



Degree Program in Politics: Philosophy and
Economics

Course of History of Political Institutions

The Road to the 1831 Belgian Constitution: Governance over Belgium from 1765 until 1831

Prof. Lorenzo Castellani

SUPERVISOR

Iemen Hansoul Verbelen
(105872)

CANDIDATE

Academic Year 2024/2025

The road to the 1831 Belgian Constitution:
Governance over Belgium from 1765 until
1831

Table of Contents

Introduction	3
The Austrian Netherlands: Revival And Resistance.....	6
Maria Theresa: revival.....	6
Progress and Reforms.....	8
Joseph II: Reforms without Revival.....	11
Church Reforms	12
Governing and Justice Reforms.....	14
The United States of Belgium	14
French Belgium 1795-1815.....	17
The Revolutionaries	17
Persecution of the Church.	20
Napoleon	21
The United Kingdom of the Netherlands	27
Orangism	30
The Belgian Revolution.....	33
The Kingdom of Belgium and its Constitution	35
Conclusion.....	41
Bibliography.....	42

Introduction

“Why does Belgium even exist?” Though the question itself is far from original, the answers may be. Over the centuries many different approaches and even more opinions have emerged. French military officer and statesman Charles De Gaulle for one, said Belgium is merely a creation by the British to annoy the French. Most others would point to the independence war of 1830. Whether it is fair or not to subject Belgium to having to justify its existence is a hard question, though this did not keep both respectable and make-shift historians from writing a library full of reasons and counterarguments. As particular as it may be that a British politician like Nigel Farage claims Belgium is not even a nation, this thesis is not concerned with nation building. Instead, it focusses on explaining the 1831 Constitution by looking at the events that led to its creation. More concretely, the various governing systems that were tried out before 1831 will be taken under the loop, to see which changes were kept and which ones were not. The idea is that Belgium experienced so many different governing arrangements in such a short time span, that upon its independence it kept the good parts, deleted the bad ones, and ultimately created one of the most accredited Constitutions of its time.

What is Belgium in the present was not always Belgium in the past. The territory we know today has undergone a series of regime changes and each and every one of those found it necessary to alter the name. The name Belgium itself stems from the Latin *Belgae*, which referred to a collection of tribes that used to live in the area north of Paris (Lutetia), South of the Rhine and on the West side of the Ardennes, some even lived in Britain. Confusingly, one could remark that Belgium and The Netherlands mean the same thing, as both names have been used to describe the entire area of what is the Benelux now. For a long time the French language used the adjective *Belge* to describe anything that came from *Les Pays Bas* (The Netherlands, referring to what is currently the Benelux). To demonstrate the confusion about this, let me introduce the short-lived United Belgian States. From 1789 until 1790, the area that is roughly current day Belgium, was officially named *Les États-Belgiques-Unis* in French, and *De Verenigde Nederlandse Staten* in Dutch, which has the word *Netherlands* in it.

In this Thesis, I will stick to the name that the territory in question carried at the point in time I am talking about. From 1556 to 1714 it was named The Spanish Netherlands and from 1714 to 1795, the Austrian Netherlands. During those periods it was also referred to as The Southern Netherlands or The Habsburg Netherlands. Under French rule, from 1795 until 1815, it was part

of the French Republic and Empire, but referred to as Belgium. Finally, from 1815 to 1830 it was part of the Kingdom of the United Netherlands (UKN) and it got to use both Southern Netherlands and Belgium to refer to itself. However, without digging too deep into the history of nationalism or the lack thereof, one should be warned that the aforementioned names were primarily used to refer to a collection of regions. It would thus be faulty to simply assume that those territories were united just because there was a collective name for them. In an attempt to make this tangle of historic names slightly clearer, let us agree to mention *Current day Belgium* simply as *Belgium* from here on.

An additional clarification is however required when it comes to the Prince-Bishopdom of Liège. This area was only officially unified with the rest of Belgium from 1795 onward, though geographically it was always considered part of it. Let this serve as reminder that when this thesis speaks about the Austrian Netherlands, Liège is not included. Lastly, because that country plays a great role in Belgian history, it should be noted that what is the Kingdom of The Netherlands now, was named the Republic of the Seven United Netherlands from 1588 until 1795. Here it will be referred to by its shorter name: The Dutch Republic.

The take-off point for this analysis of governing institutions is 1748, the year in which the peace treaty of Aachen (Aix-La-Chapelle) ended the Austrian Succession War. Unlike many other peace treaties, this one actually brought relative stability to the Austrian Netherlands for forty years and finally allowed for some change to be implemented. These reforms intensified when the enlightened despot Joseph II took over in 1780 and ultimately resulted in the short-lived Belgian United States. After a series of French revolutionary wars, the Austrian Netherlands were incorporated into France in 1795. The most hated policy was the one that forcefully enlisted young men into an army they did not feel attached to, but most changes were targeted at transferring powers from the Church to the State. Napoleon Bonaparte's coup was able to satisfy the Church to a certain extent, but his popularity declined rapidly toward the end of his rule. At the treaty of Vienna in 1815, the great powers decided that a protestant King would rule over the United Kingdom of The Netherlands. William I combined a lot of traits of the previous despotic rulers over Belgium which led to an uprising once more. This time, the revolution was successful and Belgium declared independence for good.

The climax of this summary lies in 1831, because what document better represents the establishment of a nation than its very first Constitution? Not only does it offer valuable insights into the minds of the ruling class at the time, but it also contains many remnants of the past

experiences of Belgium. Once you have analysed the events that predated the creation of the Constitution, you recognize them all throughout the text.

As it happens, the 1831 Constitution is also a prime example of a parliamentary Monarchy. British legal theorist A. V. Dicey, for one, remarked that it comes close to a written version of the Constitution of the United Kingdom. The first National Congress did indeed take inspiration from English Constitutional principles, but also from the Constitutions that were once imposed on the territory such as the French Constitution of 1791 and the Dutch Constitution of 1814. Lastly, the French Constitution of 1830 was the newest Constitution at the time and was therefore consulted as well. The Belgian Constitution then went on to be a source of inspiration itself. The fact that it came to be as a 'Union of Oppositions' between liberals and Catholics is perhaps the deciding factor that gave it international political significance. Countries that later took the Belgian Constitution as an example include Denmark in 1849 and Romania in 1866. Therefore, analysing how the Belgian Constitution came to be is not only relevant for Belgian history, but for political history as whole.

The Austrian Netherlands: Revival And Resistance

After the Spanish Succession War (1701-1714) the Austrian Habsburgs were put in charge of Naples, Milan and the Southern Netherlands. Later on, it would become apparent that Vienna was about as mentally attached to Belgium as it was physically. It was not. The Habsburgs were in charge of a vast and diverse empire, busy devising way to keep their territories together. The Southern Netherlands were neither a colony nor a homeland, neither fully controlled nor independent. It should thus not come as a surprise that the Austrians tried to swap it for Bavaria in 1777 (De Maesschalk, 2022), which was culturally, linguistically, and physically closer to their Empire. Similarly, in 1745, Maria Theresa was prepared to exchange it for Silesia. For better or worse, not even in the position of Holy Roman Emperor could they get the exchange done. Nevertheless, their possessions in the Netherlands were never considered sacredly theirs, let alone forever.

Maria Theresa: revival

During the Austrian Succession War (1740-1748), the French occupation of the Southern Netherlands paved the way for the French language to become the language for culture and the elite. Mauritz von Saxen, the French Marshall who led the campaign in the Southern Netherlands, was a fan of the Opéra Comique and brought a theatre group with him all across the region. The numerous French immigrants that found jobs as teachers and elsewhere in the culture sector also contributed to the future dominance of their language in Belgium. After the Austrian Succession War, a lot of French culture remained. Most notably, it was never replaced with Austrian Culture and the German language never caught on.

The treaty of Aix-La-Chapelle (Aachen) brought an end to the Austrian Succession war (1740-1748) and finally fully established Maria Theresa as the Empress therefore in charge of the Austrian Netherlands. Historians have noticed a spark in the economic activity and living conditions in Belgium during her rule. The question is whether that was due to her reforms, her governors, or simply the absence of war for a longer period. Indeed, Belgian regions were spared from the next encounter between European Giants, the Seven Years War (1756-1763). Regardless, both the Empress's policy changes and a preference for peaceful neutrality would later find its way into the 1831 Belgian Constitution.

After the French occupiers had hesitantly left (read: stolen and/or destroyed what they could), Maria Theresa could start re-instating the Institutions that her Habsburg predecessors had built up. Firstly, Marquis Antoniotto Botta-Adorno, an Austrian diplomat with roots in Genua, was appointed as Minister Plenipotentiary. The entry of Prince Charles Alexander of Lorraine, the brother in-law of Maria Theresa, was well celebrated as he became Governor of the Austrian Netherlands for the second time. This celebration – the *Blijde Intrede* or Joyous Entry – is a Brabantian and Flemish medieval tradition that survives to this day, though it does not necessarily entail the affirmation of a city's civic rights and privileges anymore. Unlike the King's inauguration, the Joyous Entry is not in the Constitution, but it is part of the informal Constitution as it is custom to this day, all be it purely symbolic.

To aid Charles Alexander of Lorraine, the Collateral Councils were started up again. In the Council of State, major political, diplomatic and military affairs were dealt with by the highest-ran King nobles and officials. The Council Of Finance did its best at supervising the collection of revenues and expenditures of the state. Additionally, The Privy Council handled legislative, judicial and administrative matters.

Moreover, the two Courts of Auditors were reanimated to aid the Council of Finance. The General Council of Accounts or *Chambre des Comptes de Brabant*, supervised finances and taxation over most of the provinces. In Lille, the Council of accounts of Flanders or *Chambre des Comptes de Flandre*, exercised the same powers over the more financially autonomous provinces of Flanders.

Lastly, the Cabinet Council was composed of the Commander-in-chief of the Army, the Chancellor of Brabant and the presidents of the aforementioned councils, as well as the president of the Council of Flanders.

Charles Alexander of Lorraine was not allowed to develop his own politics by Maria Theresa. When the Governor-General objected to the policies of the Emperess or her Minister Plenipotentiary, she recommended him to be content with a role as *Coq du Village*¹, a reference to Charles-Simon Favart's opera from 1742, which was very popular at the time. In reality, being the rooster of the village meant that Charles Alexander of Lorraine went about his days parading within the noblest circles, traveling within the provinces and sponsoring the local economies by spending a fortune on luxuries, knowing that the Emperess would pay his debts. Charles was sympathetic and very popular, also with the common people. In his symbolic and

¹ Rooster of the village

representative role one may recognise the King of Belgium of today. Even back in 1831, the first national congress saw the role of the Monarch as similar to what Charles of Lorraine had been doing in the 1750's.

