COMPLEXITY AS A SHOCK ABSORBER: THE BELGIAN SOCIAL CUBE

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I. COMPLEXITY AS A SHOCK ABSORBER: THE BELGIAN SOCIAL CUBE

Throughout its history, Belgium has been a complex political and social entity. The King of the Belgians was told in an official report that 'there are no Belgians.' The country has rapidly shifted from unitary to federal structure, with different rationales and responsibilities for Regions and Communities. Demographic changes are somewhat difficult to map due to restrictions on questions that can be asked during the census. The combination of multiple levels of political institutions, group conflict, economic disparities, political symbolism, and psychological factors demonstrate the utility of the Social Cubism approach to the study of relatively peaceful conflict.[1] This paper argues that much of the complexity of Belgium's political institutions is the result of attempts to mitigate conflict and postpone significant disagreements.

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    1.   Seán Byrne & Neal Carter, *Social Cubism: Six Social Forces of Ethnoterritorial Politics in Northern Ireland and Quebec*, 3(2) J. PEACE AND CONFLICT STUD. 52, 52-71 (1996). NEAL CARTER & SEÁN BYRNE , *A View From Northern Ireland and Quebec, in* RECONCILABLE DIFFERENCES: TURNING POINTS IN ETHNOPOLITICAL CONFLICT (S. Byrne & C. Irvin eds. 2000).

An understanding of identity conflicts is incomplete without examination of strategic interaction and the various facets of conflict. As a result, this chapter presents a brief discussion of models of strategic interaction, emphasizing the structural change model. While this model is fairly useful in indicating the relationship between structures and actions, it is very general. I thus combine it with the Social Cubism approach to more fully show the interaction and the interrelation of the different facets of the Social Cube. The case study of Belgium clearly illustrates the utility of such an approach in examining an ongoing, shifting conflict.

II. STRATEGIC INTERACTION

Models of strategic action used to explain the constraints that leaders face provide valuable insights into the dynamic nature of political action. They present succinctly the interaction of context, goals, actions and outcomes in complex situations. Drawing from studies of nested games and conflict processes, I argue that the actions of political leaders are best understood within a framework that is sensitive to multiple constraints they confront.

Tsebelis has used 'nested games' to model complex decisions made by political elites. He argued that politicians have relations with other elites and with their constituents, and that actions with one group will affect the relationship with the other.[2] Similarly, Panebianco indicated that political elites involve themselves simultaneously in at least two sets of interactions, which may be characterized as games. In the first set, 'vertical' relations, elites seek support from their constituents by attempting to represent and enhance constituents' interests while also helping to shape those interests. In the second set, 'horizontal' relations, elites vie amongst themselves for power.[3] Because the relations are 'nested', a leader's movement in one game affects her standing in the other set of relations. Leaders negotiating intergroup (horizontal) settlements find themselves constrained by vertical (elite–constituent) power structures.[4] In other words, leaders must be confident that their decisions will play at home. They can use this constraint to their advantage during negotiations. In general, strong support for a politician in the vertical game increases her power to influence other leaders in the horizontal game.

Figure 1 depicts two types of games that are often combined in political negotiations and invoked to explain politics in Belgium. In consociational politics, elites (represented in the figure by numerals) interact with their

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2.   GEORGE TSEBELIS, NESTED GAMES: RATIONAL CHOICE IN COMPARATIVE POLITICS (1990).

3.   ANGELO PANEBIANCO, POLITICAL PARTIES: ORGANIZATION AND POWER (M. Silver trans. 1988).

4.   *Id*; Robert D. Putnam, *Diplomacy and Domestic Politics: The Logic of Two-Level Games,* 42 (3) INT'L ORG. 427, 427-460; TSEBELIS, *supra* note 2.

constituents (X with identifying subscript) and with other leaders. Consociationalism involves elite-level accommodation among separated and isolated segments, or pillars, of society.[5] Originally conceived as a means of regulating ideological conflict, this theory has been expanded to address ethnic and cultural cleavages.[6] The coalition game involves more complex patterns of elite interaction, since it entails the need for competing elites (represented by the numerals) to interact and resolve their differences within a coalition (represented by numerals within the same ellipse) in order to confront another coalition. This requires consideration of interaction both within and among coalitions. Coalitions are essential to Belgian politics.[7] Combining the two models provides a more accurate portrayal of the relationships that affect politicians' decisions, as indicated in the "combined" diagram. This shows three games: elite-constituents relations; intra-coalition elite relations; and inter-coalition relations. Because they are nested, each game is affected by movement in every other relationship. Leaders also compete for constituents and face factional challenges within their parties, but this figure ignores such interactions for the sake of simplicity. As the interactions can be viewed as an iterative game, leaders will pursue strategies that strengthen their overall position.[8] Rudolph's depiction of Belgian constitutional debate exemplifies the manner in which these games interact: "Each party's [horizontal] move in the [constitutional] revision process tended to reflect its individual calculation of the [vertical] electoral advantages of pursuing or opposing the constitutional reform."[9] Many variations could be found on this theme, since horizontal and vertical relations interact and each action constrains subsequent strategy. Rudolph also noted that strategies that produce success at an early stage in the evolution of a party may need to be changed to face new challenges to cohesion produced by that success.

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5.   AREND LIJPHART, *The Power-Sharing Approach, in* CONFLICT AND PEACEMAKING IN MULTIETHNIC SOCIETIES (J.V. Montville, ed. 1991).

6.   Sue Halpern, *The Disorderly Universe of Consociational Democracy*, 9 W. EUR. POL. 181, 181-197 (1996).

7.   The coalitions in Belgium are complicated by the joint effects of language and ideology. The ideological "spiritual families" are officially separated into separate French-speaking and Dutch-Speaking parties. However, in many constitutional issues, parties will negotiate first within their community to determine a common strategy with which to confront their partners from the other side of the linguistic border. Jacques Brassinne, *Le Dialgue de Communauté à Communauté: Avril-juillet 1992* [The Dialog of Communication and Communication: April-July 1992], *in* COURRIER HEBDOMODAIRE DU CRISP [CRISP Bulletin] (Centre de Recherch et d'Information Socio-Politiques, Brussels 1992).

8.   JON ELSTER, ULYSSES AND THE SIRENS: STUDIES IN RATIONALITY AND IRRATIONALITY (1979).

9.   JOSEPH R. RUDOLPH, JR., *Belgium: Variations on the Theme of Territorial Accomodation, in* ETHNOTERRITORIAL POLITICS, POLICY AND THE WESTERN WORLD 99 (J. Joseph R. Rudolph & R.J. Thompson eds. 1989).

