The Adaptation of the Electoral System to the Ethno-linguistic Evolution of Belgian Consociationalism

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ABSTRACT Complying with the idea that institutions could be used "to manage conflict democratically in divided societies" (Belmont *et al.*, 2002, p. 3), the Belgian state has reformed its institutions in the past 40 years to accommodate ethno-linguistic tensions between Dutch-speakers and French-speakers. While less frequently mentioned, electoral rules have also been adapted to this 'ethnicization' of Belgian politics. Interestingly, changes made to the electoral system for managing tensions between the two linguistic communities followed the core principles of consociationalism. This observation supports the idea that, when an existing pattern of conflict resolution has existed in a country for decades, it tends to remain the guiding line to accommodate tensions even when new types of conflicts emerge.

Using Electoral Institutions to Accommodate Ethnic Conflicts

Attention to ethno-linguistic conflicts has grown in political science in recent times. Several international journals and books are published regularly on the issue. In the 1990s several scholars aimed to pursue Nordlinger's seminal work on conflict management in divided societies by exploring how institutional design could play a role in the democratic stability of such heterogeneous countries (Reynolds, 2002; Power & Gasiorowski, 1997). Such works rely on the idea that "institutional design makes a difference in how effectively political leaders are able to manage conflict democratically in divided societies" (Belmont *et al.*, 2002, p. 3).

In this literature on the use of institutions to accommodate ethnic conflicts the three most often studied institutional devices are the degree of state centralism (De Villiers, 1994), the choice between a presidential and a parliamentary system (Shugart & Carey, 1992), and the electoral system (de Silva, 1998). In this article the focus will be on the latter. Most articles pursuing the same goal tend to analyse newer democracies, while, in this article, an older democracy is under scrutiny. This shift of focus may be of specific

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interest for two reasons. First, the institutional architecture is well established and therefore is more complicated to reform radically and quickly. Moreover, the resolution of internal conflicts through democratic structures has a past in such older democracies; ad hoc mechanisms pre-exist.

This last element led us to choose Belgium among all the 'older' democracies. In this country ethno-linguistic tensions between Dutch-speakers and French-speakers gradually became the dominant political cleavage. The way followed to deal with it was to reform institutions. While most authors focus primarily on the complex and steady transformation from a unitary state to a federation, the newly dominant ethno-linguistic cleavage also affected electoral rules. The second reason for choosing the Belgian case is the existence of a traditional pattern of conflict solving, namely consociationalism. Belgium is, with the Netherlands, Austria and Switzerland, one of the four countries that led Steiner (1969), Lorwin (1971), Daalder (1971), Lehmbruch (1975), and Lijphart (1969) to build up this new model of democracy present in deeply-divided societies. In that respect it is of significant interest to see how this existing model of conflict resolution influenced the way electoral institutions may be reformed when a new cleavage became salient.

The Evolution of Belgian Consociationalism

When Lijphart developed his model of consociational democracy (Lijphart, 1969), Belgium was immediately ranked as one of the ideal-types of this new pattern of political accommodation in divided societies. The Belgian version of consociationalism was built to ensure stability in a country deeply divided by two cleavages: the religious one (*cléricaux*' vs *'anti-cléricaux*') and the socioeconomic one (*patronat* vs working class). The creation of a consociational model, along with the creation of autonomous societal segments (or pillars) and techniques of political accommodation between elites, enabled Belgium to avoid implosion.

Since the 1960s the nature of Belgian consociationalism has evolved appreciably. In the 1950s–60s, after decades of confrontation, the two cleavages that dominated Belgian politics were pacified. However, this was not the beginning of a serene period for Belgian politics. As Lorwin stated: "the school pact, along with the secular trend of the erosion of old religious and class issues . . . left the way open for more intense confrontation on linguistic and regional issues" (Lorwin, 1970, p. 16). The linguistic issue was not absent before this. Indeed, it had been growing in success and activities since the mid-19th century. Yet on the whole it remained in the background in comparison to the dominant cleavages in Belgian political life. But since the 1960s, most political events are talked about in reference to the ethno-linguistic cleavage; as Léo Tindemans, former prime minister, once said: "Even the price of milk takes on a linguistic coloration in this country".¹

This 'ethnicization' of Belgian politics gradually transformed the country. All political parties split along the linguistic cleavage. New nationalist parties emerged as a relevant political force. Even inside the pillars divisions between Flemish and French-speakers emerged (Huyse, 1985). But, most notably, a process of step-by-step federalization started in 1962–63 with the first laws on language use (Peeters, 1994).