That is not to say that Charles of Lorraine's role was purely symbolic. He actively contributed to the economic revival of the region by funding various projects, like the production of silk, porcelain and crystals as well as investing in Research and Development for cotton presses and carpentry (De Maesschalk, 2022). On top of this, he commissioned the first official cabinet map of the Austrian Netherlands. The Ferraris maps were named after Joseph of Ferraris, general of the Austrian Artillery, who made the maps between 1771 and 1778. These were of impeccable value for the governance and future warfare in Belgium and Joseph of Ferraris would go on to be taken as an example of a Belgian hero by Belgian Nationalists in the 19th century (De Maeyer et al. 2021). All things considered, Charles of Lorraine's commissions and persona showed that he was a man of the early enlightenment, without any disruptive edge to it. The Governor-General cherished and devised progress, without totally disbanding traditions. He worked well together with his first Minister-Plenipotentiary, Botta-Adorno, who was specialized in financial affairs. The second Minister-Plenipotentiary, Johan Karl Phillip von Cobenzl, was heavily influenced by the Duke Wenzel-Anton von Kaunitz, Chancellor in Vienna since 1753. Both men were convinced that the Austrian Netherlands needed enlightened despotic reforms, which Charles of Lorraine did not appreciate and frequently blocked. As a result of the Governor-General's efforts, his statue can still be admired on the Museum square in Brussels, in front of the Palace he built.

Progress and Reforms

One of the first actions of the Empress after she reclaimed her share of the Netherlands in 1748 was the abolishment of the Barrier Treaty. This treaty was in fact a collection of treaties that were signed from 1709 to 1715 in the aftermath of the Franco-Dutch war and the repeated threat of a French invasion into the Dutch Republic. The Habsburgian Netherlands had been caught up in these wars and eventually it was agreed that troops of the Dutch Republic would be stationed in fortifications in the Austrian Netherlands, essentially using the south as a buffer. Not only did it upset the local population to have protestant garrisons on their catholic soil, but they also bore the financial burden. Unsurprisingly, after the Dutch garrisons had been proven quite useless during the Austrian Succession War, Maria Theresa decided to stop paying the

agreed 1,4 million gulden². When Austria started collaborating with France in 1756 in what has been named The Diplomatic Revolution it seemed all the more absurd to pay for foreign garrisons.

Instead, the freed-up money was invested in an army that the Austrian Netherlands would properly control. The number of troops was increased from 16500 in 1748 to 22000 in 1753 (De Maesschalk, 2022, 217). The greatest challenge proved to be the ‘national’ part of the army as the local population was particularly unenthusiastic to join the military. To convince them the government had to pay up, which they did. Yearly they spent 4 million gulden on the army, significantly more than what the Barrier Treaty was costing. What should not be taken for granted, is that there was no forced conscription imposed, any attempt at that in the future would result in uprisings, as we will see further on in this thesis (De Maesschalk, 2022). One should also note that though this was the long-term objective, the army of the Austrian Netherlands was not incorporated into that of the Austrian Empire, instead, it gave the Austrian Netherlands a characteristic of a sort of sovereign state.

The first effort to improve the finances of the country was the creation of a new currency. Over the years, many foreign and false coins had come into circulation and the existing coins were often worn-down and did not match their supposed weight anymore. By 1750, new coins were minted in Bruges and Antwerp, a challenging but successful operation. Thanks to the efforts of Cornelis Bosschaert, the head of both courts of auditors and Barbe-Louise Stoupy, the court banker of the Austrian Netherlands, a stable currency now blessed the economy.

To further stimulate the economy, an unseen amount of infrastructure works were carried out. As wartime and the disinterest of the previous sovereigns of the Habsburg Netherlands in the region had left its roads, waterways and harbours neglected – if not destroyed –, a new impulse was needed. The Junta for Construction of Overland Roads was founded in 1775, but many projects had been carried out before. Minister-Plenipotentiary Botta-Adorna had overseen the reconstruction of the harbour of Ostend and the deepening of the channels between Bruges and Ghent between 1751 and 1753 as part of the general project to make exchanges between the cities easier. Additionally, entrepôts or tax-free stocks were installed to encourage longer-distance travel, which aligned with the extension of the road from Leuven to Liege to Aachen, so the German market could be accessed by 1764. Simultaneously, investments were made in various industries on which the neighbouring countries had a monopoly, such as porcelain or

² Gulden was the currency of the Netherlands at the time

lumbermills. When von Cobenzl became Minister-Plenipotentiary, he finally applied mercantilist theory to the Austrian Netherlands, erasing the disadvantage it had over its neighbours.

Progress was also made in agriculture. As the population grew, the soil was used more intensively and therefore the overall production went up. New methods that involved different crops and fertilizers also played a big role. Nevertheless, in this spiral of population growth, economic growth and increased value of land, the differences between the poor and the rich became all the more present. A working class started to appear with as its counterpart a rich bourgeoisie. The latter would go on to take the main stage when the Constitution was written in 1830.

A factor that had previously impoverished the Austrian Netherlands, was the Empire itself. Unfortunately, the Empress did not settle the debts from the loans that her predecessor had taken from the Austrian Netherlands. In fact, the provinces had to continue to gift more funds to the governing organs in Vienna, while they barely received enough to pay the governing organs in the Brabant. Still, when the Seven Years war did not spread to their region, the provinces tried to keep it that way by sending voluntary gifts to the Empress, which proved that they still had vast reserves.

A way to open up the large quantities of savings that lingered around in the Austrian Netherlands was devised by the Minister-Plenipotentiary, von Coblenz. A lottery similar to a national- or state lottery was introduced for the first time, though it would be wrong to call it that since the Austrian Netherlands were neither a state nor a nation. Nevertheless, it generated the necessary revenue and added a feature to the Habsburg Netherlands that would gradually make it look more and more like its own state.

It seemed as if the Governor-General and his Minister-Plenipotentiary had found the right way to make their provinces more economically productive. Von Coblenz did try to impose a *gabelle*, a tax on salt, but after the objection of the States of Brabant on account of their medieval privileges, protected by the Joyful Entry of Charles Alexander of Lorraine, the Governor-General called it off.

However, not all objections were taken into account. Lower levels of governance, as well as the Privy Council, fiercely hated the Junta for Governance and Taxes, created in 1764. It was put in place within the framework of the revised Financial Council and Courts of Auditors in order to make the financial institutions work better (read: less corrupt). Unsurprisingly, all who

benefitted from this corruption, that is, those with a bit of power, were against it. Junta's or *jointes*, consisted of government officials with expertise to solve a specific problem. In reality, they entailed the expansion of the governing organs. Thanks to them, Denis-Benoît de Cazier, president of the Financial Council, could deliver a yearly overview of all the income and spending of the government for the first time in the history of the country.

A large share of the population of the Austrian Netherlands was involved in religious professions: about 10.000 women and 7500 men in 1783 (De Maesschalk, 2022). Maria Theresa and her advisors wanted to take the provinces out of the Middle Ages, but more so, they wanted more revenue from the possessions of the Church. After the measures of 1753, it became more difficult for monasteries to hold on to their richness and even harder to acquire more.

When the Jesuit order had been dismantled and its possessions had gone to the government, a problem emerged. The Jesuits had been running 17 of the 60 secondary schools (De Maesschalk, 2022), leaving behind a large gap. In 1776, the Royal Commission for Studies was established to reform the education system. Existing schools had to adapt their program to the of the Royal Commission and the '*Theresian*' colleges allowed lay teachers. Somewhat surprisingly, this was successful, as about a quarter of all secondary education students were enrolled in the new state schools by 1780. These reforms may have been at the root of the *School Wars* between Catholics and Liberals that would mark Belgian History until this day.

Nevertheless, the population was still deeply religious, as long as it didn't entail economic restraints such as a work-ban on Sundays. During Maria Theresa's rule, the people continued to swear by their loyalty to Church and its values, but the clergy lost some political power. We can see the rule of the Empress as the beginning of the defensive phase of the Catholic institutions, as in the following decades they would fight against the Enlightened Joseph II, the French Revolutionaries, and the Protestant King of the United Kingdom of the Netherlands. By time they were drafting the first Constitution, the Church had been fighting for its privileges for such a long time that it was very prepared to face the liberals, perhaps out on revenge.

Joseph II: Reforms without Revival

Joseph II was co-regent and in charge of foreign and military affairs of the Austrian Empire since his father, Frans-Stefan, died in 1765. In this role he tried to exchange parts of the Austrian Netherlands for parts of Bavaria in 1777. His mother, Maria Theresa, wanted to avoid a war with Prussia and made an agreement behind her son's back with Fredrick the Great in

1779. In 1785 Joseph II would try again, but this time Frederick the Great united a collection of German princes to resist the imperialism of the Habsburgs. The Prussians were successful in avoiding Austrian domination over the Holy Roman Empire, of which Joseph II was already emperor.

The first time Joseph II was really concerned with the Austrian Netherlands was when he visited it in 1781. He did this as the sole regent of the empire, after both his mother and Charles Alexander of Lorraine had died in 1780 (Judge, 2015).

In stark contrast with the Austrian Netherlands's exceptional tradition of festivities to welcome their sovereigns, Joseph II despised this grandeur and found it a waste of time and money. There was little sympathy to speak of as both sides did not seem to understand each other's behaviour. The Emperor's reform plans were already circulating and just about every powerful local asked him to soften them, if not abandon them altogether. Even the enlightened among them discouraged his plans.

It is not that the enlightenment had not yet reached Belgium. All intellectuals at the time spoke French and many of them were familiar with the works of Rousseau and Montesquieu. The proof that the spirit of the enlightenment was present in the Austrian Netherlands, were the more than seventy Freemasonry Lodges. Perhaps there would have been more if Maria-Elisabeth, the Governess-General that preceded Charles Alexander of Lorraine, had not censored so many books. Still, it seemed as if there were plenty of important figures in the Habsburg Netherlands that wanted progress, just not in the way that Joseph II had in mind. Even the Minister-Plenipotentiary, Georg Adam of Starhemberg, whom the Emperor appointed himself, thought his reform ideas went too far and resigned. Joseph II was a well-educated man and an intellectual, but he would not listen to the majority of his advisors.

The new Governor-Generals, Maria-Christina of Austria and Albert-Casimir of Saxony-Taschen, had no power, and Joseph II would not even listen to them. They acted as the symbolic power of the monarchy, while the Emperor's trustee, Minister-Plenipotentiary, Ludovico Count of Belgiojoso, got all the power, money and hate of the people.

Church Reforms

Throughout his entire empire, Joseph II issued the *Toleranzpatente* – or patent of toleration – on 13 October 1781, despite the many requests not to do so, such as the one of Archbishop Joannes-Henricus von Frankenberg. Many subjects that deviated from the Roman-Catholic religion now had the same rights as those that followed the state religion. In addition to this, the

ecclesiastical courts got abolished and only civil courts remained. In 1784, the status of marriage was reduced to that of a civil contract and priests were civil servants who had to conduct their services for all. These measures sound enlightened, but were merely a question of principle as there were little to no people belonging to a different religion in the Austrian Netherlands. It is safe to say that the Emperor made more enemies than friends with these measures.