The size and cohesion of various movements are central to elite calculations, as they affect the relative power of various leaders to impose their will on, or to reach acceptable accommodation with, others.[10] Appearing to be challenged by internal factionalization may actually improve a leader's horizontal bargaining position. It may be possible to use the relationship with constituents to demand accommodation on important issues. Leaders can state that internal challenges to their position reduce their room for maneuver and compromise while increasing their need to produce a settlement favorable to their constituents. However, they also need to convince other leaders that they can reasonably deliver the acceptance of the settlement by their constituents if the negotiation is to be successful.[11]

Burton noted the dangers of these relations when dealing with traditional ideas about conflict.[12] Conflict is generally considered as competition for material goods rather than involving underlying social goods that are not scarce, such as identity, recognition, and participation. Leaders are therefore forced to accept several important restrictions. Since resources are seen as limited, a gain for one side is considered a loss for the other. This idea leads elites to seek a settlement in which gains and losses are apportioned, rather than a resolution in which all parties fulfill their perceived needs and interests. Further, because each party seeks a settlement in its favor, each presents as forceful an image as possible, in order to weaken the opponent's resolve. Of course, both sides know this and may discount the opponents' apparent resolve.

Given this perception of conflict, all parties then face an "entry problem," as leaders dislike entering any institutional framework that compromises their bargaining positions or attracts intra-party charges of appeasement. As conflict escalates, parties generally restrict their interaction. Even if parties do enter into institutional frameworks for a settlement, they must be as forceful as possible when representing the interests of their constituents. They are also likely to demand final control of the outcome, using institutions more as a mediator than a decision-making framework.[13]

Once a settlement is reached, elites face a re-entry problem. If leaders gain a new appreciation for the interests of the other party during the negotiations and the formulation of a settlement, they may have difficulty reporting to their

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10.   Similarly, Rudolph states, "[the leadership of] a growing party with a still small electoral following ... will have comparatively little trouble in maintaining a united front in articulating the party's case against the traditional leaders of the state. But once the party begins to achieve success at the ballot box, it must face new sets of challenges and its leaders must deal with new sources of stress." *Id.* at 105.

11.   For an argument of the multiple effects of two-level games in negotiation, see Putnam, *supra* note 4.

12.   John W. Burton, *About Winning*, 12(1) INT'L ORG. 71, 71-91 (1985).

13.   *Id.* at 78-80.

own constituents that it was not necessary to beat the other party. Constituents are often mobilized and groups polarized as the conflict escalates prior to negotiations leading to settlements. The constituents are likely to continue viewing the situation in win-lose terms, and consider any recognition and/or accommodation of the other party's interest as a sign of weakness. Leaders may face challenges from hard-liners, forcing the rejection of a settlement. Burton advocates a different approach to conflict management, in which teams from the parties (including oppositions and hard-liners) meet in facilitated problem-solving workshops as an option that might reduce the dangers of the re-entry problem.[14]

As conflict develops, elites alter their strategies to adapt to changes in the combination of these nested relationships.[15] Elster argued that developing specific rational-choice models of particular situations is even more complex, because it is possible that what seems irrational or sub-optimal in the short-run may have repercussions that produce the optimal long-run outcome.[16] These considerations limit the potential of developing a specific calculus of decision making. The notion of nested games does, however, provide a useful metaphor for the complex constraints within which leaders act. Leaders are aware of various contextual factors and usually have developed reasons for their choice of tactics. The Structural Change Model depicts the dynamic nature of the relationships described by nested games.

Models of sustained conflict should incorporate likely changes in the structure of such conflicts. The Structural Change Model, based on the writings of Burton, Coleman and Schumpeter,[17] includes the notion that conflictual interaction produces three types of structural change: 1) changes in the psychological states of participants due to 'residues' of the interaction, 2) changes in the structure or function of groups due to mobilization, and 3) alterations of the complex social relations of the parties that further affect the nature of the larger community. During escalation, psychological states are marked by increasingly hostile and competitive goals, negative attitudes and perceptions of the other group and of intergroup interaction. This process can eventually develop into deindividuation and, at an extreme, dehumanization, in which participants come to see themselves and others strictly as members of their group, rather than as individuals. Escalation can produce a greater need for intra-group cohesiveness, thereby increasing the effect of group norms that

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14.   *Id.* at 84-85.

15.   Anthony Mughan, *Accommodation or Defusion in the Management of Linguistic Conflict in Belgium*, 31 POL. STUD. 434, 434-451 (1983).

16.   ELSTER, *supra* note 8.

17.   JOHN W. BURTON, PEACE THEORY (1962); JAMES SAMUEL COLEMAN, COMMUNITY CONFLICT (1957); J. SCHUMPETER, THE SOCIOLOGY OF IMPERIALISM (1955).

can lead to polarization and enable more militant factions to gain influence, which in turn affects the structure and nature of groups. In addition, conflicts often escalate to include more participants, as each side tries to bolster its position by mobilizing allies.[18]

Figure 2 presents the Structural Change Model. The model combines the notion of conflict escalation spirals (represented by the solid arrows) with confirmatory feedback loops (represented by broken lines). Party and Other denote the participants in the conflict, with Party being the participant whose viewpoint is being considered most closely. I follow Rubin et al.'s[19] practice of placing the perceived divergence of interest in the upper left corner. This perceived divergence of interest is assumed to start the conflict and lead to action. As Rubin and his colleagues note, this factor may act on other portions of the model as well. I have altered their model by refusing to restrict the scope to heavy tactics, since I believe that the mechanisms also work with light tactics.[20]

The Structural Change Model shows the interrelations between actions and structures within a conflict. It contains a number of feedback loops, and its circular nature indicates that conflict should be viewed in terms of iterative interactions. Structural changes can affect psychological states, the structure and functions of groups, and/or the nature of the larger community. Arrows [A] and [C] indicate that the actions of one party in the conflict can produce structural changes which affect the other party. For example, a sneak attack would affect the psychological state of the opponent, most likely decreasing trust and increasing hostility. Arrows [B] and [D] indicate that the choice of tactics is affected by structural conditions. Increased hostility and decreased trust might produce more contentious tactics and reduce willingness to bargain. Arrows [M] and [N] indicate that the choice of tactics may also cause structural changes that affect the party who chose that action. An action may change the context if, for example, the party rationalizes a sneak attack by further dehumanizing the other, or by stating that it was a preemptive strike to prevent an imminent attack. These rationalizations would reinforce the need to choose heavy contentious tactics. Alternatively, confidence-building mechanisms may also be reinforced by this method, as the justification of such methods usually includes a strengthened perception of the possibility of fruitful negotiation. Arrows [O] and [P] indicate that structural conditions often produce self-

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18.   JEFFREY Z. RUBIN ET AL., SOCIAL CONFLICT: ESCALATION, STALEMATE, AND SSETTLEMENT (2d ed. 1994).

