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The Birth of Belgium: A Compromise between the Nation and Europe (1830-1831)

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Citation

Courte, L. (2024). *The Birth of Belgium: A Compromise between the Nation and Europe (1830-1831)*.

Version: Not Applicable (or Unknown)

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Note: To cite this publication please use the final published version (if applicable).

The Birth of Belgium: A Compromise between the Nation and Europe (1830-1831)



Gustaf Wappers (1803-1874). Episode des Journées de Septembre 1830.

Master's Thesis: Politics, Culture and National Identities, 1789 to the Present

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Wordcount: 17.055

Supervisor: Diederik Smit

Date: 30th June 2024

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1 Introduction

On the 10th of November 1830, in the Palace of the Nation in Brussels, Jean François Gendebien stated ‘The National Congress is established in the name of the Belgian people’. This sentence laid the first cornerstone for the political monument of the independent Belgian state. The walls of the Palace of the Nation would be hearing the fearful, hopeful, angry, cheering screams of the two hundred members of the revolutionary assembly for the next ten months. Within a tense European context and under the threat of a general war, these men representing the Belgian population ensured independence for their country and established one of the most influential constitutions of its time. The revolutionary assembly’s discussions arising from the Belgian Revolution can teach us a great deal about the state of mind of the first Belgian politicians when establishing their newly-formed state. Although the National Congress represented the Belgian nation, the influence of external factors on its decisions cannot be diminished. At this period, the concept of sovereignty was vague and ever-changing but crucial in the creation of a new state. This thesis aims to provide an understanding of the impact of foreign influence on the decisions of the congressmen, by focusing on specific debates of the National Congress. This will encompass the vague and ever-changing but crucial concept of sovereignty, as well as international pressures and transfer of political practices within the discussions regarding the form of government and the parliamentary system.

There has been a lack of study on the National Congress’ discussions in historiography. Indeed, the Belgian Revolution of 1830 and its subsequent representative assembly have been often overlooked in the study of the European revolutionary wave between 1789 and 1848, although the system put into place by the National Congress has still survived until today. Nevertheless, in the past decades, academia has been taking a new interest in the National Congress. As a matter of fact, Els Witte has been extensively studying nineteenth-century Belgian politics. Some of her work focuses on the National Congress and the 1831 Constitution, in particular on the Republicans and their influence.¹ Moreover, in the past few years Raf Geenens, Stefan

¹ Els Witte, ‘Republic and Popular Sovereignty : the Belgian Case: 1830,’ *Giornale di storia costituzionale* 35:1 (2018), 89-112.
Els Witte, *Les Republicains Belges: Les Radicaux entre Deux Révolutions (1830-1850)* (Bruxelles 2023)

Sottiaux, Brecht Deseure and Christophe Maes have concentrated their attention on the meaning of sovereignty in Belgium.² In order to do so, they studied the discourses of the drafters of the constitution to draw an idea about how Article 25 (regarding sovereignty) of the Constitution in Belgium should be understood. As a matter of fact, these historians have opened the debate regarding the concept of national versus popular sovereignty in Belgium. By doing so, they have highlighted the potential of direct participation in Belgium and re-examined the notion of sovereignty within the National Congress's historical context. Sottiaux and Geenens have however recognised the lack of research on the subject when they said: 'With so much at stake, one would expect the Belgian drafters' views on sovereignty to have been the object of serious scrutiny and extensive research. Yet, surprisingly, no systematic studies of the topic are available.'³

Furthermore, the intellectual origins of the Constitution have also been discussed. For instance, Annelien de Dijn analysed the influence of Montesquieu's pragmatic conservatism on the Belgian Constitution.⁴ Raf Geenens and Stefan Sottiaux also explored the concept of sovereignty in Belgium and its association with the discourse of the philosopher Benjamin Constant, a study that was also carried out by Nora Timmermans.⁵ These different works have shed light on sovereignty in Belgium, as well as the intellectual influences on the Constitution. They have also highlighted the importance of studying the members of the National Congress' discussions to understand today's Belgium. However, the international context surrounding

Els Witte, 'Breakthrough of a Liberal Constitutional State (1830-1848),' in: Els Witte, Jan Craeybecks and Alain Meynen eds., *Political History of Belgium from 1830 Onwards* (Brussels 2008) 19-56.

² Brecht Deseure, 'National Sovereignty in the Belgian Constitution of 1831 : On the Meaning(s) of Article 25' in: Ulrike Müßig eds., *Reconsidering Constitutional Formation I: National Sovereignty. A Comparative Analysis of the Juridification by Constitution* (Passau 2016) 93-157.

Raf Geenens, 'Sovereignty without Sovereignty. The Belgian Solution' in Raf Geenens, Brecht Deseure and Stefan Sottiaux eds., *Sovereignty, Civic Participation, and Constitutional Law: The People versus the Nation in Belgium* (New York 2021) 270-95.

Brecht Brecht, Raf Geenens, Christophe Maes and Stefan Sottiaux, 'The Belgian Constitution: Modern Constitutionalism's Greatest Triumph,' *Giornale di Storia Costituzionale* 35:1 (2018): 17-32.

Christophe Maes and Brecht Deseure, 'The Nation Will Always Prevail', Representation, participation and contestation in the Belgian Constitution of 1831,' *Tijdschrift voor Rechtsgeschiedenis / Revue d'histoire du droit / The Legal History Review* 88:3-4 (2020) 495-531. <https://doi.org/10.1163/15718190-00880A10>

Christophe Maes, Brecht Deseure and Ronald Van Crombrugge, 'Pulling the Curtain on the National Sovereignty Myth,' in: Brecht Deseure, Raf Geenens and Stefan Sottiaux eds., *Sovereignty, Civic Participation, and Constitutional Law: The People versus the Nation in Belgium* (Oxon 2021) 191-209.

³ Raf Geenens and Stefan Sottiaux, 'Sovereignty and Direct Democracy: Lessons from Constant and the Belgian Constitution' *European Constitutional Law Review* 11:2 (2015) 301.

⁴, Annelien De Dijn, 'A Pragmatic Conservatism. Montesquieu and the Framing of the Belgian Constitution (1830-1831),' *History of European Ideas* 28:4 (2002) 227-245.

⁵Nora Timmermans, 'Benjamin Constant and the limits of popular sovereignty,' in: Brecht Deseure, Raf Geenens and Stefan Sottiaux eds., *Sovereignty, Civic Participation, and Constitutional Law: The People versus the Nation in Belgium* (Oxon 2021) 37-52.

the National Congress has been largely ignored. The historians invested in researching the subject have mainly focused on the national context rather than zooming out to understand the crucial role that foreign influences played in the National Congress' decisions. Indeed, William O. Aydelotte explained that 'parliamentary history raises questions not only about manoeuvres and strategies of political leaders but also about the conditions out of which these actions emerged or with which they were designed to cope'.⁶ Therefore, this thesis aims to uncover how the international context impacted the attitudes of the members of the National Congress and how it thus influenced their decisions. Recent academic research falls short in this area. Indeed, the parliamentarians' feeling of fear regarding their geographical position and its impact on the creation of the Belgian state has been overlooked. This thesis aims to address this gap, by making it the centre of the discussion, by focusing on three specific debates. These are the nature of sovereignty, the choice regarding the form of government as well as the implementation of a Senate.

In order to carry out this study, several research questions will be answered. It is firstly essential to recognise how sovereignty was understood by the members of the National Congress on a wider level. In order to do so, it is significant to place this revolutionary assembly into its historical context to understand how sovereignty was regarded and understood in European thought at the time. This thesis explores how the feeling of anxiety brought to the parliamentarians' mind by the tense internal and external situation shaped their understanding of sovereignty and their choice of form of government. Moreover, this thesis attempts to investigate how the politicians transferred ideological and political practices from the exterior into Belgium. This is motivated by Henk te Velde's explanation regarding how political transfers should be studied in history.⁷ This research aspires to highlight the specific countries from which the politicians were principally drawing ideas or on the contrary disregarded. The paper also pursues the understanding of the reasons why the politicians took examples from other countries to make their decisions regarding the form of government and the parliamentary system. Indeed, it seems that the Belgian parliamentarians had a tendency to look on the outside to find their answers rather than in their own past. This paper also

⁶ William O. Aydelotte, *The History of Parliamentary Behavior* (Princeton 1977), 4.

⁷ Henk Te Velde, 'Political Transfer: An Introduction,' *European Review of History: Revue Européenne d'histoire* 12:2 (2005) 205–21.

attempts to research the main emotions in parliament and how these feelings influenced their decisions. Indeed, it tries to comprehend if the feeling of urgency and the feeling of fear created by the external context affected their decisions. This research uncovers another side of parliamentary history that is often overlooked in historiography, by understanding how feelings played a role in shaping parliamentary language and discourse, but also on the decisions made.

As a support to the study of the different historical issues that are discussed in this thesis, several types of sources will be investigated. The main source that this study will be based on is the National Congress discussions. Indeed, these discussions were compiled by Emile Huyttens into different volumes and are digitalised on the website Unionisme.⁸ They are also accompanied by the exclamations and reactions of the audience, which offers an illustration of the overall atmosphere within the assembly. To analyse these discussions effectively, they are separated between the different debates that took place, and the most relevant ones to this work are closely read. Within this close reading, the most largely analysed elements will be the discourses of the parliamentarians and the feelings that transpire from them. This thesis also investigates the use of specific words such as sovereignty, power, nation, Belgian people and their related words. By looking at these specific words, this work will attempt to understand how these terms were understood, in what specific context they are used and what discourse they are associated with.

Nevertheless, the analysis of these debates is also accompanied and supported by other primary sources. These sources are some of the National Congress's or government decrees as well as some of the parliamentarians' personal letters and notes that were found in the Royal Library of Belgium (KBR) and the General Archives of the Kingdom. Both institutions are located in Brussels. These personal documents offer another outlook on their understanding of sovereignty and their thoughts on the debates and decisions of the National Congress. Indeed, the politicians sometimes used the assembly as a scene in which they played a role, and the analysis of more personal writings has the potential to offer a different insight

⁸ Séances plénières Session 1830-1831 (Congrès National), Unionisme. Accessed June, 15 2024. <https://unionisme.be/session/1830-1831/>
E. Huyttens, *Discussions du Congrès National* Tome I-V (Bruxelles 1844-45).

into their thoughts. These diverse sources are analysed using close reading, as well as investigated on their use of specific words, similarly to the parliamentary discussions.

Nonetheless, although this thesis aims to give a comprehensive understanding of the subject, there are some limitations that prevent this work to be entirely conclusive. Indeed, although most of the National Congress discussions are available, they are not complete as Philippe Raxhon pointed out.⁹ Some speeches and discussions have not been recorded and thus limit the possibility to have a complete understanding of the parliamentarians' mindset. Moreover, some primary sources regarding the members of the National Congress are unavailable at the KBR library in Brussels due to an ongoing digitalisation process, thus not allowing their content to be used in this thesis. Some sources, both primary and secondary, are also written in Dutch. These are not analysed due to a weak understanding of the language. Overall, the limited size of this project prevents an extensive study of the ideological and philosophical concept of sovereignty as well as the diplomatic relationships between the Belgian parliamentarians and the plenipotentiaries of the Great Powers. These different aspects could have improved the scope of this research and would have helped to achieve a more grounded conclusion to this historical issue.

Finally, the National Congress discussions were carried out from November 1830 until August 1831 and touched upon a great number of subjects and issues. Therefore, this thesis will focus on three key elements, each of which is embodied by a chapter. These aspects are the sovereignty of the National Congress itself as well as the debates on the choice of the form of government and of the chamber system. This thesis will first discuss the background of the National Congress in order to set ground to more specific aspects of the study. To do so, it will give a comprehension of the different groups within the National Congress, the main actors and the crucial subjects debated. A summary of the relationship between the constituent assembly and the Great Powers will also be provided. The thesis will then approach the concept of sovereignty by discussing the academic debate regarding the national versus popular sovereignty. Moreover, the members of the National Congress's perception regarding the sovereignty of the assembly itself will be investigated, whether they saw it as a sovereign institution over the Belgian population or if they saw the Belgian nation as sovereign but the

⁹ Philippe Raxhon, *Mémoire de la Révolution française de 1789 et Congrès national belge (1830-31)* Belgisch Tijdschrift voor Nieuwste Geschiedenis 1996 1-2, pp. 34.

National Congress the organ representing this sovereignty. This chapter will also consider the place of international influence and its relationship with Belgian sovereignty. The two subsequent chapters aim to further investigate this issue by analysing two precise debates within the National Congress. The first one is the choice of the form of government. Indeed, it transpires from the parliamentary discussions that the politicians, although making decisions 'in the name of the Belgian people', were pressured into some choices to prevent a potential threat to the European equilibrium. Moreover, another aspect of this external influence will be discussed, which is how the congressmen transferred foreign political practices to modify and apply them to Belgium. The last chapter will deepen the study of the political transfers carried out by politicians by focusing on the debates regarding the creation of the chamber system. As a matter of fact, the National Congress debated extensively on the creation of a uni or bicameral system, discussing both the idea of sovereignty as well as taking examples from other countries' systems such as England, France, Italy, America, Hungary,... This debate is also aimed to clarify notions relating to sovereignty such as the need for the separation and limitations of the powers, as well as the influence of Europe on the Belgian parliamentarians' outlook.

2 Background of the National Congress

The Belgian National Congress was inaugurated on the 10th of November 1830, less than two months after the breakout of the Belgian Revolution on the 25th of August. This revolutionary assembly was established to draft the Constitution and to construct the newly independent Belgium as a nation-state. The Congress was installed in the Palace of the Nation, the former building of the Dutch States General in Brussels.¹⁰ For ten months, the Belgian parliamentarians, with different political ideologies and wishes, discussed the future of their nation in a tense internal and European context. Mr. Pirmez, one of the deputies, illustrated the careful work of the assembly in this tense situation when he claimed: ‘When the sky is covered with clouds and the road is strewn with pitfalls, a wise pilot will not rush into the middle of perils with his head down, he sails slowly to avoid a shipwreck and reach the harbour more safely.’¹¹ This chapter aims to discuss the context surrounding the discussions that took place in the assembly. Indeed, to understand the debates that will be analysed in the subsequent chapters, it is crucial to understand the different actors of the National Congress, their ideologies, and the international context surrounding the debates.

2.1 The Parliamentarians

The National Congress was called by the Belgian provisional government and opened on the 10th of November by Louis de Potter, the oldest member of the government, with the words: ‘In the name of the Belgian people, the provisional government opens the assembly of the representatives of the nation’.¹² This provisional government established itself on the 25th of September 1830 according to Sylvain Van de Weyer and Jean Baptiste Nothomb, while Paul Schroeder claimed it was on the 26th.¹³ It was comprised of revolutionaries who proclaimed

¹⁰ Louis Hymans, *Le Congrès National de 1830 et la Constitution de 1830* (Bruxelles 1880) 5.