Not all Imperial Edicts were a matter of principle, some were about sourcing funds. In 1783, many of the remaining monasteries in the Austrian Netherlands were abolished and sold. The profit was supposed to be used to take care of the poor and sick, but the Committee for Religion Treasures grossly overestimated the profit and ended up disappointed. The operation ended up being in vain and the only result was an agitated clerical class and increased wealth inequality. The grounds of the monasteries were bought by already well-off citizens and now exclusively used for private profit rather than pastoral care.

Many other church reforms followed, see here a short summary:

- 1784: No more burials in churches, chapels, or cemeteries within the walls.
- 1785: parishes had to announce imperial ordinances during the Sunday service
- 1786: All fairs had to take place on the same day (second Sunday after easter)
- 1786: prohibition of group pilgrimage and strict rules for processions (which were strongly appreciated by the population)
- 1786: limitation on power of bishop: exam for pastors

It was on 16 October 1786 that the religious society fully and openly resented the Emperor. Before, each Bishop had supposedly done his best to deliver a quality education for priests in their own seminars. These seminars were henceforth put under the power of the Emperor's trustee, Ferdinand Stöger, who was an Austrian Jansenist. The Jansenists, part of a Catholic movement which wanted more independence from the pope, had been heavily fought against by Maria-Elisabeth of Austria, Governess-General from 1724 until 1741. As a result, all the high positions were in the hands of their enemies, adherent to Ultramontanism, who were strictly attached to the pope. The fact that the General Seminary in Leuven and Seminar Filial in Luxemburg were to be led by a Jansenist was thus considered heretical by the religious establishment of the Austrian Netherlands.

Governing and Justice Reforms

The furthest reaching measures, perhaps the final straw, were announced in 1787. On 1 January, two imperial edicts communicated that the current political, governing and judicial structure would be dismantled and replaced. This would demolish a 500-year-old system in one day.

The collateral councils got replaced by the *conseil du gouvernement general* – or General Governing Council – that had economics and politics as its competences and was led by the minister-plenipotentiary. The Provincial Councils were replaced by Joseph II's new system of portioning his empire, in *Kreitsen* – or circles – that were led by an Imperially appointed intendant, Quarters that were led by a commissioner and finally, *arrondissements*.

Where there were the Great Council of Mechelen, the Council of Brabant and the Ecclesiastical Courts before, there was now a homogenous hierarchical system. The Sovereign Council of Justice was seated in Brussels. In addition to that, there were two courts of appeal and 64 courts of first instance (De Maesschalk, 2022). Joseph de Crumpipen, Chancellor Brabant, Goswin van Fierlant, president of the great council of Mechelen and Eugène de Robiano, counsellor in the council of Brabant, had come up with a new code of law that would suit the Austrian Netherlands. However, Joseph II did not like their work and commissioned Karl-Anton of Martini, who had done similar work in Lombardy before.

The resistance to these measures was however so strong that the Governor-Generals announced the annulation of the Imperial Edicts under the threat of an armed uprising on 22 April 1787. Meanwhile, Joseph II was on the Crimean Peninsula with Catharina the Great of Russia to fight the Crimean War against the Ottomans. He only found out about the annulation of his edicts in June and reacted in a furious manner. The sequence of the Emperor's attempts to push his reforms through, which included the abolishment of the Joyful Entry in 1788, and the continued resistance, would eventually be called the Brabant Revolution.

The United States of Belgium

On 30 October 1789, the States of Brabant and the States of Flanders were the first to announce their union, wanting to create a congress while taking over full Sovereignty. In the following period, all provinces declared their independence individually in accordance with the ideas of Vattel, Montesquieu, Rousseau, and Locke. Their declarations would look very similar to the most famous example, the American Independence Declaration of 1776. In fact, the

whole process of establishing the United States of Belgium took inspiration from the United States of America. Even the Constitution was strikingly similar, though the circumstances under which it came to be were not.

The revolution was orchestrated by two camps who had their biggest disagreement over the matter of representation. On one hand, you had the Vonckists, led by lawyer Jan Frans Vonck. The Vonckists were Democrats who resented Joseph II for his despotism, more so than for his enlightenment. Some of them made rather radical proposals, wanting to copy France after its revolution. Regardless, Jan Frans Vonck was pretty moderate himself. In his work *Considérations Impartiales*, he merely advocated for the expansion of the existing estates, enlarging the part of the population that was directly involved in the political process. On the other hand, you had the conservatives, founded by another lawyer, Henri Van der Noot. Where the Democrats could count on the support of bankers, doctors, lawyers, and other relatively well-off citizens who did not yet have a political say, the conservatives were backed up by those who already had power, including the guilds of craftsmen. It was up to the individual provinces to expand their estates and reward the liberals for their efforts. The States of Flanders did so, but those of Brabant would not give in, not even under the pressure of some of the most notable aristocrats of Belgium like the duke of Ursel and Arenberg.

The United States of Belgium thus became a federal entity in which most rights were reserved to the provinces. Only the currency, army and foreign affairs were within the scope of the federation. Two organs were established. The General Estates would have the legislative power, though they would need the approval of the provinces. The executive power would be practiced by the Sovereign Congress, which was divided into just three committees, that of war, politics and finance. The Conservatives had successfully taken power and now divided the roles amongst themselves. Henri Van der Noot became the only minister and his trustee, Eugène van Eupen, became state secretary. The United States of Belgium saw themselves as equally legitimate as states like Prussia or Britain, but Van der Noot struggled to acquire proper recognition from other states. This was largely due to what was happening in France at the time: the revolution.

When Van der Noot had all power, he spread false information and propaganda discredit his opponents. His final ace was the use of the clergy and therefore the rural population, who came to see the democrats as traitors. The archbishop of Mechelen, Frankenberg, was persuaded to declare all those in favour of change his enemy on 31 January 1790, mostly because he feared that 'revolutionaries' would confiscate the Church's possession like they did in France. The

democrats, who originally were not hostile to the clergy, were so offended that their younger generations radicalised. Once again in European history, the Liberal Democrats and the Conservative Church had a face-off, something that would repeat itself in Belgian History until the twenty-first century.

In the end, after Joseph II's death, Leopold II of Austria re-conquered the deeply divided and disorganised Belgium without much trouble. He essentially reversed his predecessor's worst measures and reconciled with both the Conservatives and Democrats, although the latter were still seeking revenge on the former.

This chapter confirms that there was not always a Belgium, but the different provinces could largely maintain their independence within the Habsburg empire. Because they were treated as a political unit, they became one. For instance, during Maria Theresa's time they constructed a lot of waterways and roads to connect the provinces. These better connections fostered more cultural exchanges and eventually some integration. Nevertheless, as Jane Judge (2015) argues, it is Joseph II's despotism that really united the provinces against him. In order to unite all the States, the idea of a Belgian people emerged by the likes of Charles d'Outrepoint. Regardless, it speaks for itself that such a union between provinces would not have been possible without the necessary similarities that had emerged over the previous decades, if not centuries.

French Belgium 1795-1815

The Revolutionaries

In this chapter I will be brief and focus on what the French Revolution meant for Belgium and Belgium alone. There is no secure data about how many books have been written about the French Revolution, but estimates suggest over 80.000 on just Napoleon (Al-Awsat, 2021). Rightfully so, because it is impossible to summarize the French Revolution in one chapter of this thesis.

The French revolutionary army started their invasion on 20 April 1792, and by 14 November the French General Dumouriez entered Brussels. He proclaimed that the Belgians, which at that point was the name for the collection of Liège and the Southern Netherlands, were allies and brothers to the French. He was welcomed enthusiastically by the people, but not by the Conservatives or the Democrats. Even though he promised that Belgium would be an independent country under the condition that it adopted the French model, the Democrats thought he was too moderate, whilst the Conservatives didn't want any change. As it would turn out, neither Dumouriez, nor the Democrats nor the Conservatives would get what they wanted, because in the meantime the French Parliament had been replaced by the National Convention, which was much more radical. During those times, there was not much order to speak of. French immigrants and returned Democrats had exported the ravage of the revolution, but the liberty had to wait. The Cathedral of St. Michael and St. Gudula got raided, along with widespread vandalism, theft, and the destruction of the statue of Charles Alexander of Lorraine. What devastated the population most however, were the worthless assignats that the French used to pay. During this chaos, elections were held and, with the help of systematic intimidation and the army, the people voted to be incorporated into the French Republic, but it had to wait.

On 18 March 1793, the Austrians reconquered Belgium, all be it briefly. There was too much distrust between the provinces and Vienna, which made the establishment of an effective defence force against a new French invasion impossible. The war between French and Austrian forces effectively never stopped, there was only a brief break until the summer of 1793. By September 1794, the allied troops had left the Austrian Netherlands, which from that point onward would never be Habsburg again (Raxhon, 1994).

An important piece of general information is that wars not only took many lives of soldiers and civilians, but that it mainly devastated the lives and the economy of those that survived because

of the countless requisitions that the armies demanded. It speaks for itself that a city with a population of 50.000 struggles to feed and find accommodations for 100.000 soldiers. Those armies confiscated everything they needed, which was everything the population had. In September 1794 the war was over in what from that point onward would be called Belgium, including the former Prins-Bishopdom of Liège. However, the requisitions did not halt.

The revenue from taxes was to be doubled, as they increased it to 80 million pounds (De Maesschalk, 2022, pp. 308). The aristocrats, rich citizens and clergy that could not pay the required amounts, not even after selling their most prized possessions, were taken hostage and brought to prisons in the north of France. All together they were more than 1000 (De Maesschalk, 2022, pp. 308). The requisitions went so far that the *agents d'extraction*³ not only laid their eyes on the artworks, but even on the seeds of the botanical gardens. When all valuable items were already gone, they even took the ground bark and soot. All of this happened simultaneously with the forced use of worthless paper assignats, except for the French officials, who had to be paid in coins. Even the governing commissioners for Belgium, Phillipe Briez and Nicolas Haussmann, complained to the Committee of Public Health, saying the only thing they left to the Belgians were their eyes so they could cry.

The results were as dreadful as you would expect. The weapon industry of Liège lost 90% of its workers, 30% of the population became necessitous and the mortality rate in the town of Verviers was 4 times higher than normal (De Maesschalk, 2022, pp. 316). The systematic raids had as their effect the systematic murder of the people in the Belgian Departments. The population could not even honour their deceased family members the way they wanted, as only republican symbols were allowed.