19.   *Id.*

20.   "*[L]ight tactics* [are defined] as those whose consequences for Other are favorable or neutral. By contrast, *heavy tactics* impose, or threaten to impose, unfavorable or costly consequences on Other." *Id.* at 48.

reinforcement mechanisms, such as self-fulfilling prophecies or selective perception.

The Structural Change Model provides a basic model for considering the potential sources of change in conflicts. It remains quite general about the various types of change that can occur. In addition to the structural changes listed by Rubin and his colleagues, parties can also act to change the institutional framework in which their relations may be conducted. This is particularly important in conflicts over the constitutional framework of countries such as Belgium. Those involved in the conflict are aware that constitutional changes will have multiple and lasting effects on their power. Their bargaining sessions and negotiations are likely to produce residues that affect future negotiations. Leaders consider the politics of constitutional reform as an iterative, learning process.

The explanatory power of the model can be greatly increased through the incorporation of the perspective of Social Cubism. Structural changes may occur in the various facets of conflict: history, demographics, religion, political activity, economics and psychocultural factors. Understanding the underlying nature of the changes, and their interconnections may provide better solutions for the regulation of conflict.

III. POLITICAL IDENTITY AND CONSTITUTIONAL CHANGE

Ethnoterritorial conflict poses a significant threat to international security in the post cold war era, sparking civil war in some countries and provoking significant structural changes in others. Key considerations in the study of ethnoterritorial conflict are the institutional structures that regulate group interaction and the demands that group leaders make. A better understanding of the interaction of these considerations can provide early warning of hot conflict and help us understand the dynamic nature of the interaction between identity, culture and politics.

Constitutions provide idealized versions of how interaction among groups should be regulated. As such, constitutions legitimate various institutions and social groupings. In multicultural societies, various groups may demand constitutional changes that affect future interactions among groups. Constitutional politics is an iterative, feedback-driven process of group representation, group mobilization, group interaction, and structural changes in the context.[21] We need to employ conceptual models to gain better understanding of the dynamic processes of conflict. This section analyzes the interaction between group identifications and constitutional politics in Belgium, focusing on Wallonia. This analysis indicates that each action by groups can

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21.   TSEBELIS, *supra* note 2.

alter the structure of group interaction, thereby shaping the conflict, and that this structural change then affects the options available to the groups. It illustrates the crucial importance of understanding the context in which conflict occurs.

The Fourth Reform (since 1970) of the Belgian Constitution in 1993 marked a complete revision of the fundamental construct of the state. Most significantly, Belgium officially transformed from a unitary to a federal government. Some politicians from both major communities advocate further devolution. The debate will continue with the constitutional revisions on the agenda for the parliament. The Belgian case poses the question of why its ethnoterritorial conflict is intense and persistent, but also peaceful and institutionalized. The application of the structural change model and Social Cubism illustrates the importance of constitutional debate in the regulation of ethnoterritorial conflict.

After a review of important steps in relations between the two dominant ethnic groups in each country, I examine the dynamic relationship between constitutional politics and the political importance of ethnic identity. In the discussion that follows, the capital letters in brackets refer to the paths depicted in the Structural Change Model (see Figure 2) and the lower case letters indicate the facet of the social cube.[22]

IV. THE GRADUAL CREATION OF ETHNIC CONFLICT

In Belgium, the evolution of ethnoterritorial identities has constrained the conduct of politics. The gradual shift from strong localized identities to large ethnoterritorial communities weakened the effectiveness of the unitary state and the existing provinces. Politicians changed the constitution to create institutions to address regional and cultural demands better. Francophone Walloon nationalists, or *Wallingants*, developed claims largely in response to demands of the Dutch-speaking *Flamingants*.[23] Walloons are almost evenly divided between those who primary identification remains *Belge* and those who identify themselves as *Wallon*.[24] The current situation in Belgium should be seen within

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22. The lower case codes are as follows: c=psychocultural factors; d=demographics; e=economics; h=history; p=political activity; r=religion.

23. *Wallingants* seldom refer to themselves as nationalist. They tend to emphasize the importance of geographic differences. Their label indicates their defensive nature, as it derives from the Flamingant movement. *Flamingants* are more likely to use the issues of culture, ethnicity and language. Despite these differences, both can be referred to as ethnoterritorial movements.

24. Michel Vandekeere et al., *Les Declinaisons de l'identité en Wallonie: Couplages et divorces entre électorats, appartenances et prises de position en matière communautaire et institutionnelle, in* IN ELECTIONS LE FÊLURE? ENQUÊTE SUR LE COMPORTEMENT ÉLECTORAL DES WALLONS ET DES FRANCOPHONES (A.-P. Frognier and A.-M. Aish-VanVaerenbergh, eds., 1994).

the context of the historical development of relations between Flemings and Walloons.

Although the name "Belge" stems from the Celts who settled the area around 650 BC, politicians and researchers often assert that a common Belgian identity is considered artificial.[25] Julius Caesar conquered the area in 58-57 BC.[26] The arrival of the Franks in early 800s instigated the linguistic division, as the Gallo-Roman population was settled densely enough to assimilate the Franks in the south, but not in the north.[27] For centuries, various city-states, provinces and empires fought over the territory. No common political or cultural identity united the people occupying the area. Local identities thus developed much earlier than, and continue to hinder, the national identity.

In 1792, France occupied the area and enforced centralization and cultural dominance. With the fall of Napoleon in 1815, the territory was united with the Low Countries [C,p]. Belgians resented religious differences [P,r] and the 'dutchification' of the administration [P,c]. They declared independence from the Netherlands in 1830 [A&D,p]. Belgium adopted French as the official language, although people could choose to speak other languages (Article 23) [P,p&c].[28] Suffrage based on strict property requirements assured the Francophone bourgeoisie of a political majority although most Belgians spoke dialects of Dutch. At independence, Belgium had no standard form of either Dutch or French.

