Brussels: fair regional borders versus fair linguistic borders

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1. Introduction

For Philippe Van Parijs, *"Intelligently designed, a linguistic territoriality regime is both necessary and sufficient to keep competence in a local language sufficiently high and universal for that language to fulfill, legitimately and sustainably, the top function as the official language of the political community. And this in turn is necessary and, if anything, is sufficient, to secure equality of dignity between peoples whose identities are closely associated to a language"*

Thus, an important role of the separation of a country into distinct linguistic areas is to protect peoples against the injustice associated with the fact that, when two or more languages are left to coexist in an uncontrolled manner on one same territory, one can progressively dominate and drive out the other(s) (Laponce, 1993). *"The primary, most fundamental injustice, it is often felt and claimed, resides precisely in what this dominance expresses: a lack of respect towards the 'dominated' languages and their native speakers, the ascription of an inferior, humiliating, insulting status to the people whose identities are closely tied to them."* (Van Parijs, 2010).

This principle of justice in the context of linguistic diversity (*'linguistic justice'*) therefore is an important reason to support linguistic boundaries and territories as installed in Belgium in 1932, then confirmed and 'fixed' in 1962. Since then, each "commune" (county borough) of the Belgian state belongs to one of four linguistic territories ("taalgebieden"): Dutch-speaking, French-speaking, German-speaking and bilingual French-Dutch.

At a later stage (1970) it was decided to separate the country into *regional* entities ("Gewesten") with powers relating essentially to the economy, employment, and territorial matters. The *regional* boundaries were made to coincide with the *linguistic* borders of the monolingual Flemish and French territories, eventually leaving for the Brussels region only the 19 officially bilingual communes located in the middle of the province of Brabant. In contrast with the many discussions around linguistic justice, this latter decision has not been prepared by elaborate analyses in terms of justice for the people whose living conditions or dignity could have been affected by this imposition of new regional boundaries (*'regional justice'*).

2. The regional border around Brussels: facts and issues

Yet, recent data clearly indicate that the *regional* border of the Brussels Region as it lies currently (December 2010) has deeply negative and unfair consequences for its inhabitants. These are easily understood if one considers the following facts:

–   The current location of the *regional* border has no historical basis. It is well known that the political and administrative territory to which the 19 communes have belonged during the last millennium has always been Brabant, whether the Duchy or, more recently, the Province. The "Ammanie" of Brussels (one of the 6 jurisdictions of the Duchy) in the 15th century already corresponded to a large extent to the current Brussel Halle Vilvoorde administrative district ("arrondissement")[1].

–   The regional border as it currently lies has no geographical basis either. The border thus runs across streets, settled areas, or natural sites, so that issues such as mobility, environment, security, are difficult to address in an optimal way[2].

–   Furthermore, it does not make any sense at the socio-economic level. Commercial relationships between Brussels and surrounding communes in Brabant date back to the eleventh century. Migration from Brabant has been an important factor for the growth of the Brussels population in recent centuries[3]. And, as of today, about 175.000 workers commute daily from communes in Brabant for jobs within the "19 communes".

–   The territorial distribution it imposes is not balanced. The most recent dismemberment of Brabant left only 4.8% of the whole territory for the Brussels region, compared to 32.5% being added to the Walloon region territory and 62.7% to the Flemish region territory. This leaves for Brussels a very small area (161 km^2), only 0.5% of the Belgian territory, much smaller than the area occupied by city-states in other European federal countries (see table).

City-State	area (km^2)
Brussels	161
Geneva	282
Bremen	404
Vienna	457
Hamburg	755
Berlin	889

–   Finally, the regional border artificially separates the rich periphery, where wealthy commuters reside and pay taxes, from the poor centre where unemployment is high and which must support the cost of a dense infrastructure available to all (Kesteloot and Loopmans, 2009). This has severe financial consequences for the Region (Verdonck et al., 2010).

So, in terms of history, geography, territorial management, socio-economic efficiency, or distributive justice, there is no basis for supporting the current location of the regional border.

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[1] See for instance the illustration in De Becker and Vanhemelryck, 1982, p. 89.
[2] A detailed discussion of the specific issues that arise unavoidably when administrative and political borders divide a metropolitan area into three distinct pieces has been presented in E-book 7 of the Re-Bel inititiative (2010).
[3] Of the 113,207 inhabitants on March 15, 1842, 17,411 were born in Brabant. (Henne and Wauters, 1845).

