BELGIUM AND ITS STRUGGLE WITH CITIZENSHIP

ABSTRACT

Belgium, a federal state, is not a homogeneous nation. In consequence, citizenship debates are intrinsically linked to the linguistic divide between the Flemish and the Francophones, who hold divergent views on the future of their country and whose traditions in dealing with ethnic and linguistic diversity are quite different.

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Belgium is a clear example of what Canadian philosopher Will Kymlicka (1995) calls a "multination state." The new Belgian Constitution (1993) recognizes that the constitutive nation is not a homogeneous entity. The process of state reform and devolution has brought the recognition of cultural-linguistic diversity to the foreground as the guiding principle for Belgian political life. The Constitution now recognizes the rights to (partial) self-determination of those groups who are seen to be the constitutive elements for the Belgian nation (Martiniello 1997). The Constitution states that the Flemish, Francophone and Germanophone groups are the fundamental cultural communities of Belgium. This postulate is the basis of the entire organization of Belgian politics. The Flemish-Francophone divide nevertheless clearly constitutes the central political axis.

Belgium is, however, not only officially built out of three Communities (a Dutch-speaking [Flemish], French-speaking and German-speaking community), it is also officially the sum of three territorial entities, the so-called Regions (Flanders, Wallonia and the Region of Brussels-Capital). The Regions and Communities have specific political competencies. The Regions have jurisdiction over "space-bounded" matters such as regional economy, agriculture, environment, infrastructure and traffic. The Communities have jurisdiction over "person-related" matters such as health care, social policy, culture, education and language use. Every Region and every Community has its own representative body (parliament) and government. In theory this leads to the existence of six sub-national parliaments and governments in Belgium. The governments (and administrations) of the Flemish Community and the Flemish Region have, however, been merged into one executive body which totals five distinct sub-national parliaments and governments. In sum, one can say that Belgium has a fairly unusual and complex federal system, combining both a territorial and non-territorial logic (Jacobs and Swyngedouw 2003). Last but not least, there is a national parliament and national government in Belgium, which is responsible for issues such as defense, justice, police, foreign policy, finance and social security.

Since the federal elections of June 2007, elites from both sides of the (main) language issue have had difficulty in seeing eye to eye on just about everything. This deadlock situation is the result of electoral brinkmanship by the main political contenders. As a result, a possible split-up of the country is for the first time seriously being contemplated and discussed. It is, however, fairly unlikely that the federal state will effectively fall apart at short notice – if it ever does (Jacobs 2007). Brussels, the European and Belgian capital, is of crucial economic, historic and political importance for all linguistic groups in the country. No side can afford to give up the bilingual capital. Brussels therefore functions as the glue of the Kingdom. Clearly, the political crisis is such, however, that the shared capital city will not be able to keep the country together indefinitely. Belgian citizens have to reassess their identity and figure out what they want as a common project for the future. In order to facilitate communication between the political elites and the different electorates, academics have been proposing to add another federal electoral district, which would necessitate reallocation of the seats in parliament.[1]

There are slightly more than 10.5 million inhabitants in Belgium (in 2007), of whom about 930,000 do not have Belgian citizenship. A majority of them (68%) are European citizens (holding the nationality of one of the other member states of the European Union). About 725,000 Belgians did not have Belgian citizenship at birth. Of the entire population, approximately 15.5% did not have Belgian citizenship at birth (Perrin 2007). Naturalization rates are fairly high among third-country nationals (often over 50%) and are very low among EU citizens, so that people of non-European origin are overrepresented among the "new Belgians."

Access to citizenship has until now been a firmly federal prerogative. Nevertheless, it is has also been a topic that Flemish and Francophone elites have been looking at from quite different

angles. As in most European countries, *jus sanguinis*, the intergenerational transmission of citizenship, constitutes the basic principle of access to Belgian state-citizenship. Children born to Belgian nationals are automatically attributed Belgian nationality at birth. However, progressively (in 1984, 1991 and 1999) *jus soli*, the acquisition of nationality by virtue of place of birth, has been introduced in Belgian citizenship law.