Jean Baptiste Nothomb, *Essai Historique et Politique sur la Revolution Belge* (Paris 1833) 52.

¹¹ Mr. Pirmez, On the election of the head of state, in the meeting of the 29 January 1831. (KBR: II 3.843 D)

¹² Louis de Potter, opening speech, National Congress session of the 10th November 1830.

¹³ Paul W. Schroeder, *The Transformation of European Politics, 1763-1848* (Oxford 1994) 672.

Van de Weyer, *A Letter on the Belgic Revolution*, 31.

Nothomb, *Essai Historique et Politique*, 48.

Belgian independence on the 4th of October, after a little bit more than a month of revolutionary unrest against the Dutch regime.¹⁴ In order to settle the country into a legitimate state, the provisional authority called for the elections of a revolutionary representative assembly. Two hundred seats occupied by the representatives of the nation formed it. These deputies were Belgian citizens who were part of higher educated classes. It is important to note that some of the deputies were not born in Belgium but had been naturalised Belgians such as Charles Rogier who was born on French territory or Jean Baptiste Nothomb in Luxembourg.¹⁵

The electoral system that had been put into place to select the deputies was direct. Indeed, the members of the provisional government, when they announced the elections, claimed: 'The members of the National Congress will be elected directly by the citizens'.¹⁶ However, this did not imply universal suffrage, but rather a selection of educated citizens chosen based on their wealth or profession. As a matter of fact, the electors had to be at least twenty-five years old and pay a minimum direct yearly tax, the 'cens'. However, exceptions were made to this tax for people who practised a liberal profession or held a doctorate in law, science, letters and philosophy as well as medicine. Moreover, members of the clergy and high-grade military officers were also exempt from this requirement.¹⁷ Therefore, only a small portion of the population was eligible to vote. According to Brecht Deseure, only 0.7% of the Belgian population, around 30,000 men elected the members of the National Congress.¹⁸ This restricted electorate explains the domination of the aristocracy, clergy and bourgeoisie in the National Congress, rather than lower class deputies. Indeed, around a third of the members practised liberal professions, and many were part of the aristocracy and the bourgeoisie.¹⁹ Sylvain Van de Weyer, a lawyer himself, reported an overwhelming number of lawyers dominating the representative assembly: 'This easiness to speak, this incapacity to examine, which Montesquieu complained about is what characterises the modern representative

¹⁴ Independence of Belgium by the provisional government, 4th October 1830. In 'Collection d'affiches relatives à la Révolution 1830-1831 et s.d.' (Papiers de Sylvain Van de Weyer : Archives générales du Royaume - I 129 – 293)

¹⁵ Ernest Discaillies, *Charles Rogier (1800-1885) d'après des Documents Inédits vol.1* (Bruxelles 1893) 16.

Académie Royale des Sciences, des Lettres et des Beaux-Arts, *Biographie Nationale, Tome 15* (Bruxelles 1899) 910.

¹⁶ National Congress: Elections, Brussels 10th of October 1830. In 'Collection d'affiches relatives à la Révolution 1830-1831 et s.d.' (Papiers de Sylvain Van de Weyer : Archives générales du Royaume - I 129 – 293)

¹⁷ National Congress: Elections, Brussels 10th of October 1830. In 'Collection d'affiches relatives à la Révolution 1830-1831 et s.d.' (Papiers de Sylvain Van de Weyer : Archives générales du Royaume - I 129 – 293).

¹⁸ Brecht Deseure, 'National Sovereignty in the Belgian Constitution of 1831. On the meaning(s) of Article 25,' in: Ulrike Müßig ed., *Reconsidering Constitutional Formation/National Sovereignty: A Comparative Analysis of the Juridification by Constitution* (Cham 2016) 1-81, q.v. 100.

¹⁹ Witte, *Les Republicains Belges*, 105

governments. These assemblies in which, since 89, the great speakers (the lawyers) dominate, are the scourge of the states.’²⁰ It is significant to note that Catholicism was represented, not only by politicians with catholic tendencies but also by members of the clergy with 13 deputies being priests.²¹ The domination of the higher educated classes in Belgian political life can also be seen in the language used in parliament.²² As a matter of fact, although a considerable part of the Belgian population spoke Dutch, French was the sole language used in the National Congress. This can be explained by the fact that French was the language of choice for the higher educated classes, even the Flemish ones, as a marker of social status as Guy Vanthemsche and Roger de Peuter argued.²³

Besides being composed of an alliance between the aristocracy and the bourgeoisie, the National Congress was also ruled by the union between liberal and catholic forces.²⁴ As a matter of fact, the revolutionary assembly was divided into several groups. However, these groups did not constitute official parties but rather represented political tendencies.²⁵ The two main tendencies were on the one side the Liberals and on the other the Catholics. However, although the two groups had varying agendas and ideologies, they worked together in pursuit of Belgian independence. This alliance started to materialise in the years 1827-28 when the two opposing Belgian political forces created the Union.²⁶ This Union, considered as ‘monstrous’ by some at the time,²⁷ was a coalition of Liberals and Catholics, working towards the common goal of opposing Dutch oppression in the Southern Province of the Netherlands and arguing for the rights and freedoms of the Belgian population. This alliance, which remained strong in the National Congress, was explained by Van de Weyer as: ‘a cordial union

²⁰ Note from Sylvain Van de Weyer n.d. ‘In Discours, pensées, maximes, épigrammes, poésies de circonstances’ (Papiers de Sylvain Van de Weyer : Archives générales du Royaume - I 129 – 101)

²¹ Thomas J. Shelley, ‘Mutual Independence: Church and State in Belgium: 1825-1846,’ *Journal of Church and State* 32:1 (1990) 49-63, q.v. 54 <http://www.jstor.org/stable/23917043>.

Sylvain Van de Weyer, *A Letter on the Belgic Revolution ; Its Origin, Causes, and Consequences* (London 1831) 34. <https://jstor.org/stable/60212517>.

²² Dean Kostantaras, ‘Revolutions of 1830,’ in: Idem, *Nationalism and Revolution in Europe, 1763–1848* (Amsterdam 2020) 137-72, q.v.160.

²³ Guy Vanthemsche and Roger De Peuter, *A Concise History of Belgium* (Cambridge 2023), 266-7.

²⁴ Witte, ‘Breakthrough of a Liberal Constitutional Stat,’ 25.

²⁵ Vanthemsche and De Peuter, *A Concise History*, 263.

Ulrike Müßig, ‘Juridification by Constitution, National Sovereignty in Eighteenth and Nineteenth Century Europe,’ in: Idem, *Reconsidering Constitutional Formation/National Sovereignty: a Comparative Analysis of the Juridification by Constitution* (Cham: 2016) 1-81, q.v.71.

²⁶ Shelley, ‘Mutual Independence,’ 49-51.

Witte, *Les Républicains Belges*, 34.

²⁷ Louis de Potter, *Union of Catholics and the Liberals* (Brussels 1829), 1-2. (KBR: II 23.653 A 2)

Frans Van Kalken, *Histoire du Royaume des Pays-Bas et de la Révolution Belge de 1830* (Bruxelles 1910) 90.

between the Catholics and the Liberals; they acted upon the same great principles.²⁸ The Union, a motor of the revolution,²⁹ only slowly dissolved in the 1840s³⁰ and gave life to the Belgian National motto: 'Union makes strength'.³¹

Nevertheless, although these groups worked together for the independence and creation of the Belgian state, a minority of parliamentarians looked on the outside of Belgium for its future. On the one hand, there were a few reunionists, wishing for a reunion between Belgium and France. However, this idea was promptly abandoned in the National Congress, due to the impossibility of such a reunion as there was a fear of French expansionism in Europe. On the other hand, the Orangists strived for the rule of the Orange dynasty over Belgium.³² These groups were however a minority within the National Congress, and the Catholics and Liberals dominated the parliamentary assembly.

Key figures also played a prominent role in shaping the National Congress. Most of these individuals had taken an active part in the revolution and partly formed the provisional government. These key actors were namely Charles Rogier, Félix de Mérode, Alexandre Gendebien, Sylvain Van de Weyer, Joseph Vanderlinden and Feuillin de Coppin.³³ In addition, other important figures of the revolution and the Congress who were part of the diplomatic committee were Jean Baptiste Nothomb, the Comte d'Arschot, the Comte de Celles, Pierre Destriveaux and Charles LeHon.³⁴ Many of these men were involved in press activities to oppose and denounce the oppression of the Belgian population by the Dutch government in the decade before the Revolution.³⁵ Moreover, the most involved speakers in the National Congress, with more than a hundred interventions in the debates throughout 1830-1 were Alexandre de Robaulx, Joseph Lebeau, Lucien Jottrand, François Van Snick, François Beyts, Pierre Van Meenen and Paul Devaux. Many of these men were young, the youngest being

²⁸ Van de Weyer, *A Letter on the Belgic Revolution*, 34.

²⁹ Robert Demoulin 'L'Influence Française Sur La Naissance de l'État Belge,' *Revue Historique* 223:1 (1960) 13-28, q.v. 26. <http://www.jstor.org/stable/40949257>.

³⁰ Vanthemsche and De Peuter, *A Concise History*, 261.

³¹ Els Witte, 'The Formation of a Centre in Belgium: The Role of Brussels in the Formative Stage of the Belgian State (1830-40),' *European History Quarterly* 19:4 (1989) 435-568, q.v.438. <https://doi.org/10.1177/026569148901900401>

³² Robert Demoulin, *Les Journées de Septembre 1830 à Bruxelles et en Province: étude critique d'après les Sources* (Liège 1934) 185. Vanthemsche and De Peuter, *A Concise History*, 261.

³³ Hymans, *Le Congrès National de 1830*, 13.

³⁴ Auguste Laugel, 'Un Fondateur de la Monarchie Belge: Sylvain Van de Weyer' *Revue Des Deux Mondes (1829-1971)* 6:2 (1874), 279-319, q.v.292. <http://www.jstor.org/stable/44744420>.

³⁵ Paul Harsin, *Essai sur l'opinion en Belgique de 1815 à 1830* (Charleroi 1930), 61-71. Théodore Juste, *Les Fondateurs de la Monarchie Belge: Charles Rogier* (Bruxelles 1880.) 3-4. André Warzée, *Essai Historique et Critique sur les Journaux Belges* (Brussels 1845), 77.

Nothomb who was twenty-five years old in 1830, and mostly inexperienced in politics.³⁶ In a discourse in 1839, Charles Rogier recalled their inexperience when he said that men of the National Congress did: 'things that would honour politicians more advanced than we were.'³⁷ However, Els Witte reported that at least half of the parliamentarians were involved in politics before being appointed by the National Congress.³⁸ This involvement was both on a local and provincial but also on a national level in the States General or in the Upper Chamber as well as in the French regime. Furthermore, at its inauguration, the National Congress was presided over by Jean François Gendebien as he was the oldest deputy of the assembly.³⁹ However, he was replaced by Erasme Surllet de Chokier, elected by the congressmen on the 11th of November. Surllet de Chokier, once designated regent of Belgium on the 24th of February 1831, passed his place of president of the National Congress to Etienne de Gerlache. The latter was a catholic politician and stayed in office until the dissolution of the Congress on the 21st of July 1831, after the inauguration of the first King of the Belgians, Leopold of Saxe-Coburg. The last words pronounced in the assembly were the same as its opening words: 'In the name of the Belgian people.'⁴⁰

2.2 The International Context

Besides the significance of understanding the composition of the National Congress to grasp the debates and the ideologies, it is also crucial to be knowledgeable on the international context surrounding the Belgian Revolution and its settlement. Indeed, the Belgian Revolution that broke out on the 25th of August 1830, following the July Revolution in France, threatened the European equilibrium that had been settled by the Congress of Vienna.⁴¹ This revolutionary event meant the dissolution of the Kingdom of the Netherlands that had been set into place as a buffer state by the Great Powers in 1815, which raised fear of French expansionism and revolutionary spread. More importantly, it had the potential to create a

³⁶ Paul Hymans, *1830 Les Fondateurs: Conférence à l'Université des Annales* (Bruxelles 1914) 7-8.

³⁷ Speech by Mr. Rogier in the session of the Chamber of the Representatives on the 12th of March 1839 on the peace treaty between Belgium and Holland. (KBR: II 68.452 A 16)

³⁸ Witte, *Les Republicains Belges*, 105.

³⁹ Deseure, 'National Sovereignty,' 100-1.

Hymans, *Le Congrès National de 1830*, 6.

⁴⁰ Closure of the National Congress, session of the 21st of July 1831. <https://unionisme.be/seance/cn/1831/07/21/>

⁴¹ William E. Lingelbach, 'Neutrality versus Alliances. Belgium and the Revolution in International Politics,' *Proceedings of the American Philosophical Society* 79: 4 (1938),607-36, q.v. 611. <http://www.jstor.org/stable/984942>.

general war. This tense situation allowed the Belgian revolution to lead to the creation of a viable Belgian independent state. Indeed, the principle of non-intervention had been agreed upon by the European Concert, thus not allowing foreign help for King William I.⁴² According to Robert Demoulin and Auguste Laugel, the French Minister Molé dissuaded Prussia to come to the help of the Dutch King because if that had been the case, French troops would have intervened and the situation would have escalated to a general war.⁴³ The opposition to external intervention not only by France but also by England allowed the Revolution to transform into independence.⁴⁴

However, although the Belgian Revolution had been allowed to occur by the Great Powers, they did not distance themselves from the matter. Indeed, the Conference of London was called, featuring diplomats from the five Great Powers: Austria, Prussia, Russia, France and England. It was organised to discuss the necessary proceedings regarding the Belgian case.⁴⁵ Van de Weyer was one of the main Belgian diplomats who played a role in the negotiations with the Powers to ensure Belgian independence. Although the National Congress agreed upon the fact that it was the only assembly responsible for Belgian matters, the Great Powers still posed their condition, which was to not threaten the European equilibrium.⁴⁶ Indeed, they stated in February 1831 that they: 'had constituted themselves the guardians, not of the sovereignty, but of the disposition of the Belgian Provinces, with the sole intention of making the provinces co-operate in the establishment of a just equilibrium in Europe, and the maintenance of the general peace.'⁴⁷ Jean Baptiste Nothomb explained the importance of the diplomatic negotiations in the establishment of the Belgian State: 'We had defeated Holland, but we had not defeated Europe, and to make our victory complete, we had to start war or negotiations with Europe. Europe came to us: on that day, the great question of peace or war was posed and resolved.'⁴⁸

⁴³ Demoulin 'L'influence Française,' 16-17.

Laugel, 'Un Fondateur de la Monarchie Belge,' 291.

⁴⁴ Kostantaras, *Revolutions of 1830*, 140.

Schroeder, *The Transformation of European Politics*, 674.