At first, the original governing institutions were allowed to continue their work, but this was nearly impossible because their means got taken away. In 1794, the Criminal Tribunal was founded and nicknamed 'The Bloodhounds,' because of their extensive use of spies and its 25 assisting Committees Of Surveillance, that convicted counterrevolutionaries to death. For about one year, starting from 1795, the Superior and Central Administration of Belgium was in place to guide over the 8 arrondissements. However, from August 1795 Belgium was directly subject to the central governing organs in Paris. Belgium was divided into departments, the same way as the rest of France. These departments were named after natural features, like rivers and

³ Agents of extraction, put in charge to make an inventory of all riches of Belgium, used for systematic requisitions or theft.

woods. The names changed when Belgium was no longer French, but the current provinces are still largely composed of the same territories. (Dhondt, 2000)

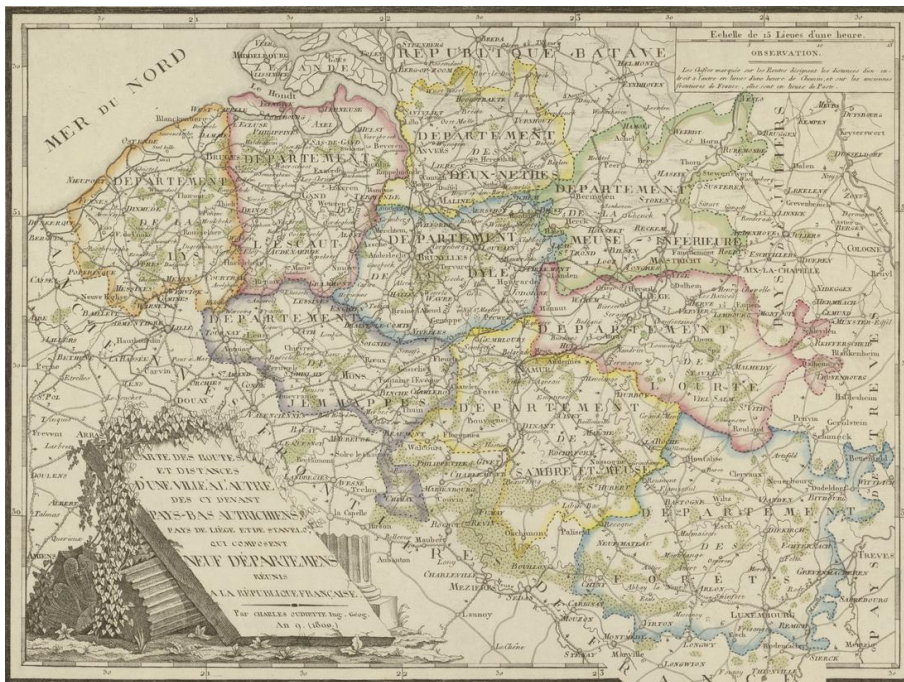


Figure 1 (Oudiette, 1800)

On 1 October 1795, after the French had started to reverse their most dreadful violations of the Belgian people, Belgium was officially incorporated into the French Republic. Belgians had been hoping for that to happen for a while, since they thought it would make the brutal requisitions stop. In September 1795 the Central Administration in Brussels had already been replaced with a Council of Government, two months later it was replaced by two French Commissioners, who then got replaced by just one French Commissioner, Louis-Ghislain de Bouteville. This showed how complicated it was to install a new type of governance, because de Bouteville mostly functioned like Governor-Generals had done under the Austrian rule, before Vienna had taken away their effective power. The directory in Paris appointed a Commissioner for every department, who was supported by a council of five elected members. In addition to that, there were 216 cantons with one president and commissioner each. A new Judicial system was introduced as well. It was more logical and easier to understand, as each

canton had one magistrate and the cities had multiple. There was also one civil court per department and one criminal court per arrondissement.

More changes include the Code Merlin of 1797 that made everyone equal before the law. The 438 laws that would apply to the Belgian Departments abolished torture for instance, though that was already barely used anymore. Additionally, the old notary system got abolished and notaries were now civil servants. In 1796 Belgium got a military police for the first time, as the Gendarmerie was introduced, initially with just 1100 soldiers (De Maesschalk, 2022, pp. 326). This system underwent some changes, but stayed in place until 1992.

The currency became the frank, which had a decimal system. To back it up the central government wanted 40 million franks from Belgian Departments, but the provinces were exhausted and never managed to raise more than 18 million, so the government started taking horses instead of money. The military requisitions were continued until the summer of 1797.

From 1795 onward, the feudal system got abolished, even though in practice it was already largely gone in Belgium, unlike in France. It mostly entailed the destructions of symbols of nobility, artworks included. Officially, the goal was to redistribute the fields and pastures more equally among the farmers, but in practice it were the wealthy who profited from the public sales.

Persecution of the Church.

In the spirit of the French Enlightenment, both the Church and the Nobility had to disappear. Strangely, the latter survived quite well during the Belgian incorporation into France, potentially because they adapted better. The Church on the other hand, was the centre of the local enlightened figures' frustration and therefore the addressee of the most far-reaching measures. Perhaps this was a late effect of the contra-reformation that struck so hard in the Southern Netherlands. The Church definitely had experience with fighting off new forms of religion. They were prepared to defeat the enlightenment like they had defeated Protestantism and Jansenism. Only this time, they did not have the regent on their side.

The dismantlement of the Church was initiated in 1795, with the abolition of Ecclesiastical Courts. Soon after, processions and showing external signs of cultus became forbidden, to the point where the church bells could only be rung for matters that related to the Republic. Importantly, the civil registry now became an exclusive matter of the State, the Church would have nothing to do with it anymore. Starting from November 1796, all religious institutions were, often violently, dismantled as well. The profits from selling the goods of the clergy, as

well as their monasteries, schools, hospitals and abbeys were used to redeem some of the debt of the Republic. Because poverty rose quickly and they had abolished the institutions that took care of the poor, the French administration founded *Hospices civils*⁴ and a *Bureau de bienfaisance*⁵. Since Maria Theresa, Belgian schools were partially run by the municipality and partially run by the Church. Still, the existing secular schools followed the rules of Catholicism and focussed on the catechism and the first communion, which was not to the liking of the French revolutionaries. The schools they founded were particularly unsuccessful, since the population resented the Republic that had impoverished them and destroyed life as they knew it. The regime tried to increase the attendance of their schools by closing as many old schools as possible, but this primarily resulted in an analphabetic generation.

After members of the Directory in Paris had taken power with the coup of 18 Fructidor of the year V (4 September 1797), not only civil servants but also priests had to take an oath to the Republic. Most priests refused and were declared outlaws, some even got deported to French-Guyana. The priests that did swear loyalty to the republic were mostly seen as traitors by the population and could not count on much support of said republic. The Directory also closed the university in Leuven and confiscated its possessions. In October 1798, conscription laws were announced, which in combination with the illusion that the English would help, led to the *Boerenkrijg*, or Peasants' War. The uprisings were unsuccessful and were brought down swiftly, but the tensions never truly left.

Napoleon

On 18 Brumaire of the year VIII (9 November 1799), General Napoleon Bonaparte committed his coup and reigned over France. He became the first among three Consuls, who led the Consulate as the executive. The Council of State was appointed by Napoleon as well. It drafted laws and advised him on legal matters, but did not vote. Notably, it contained competent jurists that were not just picked based on their noble status. The legislative body consisted of three bodies. The Tribune debated laws but had not vote. It consisted of 100 members that were picked from an indirectly elected list. Legislative court could vote but was unable to debate. Its 300 members were also taken from the indirectly elected list. A first set of Communal Notables was created by all male citizens over 21 who voted in primary assemblies. These

⁴ Hospitals

⁵ Home assistance

Communal Notables selected Departmental Notables who in turn selected National Notables, or the aforementioned list from which Napoleon and his entourage picked the members of the first two chambers of the Legislative. The third, the Senate, was the guardian of the Constitution. Its new members were appointed by the Existing members, always approved by Napoleon himself. The Constitution they defended was the one of Year XIII (1799), which got approved via a manipulated plebiscite and mainly centralised power in the executive branch, as described before. In the Belgian departments, only about 10% of the eligible voters turned up (De Maesschalk, 2022, pp. 353). Additionally, this Constitution emphasised the right to property rather than the rights of men, which helped stabilise the situation concerning notables who no longer had to fear confiscation. On a side note, this Constitution did not effectively ensure any form of freedom of press.

Napoleon also appointed one Prefect per department, who was assisted by Sub-Prefects of the arrondissements and councillors. The Prefects were only responsible to the central government and their primary task was to obey and make the population obey to the will of the central government (read: the emperor). These educated notables usually came from different departments than the one they governed. In the Belgian departments all Prefects were French, but some Belgians became Prefects elsewhere in the empire.

The arrondissements were divided into Cantons, but these became less important. From now on, Napoleon himself appointed the *maire* or mayor for the municipalities with a population of more than 5000. There were councils on all the administrative levels (Department, Arrondissement, Municipality/Commune), though these only had the right to give advice. In practice they didn't give so much advice as they filed complaints or requests concerning infrastructure, taxes or education.

To further stabilize his empire, Napoleon had to make things up with the Church. Before the famous Concordat of 15 Juli 1801, he softened the required oath for civil servants including clergy, who now had to swear loyalty to new Constitution rather than swear hate to the *Ancien Régime*. He also stopped the prosecution of Priests who had refused the oath before and left the churches that still existed alone. The agreement Napoleon made with pope Pius VII confirmed that the Church would never see its confiscated possessions return to them. The Emperor now approved (read: appointed) the bishops, since the clergy were civil servants and paid by the state. In return, Catholicism got recognised as the religion of the majority of French citizens, but not as the state religion. Still, on the ground the population was relieved that the catholic faith could be openly practiced again and they could go back to their old lives, mostly. The

crucifixes and the bells returned to the churches and processions were allowed again. Seminars and religious schools opened and the latter could even compete with the lyceums, where lessons in religion were reintroduced. In Belgium, the dioceses of Ieper, Bruges, Antwerp and Roermond were abolished, the church-province of Mechelen got enlarged and remains the most prominent in Belgium to this day.

Napoleon named himself consul for life after a referendum on 4 August 1802. A year later, in May 1803, the United Kingdom declared war on France out of concern about its recent territorial expansions in Piedmont and Hannover. To face the recently established union of Great Britain and Ireland, the French coast was to be militarized from Boulogne-Sur-Mer until Vlissingen (current day Netherlands). Between those cities, lay the Belgian coast, the departments of which were due a visit by Napoleon. Unlike Joseph II, he did not travel incognito. His large company was festively celebrated in every town or village it passed through, it was clear that he was popular. Napoleon ordered to rebuild the neglected dikes and harbour infrastructure, as Ostend was said to play an important role in a war between the French and British once more. In Antwerp he wanted to establish a war harbour, one of the docks is still named after him. In combination with the free traffic over the river Scheldt, Napoleon's interest in the harbour of Antwerp meant the rival of the city. After 1830, when London prohibited the war harbour, the infrastructure was used for trade and Antwerp became rich again. One may also note that more than 2000 forced labourers were used for this transformation (De Maeyer et al. 2021, pp. 211). Napoleon also visited the local industry and tried to get it running again, especially in the areas that competed with English specialties such as spinning cotton.

