

Chassez le naturel...

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“If the federal system does not work, it should be given less work to do”. This has been, as Deschouwer and Van Parijs correctly argue, the logic behind the subsequent reforms of the state in Belgium. Due to the split-up of the national party system and the institutional reforms, Belgium has gradually evolved towards a confederal system. The confederal government functions as a permanent quasi-international conference (to quote foreign minister Karel De Gucht) where the two language communities try to reach an agreement on a “federal” policy.

This development has been mainly the result of structural societal changes in Belgium, rather than of elite voluntarism. In the sixties and seventies, the elites have attempted to maintain the national parties as long as possible. But this proved untenable because of the increasing cultural divergence in Belgium and the break-up of inter-community communication flows, resulting in two different public opinions. In other words, the social basis of the national parties and of a national government has gradually disappeared. This confederal logic has been taken a step further in December 2007, when for the first time an asymmetric “federal” government was formed. The separate political dynamics of party competition and coalition formation have resulted in a minority government in Flanders and a government of quasi-national unity in Francophone Belgium.

In my view, the obvious next step would be to abolish the “federal” election of the Chamber and Senate. This would imply that only the regional Parliaments are directly elected and that governments are formed on the community level, which would then together constitute a confederal government with limited competences. The problem of the ‘overcrowded’ electoral cycle (due to the separate regional elections) would thus be solved in a straightforward way. Eventually, this confederal dynamic will end in Flanders and Wallonia becoming separate member states of the EU.

With their proposal, the authors apparently want to reverse this development towards confederalism. But it is less clear why they would want to do so, especially since they appear to be averse to nationalism and thus can hardly be suspected of a nostalgic attachment to Belgium and its symbols and institutions. Indeed, Deschouwer and Van Parijs reject the nationalist dreams about homogenous nation-states that “will not and should never exist”. But that is not really the issue. The issue is whether it makes sense to maintain the Belgian entity as a separate member-state of the European Union and a future European federation. It is often argued (by the Belgian King amongst others) that the Belgian institutions are a model for the EU and that, consequently, Europe should evolve towards a Belgium at large. But when we take this reasoning seriously, the implication is that in such a completely “Belgianised” Europe, Belgium will disappear as a separate member state.

And yes, such a scenario will obviously require a highly complex solution for Brussels. This solution will probably involve a binational (or more precisely a bi-state) status and a substantial autonomy under the supervision of a confederal body. It has been possible to find a complex solution for Brussels within a “federal” Belgian framework. Why would this be impossible within a full-fledged confederal framework?

But even viewed from a more pro-Belgian perspective, there are some major problems with the proposal of Deschouwer and Van Parijs. Clearly, the introduction of quota’s is in blatant contradiction to the integrative logic of the proposal, as the authors themselves seem to realize. The proposal aims at creating a class of responsible Belgian politicians, who give

precedence to the general Belgian interests above those of their own group. But hardly is this damned ethnic divide between Flemings and Francophones chased away through the front-door, or it sneaks back in through the backdoor in the form of a quota-device. The new Belgian is hardly invented, or he already gets stamped as a “Fleming” or a “Francophone”. *Chassez le naturel, il revient au galop.*

The arguments for the quota-system are not convincing. They seem to be based on the implicit assumption that the Francophone voters will want to be represented by ‘genuine’ Francophone politicians rather than by Flemish politicians who – in order to obtain Francophone votes – will adopt a moderate program taking the Francophone interests into account. In other words, the authors assume that (in a system without quota’s) the Francophones will distrust the Flemish politicians to such an extent that they will not vote for them, however Belgian and moderate they are. An argument which, incidentally, illustrates how deep the cleavage between Flemings and Francophones has become. This brings to mind one of the arguments which Arend Lijphart (1991) uses against Donald Horowitz’s proposal of an AV-electoral system as an integrative institutional tool. From Lijphart’s consociational perspective, it is vital that a group is represented by its own members, rather than by moderate members from another group.

In conformity with this consociational logic, the Belgian MP’s are divided into two language groups and the special laws require a majority in both of them. Members of the Dutch language group represent the Flemish interests, members of the French language groups the Francophone interests. Clearly, the federal constituency is completely at odds with this consociational device. The two language groups and the federal constituency are pieces of two different jig-jaw puzzles. It is impossible to make them fit without resorting to awkward mechanisms, such as creating a third category of linguistic ‘asexual’ MP’s or the quota-device defended by the authors. In sum, the proposal of a federal constituency with quota’s mixes up the logic of a the consociational and the integrative models of institutional accommodation. This proposal is simply light-years away from what a “coherent institutional package” should look like.⁷

The result is a system that is (particularly because of the quota rule) highly complex. If I were in favour of maintaining the Belgian entity, I would argue for a much simpler electoral device to create an incentive for moderation, namely the direct election of the Head of State in a national constituency. The presidency would be the highest political office in the state, and therefore a coveted prize for politicians (even if the presidential powers were only ceremonial). It probably would not even be necessary to resort to distribution or rotation formulas in order to achieve the desired result. Both under a simple plurality system as under a majority system, a Flemish politician would admittedly stand a better chance to win the election than a Francophone politician. But a Fleming able to appeal to the Francophone voters with a moderate pan-Belgian appeal would have an enormous competitive advantage over the more radical candidates appealing to the Flemish electorate only. In order words, the Francophone votes would be decisive in a de facto intra-Flemish competition. This would create a strong incentive for politicians aspiring for the highest office to behave moderately so as to be popular and to remain ‘presidential’ in both communities.

Of course, I readily acknowledge that such a proposal is not very realistic. But whether the proposal of Deschouwer and Van Parijs does better in that respect remains to be seen.

REFERENCES

Horowitz, Donald. Constitutional Design : an Oxymoron ?, in : Ian Shapiro and Stephen Macedo (eds.), *Designing Democratic Institutions*. New York, New York University Press, 2000, pp.253-284.

⁷ About the importance of a coherent institutional package, see Horowitz (2000).

Lijphart, Arend. The Alternative Vote : a Realistic Alternative for South Africa ?, in : *Politikon*, 18 (1991), nr.2, pp.91-101.