Until the mid 1900s, political, economic and social power rested primarily with the Francophones, even in the northern area now contained in the Flemish Region.[29] Economic development enhanced the power of the southern region known today as Wallonia [P,e]. Parts of the southern region were early beneficiaries of the industrial revolution, and developed heavy industries [P,e]. The social and political status of the French language promoted a strong Francophone presence in Brussels [P,p&d].[30] The Flemish movement, backed by religious leaders and civil servants, began a cultural campaign to strengthen Flemish culture and language almost immediately after independence [N,c&r&p]. Most Belgians, regardless of language, were Catholic, but a debate over the relationship between church and state increased ethnic tensions [A,r&p,

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25. B. BOULANGÉ AND R. CAVENAILE, LA BELGIQUE DES ORIGINES À L'ÉTAT FÉDÉRAL (1990).

26. JOHN FITZMAURICE, THE POLITICS OF BELGIUM: CRISIS AND COMPROMISE IN A PLURAL SOCIETY (1983).

27. BOULANGÉ & CAVENAILE, *supra* note 25, at 23.

28. The 1993 constitutional reform included a complete revision and renumbering of the articles in the constitution. For the sake of simplicity, I use the old numbering to refer to all previous changes.

29. RUDOLPH, *supra* note 9, at 92.

30. Martine de Ridder and Luis Ricardo Fraga, *The Brussels Issue in Belgian Politics,* 9 W. EUR. POL. 376, 376-392 (1986).

C,r&p]. Most Francophones favored secularism, especially with regard to state-supported education. Many religious leaders regarded the Francophones as anticlerical, and therefore sought to protect the use of Flemish [B,r&p].[31] In addition, many Dutch-speakers who had been civil servants during Dutch rule sought to maintain their status by demanding that Flemish be an official language [B,c&p; D,c&p]. The 1847 *Manifesto of the Flemish Movement* set forth several Flemish demands [B&C,p&c]. In 1898, Flemish became an official language [O,p&c]. This recognition transformed interethnic relations, as it strengthened the tendency to see Belgium as a bicultural society [O&P,p&c].[32] Francophones reacted defensively against the pressure of the Flemish [C-M]. In 1912, the *Congrès Wallon* advocated an administrative separation of Flanders and Wallonia [A,p; M,p]. In 1912, future Minister of State Jules Destrée, in an often-quoted "open letter to the King" stated, "Sire, there are no Belgians. There are only Flemish and Walloons," arguing that eighty years of nation building had failed to produce a dominant basis of identification, while ethnoterritorial groups had gained salience.[33]

With the gradual expansion of the franchise, the Flemings eventually translated their demographic majority into political power [O,p&d; P,p&d].[34] Universal suffrage for men was granted in 1893, but multiple votes allowed Francophones to retain a majority of votes [P,d&p; O,d&p].[35] This situation proved untenable, as it signified the domination of the majority by a demographic minority. Each reform changed the political and cultural climate to encourage further changes, but also mitigated the levels of hostility that could have erupted into violent conflict had Francophones refused to increase Nederlandophone participation in government. Duffy and Frensley's assertion that leaders will prefer institutional conflict over hot conflict gains support from this case in this period.[36]

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31.   BOULANGÉ & CAVENAILE, *supra* note 25, at 100.

32.   *See* Raymond Breton, *The Production and Allocation of Symbolic Resources: An Analysis of the Linguistic and Ethnocultural Fields in Canada,* 21(2) CANADIAN REV. OF SOC. & ANTHROPOLOGY 123, 123-144 (1984). Breton argues that the symbolic importance of relative status of groups is a key factor in the legitimacy of a state. Although based on the Canadian case, his argument is relevant here. The increased status of a political or social minority is likely to produce a defensive reaction in those who see their status as threatened. This is especially important if demographic factors produce a similar phenomenon.

33.   Frank Delmartino, *A Regional State or a Federal State in the Making?, in* FEDERALISM AND FEDERATION IN W.E. 38 (M. Burgess ed. 1986).

34.   ALEXANDER B. MURPHY, THE REGIONAL DYNAMICS OF LANGUAGE DIFFERENTIATION IN BELGIUM: A STUDY IN CULTURAL-POLITICAL GEOGRAPHY (RESEARCH PAPERS 227) (1988).

35.   KENNETH DOUGLAS MCRAE, CONFLICT AND COMPROMISE IN MULTILINGUAL SOCIETIES: BELGIUM 35 (1986).

36.   Gavan Duffy and Nathalie J. Frensley, *Community Conflict Processes: Mobilization and Demobilization in Northern Ireland, in* INTERNATIONAL CRISIS AND DOMESTIC POLITICS: MAJOR CONFLICTS

The evolution of ethnic relations was interrupted by the First World War. World War I exacerbated ethnic tensions within the army, as Francophone officers commanded Flemish troops. The Flemish *Frontpartij* demanded the creation of separate military units for Francophones and Nederlandophones [Cp&c; Np&c]. The Germans used divide and conquer strategies for the occupation of Belgium, and promoted Flemish nationalism [Cp&c]. In 1916, they opened a Flemish university in Ghent [Cp&c]. The Proclamation of 22 December 1917 unsuccessfully asserted Flanders' autonomy [C&N, p&c].[37] Flemish leaders linked symbols of power and the French language, portraying the Flemish as victims who could not understand their Francophone oppressors [C&N, h&c].

During the interwar period, Flemish nationalists demanded complete linguistic equality [C&N,c&p]. 1919 marked the first election using the one man, one vote formula [N-O,p; C-P,p]. By 1928, the national administration was reformed to accommodate Flemish demands for linguistic parity [C&N, c&p].[38] The Flemish, noting an increased presence of Francophones in the north, pressed for the establishment of the territoriality principle as a basis for language legislation [O-B,d&c&p]. Francophones, however, argued that language use should be a matter of individual choice [A-D,d&c&p].[39] Unilingualism of primary and secondary education was established in 1930, with Flemish being used in the North and French in the South. The University of Ghent was converted into a unilingual Flemish institution the same year [C&N,c&p]. In 1932, the administration adapted to the notion of two unilingual regions. These steps, though addressing linguistic issues, reinforced the notion of a biregional and bicultural State. They increased the salience of the linguistic cleavage by making it correspond to a territorial cleavage [O&P,c&d&p].

The "Royal Question" reinforced these tensions. During World War II, King Leopold III surrendered despite his government's pressure to form a government in exile. At the end of the war, the Catholic Party moved to reinstate the King, but the Socialists led protests.[40] Riots in Liège and Hainaut ensued [D, p&d&c]. A referendum on the issue produced a majority in the King's favor, but the regional disparity was striking [M&A,p&d&c]. Flemings

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IN THE 1980s (J.W. Lamare, ed., 1991).