Internationally, the French Empire could always on the English to lead a coalition against them. The Napoleonic wars (1803-1815), meant that the forced conscription system of the first republic remained in place. Between 1798 and 1813, 2.5 million men got recruited, 200.000 or 8% of them came from the Belgian departments (De Maesschalk, 2022, pp. 362). This was the measure that met the most resistance from the population. In the Netherlands, which he annexed in 1810, popular uprisings emerged over the mandatory conscription.

Throughout the French rule over Belgium many changes happened. The standardization of civil status entailed that from now on everyone had a fixed surname that would be passed on from father to children since 1795. Since 1803 decimal measures of weights became standardized as well. In 1808, the cadastre was initiated for purposes of fairer taxation, though it would only be

finished by 1843, 12 years after Belgian Independence. More impactful were the numerous lawbooks that Napoleon had made.

The famous Napoleonic Code, officially named *Code civil des Français*, was one of the first modern legal codes in this world. Its introduction in 1804 made old feudal laws redundant and kept a few revolutionary principles, although it also emphasized other aspects such property laws and the superiority of the patriarchal family as a unit. Moreover, it confirmed secular principles as marriage, divorce and inheritance laws remained a matter of the state.

Moreover, in 1806 the *code de procedure civil* made its debut, which further rationalized the legal systems. From this point onward, bureaucratic written procedures were more important than oral arguments and judges had room for interpretation. The *Code de commerce* regulated trade, contracting laws and the rights of merchants from 1807 with the help of the specialized commercial courts it established. In 1808 the *Code d'instruction criminelle* was added to the list. This code strictly regulated trials and criminal investigations, with the introduction of preliminary investigations as its most modern feature. Lastly, the *Code pénal* (1810), was detailed list of offences and punishments, ranging from petty theft to political crimes.

This series of codes had as their goal the generalization and equal application of all laws. Justice was now strictly centralized and regulated by the highest authority of the unitary state. To this day, the civil law book of the Kingdom of Belgium is based on these Napoleonic Codes, although they were obviously adapted to modern times.

Whereas under the Austrian rule it was debatable which matters fell within the scope of the state and which matters did not, under Napoleon there was no discussion about it. One may call it a campaign of bullying, a series of raids driven by financial considerations rather than ideology, or simply the right thing to do, it was entirely factual that since the 1760's those who ruled over Belgium had halted the control of the Church over matters such as schooling and health. For instance, besides initiating public works the French Emperor also rationalized public health and issued four types of diploma's: Doctor of Medicine, Doctor of Surgery, Health Officer and Midwife. This was evidently done to create a healthier population, but especially targeted against the medical charlatans that had become a real pest under the revolutionary rule. Furthermore, starting from 1804, medical schools were opened in Antwerp, Brussels, Ghent and Liège. The greatest achievement of the stricter organisation of public health was perhaps the vaccination against cowpox, which was remarkably successful.

It was clear that Napoleon saw himself as responsible for the well-functioning of his empire. A relatively good proxy for measuring the progress of a region during that age, although it has some caveats, was population growth. Due to the increased mortality rate, among other reasons, population growth had stagnated or even declined during the revolutionary rule in Belgium. After Napoleon took over however, cities like Brussels and Liège reached the same levels as during the Austrian rule, whereas Antwerp and Ghent saw a large increase.

Besides the aforementioned improvements in terms of public health, the economic growth will have contributed to this change as well. Of course the situation in Belgium was part of a larger trend following the first industrial revolution, but it is important to note that Napoleon's policies enabled it. Nevertheless, it is known about the industrial revolution that it did not necessarily entail better lives for the common people. An excellent example of a piece of legislation that fostered economic growth at the cost of the well-being of workers, was the law of Le Chapelier. Not only was forced labour a common punishment under the *Code pénal*, during Napoleonic times even the free workers could not unite or strike either. Regardless, the industrialization that would become so associated with the history of the early independent Belgium, had its roots in these times.

The education system could use a new impulse as well, thought Napoleon in 1808. He founded the imperial university, which had academies in Brussels, Liège and elsewhere in France. The rector of the academy of Brussels was also responsible for all central schools, lyceums, and private college in Flanders, Brabant and Hainaut. Besides the obligatory schooling programme, the essence was to ensure students stayed loyal to the emperor and Catholicism.

Students enrolled in a lyceum, central school or college were exclusively taught in French. It is also around this time that language became an topic of conflict. As the amount of state related affairs grew, the importance of the official language grew too. In 1803, all public acts were obliged to be in French, whereas all private acts needed to have a French copy. Before the French revolution, 10 to 15% of all notary acts were in French, but this number grew to 80% in 1803 (De Maesschalk, 2022, pp. 372). In the regions where the lower classes spoke Dutch, the common people were effectively excluded from the state, which unintentionally meant that they grew closer to the priest than to the teacher, since the former spoke their language.

The French revolution had undoubtedly modernized the Austrian Netherlands and started to turn it into Belgium. Aside from the religious differences with the United Seven Provinces of the Netherlands, the language of governing and the elite in both countries now differed too. The

process was tough, especially in the beginning, but Napoleons reign also brought progress to the region. Between the emperor's initial defeat in the battle of Leipzig (14 April 1814) and his final defeated in Waterloo (18 June 1815), it was unsure what would become of his Belgian departments. During the Congress of Vienna (1814-1815) the great powers decided on what would become the next chapter of Belgium, as part of the United Kingdom of the Netherlands.

The United Kingdom of the Netherlands

As soon as it seemed as if Napoleon's empire was coming to an end, William Fredrick of Orange, son of William V, the last Stadtholder of the Seventeen Provinces, offered himself as the new regent of the Seventeen Provinces. After an uprising broke out in The Hague in November 1813, William Fredrick was dearly welcomed when he first set foot on Dutch soil. The Dutch were comparatively better prepared for a post-Napoleonic era as opposed to the Belgians, as the former clearly knew what they wanted. Dutch visionary Gijsbert-Karel van Hogendorp had even gone so far as to write a Constitution for the future Kingdom of the Netherlands.

In 1815 the great powers had decided that William Fredrick, by that point King of the Netherlands and thus renamed William I, would become sovereign over the previous Seven Provinces and the Belgian departments at the conference of Vienna. He also became the Grand Duke of Luxembourg, which was not part of the newly formed United Kingdom of the Netherlands (UKN). The most common reasoning for this arrangement is that the UKN was a buffer state against France in Britain's interest, but it also came to be because the Habsburgs did not want their Southern Netherlands back, as they preferred territories closer to them, in Italy. It is often said that the Belgians were not heard when the discussions were made, but this was not solely because their opinion was not valued by the great powers. Rather, there were neither strong opinions nor good options in the eyes of most Belgians, let alone a consensus. On a side note, the Dutch population was not consulted either. Popular Sovereignty was not very high on the Dutch priority list anyway. In fact they rejected it, as the general opinion in the North was very much opposed to all French ideals, including 'extreme' forms of democracy. Aside from William I, the Prussians were also interested in the region, but were satisfied with other territories. Either way, the still deeply catholic Southern Netherlands would not be part of a Catholic French or Habsburg Empire and would thus be ruled by a protestant, which neither the notables nor the common people liked. One may note that William I was picked as the King without much consideration for other options. After all, the territory was very similar to what the houses of Burgundy and then Habsburg had patched up in previous centuries, so why not pick a descendant from Charles V? Likely because the truest heirs, the Habsburgs, did not want it, and because no other heir offered himself. The British seemed to be rather satisfied with the creation of a buffer state and were happy that William I now owed them, so they could make

demands such as the dismantlement of military activities in the harbour of Antwerp (S Bindoff, 1946).

Given the way the world evolved at that point, it would have been strange to not establish a Constitutional monarchy. The great powers were not keen on republics - in fact they really wanted to avoid them-, but at the same time some enlightened values got normalized. In line with the general discourse of restoration after 1814, the Dutch crown would be hereditary. The powers of the King were extensive, as he would command the army like he had done at Waterloo, and lead foreign policy. The King also had control over the budget, appointed his own ministers - which were responsible to him -, and influenced legislation as much as he could. One could say that the Constitutional limitations to his power were very limited themselves. In fact, William I never claimed that he got his power from the Constitution. He even referred to the document as “[A] plaything for the masses, an illusion for their liberty, which I can use according to the circumstances,” (Koch, 2016, pp. 267). Furthermore he claimed that he could exist without the Constitution, whereas the parliament could not. It may thus not come entirely as a surprise that his favourite article was Article 73, which stated that only the King decides.

No one would be mistaken for thinking it is at least a little bit bizarre that the population, both in its highest and its lowest circles, agreed to a Constitution of this sort. Some insight into the way in which this Constitution got ‘approved’ may tell you a lot about the inner arrangements within the United Kingdom of the Netherlands. As mentioned before, the largest part of the Constitution was drafted by Van Hogendorp, with just the former Seven Provinces in mind. When it became certain that eight additional provinces would be part of the newly founded Kingdom too, the drafters were not willing to make many compromises. For instance, despite 62,3% of the population living in Belgium and an even larger part being Catholic, the Constitution still prescribed that the Sovereign ought to be a member of the Dutch Reformed Church and that Protestantism was the religion of the state (Wils, 1997). Once William I proclaimed himself King, he appointed a commission of 11 Belgians and 11 Dutchmen to amend Van Hogendorp’s Constitution. Two members of the Belgian delegation voted with the Dutch, resulting in a very non-proportionate parliamentary representation, to the disadvantage of the Belgians. The consolation prize entailed supposed press freedom, the right to petitioning, and discussion in the second chamber of parliament, but none of these were properly implemented. Finally then, on 18 July 1815, one month after the battle of Waterloo, 1600 Belgian notables would vote on the approval of the Constitution. Unsurprisingly, the majority rejected, which put William I and his co-conspiracists in a difficult position. The solution would

be nicknamed *Hollandse Rekenkunde/Arithmétique Hollandaise*, which translates to ‘Dutch Arithmetic’. Of those that had voted against, 10% had listed religion as their reason. The government did not think that was a valid reason and counted those votes, as well all abstentions, as if they were in favour. The result was an ‘approved’ Constitution.

The legislative power was held by the States-General, a bicameral parliament. The members of the first chamber (Senate) were appointed by the King and kept their seat for life. They effectively served as a conservative check on the legislation that the second chamber passed, which it could either reject or accept, but not amend. The members of the second chamber - of representatives- ,on the other hand, were indirectly elected by the provincial states, whose suffrage was limited. The representatives came from all across the country and could debate and propose legislation. Despite the King’s control over the budget, the second chamber still had to approve it. It could not propose laws, but it could question government policies. All things considered, the legislative branch was not very strong nor democratic and the King had most of the power.

