has always been a characteristic of the “Belgian territories”. The way the authorities have dealt with this diversity, is a fascinating and complex story, with various factors at play. There is, for instance, the sociological dimension, with French being seen as the superior language of culture, which, for centuries, was attractive to the upper layer of society (nobility and gentry). It created a French-speaking minority within Flanders – and even an enduring French-speaking majority in the biggest city of Flanders, Brussels. In reaction to the French-speakers’ dominance, the Dutch-speaking majority in Belgium started emancipating itself and fighting for its rights. In the process, the Flemings abandoned their local dialects and embraced the standard language of The Netherlands, creating one official common language, Dutch (“*Nederlands*”).

Broader geopolitical evolutions have heavily influenced the history of language politics in the Belgian territories. The French conquest of the Belgian territories was decisive. Just as in the rest of France, the French revolutionaries had no respect for local languages and tried to suppress them as much as possible. In the following Dutch period, King Willem I tried to reverse this by imposing Dutch as the only standard language, but he encountered heavy resistance from the French-speaking bourgeoisie. With the Belgian revolution, French was able to regain its status as the dominant language in the Belgian territories. Interestingly, this was not attained by imposing French as the official language in Belgium, but by embedding the “freedom of language” principle in the Belgian Constitution. The strength of the language, combined with the power of its dominant, wealthy upper-class speakers, did the rest.

One interesting angle relates to the influence of this language diversity on Belgian legal culture.³⁵ As explained above, Belgian legal culture is French in origin. The French simply erased the existing legal culture and replaced it with their own. When the Dutch took over, there were plans to introduce new Dutch codes of law, but the Belgian revolution made these plans obsolete. Instead, the young Belgian state continued to use Napoleonic legislation and institutions. For a long time, French remained the only legal language in use, allowing Belgian lawyers to inspire themselves thoroughly

35 DEBAENST (2020); HEIRBAUT (2017); HEIRBAUT/STORME (2006).

from France's more significant legal culture. The gradual introduction of Dutch as an official language did not change this, since most Flemish lawyers knew French perfectly well. It was only after the Second World War that a mature Dutch-speaking legal culture started to appear. Although the judiciary, until today, remains a national competence, there are indications that separate Flemish- and French-speaking legal cultures are developing, although one should not exaggerate this phenomenon.

With the successive reforms of the state, the Belgians have constructed their own, unique "*Tower of Babelgium*". According to the etiology of the Tower of Babel, God created multiple languages to punish humans for having committed blasphemy by building this tower.³⁶ This way, He divided humanity by language, so that people could no longer understand each other. In Belgium, the same seems to have happened, albeit through a rather dialectic process: because the two language groups no longer understood each other, they decided to reform the state. This resulted in a complex state structure, with separate territories and institutions for all the various language groups, creating a situation in which they understand each other even less.

Belgian politicians will not receive a beauty award for their "*Tower of Babelgium*": it is, after all, the result of numerous compromises and, therefore, very complex and often inefficient. However, they did manage to channel the tensions within the country and to keep the whole transition process peaceful, despite the historical animosities that exist between the two main language groups.

In conclusion, Brazil and Belgium have a "diverse diversity", to use the words of Ribeiro. As I hope to have illustrated above, in the case of Belgium, language diversity seems to be the most important determining factor of diversity.

Bibliography

ALEN, ANDRÉ (ed.) (1992), *Treatise on Belgian Constitutional Law*, Deventer
BERGER, EMMANUEL, DIRK HEIRBAUT, HERVÉ LEUWERS, XAVIER ROUSSEAU (2015), *La justice avant la Belgique: tentatives autrichiennes, influences françaises et expé-*