37. MURPHY, *supra* note 34, at 105-6.

38. Robert Senelle, *Constitutional Reform in Belgium: From Unitarianism Towards Federalism*, *in* FEDERALISM AND NATIONALISM 55 (M. Forsyth, ed., 1989).

39. For an evaluation of the differences between the principles of territoriality and personality, see Kenneth D. McRae, *The Principle of Territoriality and the Principle of Personality in Multilingual States*, 158 LINGUISTICS: INT'L REV 33 (1975)

40. At the time, the Catholic Party was stronger in Flanders, while the Socialist Party was stronger in Wallonia. Both parties had constituents throughout the country, however.

voted overwhelmingly for his reinstatement [N&C,p]. A slight majority of Walloons opposed the plan, although some Walloon provinces produced a slight majority in favor [A&M,p]. The King abdicated due to the Walloon opposition, and the throne passed to his son [P&O,p].[41]

After the war, Belgians established the Research Center for the National Solution of Social, Political and Juridical Problems in the Walloon and Flemish Regions. The Center reported that the Flemish, although the demographic majority, had minority status in military, political, diplomatic, business and cultural circles [O,d&e&p&c]. The center noted a gradual spread of French in Flemish areas around Brussels and along the linguistic border [O,d].[42] These reports provided additional incentives for mobilization along ethnoterritorial lines [O&P, c&d&p]. The Flemish demanded that the government redress the discrepancies [C&N,p]. Walloons counter-mobilized against the threat to their position posed by the Flemish majority [A&M,p].

Political and economic divisions deepened in the immediate post-war reconstruction. In Flanders, industrialization proceeded rapidly [O,e], while the old industries in Wallonia steadily declined [P,e] and Wallonia's portion of Belgium's population diminished [P,d]. In the 1950s, these changes, combined with further debate over education policy, encouraged the rise of regional parties [A&M,p; C&N,p].[43] *Volksunie*, a Flemish federalist party, was founded in 1954 [N,p].[44] Flemish economic and demographic gains [O,d&e] forced the Belgian government to recognize the parity of French and Dutch, with separate administrations for the cultural communities [O&P,p&c]. Meanwhile, the *Rassemblement Wallon* and the *Front Démocratique des Francophones* formed to pursue Walloon and *Bruxellois* regional interests [P,p&c].[45]

Despite the rise of regional parties, the three main political parties (Liberal, Catholic, Socialist) maintained their dominance of Belgian politics. The Flemish Catholic Party held the strongest position, while the Socialists were most powerful in Wallonia. In the late 1950s, austerity measures and economic decline in Wallonia threatened to destabilize the government [P,e&p]. In the winter of 1960 political leaders called a national general strike against the government's austerity measures, but participation was exceedingly weak in the Flemish North. André Renard, a leader of the strikes, founded the *Mouvement populaire wallon* to pursue economic and social reform within Wallonia and

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41.   McRAE, *supra* note 35, at 111.

42.   BOULANGÉ & CAVENAILE, *supra* note 25, at 103.

43.   Els Witte, *Belgian Federalism: Towards Complexity and Asymmetry*, 15(4) W. EUR. POL. 95, 95-117 (1992).

44.   Murphy, *supra* note 34, at 201.

45.   The Francophones in Brussels and Wallonia are not always united in their political views. The regional, territorial dimension often interferes with their ability to cooperate.

avoid relying on Flemish cooperation [P,c&p]. This reinforced the notion that the two main regions sought different social institutions and followed different political ideologies [O&P,c&p].

The Belgian government permanently fixed the linguistic frontier in 1962 [O&P,p&c]. Before this change, the government had needed to adjust the boundary occasionally to reflect the changes in language use indicated by the decennial census [O&P, p&c&d]. Reacting to the dramatic increase of Francophones in Flanders reported in the first census after World War II [O&B,c&d], Flamingants claimed that the use of a census question to determine the border was unfair since it was an indication of the popularity of languages, rather than their actual use [N&C,p&c].[46] The protest forced the government to remove linguistic questions from the census [C&N,p&c&d], thereby removing reported language use as a means of determining language policy [O&P, c&d&p].[47] The government created a linguistic frontier to bound linguistic regions territorially. The line was not drawn cleanly; twenty-five communes were transferred from the Flemish region to Wallonia and twenty-four were passed in the opposite direction [O&P,p&c]. According to Dustin, the government initiated the transfer partially due to party strength in the areas [N&C,p&d; M&A,p&d].[48] Especially important were six communes that were transferred from Liège (Wallonia) to Limburg (Flanders).[49] In a referendum in these communes, 93% opposed the transfer, but the government refused to respect the vote [O&P,p&d&c].[50] The majority of Francophones in Parliament also opposed this law [A&M,p]. The transfer was a rare example of important legislation passed despite sharp linguistic divisions [O&P,h&c].[51] Francophones continue to challenge the legitimacy of this law, especially in Voeren/Fourons where the Return to Liège list has achieved considerable success in municipal elections [P&D,c&h]. The Flemish *Taal Aktie Komitie* (Language Action Committee) and the *Vlaamse Militanten Orde* (Flemish Military Order) conducted an intimidation campaign [C&N,p&c] in response to Francophone *Action fouronnaise* activism aimed at returning Fourons to Liège [A&M,c&p]. Francophone leader José Happart rejected an offer for help

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46.   Although some members of both sides did collaborate with the Germans, the Flemish were portrayed as more enthusiastic collaborators, and were therefore subjected to harsh treatment after the war. They may thus have been less likely to indicate that they spoke Flemish [O&P,h&c].

47.   MCRAE, *supra* note 35, at 35.

48.   Interview with Fernand-Daniel Dustin, PSC Archivist (1995).

49.   These communes were often collectively referred to as les Fourons in French, and Voeren in Flemish.

50.   MCRAE, *supra* note 35, at 153.

51.   Xavier Mabille, . *Le débat politique d'avril 1990 sur la sanction et la promulation de la loi*, COURRIER HEBDOMODAIRE DU CRISP [CRISP Bulletin] (Centre de Recherch et d'Information Socio-Politiques, Brussels 1990).

in sustaining a terrorist campaign, perhaps preventing a serious escalation of the conflict [A&M,h].[52]

Politicians confronted another problem with the construction of the linguistic border. They could not ignore that Brussels, located on the Flemish side of the linguistic boundary, contained about one-fourth of all Francophones in the country, and had only a small minority of Flemish-speakers [O&P,c&d]. In order to keep this "oil-stain"[53] from spreading, the Flemish pushed for, and in 1963 attained, the designation of Brussels as bilingual with limited territory [O-B-N&C, c&p].