The Judiciary power was separate and independent, as a move towards a more liberal form of state was expected. Similar to what Napoleon had established, the judicial system was hierarchical. Starting from the bottom, there were justices of peace at the local level for minor civil and criminal matters. More severe acts were dealt with by courts of first instance at the level of the district. To appeal the decisions of these courts, one could go to the courts of appeal, of which there was one per province. Lastly, the supreme court was the highest court of appeal and it ensured the uniform application of the law from its seat in the Hague. All things considered, not many novelties were introduced at the judicial level, as most of the reforms had been enacted during the French period. Notably, there did not seem to be the possibility to challenge the Constitutionality of legislation.

As was previously hinted at, the UKN’s largest official subdivision was into provinces. There were seventeen of them to be precise, which can be seen in figure 2. The provincial states were headed by a Governor, who was appointed by the King himself and responsible to the government directly. In the Southern Netherlands, where local autonomy was highly valued and historically significant, it was not appreciated that the provinces had little autonomy as a result of William I’s unification and centralization policies.

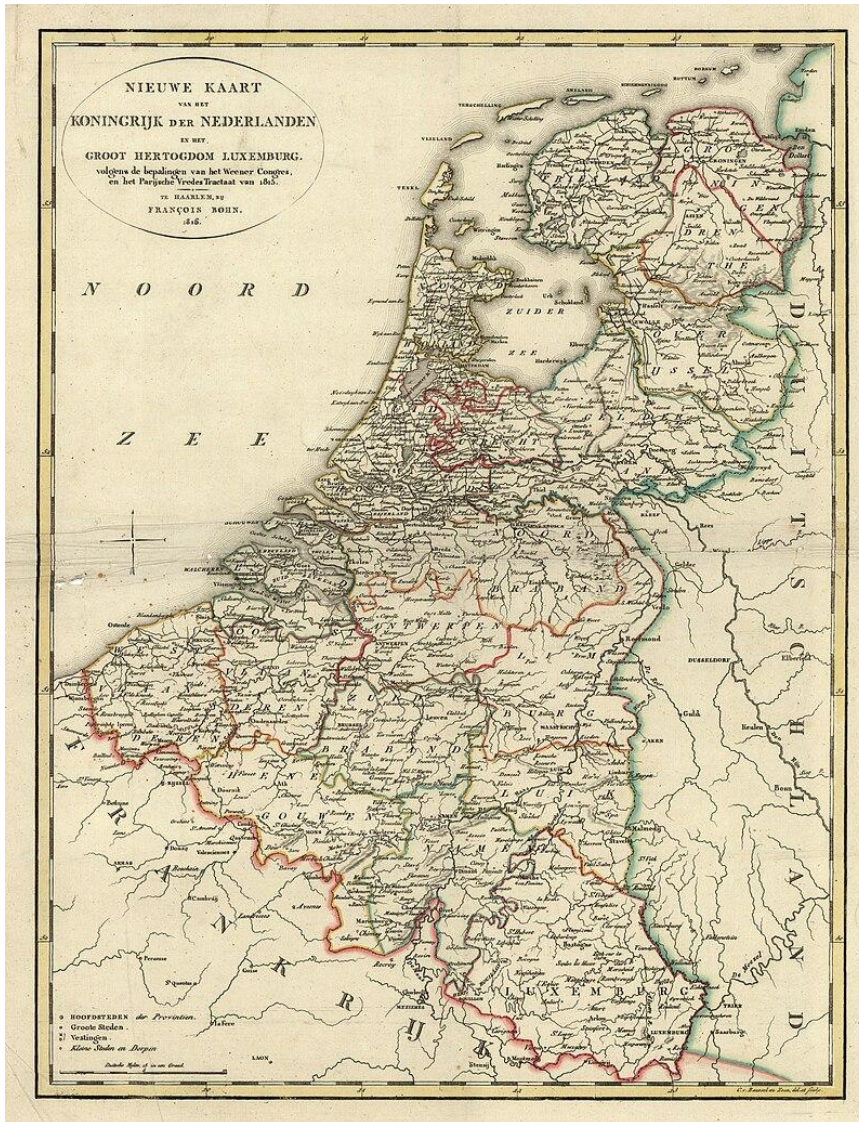


Figure 2 (Van Baarsel, 1816)

Orangism

In previous chapters, Napoleon and Joseph II were each described as having a style of governing that was truly their own. Much like the latter, William I was an Enlightened Despot. He was profoundly influenced by Frederick II, as both his mother and his wife were princesses of Prussia. He was so close to the ideals of the house of Hohenzollern that he was even

nicknamed 'little Fredrick the Great' (De Valk, 1996). Nevertheless, William had a style of his own as well, named *Orangism*: '[The] ideology that generated to bind dynasty and nation together' (Koch, 2016, pp. 264).

In the eyes of the King, the nation he wanted to bind to his dynasty was the entire UKN. He called his subjects *Nederlanders* in Dutch and *Belges* in French, as if both words meant the same thing and referred to the same people. At the same time, he once referred to his southern subjects as his 'adoptive children'. The South saw him more as just another foreign ruler, but he saw himself as the father of the nation. This idea made it easier for him to not rely on popular Sovereignty or to pretend that the nation existed of free and equal citizens. In Belgium, where the French Revolution had left behind a stronger legacy, this was a big issue. In the North however, *Orangists* backed William I as the defender of freedom, in particular of religion and Protestantism, the only type of freedom the Belgians did not really desire. It is actually quite remarkable that Dutch officials were so keen on the House of Orange, as Dutch revolutionaries had done their best to erase the legacy of that house in the 1780s, banishing the supposedly tyrannical William V, the father of William I.⁶

The policy of the King did not exclusively entail limitations to rights of his Belgian subjects. He also stimulated the economy, although it must be said that he favoured the Northern part of his Kingdom in this regard. William I is remembered as the King of Canals, since he ordered to build so many of them, including the North Holland Canal, but more importantly the aorta of the Belgian industry for the next century and a half: the Brussels-Charleroi Canal. The economic integration was a great challenge, but ended up creating more support for William I. The unification of all markets in the Benelux was quite successful and, together with the trade with Dutch colonies, heavily prioritised. The industry in the South got some attention too, but it is unclear whether that was well balanced against its fiscal exploitation. During the time that the UKN was operational, the government invested between 53 and 55 million gulden in Northern infrastructure, against merely 11 million gulden in the South (Van der Woud, 1992, pp. 244). According to Dutch scholar L. Wils (1997) the economic factor played a much larger role in the Belgian Revolution than the language politics, which were more symbolic.

Much within his vision of being the father of the nation, William I revived the education system. In the Northern part of his Kingdom it was already well developed, but in Belgium, the French

⁶ Their names may seem confusing. The father was William V of Orange, the son was William I of the Netherlands

Revolutionary and Napoleonic era had left behind an educational wasteland with remarkably high illiteracy rates in the lower classes. As discussed in the previous chapter, this had to do with the fact that Napoleon obliged all schools to operate in French, which had stopped a share of the Flemish population from going to school at all. In his conviction, William was reversing the injustice done by the French when making all teachers in Flanders exclusively instruct in Dutch by 1823. The King had based the language of education on the dominant language per province, as in Wallonia teachers could continue speaking French for the most part. However, the dominant classes in Flanders spoke French too, therefore William I had upset the most influential people in the Southern part of his Kingdom. Even within the 'Dutch'-speaking population of Belgium, the top-down enforcement of a unified language – based on the Amsterdam dialect – was resented, as it was common for writers to explicitly reject the Dutch of the North and write in the Dutch of the South or Flemish instead (Weiermars & Vosters, 2011, pp. 10).

As mentioned before, William I was very much in awe of Frederick the Great. After the Prussian example, The King of the Netherlands took the *Reichsdeputationshauptschluss* of Regensburg (1803) as his inspiration to be the father of the nation, also in the spiritual domain. He put the German concept of *Staatskirchencentrum* in practice and saw the seminars – the formation of the priests – as part of his personal competences. One may argue that the Germanic Protestants had a different conception of the Enlightenment than the French. All the way up until World War II, civil liberties were more important than political liberties in Germany, and the Northern Netherlands saw it the same way. Belgium however, had been reigned over by the French for much longer and was therefore more adherent to the French Enlightenment and its political liberties. William I had a rather strange relationship with the *ancien régime*, as he was supposed to restore it after Waterloo 1815, but at the same time he claimed to be enlightened. In practice, his enlightenment largely came down to erasing Catholicism from his territory. The King had already united the Netherlands Reformed Church in 1816, and was then increasingly fiddling with the Catholic Church.

This did however not mean that William I was unpopular in all of Belgium. On the contrary, there was also a type of *Orangism* in Belgium. This *Orangism* did not recall any golden age or stadtholders, but was based on the 'restoration' of the United Kingdom of the Netherlands. It would be a mistake to think that only Dutch or Flemish speaking subjects supported William I, even after Belgian independence. Among his supporters were industrial entrepreneurs and loyal military officers, but also some Catholic priests and the majority of the population in some

cities, such as Ghent. In the city of Antwerp, William I could count on many sympathisers as well, likely due to the fact that the harbour would keep its access to the river Scheldt, as long as the UKN continued to exist (Koch, 2016, pp. 271).

Additionally, William I was not the only member of the house of Orange at the time: his son, also named William, was another asset to the house. The young prince William was more popular in the southern Netherlands, supposedly because he liked it there more. He had strong and personal ties with the army because he had personally ensured that the officers that had served Napoleon would be rehabilitated. It has been said before in this thesis that the population in Belgium loved splendour and disliked sober monarchs such as Joseph II. With this in mind, it certainly played into Prince William's advantage that he had a great frivolous court, in stark contrast to his father. For a brief period of time, it even seemed possible that prince William would become the monarch of Belgium, while his father remained on the Dutch throne. The prince was after all much more considerate and willing to negotiate with the catholic and liberal oppositions in the south. William I's decision to suppress the Belgian Revolution with violence instead, is widely accepted as the point where the house of Orange lost Belgium for good (Koch, 2016).

The Belgian Revolution

According to Dutch scholar Koch (2016), a sense of nationalism spread first in the Northern part of the Kingdom. The population began to unite around the Orange dynasty and Protestantism in response to the opposition from the south. Despite originally only asking for Constitutional liberties and respect, the Belgians were put away as Jesuits and Jacobins. Koch argues that it is this Dutch nationalism that created a Belgian counterpart. This Belgian nationalism then spread further and eventually led to the Belgian Revolution (Koch, 2016).

The UKN would be seen as a period of transformation from *ancien régime* to modern nation state. For Belgium it was the end stage, whereas the Netherlands' progress was slowed down by the House of Orange for a little longer. This was based on the progress that we have seen in previous chapters; the spread of enlightened principles such as liberty and equality, the centralization and rationalization of the state, as well as the development of improved physical and social mobility. The UKN was able to be united because the French Revolution had abolished many institutions of the *ancien régime*, such as the splintered justice system, the duchies, counties and their privileges. The restoration after Waterloo 1815 was said to bring back the *ancien régime*, but unitary states and rational law books stayed. William I and Van

Hogendorp wanted to incorporate the Belgians into a proto-nation with Holland as its centre by using the governing apparatus that Napoleon had established in both the South and the North. These matters transformed the allegiances of people and led to a national consciousness on which one of the first proper nation states would be founded, although this nation would not be the United Kingdom of the Netherlands.