Vanthemsche and De Peuter, *A Concise History*, 247.

⁴⁵ Huisman, Michel, 'Quelques dessous de la conférence de Londres. Talleyrand a-t-il trafiqué de son influence?,' *Revue d'histoire moderne* 9:14 (1934) 297-316, q.v. 299-300.

⁴⁶ M. le duc de Broglie, 'Le Dernier Bienfait de la Monarchie: La Neutralité de la Belgique: III: Ouverture et Actes de la Conférence de Londres,' *Revue Des Deux Mondes (1829-1971)* 160:1 (1900), 5-45, q.v.19-24. <http://www.jstor.org/stable/44779547>.

⁴⁷ W.E. Lingelbach, 'The Doctrine and Practice of Intervention in Europe,' *The Annals of the American Academy of Political and Social Science* 16 (1900), 1-32, q.v.7. <http://www.jstor.org/stable/1009439>.

⁴⁸ Nothomb, *Essai Historique et Politique*, 42.

This constant apprehension of a potential war was a cause of great fear within the National Congress. Indeed, the deputies had to navigate between ensuring the contentment of the Belgian population and the independence of the country while mediating with the European Concert. The fear and anxiety felt by the parliamentarians towards their relationship with the Great Powers can explain their intense use of emotional rhetoric when trying to persuade the assembly of the righteousness of their arguments. Indeed, Henk te Velde and Marnix Beyen argued that Belgian deputies' argumentative methods were to convince their opponents, rather than use reason, mirroring the French parliamentary language.⁴⁹ This tendency can be explained by the use of the French language in both assemblies, but also by the cultural ties between Belgium and France. As a matter of fact, Belgium had been occupied by France between 1794 and 1814, meaning that most members of the National Congress lived or grew up under the French Regime, impacting their customs, traditions and beliefs. The relationship and the shared cultural ties between Belgium and France are significant for understanding the mindset of the parliamentarians and thus to comprehend their reasoning behind the decisions taken by the revolutionary assembly.

2.3 Conclusion

In conclusion, the National Congress was a revolutionary assembly formed by Belgian elites from the bourgeoisie, the aristocracy and the clergy. This domination of the higher classes can be explained by the electoral system, which was direct but elitist and thus discriminatory to the lower classes. Moreover, although official parties were not formed, the main tendencies in the National Congress were Liberals and Catholics. Even though these groups disagreed on some questions, they worked together towards the same goal which was the establishment of an independent Belgian State. On the contrary, the Orangists and the Reunionists, minorities in the assembly strived for Belgium's future under the rule of the Dutch monarchy or France. Furthermore, around half of the congressmen were involved in political life before the Belgian

⁴⁹ Marnix Beyen and Te Velde, Henk, 'Passion and Reason: Modern Parliaments in the Low Countries,' in: Pasi Ihalainen, Cornelia Ilie and Kari Palonen eds., *Parliament and Parliamentarism: A Comparative History of a European Concept* (New York-Oxford 2016), 81-96, q.v.83-84.

Revolution, whereas the other half, comprising the main actors, were mostly young and inexperienced.

Finally, the Belgian Revolution and its settlement were surrounded by a tense international situation as it posed a threat to the European equilibrium. The potential of a general war brought a feeling of fear in the congressmen's debates and influenced some of the decisions they made. The parliamentary language of the National Congress was one of emotions, highlighting the cultural ties between Belgium and France.

3 Sovereignty

Article 25 (today's Article 33) of the Belgian Constitution reads: 'All powers emanate from the nation. They are exercised in the manner established by the Constitution.'⁵⁰ This article regarding sovereignty has been considerably discussed in historiography and overall academia over the past few decades. Indeed, although Article 25 has remained unaltered since the establishment of the Belgian Constitution on the 7th of February 1831, its interpretation has evolved over the years and is now the centre of the crucial debate regarding sovereignty in Belgium. The two opposing interpretations have been on national sovereignty and popular sovereignty. This chapter aims on the one hand to summarise this contemporary debate and the different opinions. On the other hand, it has for objective to place the concept of sovereignty back in the context of the National Congress. As a matter of fact, most academic works on the subject have focused on how sovereignty should be understood in today's Belgium by using the Belgian founding fathers' views on the matter. However, this work strives to evaluate what it meant for the congressmen themselves strictly in the 1830-31 context. In order to do so, this chapter will analyse the parliamentarians' discourses on sovereignty, but also their emphasis on limiting the powers that derive from this sovereignty. Finally, the influence and power of Europe over the National Congress's decisions will also be discussed.

3.1 Popular or National Sovereignty

The difference between national and popular sovereignty has been a crucial debate in today's Belgium.⁵¹ Indeed, contemporary law textbooks have interpreted that the Belgian Constitution admits the concept of national sovereignty.⁵² The main idea that this doctrine conveys is that direct participation should not be allowed in Belgium and that referendums are thus unconstitutional.⁵³ Indeed the 'myth' of national sovereignty, as Brecht Deseure, Christophe

⁵⁰ Belgique: Constitution du 7 Février 1831. <https://mjp.univ-perp.fr/constit/be1831.htm>

⁵¹ Marnix Beyen, 'Multiple Democracies in One Country: Belgian Narratives of Democracy, 1830–1950,' *Journal of Modern European History / Zeitschrift Für Moderne Europäische Geschichte / Revue d'histoire Européenne Contemporaine* 17:2 (2019), 171-83, q.v.173. <https://www.jstor.org/stable/26832816>.

⁵² Raf Geenens and Stefan Sottiaux, 'Sovereignty and Direct Democracy: Lessons from Constant and the Belgian Constitution,' *European Constitutional Law Review* 11:2 (2015), 293-320, q.v. 294. <https://doi.org/10.1017/S1574019615000188>.

⁵³ Maes and Deseure, 'The Nation Will Always Prevail,' 496.

Maes and Ronald Van Crombrugge refer to it, suggests that it is the nation that holds sovereignty rather than the Belgian people. It originates from Carré de Malberg's ideology developed in the 1920s.⁵⁴ The nation is seen as an abstract concept that comprises past, present and future generations of Belgians. This point of view implies that the current population of the country is not allowed to directly participate in legislative matters, as it embodies only a small fraction of the nation.

However, several academics, Raf Geenens, Stefan Sottiaux, Brecht Deseure and Christophe Maes among others, have claimed that Article 25 suggests popular sovereignty rather than national. In order to support their argument, they have used the drafters of the Constitution's thoughts on the matter. Geenens, Sottiaux and Deseure argued that the concept of national sovereignty as opposed to popular sovereignty was unknown to the Belgian Congressmen, since this theory was only developed decades later.⁵⁵ As a matter of fact, even fifteen years later, in 1846, the Belgian writer Victor Hilaire interpreted that the National Congress referred to popular sovereignty in the Constitution as he wrote: 'The Belgian Congress proclaimed that all powers emanate from the Nation; but before being inscribed in the Constitution, the imperishable principle of popular sovereignty was engraved into all of human consciousness.'⁵⁶ Moreover, the parliamentarians used the terms 'nation' and 'people' as being equivalent. The constitution itself was promulgated 'in the Name of the Belgian People.'⁵⁷ This headline was also used in the National Congress decrees and by the Regent Erasme Surlet de Chokier.⁵⁸ The

⁵⁴ Maes and Deseure. 'The Nation Will Always Prevail,' 496-97
Deseure, 'National Sovereignty,' 117.

Christophe Maes, Brecht Deseure and Ronald Van Crombrugge, 'Pulling the curtain,' 191-192.

⁵⁵ Geenens and Sottiaux, 'Sovereignty and Direct Democracy,' 304.

Deseure, 'National Sovereignty,' 130.

⁵⁶ Victor Hilaire, *Des Partis et de la Réforme Electorale: Esquisses Politiques* (Bruxelles 1846) (KBR: II 4742A/31/84) 25.

⁵⁷ Stefaan Marteel, *The Intellectual Origins of the Belgian Revolution: Political Thought and Disunity in the Kingdom of the Netherlands, 1815-1830* (Cham 2018) 287-88.

⁵⁸ Geenens and Sottiaux, 'Sovereignty and Direct Democracy,' 304.

Proclamation of Independence of the Belgian people by the National Congress, Brussels, 18th of November 1830. (Archives du gouvernement provisoire et de la régence 1830-1831: Archives générales du royaume – T 020 – 65)

Permanent exclusion of the Nassau family by the National Congress, 24th of November 1830. (Archives du gouvernement provisoire et de la régence 1830-1831: Archives générales du royaume – T 020 – 65)

Decree on the dissolution of the National Congress, Brussels 21st July 1831. (Archives du gouvernement provisoire et de la régence 1830-1831: Archives générales du royaume – T 020 – 65)

Appointment of Jean Baptiste Nothomb as General Secretary of the Ministry of Foreign Affairs, 1st of March 1831.

(Archives du gouvernement provisoire et de la régence 1830-1831: Archives générales du royaume – T 020 – 66)

Appointment of Comte D'Arschot as Envoy Extraordinary and Minister Plenipotentiary of Belgium to his Majesty the King of Great Britain, 10th of March 1830. (Archives du gouvernement provisoire et de la régence 1830-1831: Archives générales du royaume – T 020 – 66)

Appointment of Charles leHon as Envoy Extraordinary and Minister Plenipotentiary of his Majesty the King of the French, 8th of March 1831. (Archives du gouvernement provisoire et de la régence 1830-1831: Archives générales du royaume – T 020 – 66)

parliamentarians also admitted several times over their discussions that the people are sovereign. Mr. le Baron Beyts said: 'The people exercises its sovereignty there, no other authority should intervene.'⁵⁹ Moreover, Charles Lehon explained that 'the source of all of the powers resides in the elections.'⁶⁰ Article 25 was accepted by all the members without any debates, with the exception of Congressman Vander Linden; which demonstrates the minimal significance or controversy of the matter in the eyes of the parliamentarians.⁶¹

Nevertheless, as Deseure argued, the members of the National Congress were heavily influenced by Benjamin Contant's political doctrine and thus believed that once the sovereignty was expressed by the population through their act of electing their representatives, they passed it on to their representative assemblies.⁶² De Robaulx, a republican deputy illustrated this idea when he said: 'The Congress is sovereign, with all its power vested by the people.'⁶³ However, although Séron also expressed that the nation had to delegate its powers to a smaller representative group, he disagreed with de Robaulx's idea that the representation itself then becomes sovereign when he claimed: 'The Belgian nation, in the impossibility to make its own laws, is forced to entrust this important task to a certain number of its members whom it believes to be the most capable, then these ones become its representatives, its agents, but they do not become the sovereign.'⁶⁴ The words of Article 25 itself can be used to illustrate that idea. Indeed, it explains that: 'all powers emanate from the nation'. The use of the term emanates is crucial, as it is more nuanced than a direct word such as 'hold' or 'have.' In one of his notes, Nothomb wrote the word 'derive' next to 'emanate', which can provide a clearer indication of what the drafters intended when choosing the word 'emanate'.⁶⁵ The second part of the article is also valuable as it explains that 'they' (meaning the powers) 'are exercised in the manner established by the Constitution'. This signifies that although the 'powers' originate from the nation, or interchangeably, the people, they were not exercised by it but rather by its deriving powers.⁶⁶ This idea can be illustrated by the

⁵⁹ Mr. le Baron Beyts's speech, National Congress, session of the 15th February 1831.

⁶⁰ Mr. Lehon's speech, National Congress, session of the 6th January 1831.

⁶¹ National Congress, session of the 3rd of January 1831.

⁶² Timmermans, 'Benjamin Constant,' 49.

Deseure, 'National Sovereignty,' 132.

⁶³ Mr. de Robaulx's speech, National Congress, session of the 12th November 1830.

⁶⁴ Mr. Séron's speech, National Congress, session of the 3rd January 1831

⁶⁵ Constitutional commission, session of the 15th of October 1830. In 'Activités de la Commission de Constitution: procès-verbaux, discussions au Congrès national, correspondance, 1830-31.' (Papiers de Jean-Baptiste Nothomb : Archives générales du royaume - I 167 – 118)

⁶⁶ Geenens and Sottiaux, 'Sovereignty and Direct Democracy,' 311.

Deseure, 'National Sovereignty,' 121.

congressmen' rejection of the proposition made by de Robaulx to let the people resolve the form of government for the new state, which had just been decided on by the National Congress.⁶⁷ Overall, the idea of sovereignty must be placed back into the National Congress context, rather than be understood in a contemporary context. Indeed, the parliamentarians did not discuss the matter as one of the crucial debates in Congress and rarely referred to the term sovereignty. It does not appear anywhere in the Constitution. Moreover, the congressmen often referred to monarchs as 'sovereigns,'⁶⁸ despite Abbé de Foere's refusal to do so: 'God forbid that I should want to refuse the title of sovereign for the heads of the principal states of Europe! I call, in the question that concerns us, these different sovereign individuals, because, with regards to Belgium, that is their status reduced to its true expression.'⁶⁹

3.2 Limitation of the Powers

Although the parliamentarians admitted the principle of popular sovereignty, they also believed in the limitation of democratic power. This quote from Mr. de Gerlache on the 15th of December 1830 illustrates this idea: 'I am not examining whether the people are sovereign, and in what sense this may be true or false; that is a difficult question. But it is sufficient that it could be the strongest and that it could have the same caprices of a true sovereign, for me to be convinced that its power should be limited.'⁷⁰ This fear of democratic power was widespread throughout the National Congress and was one of the reasons for the choice of a monarchic system over a republic. Mr. Nothomb qualified popular sovereignty as being 'menacing.'⁷¹ Moreover, Van de Weyer expressed: 'In a revolution, the best way to command a people, is to not resemble it.'⁷² Charles Lecocq, explained that a king was needed to bring stability to a 'republic' in his political profession of faith when he said: 'A king, for me, is the first citizen of the state, the first subject of the law. A citizen king, a national representation!

⁶⁷ National Congress, session of the 22nd of November 1830.

⁶⁸ Mr. Devaux's speech, National Congress, session 8th January 1831.

Mr. de Robaulx's speech, National Congress, session 8th January 1831.

Mr. Rodenbach's speech, National Congress, session 8th January 1831

Mr. Masbourg's speech, National Congress, session 9th January 1831

⁶⁹ Mr. l'abbé de Foere's speech, National Congress, session of the 18th November 1830.

⁷⁰ Mr. de Gerlache's speech, National Congress, session of the 15th of December 1830.

⁷¹ Mr. Nothomb's speech, National Congress, session of the 19th November 1830.