Even more than being a new major cleavage in Belgian politics, the ethno-linguistic issue deeply transformed the essence of the Belgian version of consociationalism. Originally the Belgian version of this model was built on pillars divided by two cleavages: a religious one and a socioeconomic one. One of the main characteristics of these lines of separation was that they were not territorially based. Members of both sides were significantly present in all regions of the country. Therefore, political management of these conflicts could not be undertaken through the creation of separate territorial units. By way of contrast, in the dispute between Dutch-speakers and French-speakers, the two sides were clearly separated territorially in most parts of the country. Consequently, in 1962, a linguistic frontier was drawn dividing the country into three areas: a Dutch-speaking one in the north, a French-speaking one in the south, and a bilingual one for Brussels and 18 municipalities surrounding the capital city. Having territorially separate entities, elements of federalism were gradually introduced to complete the existing consociational model of political accommodation.

In 1970 three linguistic communities (Dutch-speaking, French-speaking and Germanspeaking) were created by a first constitutional reform. Citizens living in Brussels were connected to a given community according to the language they normally spoke. In 1980 a second constitutional reform led to the creation of three regions: Flanders, Wallonia and Brussels. These new units were strictly based on territorial criteria. For instance, Wallonia included both French-speakers living in the south of the linguistic frontier and German-speakers. However, the creation of the Region of Brussels (Brussels Capital-Region) was delayed until 1988 as a result of obstacles regarding its status and territorial limits. Finally, in 1993, a third state reform was passed to adapt the Belgian constitutional framework to federalism. Since then, "Belgium [has been] a federal state made up of communities and regions".²

Yet the nature of Belgian federalism is peculiar. As Deschouwer stated, it would be more accurate to describe it as a model of *consociational federalism* (Deschouwer, 2002). The new federal structure of the Belgian state retained some traditional techniques inspired by the established consociational model. For example, to guarantee the principle of *grand coalition*, the federal executive is composed equally of Dutch-speakers and French-speakers. Moreover, elected representatives in the Chamber of Deputies are divided into two linguistic groups. Each group has a veto power, called the *alarm bell*, which allows every linguistic group to block any bill.

Consociationalism and Electoral Rules

When Deschouwer stated that Belgium had evolved from consociationalism to consociational federalism, his analysis was based on many components of the institutional architecture but not very much on the electoral system (Deschouwer, 2002). For some scholars, one can even read the Belgian electoral law by the end of the 1980s without noticing that the country is moving towards federalism (Stengers, 1990, p. 76). Fifteen years later we no longer agree with this observation. Knowing this, it would be interesting if, as for other institutional reforms, changes made to the Belgian electoral law associate federalism with consociationalism.

Currently, in the literature about the use of electoral systems to accommodate ethnic conflicts, two theses confront each other. On the one hand, Lijphart argues that his consociational model is the most suitable to reduce tensions. Concerning electoral rules there are two core principles of the consociational model (Lijphart, 2002). First, the interests of all segments of the country must be represented in the political sphere. For the author proportional representation is the best method to allow this configuration as it allocates to each group a proportion of MPs consequent to its electoral weight. Second, members

from one segment must be represented by MPs belonging to the same segment. Election would assign them the task of being the relay of their community. Lijphart does not believe that someone coming from another segment is able to represent one's interests. Consequently, politicians elected according to these two principles are in charge of the settlement of conflicts between societal segments through the cooperation of elites from all segments. It should be noted that the proportionality principle can be transgressed in order to make sure that all segments are associated to the decision and that no group can impose its will on others.