It was the King's decision to take charge of the Catholic Church in 1825 which united the Catholics in both the South and the North for the first time. In December of that same year, Liège-based politician Baron de Gerlache called for a union of oppositions, as he linked freedom of religion and Constitutional liberties together (Wils, 1997). While William I grew more authoritarian, the Belgian bourgeoisie demanded ministerial responsibility, control over finance, and the press freedom that the Constitution had promised to them. As the Belgian industry grew without the help of the Orangist State, oppositional liberalism was reaching a level it had not reached since the French Revolution. Newspapers played a big role in uniting the opposition too, though only in the South. For the first time the elections for the second chamber were covered by the press in the South, whereas in the North they saw it as a purely governmental affair. Unsurprisingly, it was the politicians from the North who supported the government in the rejections of the demands of the elected Southern politicians. Although they comprised only 38% of the population, the North had 50% of the representation in Parliament, which they did not want to lose and therefore there was little liberal opposition from their side. Sovereignty of the people just did not favour them, so why would they ask for it?

In June 1829 there were protests against the heavy taxation on food, the state regulated education of Roman Catholic priests and the limits to press freedom. That month, William I travelled through the Southern provinces and concluded that the unrest was neglectable and his subjects were content. This would turn out to be a gross miscalculation as, on 25 August 1830, a vigilante was installed in Brussels. They wanted the King to give them what their politicians demanded. The Government framed the disobedience as the work of France, so that the military powers would side with the Hague. Unfortunately for them, the great powers would recognise the right of self-Sovereignty of the Belgians.

After many battles, much uncertainty, and thorough considerations of different options, an elected national congress completed the first Belgian Constitution in February 1831. It established a parliamentary regime with freedom for the churches, freedom of press, unions, gatherings, education and language. This whole time, it had been the Belgian bourgeoisie which claimed to represent the nation, which from then on would consist of free and equal

citizens, except for the fact that suffrage was not universal. Nevertheless, the Bourgeoisie was backed by the largest share of the population in the South. The document was drafted by the newly founded Liberal-Catholic party, a direct effect of the union of oppositions between Traditionalists and Liberals. This Constitution went unchanged for 140 years, except for the expansion of the aforementioned non-universal suffrage, and for a long time, it was as sacred as the Joyful Entry had been during the *ancien régime* (Wils, 1997).

The Kingdom of Belgium and its Constitution

A large share of the members of the National Congress were younger than thirty, and many had experience working for the liberal press (Deseure et al. 2018, pp. 19). As exceptional as it may be that Constitutions are made by such inexperienced politicians, it was a golden opportunity for them to put their young ideals into practice. Moreover, despite their comparatively young age, these drafters had been thoroughly concerned with Constitutional matters in the years leading up to the 1830 revolt. From the very minute the UKN was founded, Belgian opposition had been centred around the unfair fundamental law of 1815, which is why they were so well prepared. A first draft was completed within two weeks, the final Constitution was proclaimed on 6 February 1831. It became enforceable that same month, despite the lack of some essential institutions – the King was not inaugurated until 21 July.

Republicanism was not in the cards for long, and thus the preferred form of state was once again a Constitutional – Parliamentary – Monarchy. The King was yet to be chosen, but his future competences were already severely limited. Formally, the King had the executive power as prescribed in Art. 36. He could choose his ministers in accordance with Art. 37, for which he importantly required the confidence of the parliament. Furthermore, he also served as a check on the parliament, as he had to sign laws to give them effect under Art. 44, and he had the power to dissolve both Houses in accordance with Art. 45. On the other hand, Art. 67 stated that none of the King's acts had effect unless they were countersigned by a minister, which is a first hint at the essential concept of ministerial responsibility that was so important to the drafters. The King's foreign policy would be checked by parliament directly, as treaties would have no effect unless approved by both Chambers (Art.68). The same counts for commanding the army or declaring war (Art. 82 and Art.78 respectively). The most important aspect about the King was perhaps his inviolability, meaning he could never govern directly. The King was bound by the Constitution and every successor would have to take the same oath: "I swear to observe the Constitution and the laws of the Belgian people, to maintain national independence and the integrity of the territory." This oath was inspired by the Joyful Entry, which entailed that the population is not bound to obey the regent if he violates the fundamental law.

As previously hinted at, the Parliament consisted of two separate Chambers. The Chamber of Representatives was directly elected by the electorate, and every two years, half of the members were replaced to ensure stability (Art.53). The members of the Senate were elected by the provincial councils, with half of them being replaced every four years (Art.59). The latter was not part of the very first draft of the Constitution, but added to incorporate the aristocracy and the provinces, as these were seen as essential elements of the Belgian state identity (Deseure,

2018, pp. 214). One should bear in mind that the congressmen were not only reacting to the monarchical despotism of William I, but also to the French Revolutionary rule. Together with the King, the Parliament had the right to initiative under Art. 27. The proposed laws then had to be approved by both Chambers, establishing perfectly symmetric bicameralism (Art.28). Additionally, both Chambers had the right to enquiry (Art.90).

Somewhat strangely, judges were appointed by the King (Art. 92). To ensure their independence from the executive however, they were appointed for life. To further make sure of the fair work of the judiciary, court sessions were held publicly (Art. 95). Justices of Peace settled local civic disputes, Tribunals of First instance handled the general jurisdiction, and Courts of Appeal were also in place. There was no judicial review of legislation, as the Parliament could exercise its Sovereignty freely. However, the Court of Cassation watched over the uniform interpretation of the law and protected legal principles against political interests. This Constitution aimed to end the arbitrary justice of the regimes that had come before Belgian independence and was to a large extent based on French post-revolutionary models. Still, unlike in France, there were no administrative courts foreseen by the fundamental law. Overall, the Judiciary was just as liberal as the rest of the state institutions, embracing principles like judicial independence, separation of powers, public trials and the right to legal recourse.

Up to 40% of the articles of the Belgian Constitution were directly taken from the Fundamental Law of the UKN of 1815 (Gillissen, 1967). This shows how not only the content, but the correct application of the Constitution made up the main concerns of the National Congress. Indeed, much of the 1830 Revolution was fuelled by discontent about the injustice committed by William I's government by not following its own fundamental law. Therefore, it was absolutely essential for the congressmen that their Constitution would prevail above all else. In practice, Art. 130 forbids every form of suspension of the Constitution. The drafters were well aware that, in France, fundamental law had repeatedly been violated, and they wanted to learn from this (Deseure, 2018, pp. 243). Furthermore, no revision was possible during a regency as per Art. 84. Art. 131 described the special revision procedure, which could only be initiated by the legislative. In the case both Chambers decided that revision was imminent, new elections needed to be held for both Chambers. Two thirds of votes in both houses, provided that at least two thirds of the members are present, were required to make any changes to the fundamental law. We can thus speak of a rigid revision procedure. What made Belgium a true Parliamentary Democracy, was that the members of parliament only swore to the Constitution, whereas the King, magistrates, army officers and other civil servants also had to swear loyalty to the laws.

The Constitution was thus the only limit to the legislative power of the Parliament and neither the King nor the laws could change anything about that. Constitutional Precedence was still rather new at the time, as elsewhere in Europe the post-Napoleonic – Restoration – period made the monarch more important than the Constitution.

A turning point during the Belgian Revolution had been when oppositional newspapers declared Belgians to be outside of the legal order of the UKN. They did this after William I had held a speech on 5 September 1830 in which he demanded that the Belgians returned to the legal order before he would negotiate. A month later, on 4 October, a provisional Belgian government declared Belgian independence. National elections for the National Congress and a Constitutional Commission followed two days later. Now that the Belgians had created their own legal order, they were not going to let it be violated. From the very beginning of the promulgation of the Constitution, all actions by any state organ or functionary were measured against the Constitution and asKing whether something was Constitutional a standard reflex.

As mentioned before, the constituent National Congress did not discuss any Judicial review and therefore the Constitution does not mention it. Nevertheless, Art. 28 clarifies that only the legislative power may determine how laws are interpreted, meaning the legislative power would have to interfere in the case of a disagreement between any courts and tribunals. Additionally, Art. 107 also backs up the idea that the legislative power is free from judiciary interference. Regardless, since the members of parliament had to swear their oath to the Constitution, it was assumed that the legislative power would never violate the Constitution.

The Belgian Constitution's main purpose was to avoid illegitimate uses or abuses of governmental power by both individuals and groups. Its goal was to safeguard the proper working of the state, but especially the rights of the community and individuals. The Constitution was furthermore ad hoc, more than it was based on abstract norms or theories. It is the result of many different works by political theorists, but arguably also the experience of many different regimes, that taught the drafters the importance of the proper Constitutional enforcement of their values. The members of the National Congress understood the importance of representation and direct elections in relation to that Sovereignty. Regardless of the extreme suffrage restrictions, the drafters still saw Sovereignty as if it came from the bottom up; they let the legislative chamber prevail because it combined the individual wills of the people and formed the general wish of the nation. According to the contemporary scholars Maes and Deseure (2020) Sovereignty lay not just in Parliaments, but in the public opinion as a whole. That is why newspapers and press freedom were so important. On the other hand, the King

could disband the Chamber or use his veto, and a jury guaranteed that no political or press crimes would go unnoticed. Maes and Deseure also argue that the nation itself could resist should the parliament fail to adhere to the will of the nation. In their view, there was therefore definitely popular – and thus not just national – Sovereignty. It was the effective control over the government by the entire enlightened population that made the Belgian Constitution so innovative. There may not have been direct representation for all, but the congressmen let public opinion check the government by ensuring the freedom of press and the right to petitioning and associations. The drafters also made sure this mechanism worked by granting other institutional actors the power to halt a potentially abusive parliament; the King could force new elections – although he had to be countersigned by ministers with parliamentary responsibility –, and violations of the freedom of press, as well as political crimes were assessed by the jury.

Balancing modern Constitutionalism with nation building is easier said than done. The former primarily entails ensuring popular Sovereignty, limiting the government and protecting fundamental rights – referred to as individuals rights at the time -. Nation building meant the construction of a unified state identity, which often required the concentration of state power at the cost of other actors. As you can see, the Belgian Constitution of 1831 was thus tasked with both concentrating and limiting the powers of the government at the same time. The congressmen realised change was necessary but wanted to avoid a social *tabula rasa* such as the one caused by the French Revolution. Therefore, they made many references to Belgium's past as the congressmen saw it necessary to legitimize the newly founded nation (Deseure et al., 2018, pp. 20). Incorporating elements of tradition did not entail much conservatism in practice, as they mainly evoked symbolism. The article about the freedom of language (Art. 23) was not as strong as it was in the very first draft and therefore allowed the French language to be favoured for the sake of nation building, compromising on linguistic freedom. The freedom of religion was however nearly unrestricted, as a result of the coalition between liberals and Catholics. The congressmen wanted to create a Constitution that was truly Belgian. The drafters thus made a sophisticated balance of liberal progressive freedoms and the highly valued local traditions. They realised they had to balance unity against pluralism, with the excessive centralization of the French period in mind. As a result, parishes, as well as towns and provinces, were left some autonomy - although they had a subordinate role -, and the creation of the Senate ensured that the role of the aristocracy would not die out (Dagnino, 2018). In terms of education, the state would play a much less supervising role than in other liberal countries at the time, so that the Catholic Church could maintain its position. Article 17, which ensured the freedom of

education, thus prioritised fundamental rights over nation building, whereas Article 23 on the freedom of language compromised freedom for the sake of a more unified nation (Van den Berg, 2018).