⁷² Note, from Sylvain Van de Weyer n.d.. In 'Discours, pensées, maximes, épigrammes, poésies de circonstances' (Papiers de Sylvain Van de Weyer : Archives générales du Royaume - I 129 – 101)

It seems to me that the throne must be hereditary for stability and order. This is the best of republics, it is Lafayette's, it is mine.'⁷³

The need to limit popular power can also be explained by the influence of Catholic and thus conservative thought on the Constitution. Indeed, Catholicism played a great part in Belgian society as the Baron de Sécus claimed: 'the deep attachment to the roman catholic religion has always been the character of the Belgians,'⁷⁴ but it was also a major tendency in the National Congress. The Constitution, although being particularly liberal for its time, was also swayed by conservative thought,⁷⁵ as Van de Weyer expressed: 'Read the Constitution to the framing and the adoption of which the Catholic Clergy powerfully contributed.'⁷⁶ The conservative force was reluctant to admit popular sovereignty, seen as a radical idea, due to the fear of democratic drifts.⁷⁷ As Els Witte wrote, the conservatives although accepting the need for societal change, were against radical transformation.⁷⁸ The choice to use the word 'nation' rather than 'people' could be explained by this necessity to balance the constitution between Liberal and Catholic ideologies, reflecting their Union.

Moreover, the idea that any power that could eventually lead to despotism should be limited was widespread in the National Congress.⁷⁹ In order to bring limitations to the different powers, the Congressmen separated these powers, following Montesquieu and Constant's ideology.⁸⁰ Mr. Tiecken de Terhove illustrated: 'We will, I hope, have a constitution in which all the rights are consecrated, in which all the powers are limited, circumscribed within just bounds.'⁸¹ As a matter of fact, the members of the National Congress separated the legislative, executive and judicial powers, but they also divided the national representation into a higher and lower chamber in order to moderate potential democratic excesses. Mr. Destouvelles illustrated this when he expressed: 'Two days ago, with 128 votes

⁷³ Charles Lecocq, *Political Manifesto*, 1830. (KBR : II 76.577 A, 17)

⁷⁴ Mr. le Baron de Sécus' speech, National Congress, session of the 21st December 1830.

⁷⁵ Roberto Dagnino, 'Making the Constitution More Catholic: Catholic Adaptation Strategies to the Belgian Constitutional Liberties of 1831,' *Giornale di Storia Costituzionale* 35:1 (2018), 69-88, q.v.69. Deseure, Geenens, Maes and Sottiaux, 'The Belgian Constitution,' 18.

⁷⁶ Van de Weyer, *A Letter on the Belgic Revolution*, 34.

⁷⁷ Witte, 'Republic and Popular Sovereignty'. 105.

⁷⁸ Witte, 'Breakthrough of a Liberal Constitutional State,' 24.

⁷⁹ Deseure, 'National Sovereignty,' 99.

⁸⁰ Geenens and Sottiaux, 'Sovereignty and Direct Democracy,' 308-12.

Maes and Deseure, 'The Nation Will Always Prevail,' 501.

Marteel *The Intellectual Origins of the Belgian Revolution*, 288, 293.

⁸¹ Mr. de Tiecken de Terhove's speech, National Congress, session of the 20th December 1830.

against 62, you recognised that between the elective chamber and the throne, there must be an intermediary power to prevent the power's encroachments on public liberties, and the overflowing of popular passions against the sovereign.'⁸²

Furthermore, the elections, despite being direct for both the Chamber of Representatives and the Senate, were limited to only a small proportion of the population due to a high minimum 'cens' required to be part of the electorate.⁸³ However, the participation of the Belgian nation in political life was not strictly restricted to the elections. Indeed, the parliamentarians assigned an important place to public opinion as a power, as Charles de Brouckère stressed in one of his speeches: 'public opinion, that is to say the nation, will thus always prevail'.⁸⁴ They promulgated almost complete freedom of the press in order to make it act as Stefaan Marteel calls 'a public tribunal' of the chambers.⁸⁵ In addition, the congressmen gave the head of state the right to veto and to dissolve the chamber. The members of the National Congress did not give these abilities to enhance the power of the king, but rather for him to act as a moderator if the representative chambers were not in accordance with the wishes of the population.⁸⁶ Mr. de Mérode also explained that the Senate should to be based on public opinion in order to moderate the other powers when he claimed that the higher chamber: 'supported by public opinion, it would paralyse the combined efforts of the power and parliamentary corruption.'⁸⁷ The place of public opinion was crucial in the eyes of the members of the National Congress as Hippolyte Vilain XIII emphasised: 'In the face of the nation, no one will dare to weave plots that people's disapproval would immediately render powerless; public opinion would ensure justice, and we live in a century where public opinion is the queen of the world.'⁸⁸

⁸² Mr. Destouvelles' speech, National Congress, session of the 17th December 1830.

⁸³ Electoral law for the formation of the Chamber of Representatives and the Senate by the National Congress. (Archives du gouvernement provisoire et de la régence 1830-1831: Archives générales du royaume – T 020 – 65)

⁸⁴ Mr. Charles de Brouckère's speech, National Congress, session of the 14th of December 1830.

⁸⁵ Maes and Deseure, 'The Nation Will Always Prevail,' 521-2.

Marteel *The Intellectual Origins of the Belgian Revolution*, 288-89.

⁸⁶ Deseure, 'National Sovereignty,' 110.

Maes and Deseure, 'The Nation Will Always Prevail,' 531.

⁸⁷ Mr. de Mérode's speech, National Congress, session of the 14th of December 1830.

⁸⁸ Mr. Hippolyte Vilain XIII, National Congress, session of the 14th of December 1830.

3.3 The Place of Europe

Nevertheless, although the National Congress admitted that all the powers emanate from the nation, another power influenced the decisions of the National Congress. This power was the external pressure of Europe. It is crucial to note, that this external authority should only be considered in the context of the National Congress from 1830 until 1831 for this study. As a matter of fact, the European Concert, through the Conference of London was a moderating power that influenced the Congress' decisions heavily on crucial questions, such as the form of government, the creation of a senate or the choice of the head of state.⁸⁹ Mr. Pirmez admitted that the wishes of Europe should be met by the Congress: 'But, Sirs, because we are not the only ones on earth, we cannot settle our internal situation without any regard to our situation vis-à-vis the other peoples'.⁹⁰ As a matter of fact, although the parliamentarians wished to admit the National Congress as the only decisional power over the establishment of the Belgian state, they admitted that it was crucial to abide by Europe's rules and demands to preserve Belgian independence. Mr. Lebeau conceded this when he claimed: 'I thought that we had to persist at not recognising the Conference of London as anything else than a mediating character; renounce all exclusive politics, enter into a large system, impartial and claim out independence and territorial integrity, by relying on the general interests of Europe'.⁹¹ Moreover, Van de Weyer, explained in a letter to Vander Linden that the Conference of London had created a list of non-desirable candidates for the Belgian throne: 'The Powers seem to have drafted a list excluding several princes. Other than that, Belgium will be free to choose who she would like. In indigenous prince seems, if not impossible, at least very difficult'.⁹² The same politician explained in a report to the National Congress that the revolutionary assembly's choice regarding the choice of the king would 'conciliate both the interests of Europe with the interests, dignity and independence of Belgium'.⁹³ Eventually, the National Congress elected the Duke of Nemours, King Louis-Philippe's son, against the will of the Great Powers. However, the congressmen were met with the refusal of the French King to

⁸⁹ Deseure, 'National Sovereignty,' 114, 118.

⁹⁰ Mr. Pirmez's speech, National Congress, session of the 8th January 1831.

⁹¹ Mr. Lebeau's speech, National Congress, session of the 18th May 1831.

⁹² Letter from Sylvain Van de Weyer to Joseph Vanderlinden, Paris 21st of December 1830 (Papiers de Joseph Vander Linden: Archives générales du royaume – T 239– 23)

⁹³ Rapport to the National Congress by Sylvain Van de Weyer, 26th of December 1831. In 'Imprimés divers émanant du Congrès national et du Gouvernement provisoire.' (Papiers de Sylvain Van de Weyer : Archives générales du Royaume - I 129 – 289).

accept the Belgian crown for his son, as this decision would raise the threat of French expansionism and he wished to respect the European equilibrium. The parliamentarians ultimately accepted to elect Leopold de Saxe-Cobourg, an English choice accepted by all the Powers as a poster for his election illustrated: 'The election of this prince, that the five Powers will recognise, was done at an immense majority, with the confidence that he will smooth out, for the satisfaction of the nation and for the happiness of the country, the difficulties that still prevent the Belgian state from constituting itself definitely, in agreement with the Powers.'⁹⁴

In a discourse in 1839, Rogier reminded the deputies of the importance of the European relationship with Belgium. He considered this relationship a 'double and beautiful transaction between the exterior and the interior which characterised, which enchained and which saved the Belgian Revolution from its outset.'⁹⁵ The use of the term 'enchain' highlights that Europe had a crucial power over the settling of the Belgian Revolution, and thus over the National Congress. This need of the assembly to satisfy the European Powers could also explain the choice of words regarding sovereignty in the Constitution. As a matter of fact, The European Concert strived to keep the restored Europe that they rebuilt after the defeat of Napoleon. Its main fear was not only a general war but also a revolutionary spread that would destabilise its power.⁹⁶ Chad E. Nelson argued that the European Concert worked together in the post-1815 years primarily to prevent and suppress revolutions as they were afraid of the ideas that had the potential to fragilise their own government's rule.⁹⁷ Mr. Zoude expressed this idea in the National Congress when he said: 'We are surrounded by the goodwill of the peoples, but amidst monarchic governments who will have to fear with reason the spread of republican contagion to their states.'⁹⁸ Indeed, until 1830, the concept of the republic was viewed negatively as it was linked with the 1789 drifts in European minds. According to Els Witte, the republic was associated with popular sovereignty which was thus rejected as being a vector of instability and anarchy.⁹⁹ Samuel Hayat also argues that the concept of popular sovereignty

⁹⁴ Election of the Prince of Saxe-Cobourg, Brussels 4th of June 1831 (Archives du gouvernement provisoire et de la régence 1830-1831: Archives générales du royaume – T 020 – 64)

⁹⁵ Speech by Mr. Rogier in the session of the Chamber of the Representatives on the 12th of March 1839 on the peace treaty between Belgium and Holland. (KBR: II 68.452 A 16)

⁹⁶ Mark Jarrett, *The Congress of Vienna and Its Legacy: War and Great Power Diplomacy After Napoleon* (London 2012) 362. Waller, Bruce, *Themes in Modern European History 1830-1890* (London 1990) 1, 18. Paul W. Schroeder, 'Did the Vienna Settlement Rest on a Balance of Power?', *The American Historical Review* 97:3 (1992) 683-706, q.v. 699.

⁹⁷ Chad E. Nelson, 'Fears of Revolution and International Cooperation: The Concert of Europe and the Transformation of European Politics,' *Security Studies*, 32:2 (2023) 338-370, q.v.340-1.

⁹⁸ Mr. Zoude's speech, National Congress, session of the 19th November 1830.

⁹⁹ Witte, 'Republic and Popular Sovereignty,' 93.

had a revolutionary character.¹⁰⁰ The decision to use the word ‘national’ rather than ‘popular’ in Article 25 by the members of the National Congress could be explained by this international context in which popular sovereignty was associated with revolution. Indeed, the National Congress was afraid of being repressed by the Great Powers and thus had to be cautious to avoid fuelling their fear of revolutionary spread and chaos. Similar to the decision regarding the form of government, which will be discussed in the next chapter, the fear of the Belgian parliamentarians to displease the European Powers heavily influenced their decisions. The choice not to include the terms ‘popular’ or ‘sovereignty’ in the constitution could thus be explained by the pressure that the Congressmen faced when it came to creating a balanced system that aligned with the conservative European Powers, in contrast to radical revolutionary ideas. To support this idea, Jean-Baptiste Nothomb wrote that the aim after the revolution was to ‘connect the new Belgium to the old Belgium and to contemporary Europe.’¹⁰¹ Article 25 achieved this objective as it admits the liberal idea that sovereignty comes from the people, while also moderating it for the conservative Belgian and European forces by the limitation of its power and the absence of the term ‘popular sovereignty’ in the Constitution. Nothomb also affirmed that the overall Belgian Constitution was a ‘transaction between the American school and the English school’ and that it was ‘perhaps the most truthful expression of the needs of the continent.’¹⁰² This claim highlights the National Congress’ attempt to shape a balanced constitution, in accordance with the interests of Europe.

3.4 Conclusion

In conclusion, the members of the National Congress viewed sovereignty as originating from the people rather than from the abstract concept of the nation. Indeed, they admitted that the powers derived from the Belgian people, or the equivalent term nation, and that the people’s sovereignty was acted upon through the elections. However, the congressmen

¹⁰⁰ Samuel Hayat, ‘La Souveraineté Populaire’ in: Louis Hincker ed., *Citoyenneté, République, Démocratie en France 1789-1899* (Neuilly 2014) 145-159, q.v. 145-46.

¹⁰¹ Nothomb, *Essai Historique et Politique*, xxxv.

¹⁰² Note by Jean Baptiste Nothomb on the Belgian Constitution. In ‘activités de la Commission de Constitution: procès-verbaux, discussions au Congrès national, correspondance, 1830-31.’ (Papiers de Jean-Baptiste Nothomb : Archives générales du royaume - I 167 – 118)

believed that although sovereignty resided in the people, it was not exercised by it. As a matter of fact, there was a separation of the different powers, and they were strictly limited. Those limitations had been set into place by the members of the National Congress to avoid monarchic but also democratic despotism. The choice to concede popular sovereignty while limiting its power as well as the use of the term 'nation' rather than 'people' in Article 25, illustrates the balance between Liberal and Catholic tendencies in the National Congress.

Finally, although the Congressmen conceded that all the powers emanated from the nation, another power had an impact on the decisions of the revolutionary assembly. This power was the European Concert, through the Conference of London. Indeed, although it was external to the Belgian nation, the European Powers influenced key decisions of the parliamentarians through active directives but also through the fear that the Belgian situation could threaten European peace. The fear of Europe by the congressmen could also explain the choice of using 'nation' rather than 'popular' in Article 25, as popular sovereignty was associated with revolutionary ideas. Indeed, the Great Powers perceived these ideas as radical, and actively tried to suppress them. Therefore, the Belgian parliamentarians could have exerted caution in their choice of words in order not to be seen as radicals by the conservative forces they were trying to accommodate.