The concurrent model was developed mainly by Horowitz (1989) and Reilly (1997). Their 'incentives' or 'centripetal' models are based on the idea that a political elite only chosen by voters from their ethnic group are not inclined to adopt moderate positions. Therefore, electoral rules should encourage moderate behaviour "by giving politicians in ethnically divided societies reasons to seek electoral support from groups beyond their own community" (Reilly, 2001, p. 6). Electoral rules are conceived as incentives for consensual postures. They lead these scholars to push for multi-ethnic constituencies and for ranking voting systems such as alternative vote or single transferable vote. These two rules force candidates to seek votes outside their own group by adopting a more moderate stance.

Our analysis of the Belgian case will provide further empirical elements allowing us to evaluate which of the two concurrent models (consociational vs centripetal) was privileged in the adaptation of the Belgian electoral law to accommodate ethno-linguistic conflicts.

The Evolution of the Belgian Electoral Law: Reproducing Consociational Principles

The Belgian Electoral System before Federalism

Before going into the recent adaptations of the Belgian electoral law, we must first go back to what was the electoral system before the emergence of the ethno-linguistic conflicts (Table 1). Since 1899 proportional representation has been used for all elections in the country.³ In 1960 the elected bodies were the two chambers of the national parliament (Chamber of Deputies and Senate), the provincial councils and the local councils. Within lists, MPs are designated following the ranking of the list. Nevertheless, voters may modify this mechanism by casting a preferential vote. They can also decide to support the ranking established by the party by casting a list vote.⁴

| Level of power | Elected body | Formula | Constituencies | Type of lists |
|----------------|---------------------|--------------|---|-----------------|
| National | Chamber of deputies | PR D'Hondt | 30 districts, two-tier system | Semi-open lists |
| | Senate | PR D'Hondt | 21 districts, two-tier system | Semi-open lists |
| Provincial | Council | PR D'Hondt | Sub-provincial districts, two-tier system | Semi-open lists |
| Local | Council | PR Imperiali | Single-district | Semi-open lists |

Table 1. Belgian electoral system in 1960

The last element to be described is the division of the country into subnational constituencies. Belgium is divided into smaller constituencies, each electing a number of MPs according with their demographic weight. For national elections the limits of these districts are different for the Chamber and for the Senate. For the former 30 smaller constituencies were used in 1960, while for the latter there were only 21 bigger districts. For both chambers districts may not include areas from two different provinces, and consequently may not be bigger than a province. Second, a two-tier system is applied. After a first seat allocation at the district level, remainder votes and seats are transferred to the upper provincial tier. This system was developed to strengthen the proportionality of the system (Hooghe, 2003). For provincial elections the territory is also divided into subunits with a two-tier system of seat allocation. Finally, for local elections there is only one district, including the whole municipal territory.

The Adaptation of the Belgian Electoral Law to the Ethno-linguistic Cleavage

Up to the 1960s Belgium was a unitary state with no administrative division reflecting the linguistic heterogeneity of the country. This apparent unity raised tensions between communities requesting the recognition of their linguistic and cultural specificity. As the state was dominated by French-speaking elites, these claims were more present in Flanders. Gradually several steps led to the recognition of the bilingual character of the country.

The turning point in this conflict occurred in 1962–63 when the institutional solution found to solve the ethno-linguistic conflicts between Dutch-speakers and French-speakers was to draw a linguistic border dividing the country into two unilingual communities (Flanders and Wallonia), with Brussels as a bilingual region (Huysseune, 2004). Since then this demarcation line has become the major frontier in Belgium's institutional evolution. The three regions (Flanders, Wallonia and Brussels) and the three linguistic communities (Flemish, French-speaking and German-speaking) composing the federal state are separated on the basis of this line drawn in 1962–63. In 1993 the former Province of Brabant was divided into Flemish Brabant and Walloon Brabant along this line.