The Congressmen had based themselves on French political thought, which the Belgian bourgeoisie, - all familiar with the French language – knew very well too (Magits, 1977). For instance, it would have been unthinkable not to implement Montesquieu's Separation of Powers theory. The most popular philosopher among the drafters was none the less Swiss liberal Benjamin Constant. His core values, centred around private property, freedom of press and religion, individual liberty, and the due process of law, are exactly those used to describe the Belgian Constitution of 1831 (Roulin & Bordas, 2019). Conversely, the Catholics in the coalition were heavily inspired by the French Catholic priest and philosopher Felicité de Lamennais. The Normandy-born intellectual is accredited as the inventor of Catholic Liberalism, the stream of thought that allowed the Belgian Revolution to happen in the first place. Interestingly, he was also an advocate for the Christian Republic as a form of state, but this did not catch on in Belgium (Milbach, 2021). Furthermore, according to Henk de Smaele (2005), the Constitution is a compromise between English pluralistic liberalism and French unitary republicanism. Consequently, the Belgian drafters had established a Constitutional monarchy with a strong parliamentary character, in which the government was both representative and accountable. They turned the King into a neutral power and made sure that criminal, political and press offences would pass before a jury. Though the suffrage was limited in absolute numbers, they got the entire enlightened part of the population to check the correct application of the fundamental law, which became inseparable from the newly found nation. The congressmen had tailored their Constitution to the specific needs of their country, such as the freedom of religion and education, and a degree of municipal autonomy. Lastly, the factor that would bind all their work together was the freedom of press, making sure that the entire nation could resist any form of despotic rule, and therefore establishing true popular Sovereignty at last.

Conclusion

When the well commented Belgian Constitution of 1831 was installed, it became a source of inspiration and pride for many liberals and radicals across the world. In order to understand why this document came to be and why it was initially so successful, this thesis looked further back than the Belgian Revolution of 1830. The various regime changes that the territory of what became Belgium underwent from 1765 onwards, were analysed and constructed in chronological order through the lens of governance. To understand the evolution of the way these territories have been governed, we started at a time where Austrian Habsburgs were sovereign. The legacy of Maria Theresa and her son, the enlightened despot Joseph II, ultimately led to the Brabant Revolution and the short-lived independent United Belgian States in 1790. Not long after, the French Revolutionary Army shot the Belgian countryside awake with drastic reforms. From 1794 until Napoleon's ultimate defeat on the battlefields of Waterloo, resistance and surrender marked the attitude of the Belgian population, as the established institutions were replaced and revolutionized. The establishment of the United Kingdom of The Netherlands under William I in 1815 is where reasons for the Belgian Revolution of 1830 are most often sought, though to find the causes of the 1831 Constitution all the aforementioned governing periods were described, before having commented on what made this Constitution so special.

Bibliography

- Al-Aswat, A. (2021 ,May 6). Two Centuries after Death...Napoleon's Life Remains Interesting Material for Thousands of Books. *Aaswat*.
<https://english.aawsat.com/home/article/2958041/two-centuries-afterdeath%E2%80%A6napoleons-life-remains-interesting-material-thousands>
- Dagnino, R. (2018). MaKing the Constitution More Catholic: Catholic Adaptation Strategies to the Belgian Constitutional Liberties of 1831. *Giornale di Storia Costituzionale*, 35, 69-88.
- Davis, W. W. (2012). *Joseph II: An Imperial Reformer for the Austrian Netherlands* Springer Science & Business Media
- De Maesschalck, E. (2022). *Ondergang Davidsfonds*
- De Maeyer, P., Galand M., Vannieuwenhuize, B., Vanthemsche, G., (2021). *De Geschiedenis van België in 100 Oude Kaarten Lannoo*
- De Smaele, H., Eclectisch en toch nieuw. De uitvinding van het Belgisch parlement. *Bijdragen en Mededelingen toy Geschiedenis der Nederlanden*, CXX, n. 3, 2005, pp. 408-416.
- De Valk, J. (1996). Landsvader en landspaus? *Achtergronden van de visie op kerk en school bij koning Willem I (1815- 1830)* in: Tamse, Staats- en natievorming, 76-97,
- Deseure, B. (2018). "[Constitutional Precedence and the Genesis of the Belgian Constitution of 1831](#)". *Reconsidering Constitutional Formation II Decisive Constitutional Normativity: From Old Liberties to New Precedence*. Studies in the History of Law and Justice. Vol. 12. New York: Springer. pp. 211–256.
- Deseure, B., Geenens, R., Maes, C., & Sottiaux, S. (2018). The Belgian Constitution: Modern Constitutionalism's Greatest Triumph. *Giornale di Storia Costituzionale*, 35, 17-32.
- Dhondt, L. (2000). Le Directoire en Belgique : de la Révolution à la contre-Révolution. In H. Leuwers, J.-P. Jessenne, & J. Bernet (éds.), *Du Directoire au Consulat 1. Le lien politique local dans la Grande Nation* (1-). Publications de l'Institut de recherches historiques du Septentrion. <https://doi.org/10.4000/books.irhis.1676>

Commented [IH1]: English: Demise
From 1648 until 1815, it covers the Austrian Rule, the Brabant revolution and the French rule.

Commented [IH2]: Comments on maps, only relevant from p. 176 to 242.

- Gilissen, J. (1967). Die belgische Verfassung von 1831. Ihr Ursprung und ihr Einfluss. In: Conze W (ed) *Beiträge zur deutschen und belgischen Verfassungsgeschichte* im 19. Jahrhundert. Klett, Stuttgart, pp 38–69
- Judge J. (2015). *Nation and State in the Belgian Revolution 1787-1790* [Doctoral Thesis or Dissertation, The University of Edinburgh]. Edinburgh Research Archive [Nation and State in the Belgian Revolution 1787-1790](#)
- Koch, J. (2016). *The King as Father; Orangism and the Uses of a Hero: King William I of the Netherlands and the Prince of Orange, 1815–1840*. In: Müller, F., Mehrkens, H. (eds) *Royal Heirs and the Uses of Soft Power in Nineteenth-Century Europe. Palgrave Studies in Modern Monarchy*. Palgrave Macmillan, London. https://doi.org/10.1057/978-1-137-59206-4_14
- Magits M., (1977) *De Volksraad en de opstelling van de Belgische grondwet van 7 februari 1831. Een bijdrage tot de wordingsgeschiedenis van de Belgische konstitutie*, unpubl. doct. thesis, Arts, VUB, 1977, vol. 1, p. xMx
- Marteel, S. (2018). *The Intellectual Origins of the Belgian Revolution: Political Thought and disunity in the Kingdom of the Netherlands, 1815-1830* Palgrave Macmillan
- Maes, C., & Deseure, B.. (2020). 'the nation will always prevail', representation participation and contestation in the belgian Constitution of 1831. *Tijdschrift voor Rechtsgeschiedenis Legal History Review*, 88(3-4), 495-531.
- Milbach, S. (2021). *Lamennais* (1-). Presses universitaires de Rennes. <https://doi.org/10.4000/13764>
- Oudiette, C. (1800) *Carte des route et distances d'une ville à l'autre des cy devant Pays-Bas autrichiens, pays de Liège et de Stavelo, qui composent neuf départtements réunis à la République française*. KBR : <https://uurl.kbr.be/1814459>
- Rapport, M. (2002). Belgium under French occupation: between collaboration and resistance, July 1794 to October 1795. *French History*, Volume 16, 53-82. <https://doi.org/10.1093/fh/16.1.53>
- Reynaerts, J. (2015). Formatting Unity: Representations of King Willem 1 of the United Kingdom of the Netherlands (1815-30). *The Rijksmuseum Bulletin*, 63(3), 258–293. <http://www.jstor.org/stable/24642122>

Roulin, J.-M., & Bordas, Éric. (2019). Introduction. In J.-M. Roulin & Éric Bordas (éds.), *Benjamin Constant, l'esprit d'une œuvre* (1-). Presses universitaires de Saint-Étienne. <https://doi.org/10.4000/books.puse.1929>

Raxhon, P. (1994). Robespierre et la Belgique. Histoire et mémoire. In H. Leuwers, J.-P. Hirsch, G. Deregnacourt, & J.-P. Jessenne (éds.), *Robespierre. De la Nation artésienne à la République et aux Nations* (1-). Publications de l'Institut de recherches historiques du Septentrion. <https://doi.org/10.4000/books.irhis.1325>

Van Baarsel, C. (1816) Nieuwe Kaart Koninkrijk der Nederlanden en Hertogdom Luxemburg, 1815. American Geographical Society Library Digital Map Collection

Van Caenegem, R. (1996). *An Historical Introduction to Western Constitutional Law* Cambridge University Press

Van Den Berg, P. A. J. (2018). Liberalism, Modern Constitutionalism and Nation Building in the Belgian Constitution of 1831: Comparative Perspective. *Giornale di Storia Costituzionale*, 35, 49-68.

Van der Woud, A., (1992) *De kanalenkoning en zijn reputatie*. in: Tamse, A., en Witte, E., ed., *Staats- en natievorming in Willem I's Koninkrijk (1815- 1830)*. openjournals.nl

Wehle, L. B. (1946). The Scheldt Question. By S. T. Bindoff. London: George Allen and Unwin; 1945. Pp. x, 238. Appendix. Maps. Index. 10/6. *American Journal of International Law*, 40(2), 493-494. doi:10.2307/2193214

Weijermars, J., Vosters, R., (2011). *Taal, cultuurbeleid en natievorming onder Willem I*: Nieuw onderzoek naar het Verenigd Koninkrijk der Nederlanden. Lannoo

Witte, E. (2024). *Natievorming in België* Manteau

Wils, L. (1997). Het Verenigd Koninkrijk van koning Willem I (1815-1830) en de natievorming. *BMGN – Low Countries Historical Review*, 112(4), 502-516.

Commented [IH3]: The chapters you made available to us during the course are relevant for the part about Joseph II and the French revolution. I would like to access the full book, once I found a way I will of course specify which edition and which chapters.

Commented [IH4]: English: Nation Forming/Creating Source on different historical perspectives on the Belgian revolution of 1830 and the Constitution