3. The question of respect and dignity

Also important in this discussion is the question of respect and dignity: if one admits that fair *linguistic* boundaries are important "*to secure equality of dignity between peoples whose identities are closely associated to a language*", then fair *regional* boundaries are similarly important to secure equality of dignity between peoples whose identities are closely associated to a territorial entity. In the same way as languages naturally tend to dominate one another, peoples and political entities tend to compete with one another, even within one same State. Some will necessarily dominate for specific reasons, demography, wealth, land, strategic assets. This dominance then may lead to a lack of respect towards the inhabitants of the dominated regions.

The current location of the regional borders of Brussels and the consequences thereof do clearly place the region in a weak and vulnerable position vis-à-vis of the others in the country. Let us illustrate this with one example. As we have seen, the particularly bad figures for public finances, poverty and unemployment in Brussels result largely from the current position of the regional border. Yet, very negative comments have been regularly expressed over the years about the Brussels people being beggars and bad managers[4]. Worse, this financial imbalance has regularly been used and is still being used as a lever to obtain advantages during negotiations on the institutional status of the Belgian federated entities[5]. The vulnerability of the Brussels region within its current limits is such that there is even a significant risk it could disappear by being annexed either into a Flemish Republic or a Francophone Nation, or else being co-managed by Flanders and Wallonia into a Belgian confederation (as is already partly the case via the Flemish and French communities).

This all is in spite of the fact that a majority of the Brussels inhabitants claim that their ties and identity lie essentially with Belgium and the Brussels region, not with the Dutch or French language (Janssens, 2007). If justice requires people to be granted equal dignity through respect for the constitutive elements of their identity, then justice requires remedying the weakness and vulnerability of the Brussels region within the Belgian state as certainly as it requires protecting the Dutch language.

How can this be achieved? Two options can be thought of. One is to maintain the current position of the regional border, but to compensate for its many inconveniences by a better redistribution of the fiscal resources and a better co-operation between Brussels and the neighbouring regions in managing the matters of common interest. The other is to move the regional border to a position better adapted to the socio-economic and geographic reality.

4. Regional justice without adapting the territory?

The first option is unlikely to succeed. It would have almost the same weaknesses as adopting a non-territorial solution to ensure linguistic justice. To paraphrase Philippe Van Parijs, there is a tremendous structural strain inherent in any set up in which distinct political entities elaborate and discuss their own projects separately and then need to negotiate and compromise with each other on

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[4] See for instance: Vidts and Ponette (2003): «... Heeft Brussel een gat in de hand ? ... Verdoken transfers en de 'georganiseerde inefficiëntie' liggen (mee) aan de basis van de onderfinanciering van Brussel. ... Vooraleer bij de federale overheid te gaan bedelen om extra geld, zou Brussel het best eerst eens nadenken over een bestuurlijke reorganisatie. »

[5] See for instance: Bart Maddens (2010): "De Vlamingen zullen dat rabiate en onredelijke verzet tegen cobestuur enkel kunnen breken door de herfinanciering van Brussel te gebruiken als onderhandelingshefboom. Anders gezegd: de Brusselse vraag naar meer en véél meer middelen is voor de Vlamingen een kostbaar wapen dat ze niet lichtzinnig of overhaast uit handen mogen geven.In Israël en Palestina streeft men van oudsher naar een vredesakkoord volgens het basisprincipe 'land for peace'. In Brussel moet dat worden: 'geld in ruil voor cobestuur'."

countless issues, because they happen to be part of a tight territorial continuum (Van Parijs, 2000). This approach has not succeeded in the past years, when the federal State still had significant powers over matters of common interest – so, how could it when more and more powers will be delegated to the regional entities? How could it when the closest neighbour region has already expressed its will to co-manage Brussels? How could it when 40% of the vote in that region supports political parties who want to deprive Brussels from its regional statute and autonomy?

An optimal solution for guaranteeing the Brussels people equal justice and dignity is therefore to move the *regional* border to a position which will be optimal in that respect, based on rigorous analyses, and acceptable in a democratic way to the populations who might be directly affected.

Here again, we are left with two options.