Electoral law was also influenced by this linguistic separation. Two groups of changes can be distinguished in this respect. First, several amendments were passed to create two separate electoral arenas, a Flemish one in the north and a Francophone one in the south. Second, successive arrangements were found to manage the linguistic borderline, and more specifically Brussels and its surrounding area.

Building separate electoral arenas. The first sign of the creation of two separate electoral arenas appeared with the first European elections (1979). The decision taken by the Belgian legislator was to create two separate Electoral Colleges (a Dutch-speaking one electing 13 MEPS and a French-speaking one electing 11 MEPs). The term 'Electoral College' was used instead of 'constituencies' because the Dutch- and French-speaking areas overlap territorially in the district of Brussels-Hal-Vilvorde. In Wallonia and Flanders voters can only choose among lists from one College. But in the bilingual constituency of Brussels-Hal-Vilvorde voters have a choice among lists from both Colleges. In 1993 an amendment was passed to create a German-speaking district corresponding to the German-speaking community. Since 1995 one MEP has been elected separately in this district.⁵

Electoral laws remained stable in this matter until 1993. At that time separation in linguistic constituencies was also introduced for the Belgian Senate. Before then the directly elected senators competed in 21 constituencies (Gerard, 1999). In 1993, among many changes introduced by the constitutional reform, one aimed to transform the Upper House into a 'chamber of the states'. Elected senators were meant to be representatives of the components of the federal state. Consequently, the system of Electoral Colleges used for the European Parliament was extended to the Senate. Since 1995 the 40 directly elected senators have been elected either by the Dutch-speaking College (25 senators), or by the French-speaking one (15 senators). For this election, too, voters from Brussels-Hal-Vilvorde are the only ones in the country with a choice among lists from both Electoral Colleges.

In the Chamber of Deputies the impact of the ethno-linguistic cleavage on electoral law is less apparent. This is first and foremost because there has only been one bilingual constituency since 1899, namely Brussels-Hal-Vilvorde. Thanks to its bilingual character, this latter district happens to be the sole one in which the ethno-linguistic cleavage could have an impact on debates on electoral legislation for the lower house of parliament. This bilingual district of Brussels-Hal-Vilvorde has certainly been among the most often discussed issues in this regard. Immediately after the adoption of the 1962–63 laws establishing the linguistic frontier, several bills were submitted to parliament by Flemish deputies and senators to divide the bilingual district into two parts: Brussels and Hal-Vilvorde (Dewachter, 2003). To its supporters this reform was perfectly suitable for the new state structure established by the linguistic border. The sole bilingual area was made up of the 19 municipalities of the Brussels-Capital Region. The rest of the country was either Flemish or French-speaking. Therefore, Hal-Vilvorde had to be part of the Dutch-speaking zone. Only the Brussels-Capital Region could remain bilingual. For more than 40 years such claims have been recurrent but have remained blocked by French-speaking political parties (Mabille, 2000). For them Brussels-Hal-Vilvorde allows the sizeable French-speaking minority living in the municipalities around Hal-Vilvorde to vote for French-speaking politicians.

In 2002 the Belgian government decided to reduce the number of constituencies for the Chamber of Deputies from 20 to 11. This reform relaunched the debate on splitting up Brussels-Hal-Vilvorde. Up to now no agreement has been found and French-speaking parties continue to refuse to allow a division, even though the issue was being discussed intensively in parliament and in government in late 2004. This debate is more than just technical. If Brussels-Hal-Vilvorde is divided into a Flemish Hal-Vilvorde and a bilingual Brussels, this decision will have to be implemented for the Chamber of Representatives, the Senate and the European elections. Moreover, such a decision would mean that the linguistic border drawn in 1962–63 to separate the two linguistic groups administratively would fully modify Belgian electoral law in about 40 years. From that point on two fully separate electoral arenas would co-exist in the country, one in Flanders and one in Wallonia, with the 19 municipalities of the Brussels-Capital region as the last remaining bilingual region.