By 1969, the Flemish raised another problem. Although the territory of Brussels had been set, the "oil-stain" of Francophones in Flanders was growing towards the University of Louvain/Leuven, which is east of Brussels in Flemish Brabant [O&P,c&d]. Flemish speakers in the university agitated for the removal of the Francophones from the University [O-B-C&N,p&c&d]. The *splitsing* (division) of the university, with the creation of *Louvain-la-Neuve*, symbolized the larger divisions within the country [A&M,c&d&p;C&N,c&d&p]. These changes reduced support for the unitary state as the notion of a common Belgian identity lost credibility [O&P,c&h].[54]

Structural changes thus accumulated over time, shaping patterns of behavior and perceptions of the groups. The iterations of the conflict spiral, with behavioral structures mutually affecting each other, weakened the support for a common identity and increased demands for ethnoregional autonomy. The constitution itself would become the political battleground.

V. BELGIAN CONSTITUTIONAL REFORM

By the end of the 1960s, Belgium required major constitution revision. The Belgian constitution has been significantly modified four times since 1970. Each package of constitutional amendments involved institutional reform to reduce the need for agreement across the linguistic border. Increasingly, leaders had more independence to make decisions within each linguistic community or region.[55] Belgium has abandoned its unitary structure in favor of a complex

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52. JOSÉ HAPPART, AU NOM DE LA LIBERTÉ [IN THE NAME OF LIBERTY] (1984). JOSÉ HAPART AND MARIE-PPAULE ESKENAZI, JOSÉ HAPPART: PORTRAIT D'UN REBELLE TRANQUILLE [JOSÉ HAPPART: PORTRAIT OF A QUIET REBEL] (1987). JOSÉ HAPPART AND VINCENT VAGMAN, HAPPART DE A A Z: ENTRETIENS AVEC VINCENT VAGMAN [HAPPART FROM A TO Z: CONVERSATIONS WITH VINCENT VAGMAN] (1989).

53. *Flamingants* used this term to symbolize the concentration of Francophones in the Flemish region. It indicated that Francophones marred the Flemish region, that they were hard to remove, and that they could spread and cause more damage to the Flemish fabric.

54. Murphy, *supra* note 34.

55. Unlike most federations, federal laws do not overrule regional or community decrees within their jurisdiction. There are a few exceptions to this, such as questions of educational policy.

federation composed of communities and regions, whose boundaries overlap. This section traces the principal political dimensions of these four changes.[56]

A. *The 1970 Reform*

1967-71 produced a major reform of the Belgian constitution. The reform instituted several structural changes that significantly altered the tactics used by the parties. Politicians institutionalized the binary nature of Belgium, establishing the "Cultural Communities" (Article 59bis).[57] Each of the three communities—the Flemish-speaking, the French-speaking, and the German speaking communities—received its own Council and powers to enact decrees concerning cultural affairs and, to a limited extent, education and the use of language [O&P,p].[58] Flemish leaders had led the drive for the establishment of the Communities [C&N,p&c], but Francophones favored regionalization [A&M,c&p]. Walloons demanded decentralization of social and economic matters in order to address their region's economic crisis [D-A&M,c&e&p].[59] The revised constitution recognized three regions, but failed to define administrative responsibilities for each [O&P,c&p]. Details were postponed, "*à la belge*," for future constituent assemblies. Francophones demanded recognition of Brussels as a region equal to Flanders and Wallonia [A&M,c&p]. Flemish leaders opposed giving Brussels regional status, fearing that such recognition would lead to a shift from parity to a two-to-one advantage for Francophones [C&N,c&p]. The compromise was only a partial victory for each side, since they created regions, but left the status of Brussels ambiguous.

Other important constitutional revisions included mandatory linguistic parity in the Cabinet, with the exception of the Prime Minister (Article 86bis). The major governmental portfolios were divided equally between Francophones and Nederlandophones [O&P,p]. This requirement did not include secretaries of state (sub-cabinet portfolios), which can be used to reflect the relative strength of coalition partners and usually favors the Flemish.[60] Additionally, the 1970 package initiated an "alarm bell" procedure, in which a motion of concern

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56.   Constitutional amendment in Belgium is conducted within the Belgian Parliament. The government must produce a list of articles that it wishes to review for amendment. Parliament is then dissolved, and election of a Constituent Assembly follows. Coalition formation after the election includes inter-party negotiation over the issues. A two-thirds majority is required for any amendment.

57.   Article numbers cited here refer to their original numbering. The 1993 reform included a complete renumbering of the articles in the constitution.

58.   While the German-speaking community was given powers, it has a very small population (less than 1% of the total population), and does not play a key role in national politics.

59.   ANDRÉ ALEN AND RUSEN ERGEC, BRUSSELS: MINISTRY OF FOREIGN AFFAIRS, EXTERNAL TRADE AND DEVELOPMENT COOPERATION 15 (1993).

60.   MCRAE, *supra* note 35, at 185.

signed by three-fourths of the members of parliament from either language group could return a bill to the executive for reconsideration [O&P,c&p].[61] This procedure can be used in the Belgian parliament (Article 38bis) and Brussels Council (Article 108ter, section 3). The symbolic nature of the alarm bell increased confidence that the majority will act with respect for the minority [O&P,c].

B. The 1980 Reform

Belgian politicians again modified the constitution in 1980 in order to better adapt the new division of powers. This revision expanded the powers of the Cultural Communities to include "personalized services" such as protection of minors and health policy, but reduced their name to "Communities" [O&P,c&p].[62] The government again temporarily ignored the question of Brussels in order to reach an agreement [O-B,p; P-D,p]. Special legislation only partially clarified the role of the Walloon and Flemish regions, and the future of the regions remained in question.

The 1980 revision also introduced the Court of Arbitration (Article 107ter) to settle disputes between Communities, Regions and the National Government [O&P,p]. Its early decisions increased confidence in the Court's fairness [O&P,c], and the 1988 reform increased its jurisdiction from only governments to "any person proving an interest".[63]

C. The 1988 Reform

The "Happart Affair" is widely credited with causing the crisis that led to the fall of the government and the election of a constituent assembly in 1987. Happart was both a Member of the European Parliament and *Bourgmestre* (mayor) of Fourons.[64] Fourons had been transferred in 1962 from the Walloon

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61.   MAUREEN COVELL, *Belgium, The Variability of Ethnic Relation, in* THE POL. OF ETHNIC CONFLICT REG.: CASE STUDIES OF PROTRACTED ETHNIC CONFLICTS 289 (J. McGarry & B. O'Leary eds. 1993); MCRAE, *supra* note 35, at 183.