5. Moving both the regional border *and* the linguistic border?

One option is to keep the linguistic border aligned with the regional border, and thus move it together with the regional border. Thus, the territories added to the Brussels region would change their linguistic statute from monolingual Flemish or monolingual French to bilingual Flemish and French. In that case, the new position of the borders will have to be decided on the basis of a balanced estimate of the consequences of the change in terms of linguistic vs regional justice. We have detailed here above some of the most obvious problems or injustices that a new position of the border should be able to decrease or eliminate.

But the cost in terms of linguistic justice of moving the joint borders must also be assessed, so as to reach an acceptable compromise between regional and linguistic justice. According to Philippe van Parijs, in the European case, the most credible way of pursuing the equal dignity of the various languages concerned and the associated identities:

> "… consists of allowing each of these languages to be 'queen' in some part, large or small, of the EU's territory, thereby granting a privilege, within the limits of that territory, to the identity associated with the language to which that territory has been ascribed. Within those limits, it is that language, and not a lingua franca, that is given the top function, and that operates as the official language of the population as a political community. This guarantees that it is not always the same people who need to do the bending down. It allows each linguistic community in turn, depending on location, to be the special one. It inhibits arrogance by blocking universal supremacy" (Van Parijs, 2010).

Let us imagine that independent international experts come to the conclusion that, in order to protect Brussels and its citizens form regional injustice, the size of the region should be multiplied by four or six. If we retain the option to align the linguistic border with the new regional border, this increase, while potentially very significant in terms of regional justice, would still limit at 3% only the portion of the Belgian territory which would be granted a bilingual statute, thus leaving a very comfortable 97% of it for the monolingual territories where each of the linguistic communities will "be the special one" respectively.

Also relevant for estimating the cost in terms of linguistic justice of moving the border, is the observation that the need for territorial 'protection' for the Dutch language has become much less critical today than in the past. Indeed, the Dutch language, now spoken by the wealthy Flemish

majority in Belgium, is no longer associated with an inferior status in this country (Witte and Van Velthoven, 2010).

6. Moving the *regional* border only.

However, should such a change in the position of the *linguistic* border in the Brussels periphery still be felt or estimated too high a price to be paid, then there is another option: to separate the regional from the linguistic border, and place each at the location which is optimal in terms of the corresponding justice respectively. This is in line with the fact that the regions ("Gewesten") and the linguistic territories ("taalgebieden") do correspond to distinct institutional concepts (articles 3 and 4 respectively of the Belgian Constitution), and can therefore be treated separately.

This would mean that communes reunited with the current 19 communes in the Brussels region would keep their linguistic statute: monolingual French or mono-lingual Flemish. Impossible? Not necessarily: this situation already exists in other European regions where Latin and German cultures have the chance of meeting in a common regional entity. For instance, 4 of the 26 Swiss Cantons are composed of communes with different linguistic statutes[6]. Furthermore, the regional institutions are already bilingual.

True, as already expressed in 1861 by John Stuart Mill, democratic institutions are likely to work better in unilingual territories: *"Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist."* Mill however added: *"But several considerations are liable to conflict in practice with this general principle. In the first place, its application is often precluded by geographical hindrances. There are even parts of Europe, in which different nationalities are so locally intermingled, that it is not practicable for them to be under separate governments."* (Mill, 1861). In such cases, the real democratic challenge will be to utilise our intelligence, will and technological resources to ensure that a real democratic debate can become possible even within a bi- or multilingual population.

7. Conclusion

In conclusion, *regional justice* and *linguistic justice* must go hand in hand if a fair solution is to be found for the evolution of the Belgian federal institutions. As we have seen, in the case of Brussels, locating the *regional* border alongside a fair *linguistic* border does not make for a fair *regional* border. The position of the *regional* border as it lies today has negative and unfair consequences for many people. These consequences should be rigorously analysed so that a fair regional border can then be proposed.

If it is felt desirable to keep the two borders – *linguistic* and *regional* - totally aligned, then a balanced compromise will have to be found between the positive consequences of expanding this common border in terms of regional justice, and the negative consequences of this expansion in terms of linguistic justice.

Alternatively, one could separate the two borders, and place each of them at a location which optimally suites their respective objectives.

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[6] For instance, in the canton of Bern, there are three different linguistic territories:
« Les langues officielles sont: dans le Jura bernois le français; dans le district de Bienne l'allemand et le français; dans les autres districts l'allemand. » (Article 17 of the Constitution of the canton of Bern).

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