Managing the linguistic borderline. Even though the vast majority of Belgian territory is divided into two linguistically separate electoral arenas, some points of contact remain. These points of contact between the two linguistically electoral arenas can be divided into two groups. The first group only takes Brussels-Capital Region into account. This

region has since 1962–63 been given a bilingual status that is echoed in its electoral legislation. The second group includes a few municipalities along the borderline. These towns are part of a monolingual region, either Wallonia or Flanders. However, a significant part of their population (sometimes the majority) does not have the official language of the region as its mother tongue. In these points of contact some elements of minority representation were introduced in the electoral law to guarantee the representation of their interests.

In these points of contact the most disputed issue is certainly Brussels-Hal-Vilvorde. The 1962–63 linguistic borderline limits the bilingual region to 19 municipalities constituting the Brussels-Capital Region. But for European, Senate and Chamber elections the bilingual area is broadened to the district of Brussels-Hal-Vilvorde. The dispute about this constituency reproduced the disagreement between the two ethno-linguistic groups on the territory that ought to be considered bilingual. Practically, two important elements have to be underlined for European, Senate and Chamber elections in Brussels-Hal-Vilvorde. First, voters are not pre-identified as French-speakers or Dutch-speakers. They can choose among both French-speaking and Flemish lists. Whatever one's mother tongue, one can vote for a party from both linguistic groups (Dutch-speaking or French-speaking). This broader choice results from the fact that there is no sub-nationality or 'linguistic nationality' in Belgium. The linguistic frontier divides Belgian citizens into Belgians living in the Dutch-speaking region, in the French-speaking region or in the bilingual region. Knowing that there is no 'linguistic nationality', it is not possible to separate *a priori* French-speaking voters from Flemish-speaking voters for any election. In both Wallonia and Flanders one's linguistic identity is territorial. If you live in Flanders, your official language is Flemish. Therefore, you can only vote for Flemish parties (and vice versa for Wallonia). In a bilingual region (Brussels), the territorial criterion does not determine the language you are supposed to speak. If you were requested to declare yourself as either a French-speaker or a Flemish-speaker, it would lead to the definition of an illegal 'linguistic nationality' not based on the territory. Consequently, in the bilingual region, people can vote for parties from both linguistic communities. This way there is no question of sub-nationality to be answered before voting. Both ethno-linguistic groups agree on the idea that this specific regime should be restricted to the bilingual area. However, they do not agree on the limits of this particular zone. The whole dispute regarding Brussels-Hal-Vilvorde derives from this disagreement.

A second important issue for electoral rules in the points of contact between the two linguistic communities is the legislation for regional elections in the bilingual Brussels-Capital Region. In this case the bilingual territory is clearly limited to 19 municipalities constituting the region. Yet specific rules were adopted. As for the elections in Brussels-Hal-Vilvorde, voters do not have to be pre-identified according to their mother tongue. The interdiction of 'linguistic nationalities' has been a golden rule for all administrative and electoral issues in Brussels. Second, as for the Chamber of deputies in Brussels-Hal-Vilvorde, no pre-established number of regional deputies was allocated to each linguistic group until 2004. Voters can choose among all lists from both ethnolinguistic groups. But only unilingual lists may compete. After the vote, lists are grouped by linguistic group. Their aggregate results allow calculation of how many seats are given to Flemish lists and how many to French-speaking ones (out of the 75 members of the regional parliament—MRPs). After this first allocation, a second allocation among lists is made separately in the two linguistic groups. In each of them