Every child born on Belgian soil to a parent also born in Belgium ("third generation immigrants") automatically acquires Belgian nationality.[2] Furthermore, "second generation immigrants" born on Belgian soil can fairly easily become citizens. Indeed, parents can secure Belgian nationality for a child born on Belgian soil by simply making a declaration to that effect on behalf of children under the age of 12. There is also an option procedure for second generation migrants and certain groups of first generation migrants. Adults born in Belgium or who have lived in Belgium for seven years and have acquired permanent resident status can simply opt for Belgian nationality.[3] In addition, Belgium has put a system of discretionary naturalization in place. The divestment of the original nationality is in principle not a condition of Belgian nationality through naturalization.[4] All Belgian residents having resided in the country for three years (two years for refugees) can request naturalization.[5] Yet the uniform vision of citizenship that can be found at the federal level hides important differences between Flemish and Francophones. These differences came to the fore during parliamentary debates surrounding legislation on the liberalization of nationality in the 1990s. Paradoxically, there is currently no language requirement to obtain citizenship in a country that is obsessed by the issue of language. The reason is simple albeit somewhat peculiar: although most politicians agreed language knowledge is a normal condition for obtaining citizenship, no common ground could be found on the best way of imposing language requirements for nationality acquisition. A majority of Flemish politicians wanted to maintain a number of more "subjective" criteria (such as the degree of cultural integration or loyalty to the receiving society) and language-related criteria (such as knowledge of Dutch when living on Flemish territory) for the acquisition of citizenship. A majority of Francophone politicians, on the other hand, preferred to only retain "objective" criteria such as the length of legal stay on the territory. Furthermore, knowledge of one of the national languages was deemed to be sufficient, no matter where in the country one chooses to live, if a language requirement were to be upheld.[6] Since the Flemish and Francophones could not reach an agreement on modalities, there was no language condition tied to Belgian nationality, in the end.

> The Flemish, the demographic majority, have for over a century endured Francophone cultural domination, articulated through social practices and incorporated in state institutions, at a time when Belgium was still a unitary state. For the Flemish, acknowledgement and recognition of ethnic identity is seen to be a legitimate endeavor.

One federal state but two visions on ethnic minorities

Due to the complex institutional framework of the Belgian federal political system (see Jacobs and Swyngedouw 2003), both the Flemish community and the Francophone community have some jurisdiction over "their" immigrants or ethnic minorities. A number of striking differences have crystallized in discourses and policy making with regard to ethnic minorities on both sides. In the Francophone community, an integration discourse, which is clearly inspired by French republicanism and tends to deny the relevance of cultural specificities and the ethnic origin of immigrants and their offspring, dominates. Conversely, in Flanders, recognition of ethnocultural diversity is welcomed and the existence of ethnic minorities, affirmed.

The Flemish policy framework is based on the recognition of ethnocultural groups, a notion based on that of the Netherlands and that is partly in line with Anglo-Saxon ideas of group-based "multicultural" policies. Notably, entire sections of policy documents pertaining to recent immigrants closely copy Dutch documents. Although the Flemish government strives to establish an "inclusive policy" by which diversity should be automatically taken into account throughout all policy areas of competency (*mainstreaming*), there is still ample room for "categorical policy," which is specially (and exclusively) turned towards foreign-origin groups. Support for immigrant self-organizations testifies to the belief – which was equally imported from the Netherlands – that preservation and development of their own cultural identity can stimulate immigrants' emancipation within the host society. In the same line of reasoning, native language education within the Flemish education system has been given more prominence. An important difference in the Dutch system is that there is no explicit recognition of particular ethnic communities (for example, Moroccans or Turks) that would allow "official" ethnocultural minorities to distinguish themselves from one another – although this is often done in practice.

This being said, however, the Flemish government has taken policy measures that are said to be aimed at the "assimilation" of newcomers. Since the end of the 1990s the Flemish have been preparing and experimenting with so-called citizenship trajectories (*inburgeringstrajecten*) in which Dutch language courses as well as introductory courses on Flemish/Belgian society must be taken by certain categories of recent immigrants. The aim is to

actively promote a certain degree of language and cultural assimilation. This scheme, once again inspired by the Netherlands, became compulsory for (most) non-EU newcomers to Flanders in April 2004 and optional in Brussels (Jacobs and Rea 2007). In Flanders, non-compliance leads to an administrative fine.

In Francophone Belgium, the discourse on people of foreign origin is identical in Wallonia and Brussels, and completely different from that of Flanders. Ethnic minorities are not recognized in policy or in discourse. Categorical policy is marginal. Integration policy is embedded within indirectly targeted policy schemes (priority action zones, zones of positive discrimination, etc.), which use social criteria (percentage of unemployed, percentage of renters, etc.) and demographic criteria (percentage of foreigners) to pinpoint areas of attention. Although clearly imprecise, the most commonly used denominator for foreign origin inhabitants in political discourse and media discourse is "immigrant" and sometimes "person of foreign origin." Overall, among the Belgian Francophones, the dominant frame of reference in terms of immigrant integration has been imported from France – although Belgium as a state is neither Jacobin nor "freethinking" (*laïc*). Although in day-to-day life this imported discourse doesn't always straightforwardly translate into real policy, it does exercise strong pressure on ethnic minorities to conform to the Francophone model. Ethnic minorities tend to seek social inclusion through existing structures and ethnic background is downplayed.

The main differences in the Flemish and Francophone policies concerning immigrants and ethnic minorities are schematically represented in Table 1. Although these policies fit into this general typology, emphasis might be placed on specific policy subfields and government agencies – for example, depending on the ideology of the minister in charge (given the fact that Belgium always has coalition governments). Furthermore, while there are clear differences in terms of official rhetoric and policy statements, these sometimes tend to be much less so "on the ground."