62.   ALEN, *supra* note 59, at 15; COVELL, *supra* note 61, at 290.

63.   ALEN, *supra* note 59, 21-22.

· 64.   Technically, Happart was *premier échevin faisant fonction, i.e.,*acting Bourgmestre. The provincial government of Limburg could prohibit him from being appointed Bourgmestre but not from being elected as a councilor (*échevin*). Article 107 of the Communal law stated that the First Councilor (*premier échevin*) would become acting mayor if the Bourgmestre was unable to fulfill his duties. The Fouronnais thus elected Happart as *premier échevin*, but the office of Bourgmestre was left empty after October 1986 as a result of a decision by the Flemish chamber of the Council of State. This resulted in the "carousel" in which the provincial government would disallow the election, but new elections would produce the same results. This crisis thus indicates the importance of the connections between institutions and conflict. *See* JOSÉ HAPPART, LETTRES QUESTIONS AU MINISTRE DE L'INTERIEUR MONSIEUR JOSEPH MICHEL [LETTERS AND

province of Liège to the Flemish province of Limburg as part of a compromise that led to the "permanent" delineation of the linguistic boundary [O&P,c&h&p].[65] The transfer was enacted despite a local referendum in which most *Fouronnais* opposed the transfer and despite dissenting votes by the majority of Francophones in Parliament. Happart and his "*Happartiste*" allies continued the struggle, claiming that the transfer was illegitimate [A&M,c&p]. They created several organizations to fight what they considered a Flemish plan to dominate the country [A&M,c&p]. In 1987, the situation in Fourons again reached a boiling point. Noting legal ambiguities, Happart refused to submit to the linguistic tests required of mayors in Flanders, thereby producing a legal contradiction in which Happart was both commanded and forbidden to perform his mayoral duties [A&M,c&p].[66] The governor of Limburg postponed Happart's re-election as *Bourgmestre*, upon which the local municipal government dissolved itself to force a new election [B-N&B-C,p]. Happart won again. A similar case emerged in Brussels. Several rounds of this carousel, as it was popularly labeled, provoked dissatisfaction on both sides of the linguistic frontier [A-O,c&p;M-P,c&p]. In 1987-88, political leaders engaged in a new round of constitutional negotiations.

Debate over this reform shows the complexity of divisions within the Francophone community and the importance of dynamic models of conflict. The original controversy over Happart's ability to perform mayoral duties escalated to the point that the government collapsed and Belgium's political parties spent about six months negotiating a settlement extending far beyond Happart's specific plight. The politicians involved all had multiple objectives. Francophone leaders needed to defend themselves from *Happartiste* criticism [P-D,p]. Francophone Social Christian leader Gérard Deprez needed to defend his actions against accusations that he agreed to the plan simply to change coalition parties and that he had 'sold out' to the Flemish [M,p]. Within the Francophone Socialist Party, those who supported José Happart's regionalist policies protested that party President Guy Spitaels had missed a unique opportunity to reestablish Fourons as a part of Liège [M,c&p]. In their eyes, Spitaels had surrendered to the unending, ever-increasing demands of the Flemish.[67] Spitaels, however, argued that he had chosen the best strategy for Belgium, leading toward a federal system [A&M,p]. He noted that he had never

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QUESTIONS TO THE MINISTER OF THE INTERIOR JOSEPH MICHAEL] (1987).

    65.   Although the boundary can be changed by an act of law, such an act would require a special majority that would include the majority of representatives from both major linguistic groups—an unlikely event.

    66.   HAPPART, *supra* note 64.

    67.   Interview with Jean-Maurice Dehousse (1995).

promised that Fourons would return to Liège.[68] Many Socialists feared that the *Happartistes* would ignore the Socialist platform, or effectively change it to privilege regional rather than class conflict [P,c&p].

As part of the agreement, the Special Law of 9 August 1988 altered the regulations for communal elections, consequently preventing Happart from being re-elected *Bourgmestre* [M&C-P-D,p].[69] The government established a three-phase plan to alter the fundamental structure of the unitary state. The first phase required the legal recognition of Francophone rights in the Brussels periphery, the creation of a Brussels-Capital Region with powers equal to the other two regions and the extension of the Court of Arbitration's jurisdiction [P&O,p]. The second phase extended the German-speaking Community's power to pursue international relations (Article 59ter) and included special laws clarifying the powers of Communities and Regions [O&P,p]. The third phase established direct elections for Regions and Communities [O&P,p]. The 1988 reform also included a new system of financing the communities and regions [O&P,p].[70] The communities gained virtually complete control over education (Article 59bis) [O&P,p].

The compromise reached by the parties in this third constitutional reform neither instituted new and innovative institutions nor completed the process of federalization. It did, however, further extend the power of the regions, and recognized Brussels as a region in itself, marking a major turning point in interethnic relations. As such, it created structural changes that increased the drive toward federalism.

D. The 1993 Reform

The reforms of 1988-89 left several issues unsettled. In the midst of yet another crisis in 1991, the executive declared every article of the constitution subject to revision, and dissolved parliament, thus requiring new elections. The Christian and Socialist parties formed a new coalition based on an agreement that was much less precise than that constructed in 1988. The accord cemented the official federalization of the country, including direct elections for the governments of the constituent units. This reform involved a complete revision

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68.   Dider Caudron, . *Guy Spitaels : oui à la fin du carrousel fouronnais mais pas en capitulant*, LE PEUPLE, May 18, 1987; Guy Daloze et al, *Guy Spitaels: pas touche à la sécurité social*, LA LIBRE BELGIQUE, Jan. 16, 1989, at 4.

69.   Happart says this continues to cause him great pain, but he remains active in the PS. As a Socialist Member of European Parliament, Happart fought for increased regionalization, and now advocates a biregional status for the Fourons/Voeren. José Happart (interview with author, 1995). He remains a controversial, but popular, Walloon politician. He is currently agricultural minister for Wallonia.