seats are attributed using a proportional basis. This mechanism led to some changes in the number of MRPs received by each linguistic group. In 1989 and 1999 the ratio was 64 French-speaking representatives to 11 Dutch-speaking ones. In 1995 there were only 10 seats to allocate among Dutch-speaking lists. In the early years of the new millennium this system was contested and modified. As for the Senate and the European Parliament, pre-set amounts of seats for the two linguistic groups were established at the same time that the total number of Brussels MRPs was raised. Since 2004 the Brussels regional parliament has been made up of 72 French-speaking deputies and 17 Dutch-speaking ones (Bayenet et al., 2002). In fact, this reform not only intented to suppress variations in the amount of seats received by the two linguistic groups. It also translated two fears. First, with a small group of only 11 representatives, it was very difficult for Flemish MRPs to take part in all parliamentary committees. The second reason was more pragmatic. When the number of representatives elected is relatively low, larger parties tend to be favoured (Katz, 1997). In Brussels, the problem with such deviation from the proportionality is that the extreme-right party, Vlaams Blok, is the largest party. Therefore it is the one to be favoured. In 1999, with 31.9% of the votes, it received more than one-third of the 11 seats in the Dutch-speaking group. The scenario feared by many was that the Vlaams Blok would get more than half of all Flemish seats in the Brussels regional assembly. In this situation this party would be able to block any bill requiring a majority of votes in the two linguistic groups. Moreover, it would be impossible to exclude the Vlaams Blok from the regional executive. On that basis the decision taken in 2001 was to extend the number of regional MPs in both linguistic groups.

The regional elections in Brussels have to be highlighted for another particular element. The regional campaign is one of the few in Belgium where parties try to attract votes outside their linguistic group. Most lists and candidates publish manifestos in both French and Dutch. Such a strategy is particularly worthwhile for Flemish parties. About 80% of voters in Brussels are French-speakers. Therefore, if a Dutch-speaking party can attract only 2% of French-speaking ballots, it can make a huge difference in the small Flemish college. Surprisingly, the party that benefits the most from this tactic is the Vlaams Blok. Knowing the anti-francophone stance of the party and its secessionist views, its success among French-speaking voters in Brussels may look irrational. Yet the party's campaign in French tries to hide its nationalist discourse as much as possible and to attract voters on the basis of its xenophobic positions. In 2004 most other Flemish parties also conducted notable campaigns aimed at French-speakers. For them the tactic was to get votes from those on the other side of the ethno-linguistic cleavage who feared a Vlaams Blok success. The message delivered was: vote for democratic Flemish parties to diminish the risk of a Vlaams Blok majority. Nevertheless, their success was very marginal.

At the local level, too, electoral rules have been progressively modified to guarantee the representation of both linguistic groups in the 19 municipalities composing the Brussels-Capital Region. As for every other election, the interdiction of 'linguistic nationalities' has rejected the solution of pre-identification of voters according to their mother tongue. As a result, every citizen has the opportunity to vote for both Flemish and French-speaking parties. For the allocation of seats, unlike for the Brussels regional parliament, no definite quota is given to both linguistic groups. Seats are allocated among all parties through a system of proportional representation using the Imperiali method. However, because of the low number of Dutch-speakers in some municipalities in the Brussels-Capital

region, several mechanisms of minimal representation have been created (Witte *et al.*, 2003). First of all, minimal representation is guaranteed for municipalities where there are very few Flemish-speakers. If no local councillor comes from a Flemish party, one Flemish candidate is automatically appointed to the municipal council of public aid (CPAS-OCMW council).⁶ Moreover, in a municipality where the mayor is appointed with the support of one Flemish councillor, the local executive must include at least one Flemish member.⁷ This supplementary member of the local 'government' (alderman) can be added to the number of executive members provided for by the law.

Apart from Brussels-Capital Region with its bilingual status, other points of contact between the two linguistic communities exist along the linguistic frontier set up in 1962–63. It occurred in communes where a significant minority (and sometimes even a majority) of inhabitants did not have the regional official language as mother tongue. Consequently, several conflicts rose. To pacify these tensions, a specific regime of language use called 'linguistic facilities' was adopted by the legislature for six municipalities around Brussels and 10 along the borderline. This specificity of administrative rules in several municipalities along the borderline was reflected in electoral legislation. For national (Chamber and Senate) and European elections, French-speakers living in the Flemish communes around Brussels-Capital Region have the opportunity to vote for French-speaking parties as they are part of the constituency of Brussels-Hal-Vilvorde. In two other localities (Voeren/Fourons and Comines-Warneton), the linguistic minority benefits from a special status for European and national elections. French-speaking inhabitants from Voeren/Fourons can vote for French-speaking parties in the Walloon town Aubel; Dutch-speakers living in Comines-Warneton have the opportunity to vote in the Flemish town of Heuvelland.

