

A Federal Constituency for Belgium: Right Idea, Inadequate Method*

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The survival of the Belgian state is an important matter—and not just to Belgium. If, in the physical and administrative heart of Europe, groups that have lived together peacefully for nearly two centuries decide that they must part, what does that say about the prospects for more fragile, more recently constructed democracies? Partition and secession are generally bad answers to serious ethnic conflict, answers that usually have an array of negative consequences (Horowitz 2003). For this among other reasons, the proposal of the Pavia Group is to be commended. It aims to break the deadlock in Belgian politics and provide politicians with incentives to speak for the country as a whole, rather than merely for members of their own group. Furthermore, it does this by a method intended to affect politicians: attempting to change the mix of votes on which they rely for their election. This is a very good first step.

The Pavia Group is not alone in attempting to give politicians the kind of reason politicians understand for modifying their behavior in an accommodative direction. Nigeria and Indonesia have adopted territorial distribution requirements, in addition to a bare plurality or majority of the vote, to elect presidents who will, in order to achieve adequate territorial distribution of the vote, become pan-ethnic figures. An array of proposals to use the majoritarian features of the supplementary vote or the alternative vote to prevent the election of parochial candidates have been advanced and sometimes adopted in local and national elections around the world, from mayoral contests in England to parliamentary contests in Papua New Guinea to presidential contests in Sri Lanka. Some political scientists have found that two-round runoff systems can produce significant votes across group lines in Switzerland, (Stojanović 2006), while others have proposed pooling of constituencies to create the heterogeneity that might be conducive to cross-ethnic appeals in Africa (Bogaards 2003). Electoral engineering to make politicians partially dependent on the votes of members of groups other than their own is, therefore, very much on the agenda of policy makers and scholars of divided societies.

The Pavia Group proposal can be viewed as an instance of constituency pooling to secure heterogeneity. The plan is to create 15 seats, 10 percent of the total federal House of Representatives, in a new nationwide territorial constituency. Each voter will have two votes. In addition to choosing from one of the party lists presented for their regional electoral constituency, voters will also vote for a list of candidates running in the nationwide federal constituency. The 15 seats will be allocated in proportion to the overall Flemish and Walloon population: 9 to Dutch-speakers and 6 to French-speakers. Parties will essentially have the option to present homogeneous lists of 6 or 9 candidates or a mixed list of as many as 15.

Because the numbers of Flemish and Walloon representatives from the federal constituency will be predetermined, there is no risk that, for example, a Flemish voter casting a vote that helps elect a Walloon candidate will be altering the ratio of Flemings and Walloons who are elected. The whole point of the plan is to free both candidates and voters of their inhibitions on making appeals and casting votes across group lines. As the authors say (Deschouwer and Van Parijs 2009: MS 14), “catching a vote from the other language group will not alter the

* I am indebted to Ong Kian Ming for research assistance and discussions on this subject.

numerical parliamentary representation of the language group to which a candidate belongs.” Then they go on to add that the 15 ethnically preallocated federal seats “will increase considerably the incentive for parties and candidates to court the voters across the linguistic border” (*ibid.*).

Is this likely to be true? It is, after all, one thing to relieve inhibitions and another to create incentives. In this case, the relieved inhibitions go only to apprehensions that voters who cross ethnic lines will affect adversely (for their own group) the ethnic proportions of members of the federal parliament. With that inhibition removed, what in the plan will cause parties to make cross-ethnic appeals or cause voters to respond favorably to such appeals if they are made?

It is impossible to answer this question in advance, but certain inferences from the overall structure of Belgian electoral politics are possible. According to the plan, 90 percent of the seats in the federal house will continue to be elected from constituencies that are wholly intraregional. Parties, too, are not organized across regional lines, as they once were; they are wholly ethnically based. Intraethnic party competition in each region is robust. The timetable of elections means that parties are “into a nearly permanent state of electoral campaign” (*ibid.*: 10), which will certainly make ethnically-based parties risk averse. Against this background, what is the basis for interethnic moderation? Will the parties in the same ideological stream, such as Christian Democrats, or Socialists, or Greens, put up joint lists in the federal constituency? Will individual parties put up interethnic lists of fifteen candidates, as opposed to homogeneous lists of six or nine, in the federal constituency?