Whether or not divergent policy choices lead to different outcomes with regard to immigrant integration is something we cannot assess since we do not have appropriate data that would allow a genuine Flemish-Francophone comparison. In fact, the fact that a comparison is not possible is directly linked to the divergence of the discourses and policies themselves: there are no data on the situation of Belgians of foreign origin that could be compared because there is no agreement as to whether it is legitimate to construct this kind of data in which a distinction is made between state citizens on the basis of their ethnic background (Jacobs and Rea 2005).

The power struggle between the two linguistic communities within the Belgian framework – although mitigated by other ideological cleavages – helps to explain the discourses they adopt and the positions they hold in developing sub-state policies with regard to immigrant integration (Martiniello and Rea 2004). Apart from self-evident reasons of linguistic affinity and cultural links between Flanders and the Netherlands (which played an important role in the import of the citizenship trajectories), the import of the Dutch multicultural policy model to Flanders should be understood in the light of the Flemish movement within Belgian history. The Flemish, the demographic majority, have for over a century endured Francophone cultural domination, articulated through social practices and incorporated in state institutions, at a time when Belgium was still a unitary state. For the Flemish, acknowledgement and recognition of ethnic identity is seen to be a legitimate endeavor. The principles of not denying a cultural identity, and fostering and defending a minority culture (in the sociological and political sense) have been at the core of Flemish political identity (and have led to the creation of the federal state). One could say that, through structural homology, the Flemish elite no longer wishes to impose on their ethnic minorities what they themselves endured as a former minority group. The Flemish situation can, however, be qualified as being one of "inegalitarian multiculturalism" (Martiniello 1997) in that the Flemish culture must always take precedence. Strong emphasis is placed on the necessity of learning and speaking Dutch while living in Flanders. A number of rights – for instance, access to public housing – are even directly linked to language skills.

Conversely, for the Francophone elites, the discursive preference for the French assimilationist position while sometimes paying lip service to the idea of cultural diversity has a strategic significance. Ethnic difference is only applauded in the case of individual success and support for

Table 1
Flemish and Francophone policy approaches towards immigrants and ethnic minorities

	Policy emphasis on the integration of settled immigrants	Policy for recent immigrants	Policy inspiration from abroad
Flemish approach	• Recognition of the existence of ethnocultural minority groups • General and categorical policies • Cooperation with, and support of, immigrant self-organizations	• Citizenship trajectories (includes language courses)	• Former Dutch (and Anglo-Saxon) ideas of group-based multiculturalism • Former Dutch model of *inburgering*
Francophone approach	• Individualistic approach • General policies using socio-economic indicators • Only indirect targeting of immigrant groups (for instance, in certain neighbourhoods)	• No specific policy (but individual projects are being financed)	• Former French assimilationist-republican model

ethnic diversity is thus limited to individualized "meritocratic multiculturalism" (Martiniello and Rea 2004). As a general principle, conformity and adaptation to the Belgian-Francophone culture is expected. In a federal state in which they now hold the minority position and greatly depend on Flemish (financial) solidarity, the Francophone establishment is faced with an assertive Flanders that is making a case for increased autonomy and questioning its role in maintaining solidarity with their Francophone compatriots. While defending national identity and national unity, they adopt a strategy of trying to transform new Belgians into Francophones (and not into sub-minorities). "Belgicizing" and "Frenchizing" the newcomers helps to take a stand against the powerful Flemish. Interestingly, this is for the time being done purely on an implicit basis. Unlike their Flemish counterparts, there is no formal obligation for newcomers to learn French. Even though the idea of compulsory language courses fits in perfectly with an assimilationist philosophy and strategy, many Francophone policy-makers believe that citizenship trajectories and obligatory language training is to be avoided. "Indeed, it must be a bad idea, since the Flemish have it," seems to be the reasoning. In light of the European-wide trend towards citizenship trajectories (Jacobs and Rea 2007), it remains to be seen whether this will be the case in the near future.

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Notes

[1] See <www.paviagroup.be>. Seats are now assigned on a regional basis. In practice this means that most Flemish voters cannot vote for Francophone politicians and most Francophone voters cannot vote for Flemish politicians.

[2] There is, however, a "residence" condition for the parent(s): he or she has to have lived in Belgium for at least five of the ten years preceding the birth of the child.

[3] Access to citizenship through option is a simple matter – that is, if one has not been convicted of serious crimes and is not considered as a threat to national security.

[4] Albeit that simultaneous possession of Belgian state-citizenship in combination with possession of state-citizenship of most other European countries is ruled out by the Treaty of Strasbourg.

[5] In contrast to the option procedure, naturalization is a privilege, not a right. This is also expressed by the fact that parliament decides on naturalization.

[6] In taking this position they wanted to reaffirm their commitment to defend the interests of Francophone inhabitants of Flanders. The Flemish think this is unacceptable since the language border was the result of a negotiated compromise in the 1960s: Flanders would have Dutch as its only official language, Wallonia would have French and Brussels would be officially bilingual.