For local elections, too, specific electoral rules are applied in municipalities along the borderline with the specific administrative regime of 'linguistic facilities'. There is a special regime to elect the municipal executive in the six 'facilities' municipalities around Brussels and in Voeren and Comines-Warneton (Lagasse, 2001). In these eight towns all members of the executive college except the mayor are directly elected by voters. More precisely, mandates in the local executive are distributed through PR to all lists on the basis of the votes they get for the council elections. In practice, this system guarantees the presence of candidates from both linguistic groups. In addition, all decisions taken by the municipal executive require a unanimous vote making sure aldermen from both linguistic groups have a say in every decision.

Reproducing Consociational Principles

As the previous point showed, the Belgian electoral system has been significantly modified by the ethno-linguistic cleavage. In the past four decades, and more intensively since the early 1990s, many amendments were added to create two linguistically separate electoral arenas, and to guarantee some mechanisms of minority representation in the remaining points of contact between the two dominant linguistic groups. Even though the core rules were preserved (PR, semi-open lists, sub-national constituencies), the implementation of these two principles, combined with the creation of new levels of government (regions, communities) with their own elected bodies, has produced a very complex electoral system (Table 2).

| Level of power | Elected body | Formula | Constituencies | Type of lists |
|-------------------|------------------------------------|--------------|--|---------------------------------------|
| European Union | Parliament | PR D'Hondt | Four constituencies, three linguistic colleges, pre-set quotas of MEPs for each linguistic group | Semi-open lists, no bilingual list |
| National | Chamber of Deputies | PR D'Hondt | 11 districts, two-tier system only between Brussels- Hal-Vilvorde and Leuven, and between Brussels-Hal- Vilvorde and Walloon | Semi-open lists, no bilingual list |
| | Senate | PR D'Hondt | Three constituencies, two linguistic colleges, pre-set quotas of senators for each linguistic group | Semi-open lists, no bilingual list |
| Regional | Flemish parliament | PR D'Hondt | 5 provincial districts ^a | Semi-open lists, no bilingual list |
| | Walloon parliament | PR D'Hondt | 13 subprovincial districts, two-tier system | Semi-open lists, no bilingual list |
| | Brussels regional parliament | PR D'Hondt | Single-district, pre-set quotas of MRPs for each linguistic group | Semi-open lists, no bilingual list |
| Provincial | Council | PR D'Hondt | Sub-provincial districts, two- tier system | Semi-open lists |
| Local | Council | PR Imperiali | Single-district, guaranteed representation for the linguistic minority | Semi-open lists |

Table 2. Belgian electoral system in 2004

Note: ^aThe parliament of the Flemish community is made up of all Flemish MRPs, and of six deputies elected by Brussels voters who voted for a Flemish list for the Brussels regional parliament.

As explained in the introduction, in the scientific literature on the use of electoral rules to solve ethnic conflicts, there are two concurrent models: Liphart's consociational model (Liphart, 2002), and Horowitz's (1989) and Reilly's (1997) 'incentives' or 'centripetal' model. In the Belgian case it is clear that the consociational way has been privileged. First, the creation of two linguistically separate electoral worlds clearly goes against Reilly's idea that electoral rules should encourage moderate behaviour "by giving politicians in ethnically divided societies reasons to seek electoral support from groups beyond their own community" (Reilly, 2001, p. 6). In Belgium, in most part of the country, politicians only have to seek votes from members from their own ethno-linguistic group; French-speaking parties campaign to attract French-speaking voters and reciprocally in Flanders. Furthermore, voters are only represented by representatives from their own linguistic community. Originally, this model was applied in Belgium through a system of PR. The vote expressed by members of all pillars was directly based on their segmental identity. They used to support politicians from their pillar and asked them to defend the interests of their group. The creation of two linguistically distinct electoral arenas followed the same logic. The settlement of all conflicts between the two ethnolinguistic groups was not achieved by appealing to moderate voters but through the political elites of both communities.