The first reason to be skeptical of the plan is that the national federal constituency is not isolated from electoral politics in the rest of the Belgian system, which is dominated by regional ethnic dynamics. The proposed innovation affects only 10 percent of the total number of federal house seats, surely not enough to change the overall thrust of ethnic politics. A Flemish party can put up a national list of nine candidates and win seats on Flemish votes, just as a Walloon party can put up a list of six candidates and win seats on Walloon votes. Of course, there may be a temptation to win a larger number of seats if each such party adds, respectively, six Walloon or nine Flemish candidates to its list. But consider the position of such candidates when they appear on the list of a party identified as belonging to the opposite group. They may well be regarded as token candidates, not genuine representatives of the interests of their group; and, as such, they will be unlikely to attract many votes from their own group.

It would seem more likely that Flemish and Walloon parties of the same ideological family might cooperate by producing a single joint list of 15 candidates, with candidates of both groups placed high enough on the list to give the two partners a good chance to elect a mixed slate of candidates. The total vote obtained by such a list would be the product of both Flemish and Walloon votes. Yet it would still be clear that the Flemish voters and Walloon voters had cast their ballots for that list because it was produced by the ethnic party of each group, respectively, and victorious candidates of each group would understand that they owed their election to the ballots cast by voters loyal to one of the parties, rather than to both. And if some parties did not cooperate in this way and put up mixed lists, they would be likely to enjoy a competitive advantage over those that did.

Equally important will be the residual pull of the regional seats on the federal seats. As things now stand, there is no incentive for a party running candidates in Flanders to be especially solicitous of the interests of Walloons or Wallonia, and vice versa. Even in the mixed Brussels region, the parties all behave as ethnically-based parties. How can such parties, facing such overwhelming ethnic incentives that determine 90 percent of their electoral fortunes be expected to behave in a conciliatory fashion when it comes to the 10 percent of the seats in which they have a chance to pick up votes from groups not affiliated with their parties? They can scarcely make one set of commitments in regional elections and another in federal elections held simultaneously.

From the voter's point of view as well, the possibility of casting one ballot, the regional one, for a party affiliated with his or her group but casting a second ballot for a party not so

affiliated but which offers the possibility of electing some candidates from his or her group would seem to be far-fetched. The two votes are likely to be cast for the same party.⁵

In the background to all of this is the nature of the electoral system. Not only are voters overwhelmingly voting in homogeneous constituencies, but they are voting by list-system proportional representation. Now list PR has certain virtues, to be sure, even in ethnic politics. For example, where there are ethnic groups with prominent subethnic divisions, whether ideological or ascriptive, PR may allow the proliferation of parties within groups and so prevent ethnic bifurcation. In some ways, that is a description of its historical function in Belgium, in which socioeconomic and religious cleavages, as well as ethnicity, are expressed in the party system. There is, however, one function list PR typically does not perform, and that is providing incentives to bridge ethnic divisions. List PR is known as a centrifugal system (Cox 1990), and it is more appropriate for assuring descriptive ethnic representation than for fostering interethnic accommodation. What the Pavia Group proposals do by providing a federal electoral constituency is simply to add 15 seats elected from a heterogeneous constituency, but it is difficult to see how this would modify the ethnic-voting incentives of either candidates or voters.

The matter is made even more problematic by the open-list character of the PR system utilized. This might allow voters of one group to move candidates up or down based on their ethnic affinity, thus defeating the intentions of parties that put up mixed lists. There is at least some evidence of such voter behavior in other divided societies.⁶

To achieve its objectives, it would seem that the electoral system for the federal list would need to be different. If, for example, lists could only be elected if they achieved some territorial distribution threshold that testified to their interregional appeal, that standard for election would surely induce intergroup moderation on the part of candidates in such contests, and it would likely be reciprocated by voters. But, even then, the total effect on the political system would be mitigated by the tendencies emanating from the 90 percent of seats in which candidates are elected as representatives of ethnic interests. And it would be a very tricky task for any party to operate simultaneously in two electoral arenas—regional and federal—with such different electoral incentives.

The Pavia Group undoubtedly has the right idea—to put in place preelectoral incentives for intergroup cooperation. Now what it needs to do is to follow that idea to its logical conclusion and redesign the Belgian electoral system so that it produces more conciliatory results.

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⁵ As they tend to be in Germany, which has a two-vote system (Schoen 1999: 474).

⁶ Such as Sri Lanka (see de Silva 1989: 7) and Bosnia, at least according to anecdotal evidence.

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