36 Genesis 11:1–9.

- riences néerlandaises (1780–1830), in: DE KOSTER, MARGO et al. (eds.), *Deux siècles de justice. Encyclopédie historique de la justice belge*, Bruges, 26–50
- BIVORT, JEAN-BAPTISTE (1858), *Commentaires sur la constitution belge*, Brussels
- BOONE, MARC (2015), *Les ducs de Bourgogne et le rêve de souveraineté*, in: CALLEBAUT, DIRK, HORST VAN CUYCK (eds.), *L'héritage de Charlemagne 814–2014*, Ghent, 325–339
- CURTIS, BENJAMIN (2013), *The Habsburgs. The History of a Dynasty*, London
- DEBAENST, BRUNO (2020), *An Introduction to Belgian Legal Culture*, in: KOCH, SÖREN, JÖRN ÖYREHAGE SUNDE (eds.), *Comparing Legal Cultures*, Bergen, 431–469
- DELBECKE, BRAM (2013), *The Political Offence and the Safeguarding of the Nation State: Constitutional Ideals, French Legal Standards and Belgian Legal Practice, 1830–70*, in: *Comparative Legal History* 1, 45–74
- DELMARTINO, FRANK, HUGUES DUMONT, SÉBASTIEN VAN DROOGHENBROECK (2010), *Kingdom of Belgium*, in: KINCAID, JOHN et al. (eds.), *Diversity and Unity in Federal Countries*, Montreal, 48–74
- DENECKERE, GITA (2015), *De taalpolitiek van Willem I en Leopold I: een review van recent historisch onderzoek*, in: *Wetenschappelijke Tijdingen op het gebied van de geschiedenis van de Vlaamse Beweging*, 198–217
- DESCHOUWER, KRIS (2005), *Kingdom of Belgium*, in: KINCAID, JOHN, ALAN TARR (eds.), *Constitutional Origins, Structure, and Change in Federal Countries*, Montreal, 48–75
- DE WEVER, BRUNO (2013), *The Flemish Movement and Flemish Nationalism: Instruments, Historiography and Debates*, in: *Studies on National Movements*, 50–80
- HALONEN, MIA et al. (eds.) (2014), *Language Politics in Finland and Sweden: Interdisciplinary and Multi-sited Comparison*, Bristol
- HEIRBAUT, DIRK (2017), *The Belgian Legal Tradition: Does It Exist?*, in: KRUIHOF, MARC, WALTER DE BONDT (eds.), *Introduction to Belgian Law*, Alphen aan den Rijn, 1–24
- HEIRBAUT, DIRK, MATTHIAS STORME (2006), *The Belgian Legal Tradition: From a Long Quest for Legal Independence to a Longing for Independence*, in: *European Review of Private Law*, 663–671
- ISRAEL, JONATHAN (1995), *The Dutch Republic: Its Rise, Greatness, and Fall. 1477–1806*, Oxford
- JAVEAU, CLAUDE (1989), *De la belgitude à l'éclatement du pays*, in: DUMONT, HUGUES et al. (eds.), *Belgitude et crise de l'Etat belge*, Brussels, 147–155
- KEYMEULEN, SARAH (2016), *Henri Pirenne: Historian and Man of the World*, in: *BMGN – The Low Countries Historical Review* 131,4, 71–92
- MANZANO BAENA, LAURA (2013), *Conflicting Words. The Peace Treaty of Münster (1648) and the Political Culture of the Dutch Republic and the Spanish Monarchy*, Leuven

- MARTEEL, STEFAAN (2018), *The intellectual origins of the Belgian Revolution. Political Thought and Disunity in the Kingdom of the Netherlands, 1815–1830*, London
- MCDEVITTE, WILLIAM ALEXANDER (1915), “De Bello Gallico” and Other Commentaries by Julius Caesar, London and Toronto, online: <http://www.gutenberg.org/ebooks/10657> (last accessed on 10 November 2020)
- POPULIER, PATRICIA, KOEN LEMMENS (2015), *The Constitution of Belgium. A Contextual Analysis*, Oxford
- ROEGIERS, JAN, NICOLAAS CORNELIS FERDINAND VAN SAS (2006), Revolution in the North and South, in: BLOM, JOHAN CORNELIS HENDRIK, EMIEL LAMBERTS (eds.), *History of the Low Countries*, Oxford, 269–312
- TOLLEBEEK, Jo (2010), At the Crossroads of Nationalism: Huizinga, Pirenne and the Low Countries in Europe, in: *European Review of History – Revue européenne d’histoire* 17, 187–215
- VAN DER HORST, JOOP (1997), A Brief History of the Dutch Language, in: *The Low Countries* 4, 163–172
- VAN GINDERACHTER, MAARTEN (2001), Belgium and the Flemish Movement. From Centralized Francophone State to Multilingual Federation (1830–2000), in: HÁLFDÁNARSON, GUÐMUNDUR, ANN-KATHERINE ISAACS (eds.), *Nations and Nationalities in Historical Perspective*, Pisa, 67–77
- VAN LOO, BART (2018), *De Bourgondiërs. Aartsvaders van de Lage Landen*, Amsterdam
- WITTE, ELS, JAN CRAEYBECKX, ALAIN MEYNEN (2009), *Political History of Belgium from 1830 onwards*, Brussels