70.   ANDRÉ ALEN AND RUSEN ERGEC, FEDERAL BELGIUM AFTER THE FOURTH STATE REFORM OF 1993 (Ministry of Foreign Affairs, External Trade and Development Cooperation, Brussles, 1994).

of the constitution, and entrenched both social and political rights. The old numbering system of the articles was changed. Most significantly, Article 1 now reads, "Belgium is a federal State made up of Communities and Regions" [O&P,p] Article 138 empowers the French Community to vest its authority in the Walloon Region and the French linguistic group in Brussels-Capital [P,p]. The Fourth Reform also expanded the international powers of regions and communities in trade and cultural matters, although their actions must be compatible with national policies [O&P,p]. The federal government does maintain the right to require an intergovernmental conference about a proposed treaty, and if specific criteria are met, the King may suspend a treaty. Most disputes among governments continue to be addressed by the Court of Arbitration.

As a result of these changes, three regions (Flanders, Wallonia, and Brussels) and three communities (Flemish, French, and German-speaking) comprise the State. The German-speaking community is geographically located within the Walloon region, which is dominated by Francophones. The Francophone community is located in the Walloon region, except for the territory occupied by the German-speaking region, plus the Brussels-Capital Region. The Flemish community is located in the Flemish Region, plus the Brussels-Capital Region. The new Belgian constitution outlines the responsibilities of the communities and the regions (Articles 115-140). Regions have jurisdiction over such issues as the environment, development, housing, economic policy, energy policy, employment policy, and international cooperation. Distinct from the regional authority, the community institutions have competence concerning education and cultural matters such as language policy, fine arts, cultural heritage, libraries, broadcasting, and youth policy. The communities also have jurisdiction over personalized matters such as health policy, and aid to individuals.[71]

VI. CONCLUSION

Through these structural changes, Belgians have adapted to increasing demands for devolution. The transformation of the state has been conducted in stages to address ethnoterritorial concerns, leaving several issues aside until agreement can be reached. Trust that issues will be addressed later is crucial to the sense that participants are being treated fairly and to the success of negotiations.[72] Nevertheless, the reforms have reinforced the salience of the linguistic and regional division and reduced the incentive for cooperation. As

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71. *Id.*

72. Interview with Marc Uyttendael (1995).

politicians continue to address ethnoterritorial concerns, institutional revision is a constant possibility.

Due to time and space constraints, I have chosen not to address the influence of membership in the European Union. However, EU membership does change some of the political and economic implications of various policy options. Arguably, the EU would minimize the costs of a break-up of Belgium into two or three states. However, the status of Brussels still continues to be a source of contention, since it is predominantly Francophone, but located within Flemish Brabant. Regional economic differences continue to plague Belgium, adding to the tension. The Belgians will continue to face significant challenges as they attempt to regulate ethnoterritorial conflict.

This article has shown the significant interactions among the six facets of the social cube. Demographics, history, religion, economics, politics and psychocultural factors all play important roles in the strategies adopted by the various politicians. Religion emphasized the differences since even though the entire country is predominantly Catholic, Flemings were seen as more loyal Catholics. Although history was not frequently used in the coding, the past history recounted here does strongly constrain the alternatives considered in contemporary politics. Demographic considerations may change the relative strength of groups; therefore the government has made the collection of demographic data concerning language use extremely difficult and will not allow such questions on official surveys or the census. Immigration, especially in Brussels may shift political considerations in the near future. Economic power has shifted over the years from Wallonia to Flanders. In addition, political institutions have shifted, giving more power to Flemings and decentralizing decision-making. These considerations are further influenced by psychocultural factors such as group identification and perceptions of outgroups and motivations. These factors are compounded by the fact that the Francophone minority long held political, economic, and social advantages, leading the Flemings to become a "majority with a minority complex".[73] The increasing complexity of governmental institutions in Belgium is an indication of various paths that can be taken to regulate conflict, and may act as a shock-absorber as the general public is forced to rely on the politicians and lawyers to sort through the implications of further changes.

As we analyze conflicts, it is important to remember that a single approach is unlikely to completely address the problem. However, various efforts to reduce a conflict, including symbolic, institutional, and economic measures may promote de-escalation. These approaches will then create additional structural change that will influence the choice of the parties' tactics. An increased

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73.   Interview with John Fitzmaurice (1995).

understanding of structural change is promoted by sensitivity to the interconnections of the various sides of the social cube.
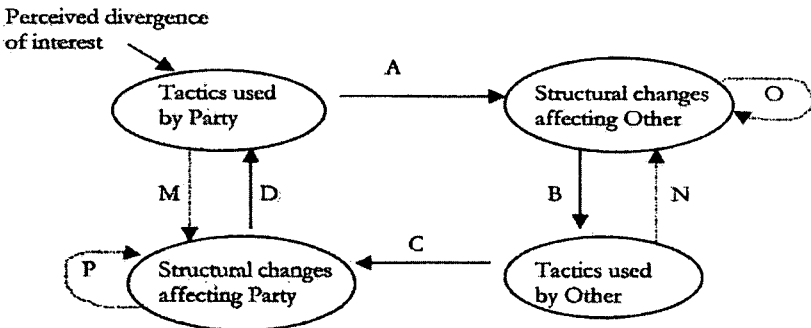
VII. APPENDICES

A. *Figure 1: Models of Nested Games*

Consociational Politics   **Coalition**
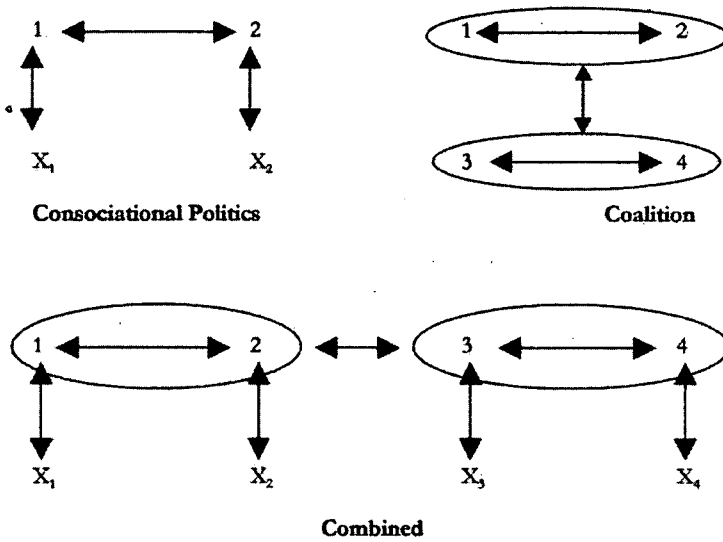
Combined

Source: Tsebelis (1990, 59) presents the Consociationalism and Coalition models. I have produced the combined model.

B.   Figure 2: Structural Change Model

Source: Rubin et. al.(1994, 83). I have changed their 'heavy tactics' to 'tactics.'