4 The Form of Government

A central debate of the Belgian National Congress was the choice of the form of government for the newly independent Belgium. This crucial decision was one of the first taken by the revolutionary assembly and was discussed over a few sessions only. As a matter of fact, Alexandre Rodenbach first introduced a proposition to debate the matter on the 15th of November 1830, and the vote was completed on the 22nd of November.¹⁰³ As Gita Deneckere reminds us, the actual debates on the form of government took place between the 19th and 22nd of November.¹⁰⁴ The two forms of government presented by the members of the National Congress were either the republic or the constitutional monarchy. Indeed, although some groups in Belgium sought a reunion between Belgium and France, or an attachment to the Netherlands¹⁰⁵, the independence of Belgium had been agreed upon unanimously by the 188 members of the Congress present on the 18th of November.¹⁰⁶ The Comte de Celles explained this decision in his discourse when he said: 'I want Belgium to serve as an increase to no country, and to never become a French department again.'¹⁰⁷ This resolution to establish Belgium as an independent state thus rejected possibilities of foreign integration and opened the door to the choice of a form of government. The final decision of selecting a constitutional and representative monarchic system was voted for by 174 members out of the 187 that were present at the session. Only 13 members voted for the republic namely: Séron, de Robaulx, Lardinois, Jean Goethals, David, Abbé Dehaerne, Goffint, de Labeville, Fransman, Delwarde, Camille de Smet, Pirson et de Thier.

This chapter aims to analyse the debates relating to this decision that took place in the Belgian National Congress in November 1830. More precisely, the impact that foreign influence had on the deputies' final decision. On the one hand, the fear of foreign occupation and intervention within the members' discourses will be investigated. On the other hand, the examples from the past and abroad that were taken by the members to support their arguments will be discussed.

¹⁰³ National Congress, session of the 15th of November 1830.

¹⁰⁴ Gita Deneckere, 'Continuity and Discontinuity of the Constitutional Monarchy from a Transnational Perspective: The Netherlands-Belgium (1815-1830),' *BMGN-The Low Countries Historical Review* 130:4 (2015) 121-31, q.v. 125. <https://doi.org/10.18352/bmgn-lchr.10149>.

¹⁰⁵ A. Lehning, 'Buonarroti Et La Révolution Belge De 1830,' *Annales Historiques De La Révolution Française* 32:263 (1960), 530-36, q.v.533.

¹⁰⁶ National Congress, session of the 18th of November 1830.

¹⁰⁷ Comte de Celles' speech, National Congress, session of the 16th of November 1830.

4.1 Fear of Foreign Intervention

The debates regarding the form of government took place under a state of urgency. Indeed, the Belgian Revolution had to be settled as Mr. de Robaulx explained in his speech on the 20th of November: ‘Gentlemen, it has been repeated to us several times that time is pressing, that there is a thirst for a new order of things, and that we must bridge the abyss of revolutions.’¹⁰⁸ This need for a prompt decision regarding the form of government, and thus the legitimisation of Belgium as a newly formed independent state had several causes. It aimed to stop the internal disorder produced by the revolution, but also to find legitimacy in the eyes of Europe in order to be recognised as an independent state. Indeed, the five Great Powers had established the Conference of London, specifically created to deal with the case of the Belgian Revolution and to debate the legitimacy of its independence. Therefore, the future of Belgium was conditioned by the Great Powers’ approval. The members of the National Congress were pressured into settling quickly the Belgian Revolution and to take decisions that would ensure its viability in the eyes of the European Powers. Mr. Leclerq reminded his colleagues on the 19th of November that an unwise decision by the assembly could threaten Belgium’s future when he claimed: ‘let us be careful: a false decision could be our loss.’¹⁰⁹

This pressure to come to a rapid and sustainable decision regarding the form of government played a role in the feelings, discourses and decisions of the members of the National Congress. Indeed, the main sentiment expressed by the parliamentarians was the feeling of fear. For instance, Mr. Liedts expressed this emotion in his discourse when he explained that both the monarchic and the republic systems were debated with anxiety when he said: ‘What is surprising in the discussion is to see that these two forms of government each inspire so much fear.’¹¹⁰ On the other hand, the president of the representative assembly, Erasme Surlet de Chokier, had to remind Mr. de Robaulx, to not suppose that fear had an influence on the National Congress’ decisions when he said: ‘I request the honourable orator not to assume that the sentiment of fear plays any part in the deliberations of the assembly.’¹¹¹ Despite this warning from the president, the parliamentarians’ discourses were noticeably tainted by fear.

¹⁰⁸ Mr. De Robaulx’s speech, National Congress, session of the 20th of November 1830.

¹⁰⁹ Mr. Leclerq’s speech, National Congress, session of the 19th of November 1830.

¹¹⁰ Mr. Liedts’s speech, National Congress, session of the 19th of November 1830.

¹¹¹ Mr. Surlet de Chokier’s speech, National Congress, session of the 16th of November 1830.

This sentiment was principally expressed regarding the republic and its eventual consequences of internal and external disorder as Abbé de Smet illustrated in his discourse of the 20th of November: 'I do not want to cast upon it the torches of civil and foreign war, I will vote for a constitutional representative monarchy.'¹¹²

The sentiment that the implementation of a republican system in Belgium had the potential to expose the country to foreign intervention was prevalent in the assembly's debates. The concept of foreign intervention in Belgium can be separated into two distinct eventualities: foreign intervention or occupation. On the one hand, the members of the National Congress were scared that the implementation of a republican system would drive the Great Powers to intervene in Belgium. Indeed, it would be a threat to the European monarchic order in place as it had the potential to set an example for the other nations to revolt against their governments. Mr. Zoude expressed this idea when he claimed on the 19th of November: 'If it is appropriate to our political situation to establish a republican government; I do not believe it, gentlemen; we are surrounded by the goodwill of the peoples, but amidst monarchic governments who will have to fear with reason the spread of republican contagion to their states.'¹¹³ This fear can be placed in the context of post-1789 Europe¹¹⁴, after which the republic was seen as the nemesis of the monarchy as Dieter Langewiesche argued.¹¹⁵ Indeed, the French Revolution and its drifts were recent memories in European minds in 1830, and the republican ideology was associated with it. Most members of the National Congress considered that the Great Powers would see a republic as a potential threat to their monarchic regimes, like the French Revolution and its subsequent regimes had been. In addition, the Belgian Revolution was a threat to the state of peace that had been built carefully by the Great Powers since the Congress of Vienna, an idea supported by William E. Lingelbach and A.G. De Lapradelle.¹¹⁶ In one of his articles, Lingelbach presented a letter from Metternich that effectively illustrated the idea that Belgium's existence was conditioned to its

¹¹² Abbé Smet's speech, National Congress, session of the 20th of November 1830.

¹¹³ Mr. Zoude's speech, National Congress, session of the 19th of November 1830.

¹¹⁴ Philippe Raxhon, 'Mémoire de la Révolution française de 1789 et Congrès national belge (1830-31)' *Belgisch Tijdschrift voor Nieuwste Geschiedenis* 1-2, (1996) 33-83, q.v. 47-48.

¹¹⁵ Dieter Langewiesche, 'Monarchy – Global. Monarchical Self-Assertion in a Republican World,' *Journal of Modern European History / Zeitschrift Für Moderne Europäische Geschichte / Revue d'histoire Européenne Contemporaine* 15:2 (2017), 280-307, q.v. 280.

<https://www.jstor.org/stable/26266285>

¹¹⁶ William E. Lingelbach, 'Belgian Neutrality: Its Origin and Interpretation,' *The American Historical Review* 39:1 (1933) 48-72, q.v. 49.

<https://doi.org/10.2307/1839224>

A.G. De Lapradelle, 'The Neutrality of Belgium,' *The North American Review* 200:709 (1914), 847-57, q.v. 849.

<http://www.jstor.org/stable/25108309>

acceptance by the European Powers. It reads: 'Belgium can exist for Europe only by a guarantee of its future political status.'¹¹⁷ As a matter of fact, diplomacy was an important aspect of the settlement of Belgium into an independent state¹¹⁸, as the Great Powers had to agree on it through the Conference of London which had been established specifically to discuss the matter. George Armstrong Kelly argued that the Belgian Revolution would have been fruitless if it were not for the involvement of France and England in its acceptance.¹¹⁹ Therefore, this fear that the establishment of a republican system in Belgium could be a cause of disapproval by the European Powers and thus threaten the future of the country was grounded and prominent in the deputies' minds. Indeed, the Baron de Pélichy van Huerne explained to the Congress on the 19th of November that the republic would be seen as an offence by the Great Powers when he said: 'A hereditary constitutional and representative monarchy is more suitable to our customs, our habits, and especially to our geographic situation. By acting in this way, we will not cause any offence to other Powers, and thus we avoid war.'¹²⁰ As the politician expressed, there was a potential for a general war in Europe, originating from the Belgian Revolution as it was threatening the European equilibrium that had been set in 1815.

Moreover, Lebeau brings another dimension to the fear of foreign intervention and war. Indeed, he explained extensively that, according to him, the implementation of a republic in Belgium could be the downfall of other European people. He believed that the establishment of a republic would make the monarchies fear for their position and that they would thus protect themselves from the masses by decreasing their political rights: 'Finally, for us Belgians, situated in the centre of Europe, there is one consideration that, solely, would determine my vote in favour of monarchy, and that is the strong interest that the fate of other continental nations inspires in me. An orator thought that we would promote the political civilisation of the old world by decreeing a republic. I believe that we could not offer a more disastrous gift to the unliberated populations. If you declare liberty and monarchy irreconcilable, by that alone, you proclaim that between the cabinets and the peoples of the continent, it is war to the death. Since the proscription of royalty is the avowed end of the

¹¹⁷ Lingelbach, 'Belgian Neutrality,' 57.

¹¹⁸ Raxhon, 'Mémoire de la Révolution française,' 33.

¹¹⁹ George Armstrong Kelly, 'Belgium: New Nationalism in an Old World,' *Comparative Politics* 1:3 (1969), 343-65, q.v. 346. <https://doi.org/10.2307/421444>.

¹²⁰ Baron de Pélichy van Huerne's speech, National Congress, session of the 19th of November 1830.

struggle, royalty is warned: it will suffocate any symptom of political life because it will see in it the omen of its downfall.¹²¹ This discourse from Lebeau illustrates the fear of some congressmen that the decisions regarding the settlement of Belgium were the threshold of the future of Europe. Most members of the National Congress, with the exception of the most fervent republicans, addressed the debate over the form of government with consideration of the current circumstances of Belgium and Europe as a whole. Mr. Jacques expressed this idea when he explained: 'However a member of the congress must not succumb to the sway of ideas connected to the magical names of equality, liberty, homeland, and independence; he must close his heart and listen to his reason only; guard himself against the abstractions of theories and coldly measure the realities of his time.'¹²² The behaviour described by this deputy illustrates the general trend in the National Congress in 1830. Indeed, most Congressmen motivated their choice regarding the form of government not by their personal ideologies but rather by considering Belgium's situation in 1830 and its relationships with the exterior.

4.2 Fear of Foreign Occupation

Furthermore, another aspect of the influence that Europe had on the decisions of the deputies can be seen in the fear of foreign occupation. Indeed, many deputies advocated for a monarchic system to avoid future domination of the Belgian territory. Mr. Thienpont illustrated that idea when he explained that Belgium would be likely to be coveted by stronger states due to its central position when he claimed: 'To want to found a republic amid the powerful people that surround us, and perhaps already covet us, is to be visibly exposed, in my opinion, too soon becoming their prey. To convince ourselves of this, we only need to cast our eyes on the past.'¹²³ The idea that a republic would be at risk of foreign domination was prominent among the monarchist deputies, as they believed that a non-monarchic head of state would weaken Belgium. Mr. Devaux explained to the revolutionary assembly that a monarchy would prevent

¹²¹ Mr. Lebeau's speech, National Congress, session of the 20th of November 1830.

¹²² Mr. Jacques's speech, National Congress, session of the 19th of November 1830.

¹²³ Mr. Thienpont's speech, National Congress, session of the 20th of November 1830.

this from happening: 'Because the power of the monarch is a barrier that, with all its strength and that of the nation itself, resists the domination of the foreigner.'¹²⁴

To illustrate the idea that Belgium's geographical position prevented the establishment of a republic as it would lead to eventual foreign domination, the deputies used the United States of America and Switzerland as counterexamples. Many of them explained that the republic was suitable for Switzerland as it was a poor country surrounded by mountains and for America since it was separated from Europe by an ocean. However, they claimed that it would not be possible for Belgium as it was too central, surrounded by Great Powers that would covet Belgian territory. Mr. Zoude expressed this idea in his discourse: 'Regarding the physical aspect, we only find consolidated republics in those separated from the monarchies, in Europe by mountains and precipices, such as those bordering and transecting Switzerland; or by an immense ocean, such as the American republics'¹²⁵, an argument also shared by Mr. Leclerq who, when referring to the Americans, explained: 'they are alone surrounded by seas and forests, thus their external relations do not influence their interior political institutions, because these institutions have little impact on the outside and have nothing to fear from it; but we, surrounded by governments that possess powerful forces who watch us with anxiety, which may covet our remains'.¹²⁶ In addition, Abbé de Smet also expressed the idea that Belgium was too centrally located in Europe to be suitable for a republican system: 'If we had to build the edifice of our liberties, gentlemen, on an isolated and free land, many people would advocate for the republic; but we have only to build in a confined space that cannot be separated from neighbouring localities.'¹²⁷.

Besides the central position of Belgium, its wealth was also discussed by some parliamentarians as an eventual cause of foreign domination. The politician de Roo expressed this idea quite clearly when he pronounced these words in the 20th of November session: 'As for our topographic situation, gentlemen, do not compare isolated and barbaric America, situated in a country it dominates, nor poor and without impulse Switzerland, to a wealthy, civilized, trading, agricultural, and manufacturing country, surrounded by enlightened powers that watch all its achievements and actions, desiring nothing but its conquest for any

¹²⁴ Mr. Devaux's speech, National Congress, session of the 20th of November 1830.

¹²⁵ Mr. Zoude's speech, National Congress, session of the 19th of November 1830.

¹²⁶ Mr. Leclerq's speech, National Congress, session of the 19th of November 1830.

¹²⁷ Abbé Smet's speech, National Congress, session of the 20th of November 1830.

motive.¹²⁸ As a matter of fact, Charles W. Colby argued that at the time of its revolution, its eventual separation from Holland put Belgium at risk of foreign invasion because of its fertile soil and advantageous harbours.¹²⁹

Overall, it seems that the members of the National Congress feared eventual foreign occupation for two reasons. Indeed, they believed that the implementation of a republic would lead to the occupation of Belgium as the head of state would be too weak compared to the European monarchies. Therefore, the congressmen claimed that the central position of Belgium and its wealth would be coveted by foreign countries, which would be easily occupied due to its weak form of government. These reasons drove some of the politicians to make a circumstantial choice rather than an ideological one. As a matter of fact, many of the members of the National Congress, although Republicans, voted for the constitutional monarchy to save the country's independence. Alexandre Gendebien, a republican at heart expressed this¹³⁰ before the final vote on the 22nd of November by saying: 'In my personal opinion, the republic is the best of all governments. I will go further; I believe I know the temper of my fellow citizens well enough to say that they are worthy of living under a republican regime; but in the position we find ourselves, I remain convinced that if we were to establish the republic today, it would not last three months; the very powers that protect us would not hesitate to resort to intrigues to drive us into anarchy.'¹³¹ Another Congressman, Van Snick explained that he sacrificed his republican opinions for the same reasons as Gendebien.¹³² Moreover, Sylvain van de Weyer expressed the same idea: 'I am a republican in theory, but theory is modified by men and circumstances.'¹³³ The historians Guy Vanthemsche and Roger de Peuter argued that most of the members of the National Congress who voted for the monarchy did so either because they believed in the monarchic system or for strategic reasons in order to secure Belgium's survival.¹³⁴ Gita Deneckere also supports the idea that the establishment of a republican system in Belgium was considered unrealistic by the members of the National Congress in the context of 1830.¹³⁵

¹²⁸ Mr. de Roo's speech, National Congress, session of the 20th of November 1830.

¹²⁹ Charles W. Colby, 'The Earlier Relations of England and Belgium,' *The American Historical Review* 21:1 (1915) 62-72, q.v. 66.
<https://doi.org/10.2307/1836698>

¹³⁰ Edouard Laloire, 'La Révolution Belge a Travers Un Livre Récent,' *Revue d'histoire Moderne* 6:36 (1931) 481-88, q.v. 483.
<http://www.jstor.org/stable/20525165>

¹³¹ A. Gendebien's speech, National Congress, session of the 22nd of November 1830.

¹³² Mr. Van Snick's speech, National Congress, session of the 22nd of November 1830.

¹³³ Mr. Van de Weyer's speech, National Congress, session of the 22nd of November 1830.

¹³⁴ Vanthemsche and De Peuter, *A Concise History*, 238-39.

¹³⁵ Deneckere, 'Continuity and Discontinuity,' 131-132.

4.3 Examples from Foreign Countries

In order to sustain their arguments regarding the form of government, the Belgian parliamentarians used past and current examples from foreign countries. These examples are mostly related to negative opinions against one system or the other, symbolising the sentiment of fear. One of the main concerns for the parliamentarians was the internal instability that the elections of a head of state could bring to a country. Indeed, the politicians refer to the Polish system of elective kings and how having a temporary head of state had the potential to regularly create internal disorder. This can be found in Mr. Liedts' discourse in which he advocates for a hereditary head of state when he said: 'Far from ending the revolution, far from ensuring the peace of the homeland, a temporary power would only create a new struggle, all the more terrible because it would be periodic, and the country would become a closed field, in which the parties would engage in mortal combat, every time the election of a leader should take place. The history of Poland unfortunately offers us an example of this.'¹³⁶ Moreover, Baron de Stassart also expressed the idea that the elective system in Poland would not be suitable for Belgium. In the same discourse, he also discussed that Belgium should not be compared to the United States as their geographical position was different: 'The United States, without any contact with other nations, the United States, located between the ocean and savage tribes, occupied with the task of increasing their population to be in harmony with the extent of their territory, present no point of comparison for us, and observant minds have believed, for some time now, notice there some seeds of love for power that had not yet manifested themselves... Let Poland, under its elective kings, always the exposed to diplomatic plots from its neighbours, serve as an example to us.'¹³⁷ In addition, Mr. le Vicomte Charles Vilain XIII discussed the idea that Belgium should not be compared to the United States in terms of character when he stated: 'We are not here, as in the United States, a brand-new people establishing themselves on an entirely new land; we cling on to old habits; to old customs, to old ideas; we love our comforts, wealth, and luxury.'¹³⁸

Moreover, examples of older republics that failed in the past were also used against the choice of the republican regime. Indeed, Mr. Lebeau gave many examples in one of his

¹³⁶ Mr. Liedts's speech, National Congress, session of the 19th of November 1830.

¹³⁷ Mr. Baron de Stassart's speech, National Congress, session of the 19th of November 1830.

¹³⁸ Mr. Vicomte Charles Vilain XIII's speech, National Congress, session of the 19th of November 1830.

discourses when he explained: ‘What would the defenders of the Republic of Venice say if one argued against them with memories of Venice, of its inquisition, its Council of Ten, and its political victims thrown under the lead roofs? What would they say if they were presented with the slavery of the United States, the Batavian oligarchy, and that Helvetic aristocracy whose unbearable yoke now condemns the Swiss cantons to plunge into the arena of revolutions?’¹³⁹ The same speaker also briefly mentioned the failed attempts at the republican system in Great Britain and France by saying: ‘I will not speak of the unfortunate attempts at republics tried by Great Britain and France, all of which ended in military despotism and restorations.’¹⁴⁰ In addition, Mr. Devaux also took a medieval example to illustrate his point that republics only bring internal disorder and foreign interventions when he explained: ‘Do I need to remind you of the republics of the south of Europe and those endless wars of the Guelphs and the Ghibellines, whose names alone indicate the continuous struggle of influences and foreign interventions?’¹⁴¹

Additionally, examples were also used by the Republican congressmen to argue that a monarchy also had the potential to raise issues, unlike the republican system which was more suitable for Belgium according to them. For instance, Mr. Pirson explained: ‘But the kings who had sworn to defend and maintain the fundamental laws have all been, without any exception, counterfeiters; they conspired with neighbouring kings to dismantle piece by piece the constitutional edifice, and finally proclaim absolute government: witness Piedmont, Naples, Spain, Portugal, France, and finally the Netherlands.’¹⁴² Mr. Lardinois also gave several examples of monarchic regimes that led to a revolution in the last fifteen years when he expressed: ‘Bonaparte and the Bourbons have been overthrown twice in France. Piedmont, Naples, Spain, and Portugal have all in turn been the stage for revolutions. Some German states have rightfully overturned their customs, and soon they will crush all these small tyrants, whose desires or needs they cannot satisfy. Who then has caused these uprisings of the people? Is it the republic? No, it is the bad faith, ingratitude, and tyranny of the princes and the monarchs.’¹⁴³ Mr. Seron, a fervent republican, also gave examples of republics that had been successful in rich countries when he stated: ‘I also hear it said that to be republicans, we

¹³⁹ Mr. Lebeau’s speech, National Congress, session of the 20th of November 1830.

¹⁴⁰ Mr. Lebeau’s speech, National Congress, session of the 20th of November 1830.

¹⁴¹ Mr. Devaux’s speech, National Congress, session of the 20th of November 1830.

¹⁴² Mr. Pirson’s speech, National Congress, session of the 22nd of November 1830.

¹⁴³ Mr. Lardinois’ speech, National Congress, session of the 22nd of November 1830.:

are too rich, that the republic is only suitable for a sterile and poor country. But were Carthage, Athens, Syracuse, Genoa, Geneva, and republican Holland poor?’¹⁴⁴

Finally, Mr. Leclercq’s discourse can explain the overall tendencies of the congressmen regarding the use of examples. Indeed, he claimed that Belgium should not become a republic as there was no successful example of a republic in Europe that could motivate their choice when he said: ‘Let us fear, gentlemen, to make it the sad ordeal for our homeland; let us fear to sacrifice it to the hazards of a theory that no experience in Europe has yet justified.’¹⁴⁵ This quote illustrates the fact that most of the members of the National Congress sought to implement policies in Belgium only if such policies were successful in a foreign country from which they could take an example.

4.4 Conclusion

In conclusion, the choice of the form of government made by members of the Belgian National Congress was considerably shaped by the international context. Their discourses demonstrate fear of the eventual consequences that their decision would have on the future of the country as well as on the European scene. This can be seen on two levels. On the one hand, there was the fear of foreign intervention in Belgium if the congressmen implemented a republican system in the newly independent Belgian state. They believed that the republican system would be seen as an offence by the monarchical Great Powers, who would thus intervene in Belgium or deny their legitimacy. Moreover, they also feared that it would result in a general war or disorder. On the other hand, the Belgian deputies also dreaded that the republican regime would establish Belgium as a fragile country, prone to internal disorder but also foreign domination. In fact, the parliamentarians’ debates display anxiety that a country without a strong head of state would be easily dominated by a greater power, driven to gain Belgium’s territory and wealth. In order to support their arguments, the members of the National Congress, both monarchists and republicans, used negative examples from foreign countries to raise fear about both systems. Finally, the parliamentarians’ discourse shows that the final decision to opt for constitutional monarchy for the newly formed Belgium was for some a

¹⁴⁴ Mr. Seron’s speech, National Congress, session of the 19th of November 1830.

¹⁴⁵ Mr. Leclercq’s speech, National Congress, session of the 19th of November 1830.

circumstantial choice. Indeed, as several deputies explicated, the republic would be an idealistic choice whereas the constitutional monarchy was the most sensible system considering the European context in which Belgium found itself in 1830.

5 The Senate

‘Let us take what is good in the institution, in France, in England, in America; let us make of all this a political eclecticism, reconciling it with the interests, of course, of our country.’¹⁴⁶ This sentence pronounced by Joseph Lebeau in the National Congress on the 13th of December 1830 represents the attitude of most Belgian parliamentarians regarding the implementation of a Senate in Belgium. This chapter explores the debate over the creation of a bicameral system in the Belgian National Congress, and how the parliamentarians’ opinions were supported and influenced by examples from foreign countries. The bicameral system is a parliamentary organisation composed of an upper and a lower chamber.¹⁴⁷ This discussion, taking place from the 13th until the 18th of December 1830, was considered crucial for the establishment of the newly formed Belgium as an independent state. Indeed, it approached several political aspects such as sovereignty, the place of the aristocracy in society, democratic power, and more importantly for this study, the transfer of political practices from abroad into Belgium. According to Henk te Velde the adoption of the bicameral system in nineteenth-century Europe is one of the most suitable case studies for political transfer.¹⁴⁸

This chapter will study this transfer by investigating how examples from abroad were used by the National Congress to support their arguments and advocate for or against the implementation of a higher chamber. As Henk te Velde argued, there are two types of examples that are used for the process of political transfer: the ‘hyper-difference’ and ‘over-likelihood’. These two types of examples will be taken into consideration in this chapter. The first one is the idea that a political creation should not be transferred as it is not suitable for the receiving state whereas ‘over-likelihood’ is the transfer of an idea or system that is likely to be well implemented.¹⁴⁹ To discuss these different examples, this chapter will be separated into three different sections. Firstly, how the different arguments for the implementation of a bicameral system were framed by foreign influence. The same analysis will be done for the parliamentarians’ opinions against such a system. Thirdly, the powers given to the Senate and its regulations will be approached.

¹⁴⁶ Mr. Lebeau’s speech, National Congress, session of the 13th of December 1830.

¹⁴⁷ Ross Hickey, ‘Bicameral Bargaining and Federation Formation,’ *Public Choice* 154:3/4 (2013) 217-41, q.v. 217.

Elena Griglio and Nicola Lupo, ‘The Administration of Bicameral Parliaments,’ in : Thomas Christiansen, Elena Griglio and Nicola Lupo eds., *The Routledge Handbook of Parliamentary Administrations* (London 2023), 217-41, q.v. 53.

¹⁴⁸ Te Velde, ‘Political Transfer,’ 220.

¹⁴⁹ Te Velde, ‘Political Transfer,’ 209

5.1 Arguments for the Senate

The members of the National Congress who supported the implementation of a bicameral system in Belgium argued that it had to be done to mirror the system of foreign countries.¹⁵⁰ During the 19th century it was common in Europe to adopt such a system, influenced by the English House of Lords, as Annelien de Dijn argued.¹⁵¹ As a matter of fact, many of the congressmen believed that since other countries to which they felt similar, had a two chambers system, therefore, Belgium should also implement it. Charles Lehon explained this on the 15th of December when he said: ‘But I think it is useful to consult the example of nations united to us by the bond of a progressive civilisation, or by the analogy of their political institutions: among these are England, France, the United States, and Switzerland. I found two chambers everywhere, except in the small State of Vermont, in America, and in Switzerland, where it is known that the unity of assembly is tempered by the refusal of the initiative of laws.’¹⁵² As in this quote, the examples of England, France and the United States were frequently used by the supporters of a Senate. Indeed, Mr. de Gerlache held a similar opinion in his discourse: ‘Let us, gentlemen, benefit from the experience of others. No one today in France, no more than in England, no more than in America, doubts the necessity of a first chamber.’¹⁵³

These foreign examples were used for multiple types of arguments to prove the need for the implementation of such an institution in Belgium. These examples were often used to create a feeling of fear, as the members of the National Congress demonstrated in the debate on the form of government.¹⁵⁴ The main fear expressed by the supporters of a Senate was the fear of democratic drifts.¹⁵⁵ Indeed, they believed that the implementation of a single chamber would bring anarchy and disorder to society. Mr. Blagnies expressed this feeling when he said: ‘A single assembly would inevitably end up attracting to itself all the powers and enslaving the

¹⁵⁰ Mr. Helias d’Huddegem’s speech, National Congress, session of the 14th of December 1830.

Mr. Lebeau’s speech, National Congress, session of the 13th of December 1830.

¹⁵¹ Annelien de Dijn, ‘Balancing the Constitution: Bicameralism in Post-Revolutionary France, 1814–31,’ *European Review of History: Revue Européenne d’histoire* 12:2 (2005) 249-63, q.v. 250.

¹⁵² Mr. Charles Lehon’s speech, National Congress, session of the 15th of December 1830.

¹⁵³ Mr. De Gerlache’s speech, National Congress, session of the 15th of December 1830.

¹⁵⁴ M. Nakhai, ‘Le Sénat belge,’ *Progress in Public Administration* 9:4 (1936) 599-616, q.v. 600.

¹⁵⁵ Mr. de LaHaye’s speech, National Congress, session of the 15th of December 1830.

Mr. Hippolyte Vilain XIII’s speech, National Congress, session of the 14th of December 1830.

nation.¹⁵⁶ Mr. de Gerlache also explained this thought by taking several examples from history: '1789, 1814, and 1830 are three great eras in modern history, which prove that when governments refuse to move with the people, the people abolish governments and walk without them.'¹⁵⁷ To be more precise, he took the example of France: 'The concentration of powers in a single chamber has rightly been regarded as one of the most detrimental mistakes to the monarchy and the nation that the Constituent Assembly has committed.'¹⁵⁸ Mr. le Comte de Baillet also provided the example of the same French assembly and its drifts when he said: 'A fatal experience revealed the disorder to which a single assembly is exposed; it first led to the ruin of the constitutional monarchy, and then gave birth to disorder and anarchy within the republic.'¹⁵⁹ This politician also used the Spanish Cortes to illustrate his point: 'Since that time, we also experienced in Spain a single assembly, that of the Cortes in Spain; you know its result.'¹⁶⁰ Moreover, Mr. Van Meenen explained that as the single chamber system did not succeed in other countries, and led to disorder, Belgium should not make the same mistake: 'Let us thus not attempt the system that admits only a single chamber. We could not do it under more ominous auspices. The examples of France, England, and the United States should not be lost on us. Whenever the experience of a single chamber has been tried, it ends poorly. Look at the legislative assembly, the National Convention, the Cortes. These examples are striking; let us make use of them.'¹⁶¹ Mr. Devaux also expressed this idea when he said: 'It is not the first time, moreover, that an attempt has been made with a single chamber: where has it succeeded? Nowhere. And we are being urged to try out a system of government that has collapsed wherever there has been a try to introduce it.'¹⁶²

Furthermore, some politicians advocating for the implementation of a Senate argued that the reason for the collapse of the single chambers was due to its inherent imbalance of power. This argument that the power should be divided into three was heavily influenced by Montesquieu's ideology as Annelien de Dijn argued.¹⁶³ Indeed, Helias d'Huddegem cited: 'Montesquieu, in his Treaty on the Spirit of the Laws, said: 'The people need, like the

¹⁵⁶ Mr. Blargnies' speech, National Congress, session of the 14th of December 1830.

¹⁵⁷ Mr. De Gerlache's speech, National Congress, session of the 15th of December 1830.

¹⁵⁸ Mr. De Gerlache's speech, National Congress, session of the 15th of December 1830.

¹⁵⁹ Mr. le Comte de Baillet's speech, National Congress, session of the 13th of December 1830.

¹⁶⁰ Mr. le Comte de Baillet's speech, National Congress, session of the 13th of December 1830.

¹⁶¹ Mr. Van Meenen's speech, National Congress, session of the 14th of December 1830.

¹⁶² Mr. Devaux's speech, National Congress, session of the 14th of December 1830.

¹⁶³ De Dijn, 'A Pragmatic Conservatism,' 239-44.

monarchs, and even more than them, to be driven by a Senate.”¹⁶⁴ Mr. Masbourg explained this by taking the example from contemporary but also ancient governments: ‘The ancient mixed governments, although very different from constitutional governments, as established in England, the United States of America, and France, were based on the same foundation. They consisted of similar elements but combined differently, including monarchy, aristocracy, and democracy.’¹⁶⁵ Indeed, he believed that without this balance of power, the political system was bound to fail when he claimed: ‘The absence of a system of balanced opposition in free states has produced terrible evils, as attested by the history of the bloody revolutions mainly due to this great political mistake.’¹⁶⁶ In addition, another parliamentarian, the Baron de Tarbecq explained this idea, by also using ancient governments to illustrate his point, explaining that Sparta and Cartages were peaceful states because power was divided in three while disorder was present in Rome and Athens as the division was only made only between two entities.¹⁶⁷ Indeed, the advocates for an upper chamber believed that a Senate would slow down and moderate the decisions of the lower chamber. Once again, the politicians played on the feeling of fear, explaining that a single chamber would precipitate decisions and create scissions within, while the establishment of two chambers would bring stability. Félix de Mérode explained this idea when he said: ‘It is not, let us beware, to represent the interests of the nobility, which exist only through memories, but to curb the overly hasty movements, perhaps, of a periodically elective assembly, and to give the constitutional order the stability it necessitates like any government.’¹⁶⁸ The historians D. Vermassen and D. Caluwaerts argue that the lower chamber, the House of Representatives, is associated with emotions and rapidity while the higher chamber, the Senate, is associated with moderation.¹⁶⁹

Joseph Lebeau believed that the French Constituent Assembly had made hasty decisions because some of its members, Mirabeau among others, had too much influence as he illustrated in this sentence: ‘In the Constituent Assembly, which included the elite of the French people, we have seen speakers wield such power that there are examples of a decision

¹⁶⁴ Mr. Helias D’Huddegem’s speech, National Congress, session of the 14th of December 1830.

¹⁶⁵ Mr. Masbourg’s speech, National Congress, session of the 14th of December 1830.

¹⁶⁶ MR. Masbourg’s speech, National Congress, session of the 14th of December 1830.

¹⁶⁷ Mr. Baron Tarbecq’s speech, National Congress, session of the 14th of December 1830.

¹⁶⁸ Felix de Mérode’s speech, National Congress, session of the 14th of December 1830.

¹⁶⁹ D. Vermassen and D. Caluwaerts, ‘The Substantive Representation of Future Generations in Bicameral Parliaments: A Comparison of the Belgian Chamber of Representatives and the Senate (2010–2014),’ *Political Studies Review* 21:3 (2023) 85-102, q.v. 541.

being made and reversed in the same session.¹⁷⁰ Mr. Henry explained that a second chamber would prevent such an occurrence: 'Each of the chambers representing the nation, it's as if it were the nation itself retracing its steps and acknowledging its mistakes.'¹⁷¹ Moreover, Mr. Zoude, also emphasised the impossibility of stability in a single chamber by using the example of America: 'I will respond to the objection with an example drawn from one of the provinces of the American Union, Pennsylvania, which is inhabited by the gentlest people of the new hemisphere; there, they had attempted a single chamber, and soon the country was torn apart, only to be saved from anarchy by the establishment of the second chamber, similarly to the other republics in the confederation.'¹⁷² In addition, Mr. le Comte de Baillet explained that the chamber did not only prevent haste but also some laws that would have negatively affected the people by using the case of France: 'Would we have forgotten, gentlemen, that it was the Chamber of Peers of France that saved the freedom of the press, defended the interests of the state creditors by rejecting the reduction of annuities, and opposed the reinstatement of primogeniture?'¹⁷³ Joseph Lebeau went further in this idea, by saying that it is the House of Lords which saved the English nation from the despotic rule of several heads of state when he stated: 'Mr. de Smet, also putting the English Peerage on trial, told us that neither Charles I nor James II had been preserved by the House of Lords. For me, this is an additional argument in favour of this chamber. When the crown violates its oaths, when it tramples on the rights of the nation, the upper chamber above all feels that it is called upon to defend the interests of the country: it does so. There is thus a coalition between the two chambers. This coalition existed under Charles I and under James II. English history thus also supports my opinion'.¹⁷⁴

Nevertheless, the nature of the aristocracy was a dividing question between the voters for the Senate. Indeed, some, as Lebeau, viewed the aristocracy as an element inherent to society and which should thus be represented.¹⁷⁵ On the other hand, many others believed, Mr. Nothomb and le Comte d'Arschot among others, that the aristocracy differed from that in other countries. They believed that the Belgian aristocracy was not a class of privilege but

¹⁷⁰ Mr. Lebeau's speech, National Congress, session of the 13th of December 1830.

¹⁷¹ Mr. Henry's speech, National Congress, session of the 14th of December 1830.

¹⁷² Mr. Zoude's speech, National Congress, session of the 13th of December 1830.

¹⁷³ Mr. le Comte de Baillet's speech, National Congress, session of the 13th of December 1830.

¹⁷⁴ Mr. Lebeau's speech, National Congress, session of the 13th of December 1830.

¹⁷⁵ Hippolyte Vilain XIII's speech, National Congress, session of the 14th of December 1830.

Mr. Lebeau's speech, National Congress, session of the 13th of December 1830.

rather a class based on money, so it would thus not be all-powerful like it was in England.¹⁷⁶ Félix de Merode explained this when he said: 'We no longer have a real aristocracy since the first and most essential condition of aristocracy is the right of primogeniture, or at least the succession of paternal inheritance ensured to the male children of privileged families. We have landowners, more or less wealthy, titled or untitled, but all equal citizens before the law, possessing no exceptional prerogatives.'¹⁷⁷ Some congressmen also argued that the Belgian higher class had always been aligned with the nation as the Comte de Baillet claimed: 'The Belgian aristocracy has always put its ambition in alignment with the popular interests.'¹⁷⁸ The same politician went further by explaining that the aristocracy is always present in any society, and thus should be represented: 'It exists in all of Europe, in all the monarchies, in all of republics, and even in this America'¹⁷⁹ However, Mr. Devaux had a different opinion regarding the aristocracy, as he saw the danger of the aristocracy not in the Senate but in a single chamber: 'With only one chamber, it is not just democracy that I fear, it is the aristocracy; wherever it has not been assigned its place, it has encroached upon others and occupied a much larger place than would have been reasonable to allocate to it.'¹⁸⁰

Furthermore, the politicians believed that the senate would be a moderating institution, that prevents the despotism of the head of state but also the potential collision between the monarch and a single chamber.¹⁸¹ Helias D'Huddegem explained that a unicameral system: 'could create a fatal struggle between the sovereign and the people. It was a parliament composed of a single chamber that Cromwell established in England in 1645.'¹⁸² He continued his speech by explaining that Cromwell was able to dissolve the parliament and be a despot, as there was no moderating power between them. Moreover, Van Meenen argued that the lack of a moderating institution could be dangerous: 'We are placed between two dangers, that of the collision of these two rival powers, or that of their collusion'.¹⁸³

Finally, a few supporters of a bicameral system brought light to a new feeling of fear: the disapproval of other powers if a single chamber was instituted. As a matter of fact, the

¹⁷⁶ Mr. Nothomb's speech, National Congress, session of the 14th of December 1830.

Mr. le Comte d'Arschot's speech, National Congress, session of the 15th of December 1830.

¹⁷⁷ Felix de Mérode's speech, National Congress, session of the 14th of December 1830.

¹⁷⁸ Mr. le Comte de Baillet's speech, National Congress, session of the 13th of December 1830.

¹⁷⁹ Mr. le Comte de Baillet's speech, National Congress, session of the 13th of December 1830.

¹⁸⁰ Mr. Devaux's speech, National Congress, session of the 14th of December 1830.

¹⁸¹ Mr. Nothomb's speech, National Congress, session of the 14th of December 1830.

¹⁸² Mr. Helias D'Huddegem's speech, National Congress, session of the 14th of December 1830.

¹⁸³ Mr. Van Meenen's speech, National Congress, session of the 14th of December 1830.

Chevalier Theux de Meylandt asserted: 'And first of all, it is certain that it would be strongly disapproved of by our neighbours, and considered by them as constituting our government in a precarious state, without guarantee of stability.'¹⁸⁴ Moreover, Hippolyte Vilain XIII expressed in a long discourse that Belgium should copy its neighbours to keep them as allies: 'One last consideration, purely of foreign policy, should also incline us towards the composition of a senate directly emanating from the sovereign. It is that this form, except for heredity, approaches the constitutional system of France and England. If we were to establish a state contrary to the institutions of these two peoples, exaggerate the freedoms they enjoy, adopt two chambers that are, so to speak, democratic, and indiscreetly consent to turn our monarchy into a disguised republic, the support of these two powerful nations would drift away from us, the goodwill of their sovereigns would fade, and Belgium, free, it is true, but isolated in its independence, would find itself exposed to perish due to lack of support and would no longer find, among the people-citizens, that strong sympathy so well earned by its glorious revolution.'¹⁸⁵

5.2 Arguments against the Senate

The supporters of a unicameral system also supported many of their opinions with foreign examples, using the same argumentative technique as their opponents. One of their main arguments was the idea that an upper chamber would be composed of an all-powerful aristocracy, and thus detrimental to equality between Belgian citizens.¹⁸⁶ Mr. de Robaulx took the example of the English aristocracy that composes the chamber: 'England, we are told, has its House of Lords. Yes, gentlemen, England has its House of Lords, and that is why I do not want it. This House of Lords is composed of large landowners, who alone possess the entirety of the land properties, and is a monstrous amalgam of feudalism and odious privileges.'¹⁸⁷ Moreover, Camille de Smet explained that the French Chamber of Peers and the Dutch First Chamber passed laws contrary to the interests of their people: 'If, on the contrary, we seek numerous precedents of complacency, I would even say of baseness, of which the Chamber

¹⁸⁴ Chevalier Theux de Meylandt's speech, National Congress, session of the 14th of December 1830.

¹⁸⁵ Mr. Hippolyte Vilain XIII's speech, National Congress, session of the 14th of December 1830.

¹⁸⁶ Mr. Van Snick's speech, National Congress, session of the 13th of December 1830.

Nakhaï, 'Le Sénat belge,' 600.

¹⁸⁷ Mr. de Robaulx's speech, National Congress, session of the 15th of December 1830.

of Peers in France, and our first chamber, have provided so many examples, we have are spoiled for choice: the law on sacrilege, double voting, censorship, milling, etc.¹⁸⁸

Mr. Fleussu also argues that a few examples of good acts from the French Peerage were not enough to negate their wrongdoings as the supporters of the Senate argued: 'The example of France is cited, and the partisans of the Senate take great advantage from some temporary services rendered by the Peerage.'¹⁸⁹ Moreover, Mr. Fransman also takes the example of the French upper chamber had a role in the despotism of some of its monarchs: 'I will not retrace how it lent support to despotism under Louis XVIII and Charles X'¹⁹⁰ Mr. de Seron also explained that the House of Lords in England has 'constantly supported the ministers'¹⁹¹. These different examples are used by the partisans of a single chamber to demonstrate the supposed evil that an upper chamber can create.

Furthermore, the supporters of a bicameral system also argue that upper chambers were not only detrimental but also did not prevent disorder and revolution when they should have done so, as their role is said to enforce moderation and stability. Camille de Smet takes the example of France and of its democratic excesses that the upper chambers did not contain: 'For me, gentlemen, I will suffice with the example of France and this country, this country, this practical experience that cannot be denied, and I will ask you when, and under what circumstances, the Senate was useful in stopping the democratic element of some wish to instil such great fear in us.'¹⁹²

The supporters of a single chamber took examples from abroad, but they also took examples from their own past to prove their point, unlike most of the partisans for the Senate.¹⁹³ Mr. Defacqz explained that the First Chamber in the Kingdom of the Netherlands did not take heed of the demands of the Belgian population: 'If its mission was to defend the rights of the nation, who could think of reviving a body that never showed the slightest sympathy for our freedoms, that never awakened from its noble lethargy at the cries of public distress?'.¹⁹⁴ Mr. le Comte de Celles also illustrated that idea in his discourse: 'The complaints

¹⁸⁸ Mr. Camille de Smet's speech, National Congress, session of the 14th of December 1830.

¹⁸⁹ Mr. Fleussu's speech, National Congress, session of the 14th of December 1830.

¹⁹⁰ Mr. Fransman's speech, National Congress, session of the 14th of December 1830.

¹⁹¹ Mr. Seron's speech, National Congress, session of the 14th of December 1830.

¹⁹² Mr. Camille de Smet's speech, National Congress, session of the 14th of December 1830.

¹⁹³ Mr. Seron's speech, National Congress, session of the 14th of December 1830.

¹⁹⁴ Mr. Defacqz's speech, National Congress, session of the 14th of December 1830.

about the government's abuses were received somehow favourably in the elective chamber, but they came to die at the threshold of the first chamber.¹⁹⁵

These examples from Belgian history and from abroad were used by the supporters of the unicameral system to counter the arguments of their opponents. However, their central claim was that examples from foreign countries should not be used to implement a bicameral system in Belgium.¹⁹⁶ Indeed, many believed that the answer to the construction of Belgium should not be found in foreign lands but rather within Belgium. Mr. Defacqz argued: 'We blind ourselves to what is striking to the eyes, and we look afar: we set aside our own history to seek examples abroad. Thus, we are constantly talking about England, the United States of America, France.'¹⁹⁷ Mr. Claes used the same argument when he claimed: 'I say our little Belgium, because the speakers who preceded me all spoke of France, of England, without considering the differences in customs and position, and I, I want to speak of Belgium only.'¹⁹⁸ This idea that Belgium was different from other countries, was used specifically against the idea that the aristocracy needed to be represented. Indeed, many orators for the unicameral system argued that the aristocracy did not exist in Belgium anymore and that there was only one single class, contrary to England or France. Mr. Defacqz argued this point of view in his discourse: 'It is said that all interests, even aristocratic interests, must be represented and defended. What does that mean? What does this ill-sounding word signify? Would there be among the Belgians anything else than citizens?'.¹⁹⁹ Mr. Fleussu goes further by saying that there would be great difficulty in mirroring the English upper chamber in Belgium as the aristocracy is almost non-existent: 'I see in England the House of Lords; but it would be very difficult for us to imitate this English institution, even if we had the desire to do so. The House of Lords is composed of elements that are uncommon and will always become rarer in Belgium.'²⁰⁰ Moreover, Mr. de Roubaulx claimed that America should not be taken as an example for the implementation of an upper chamber, due to its incomparable geographical position but more specifically its political regime: 'America has been discussed. America, gentlemen, has a different climate, different customs, a different geographical situation; it is surrounded differently than we are.

¹⁹⁵ Mr. le Comte de Celles' speech, National Congress, session of the 13th of December 1830.

¹⁹⁶ Mr. Charles de Brouckère's speech, National Congress, session of the 14th of December 1830.

Mr. Van Snick's speech, National Congress, session of the 13th of December 1830.

¹⁹⁷ Mr. Defacqz's speech, National Congress, session of the 14th of December 1830.

¹⁹⁸ Mr. Claes' speech, National Congress, session of the 14th of December 1830.

¹⁹⁹ Mr. Defacqz's speech, National Congress, session of the 14th of December 1830.

²⁰⁰ Mr. Fleussu's speech, National Congress, session of the 14th of December 1830.

Moreover, it is constituted as a republic. If you want to give us a republic, we will gladly accept the two chambers, both temporary and elected for 10 years.²⁰¹ Mr. l'abbé Andries also dismissed the argument used by supporters of the Senate to use America as an example: 'I am amazed that intelligent people, wanting to rebuild our social structure, reject our own materials, reject society as it presents itself to them in their own country, and insist on searching in foreign countries, even in America, for what we do not have and what we can very well do without.'²⁰² In addition, Mr. Leclercq also explained that unicameral organisations from other countries should not be used as illustrations to reject this system: 'So let no one come to speak to us anymore about these examples of a single chamber in France, Spain, and Portugal; they can only be foreign to us.'²⁰³ To summarise this argument, Mr. Van Snick argued: 'Belgium is not Europe, and it is for Belgium that we are working.'²⁰⁴

Overall, the voters for a single chamber advocated that not only could the Senate be a dangerous institution, but it was also useless in Belgium. Indeed, Mr. de Roubaux explained that a good constitution could create the moderation that the supporter of the Senate might look for in this institution when he claimed: 'If you fear haste, put in the constitution an article to prevent it; that will be a sufficient break.'²⁰⁵ Mr. Fleussu explained that the equilibrium needed in the parliament would be created naturally in a single chamber, thus there is no need for a separation into two chambers: 'The national representation will be composed of men of all ages, all conditions, and all opinions; thanks to this fusion, there will inevitably be established a counterbalance within the assembly itself.'²⁰⁶ Finally, Mr. Van Snick simply concluded this point of view by claiming: 'The higher chamber is useless in Belgium'.²⁰⁷

5.3 The Implementation of the Senate

After three days of heated debates in the National Congress, the creation of a Senate in the newly formed Belgian state was voted in favour of at 128 votes against 62. However, following this decision, the parliamentarians needed to discuss the specificities of this Senate such as

²⁰¹ Mr. de Roubaux's speech, National Congress, session of the 15th of December 1830.

²⁰² Mr. l'abbé Andries' speech, National Congress, session of the 15th of December 1830.

²⁰³ Mr. Leclercq's speech, National Congress, session of the 15th of December 1830.

²⁰⁴ Mr. Van Snick's speech, National Congress, session of the 13th of December 1830.

²⁰⁵ Mr. de Roubaux's speech, National Congress, session of the 15th of December 1830.

²⁰⁶ Mr. Fleussu's speech, National Congress, session of the 14th of December 1830.

²⁰⁷ Mr. Van Snick's speech, National Congress, session of the 13th of December 1830.

the election system, the eligibility of its members, its powers or the number of senators. Interestingly, although many examples from abroad had been used by the Belgian parliamentarians to advocate for or against the existence of a Senate, the debate regarding its powers saw very little of these instances. Indeed, it seems like Mr. Deleeuw and Mr. le Comte de Celles's point of view that Belgium was a clean slate had been taken into consideration: 'Our position is beautiful. I will use the original but fair expression of Mr. de Celles: we have a clean slate here. We are building anew and have no rubble to spare. We are building in the name of the nation and by its orders; it is she who wants and she alone who has the right to want.'²⁰⁸ Nevertheless, a few occurrences of the use of foreign examples can be noted from two specific discussions. These included the nomination system for the senators as well as the position the heir to the throne should hold in the Senate.

On the one hand, the overall consensus was that the Senators would be nominated by the same electors as the lower chamber, aiming for the representation of the whole nation.²⁰⁹ Mr. le Comte de Celles explained that the nomination of the members of the upper chamber by the king would make them too powerful like in England: 'I am saying that it will tend to become like the English Peerage, that the senators will seek to increase their power.'²¹⁰ As the proposition of the nomination by the king was rejected, Mr. Blargnies offered the possibility to elect the senators through the electoral colleges. However, that proposition was countered by Mr. Lebeau and his example from France, which had a similar system. He stated: 'By adopting Mr. Blargnies' proposition, you establish a dangerous privilege, an aristocracy of votes already tainted here and in France' and 'Your senate would resemble the Council of Elders, which dragged behind it the Council of Five Hundred, which led to the events of 18 Fructidor, 18 Brumaire, and served as a stepping stone to the despotism of Bonaparte.'²¹¹ Mr. Devaux used the same argument, explaining that this system is similar to the one that existed in France as it: 'would introduce among us the privilege of double voting and a division entirely analogous to that which existed in France, between the voters of a hundred crowns and the voters of a thousand francs,' which according to him would create a situation in which: 'the two chambers will be continuously enemies'²¹²

²⁰⁸ Mr. Deleeuw's speech, National Congress, session of the 14th of December 1830.

²⁰⁹ Robert Redslob, *Le régime parlementaire : étude sur les institutions d'Angleterre, de Belgique, de Hongrie, de Suède, de France, de Tchécoslovaquie, de l'Empire Allemand, de Prusse, de Bavière et d'Autriche* (Paris 1924), 112.

²¹⁰ Mr. Le Comte de Celles' speech, National Congress, session of the 16th of December 1830.

²¹¹ Mr. Lebeau's speech, National Congress, session of the 17th of December 1830.

²¹² Mr. Devaux's speech, National Congress, session of the 16th of December 1830.

On the other hand, the second discussion in which foreign examples were used to support the parliamentarians' arguments was to automatically appoint the heir to the throne as a senator. Mr. de Muelenaere, advocating for such a measure to be implemented, argued that it was already a practice done in England and France: 'In England as in France, the heir to the throne sits in the Chamber of Peers, and its presence there has never exposed the throne to the slightest danger.'²¹³ However, Mr. Charles leHon used the opposite argument, but aimed for the same end. Indeed, this politician claimed that the French royal family was continually deposed by the nation because it did not learn about the customs of its people: 'It was said long ago, a truth that has circulated throughout Europe, and the last revolution in France has proved it very well; it is that a royal family, in its long misfortunes, had neither forgotten nor learned anything. And indeed, for fifteen years we have seen this family in the midst of a great nation, remaining completely foreign to its opinions, the spirit of its laws, and its needs.'²¹⁴ LeHon, explained through this example that Belgium should let the heir to the throne take part in Belgian political life in order to have a different fate: 'Let us try, gentlemen, that it may not be the same in Belgium for the heir to the throne. If you believe that he needs to know us to reign over us, his political education cannot be indifferent to us.'²¹⁵

Finally, although the parliamentarians referred to abroad examples to a small extent, the fear of foreign disapproval of their system was still somewhat pervasive in the National Congress. Indeed, Mr. le Comte de Celles explained: 'We were told: Be careful, Europe will be in turmoil if the Senate is not appointed by the head of state.'²¹⁶ Moreover, Mr. Lebeau argued that the powers of the Senate should not be too different from those of the French and English ones in order to remain close to them: 'If we are to choose in France or in England the prince called to govern us, it is important not to place ourselves in opposition to the ideas received among these two peoples, to the strong sympathy of which our country should not already be a battleground.'²¹⁷ Nevertheless, although the members of the National Congress transferred the bicameral system into Belgium, its specificities differed from the French or the English one to make it suitable for Belgian society. Indeed, the fear of some of the parliamentarians regarding aristocratic power led the National Congress to make the eligibility criteria a

²¹³ Mr. de Muelenaere's speech, National Congress, session of the 18th of December 1830.

²¹⁴ Mr. Charles leHon's speech, National Congress, session of the 18th of December 1830.

²¹⁵ Mr. Charles leHon's speech, National Congress, session of the 18th of December 1830.

²¹⁶ Mr. Le Comte de Celles's speech, National Congress, session of the 16th of December 1830.

²¹⁷ Mr. Joseph Lebeau's speech, National Congress, session of the 16th of December 1830.

minimum yearly tax to be paid and to be at least forty years old. Indeed, the congressmen believed that the Senate should not be ruled by the aristocracy, but rather by a wealthy and educated class of citizens. Moreover, the need to limit the monarch's power and to consecrate the sovereignty of the people motivated the National Congress to appoint the Senators through direct popular elections, the same as the chamber of the representatives, rather than by the King. Finally, the higher chamber as a moderating power can be seen in their choice to limit the number of Senators to half of those of the lower chamber, but to double the time of their mandate, thus eight years.

5.4 Conclusion:

In conclusion, the implementation of a Senate in the newly formed Belgium was an idea transferred from foreign countries into Belgium. Indeed, many supporters of the bicameral system used examples from the outside to convince their fellow parliamentarians to adopt such a system. These examples were used to implement fear of the disorder and anarchy that a single chamber could bring to the country in the minds of the members of the National Congress. In addition, examples were also used to show the peace and progress that a bicameral system would bring to the Belgian state, as it did in foreign countries.

On the other hand, the supporters of the unicameral system used foreign examples of flawed higher chambers to advocate against the transfer of a bicameral system to Belgium. Indeed, they believed that such a system was dangerous, inadequate and especially not suitable for the Belgian state, a country with different customs, mentality and geography than foreign constitutional governments such as France, England and the United States. Overall, although the creation of an upper chamber was transferred from abroad into Belgium, the powers and the functioning of its chamber were transformed in order to be appropriate for Belgium. The Senators were to be elected by the same voters as the lower chamber to represent the whole nation, rather than being chosen by the head of the state. Moreover, the number of Senators was limited to half of the House of Representatives but in office for double of time. Finally, the members of the National Congress believed that the Senate would not be ruled by the aristocracy, but rather by a wealthy class of citizens, appointed by the nation.

6 Conclusion

In conclusion, the creation of Belgium by the National Congress was under heavy foreign influence. This revolutionary assembly was composed of Belgian elites driven by different political tendencies. Most of the congressmen were either Liberals or Catholics. Although they were opposing ideologies, they worked together towards securing an independent Belgian state. Their Union created a Liberal, but still Conservative state and Constitution. However, their decisions were also heavily influenced by the international context. Indeed, when the Belgian Revolution broke out, it posed a threat to the European equilibrium that had been created by the European Concert after the Congress of Vienna. The separation of Belgium from the Netherlands raised fear of a revolutionary spread throughout Europe, of an eventual French expansionism as well as a general war on the continent. These threats forced the members of the Belgian National Congress to compromise with the Conference of London to secure independence and legitimise their newly formed state. This thesis discussed three specific debates on which the Belgian parliamentarians were under foreign influence. Firstly, the Belgian founding fathers understood sovereignty as coming from the people but that it needed to be limited. Indeed, in post-1789-Europe, there was a fear of democratic drifts as had been the case during the French Revolution. Complete popular sovereignty was thus seen as a radical idea, both feared by most parliamentarians and especially the Catholics, but also by the monarchic Powers who were afraid of revolutionary spread. This need for the limitation of popular power can explain the choice of the words for Article 25 of the 1831 Constitution. Moreover, the separation of different powers in order to keep a balanced state was seen as strictly national. However, the European Concert, although not emanating from the nation can also be considered as a moderating power, impacting significantly Belgian political life during the years 1830-1.

The choice of the form of government was another crucial debate in the National Congress and the European Concert played a great influence on the final choice for a constitutional monarchy. As a matter of fact, the Belgian parliamentarians voted against a republic as they believed that this system would be repressed by the Great Powers who would thus intervene to suppress it. The monarchists also claimed that a republican system would be weak and would lead to eventual foreign occupation of Belgium. To support their arguments

for each system, the Congressmen used examples from abroad to create an emotion of fear. The fear of foreign intervention or occupation as well as of the eventual collapse of a republican system led many of the congressmen to vote for a monarchic system as a circumstantial choice.

Finally, the discussion regarding the Senate has shown that the members of the National Congress sourced their inspiration in foreign countries for the implementation of their parliamentary system. Indeed, they transferred the bicameral system from England, and to a lesser extent from France, and decided to apply it in Belgium. However, the congressmen transformed it to fit into Belgian society, by limiting the number of Senators and the duration of their mandate, establishing a direct electoral system as well as requiring a minimum yearly tax as a condition to be eligible. To advocate for or against the Senate, the two oppositions used examples of collapsed or despotic unicameral and bicameral systems to instigate fear in their opponents. However, the detractors of the Senate claimed that the National Congress should not look at foreign examples to decide if a bicameral system was suitable for Belgium. Additionally, some parliamentarians also claimed that it was necessary to implement a higher chamber because Belgium needed to resemble the Great Powers in order to keep its legitimacy and independence.

Overall, foreign influences on the National Congress affected some of its crucial decisions, whether it was through a feeling of fear or the transfer of some political practices. The creation of Belgium was conditioned by the European Powers' request for their interests to be respected. The establishment of the Belgian state and its Constitution was shaped by the Union of Catholic and Liberal parliamentarians, influenced by their understanding of and the pressure from the tense historical and political context surrounding them.

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