In the points of contact between the two linguistic groups, mainly Brussels-Capital Region and Brussels-Hal-Vilvorde, this separation was more complicated to implement. Voters cannot be asked to define themselves according to their mother tongue before voting. Such a system would create a kind of sub-nationality banned in Belgium. Therefore voters are not pre-identified linguistically and have the opportunity to vote for candidates from all ethno-linguistic groups. Consequently, other amendments to the electoral legislation had to be found. The solution developed was to put together lists by linguistic group after the vote; each group receiving a certain amount of seats. The system guarantees the representation of each linguistic group.

Furthermore, the behaviour of both voters and parties has reflected the idea that a community could only be defended by its own politicians. In the regional elections in Flanders part of the sizeable minority of French-speakers living in Flemish Brabant refused to vote for Flemish lists. Therefore, lists called 'Union des francophones' united the three main French-speaking parties (PS, MR, CDH) and allowed them to stand for the Flemish regional parliament. In Wallonia the picture was different for the representation of the German-speaking community in the regional parliament. All major parties attributed an open position on their list in the district of Verviers to a German-speaking candidate. Both situations confirmed that a linguistic group must be represented by its representatives. The sole exception to this rule was in Brussels, where lists try to attract voters from both linguistic groups by campaigning in French and Dutch. However, their success is marginal.

In the points of contact between the two ethno-linguistic communities, another principle followed has been the establishment of a guaranteed level of minority representation in the political bodies. These mechanisms also comply with Liphart's model. For him the proportionality of the system may be broken up in order to associate all segments with the decision-making and to avoid one dominant segment imposing its will on all others (Lijphart, 2002). In the Belgian electoral law this logic was instituted through the establishment of quotas of minimal presence of representatives from the linguistic minority in the legislative body or in the executive. In Brussels-Capital Region, since 2004, the 89 regional deputies have been divided into 72 for French-speaking parties and 17 for Flemish lists. For the Senate and for the European Parliament, similar quotas are used. Moreover, they are associated with mechanisms such as the double majority vote (a majority in both linguistic groups is required to pass a law) in these legislatives assemblies, or a guaranteed representation of the ethno-linguistic minority in the executive. This pattern was also applied to local elections in the 19 communes of Brussels-Capital Region, where an extra member of the executive could be added to allow the representation of both linguistic groups. In eight towns along the linguistic frontier, members of the executive were elected through PR, guaranteeing the presence of members from all major ethno-linguistic groups.

Explaining the Reproduction of Consociational Principles

As the previous points have illustrated, the way the Belgian electoral law was adapted to the ethno-linguistic cleavage in the past four decades fully complies with the core principles of the consociational model (see Table 3). As the literature on electoral system choice in ethnically divided societies shows, alternative approaches were possible. Why was this way privileged?

| Consociational principles | Unitary Belgium—weak ethno-linguistic cleavage | Federal Belgium—dominant ethno-linguistic cleavage |
|--|---|--|
| All segments must be represented in order to be involved in decision making | Proportional representation | Proportional representation Guaranteed level of minority representation |
| A segment may only be represented by its members | • Each pillar is represented by its own political party | • Creation of linguistically separate electoral arenas |

Table 3. The reproduction of consociational principles

First, a path-dependency explanation could be given. When a pattern of conflict resolution, in this case consociationalism, has existed in a country for decades, it becomes part of the country's political culture. Therefore, this pattern of conflict resolution is difficult to break up, and tends to remain the guiding line even when new types of conflicts emerge. This path-dependency effect was already underlined by Magnette and Costa when they affirmed that: "former habits and institutions established in the first consociative phase [become with time] determining factors in the choice subsequently made in a different political context" (Magnette & Costa, 2003, p. 5).

Another explanation can be found in Daalder's works (Daalder, 1971). For him elites did not adopt a moderate stance and decisions by consensus to accommodate tensions between segments. Their inclination to consensus pre-existed the emergence of the cleavages that divided countries like Switzerland and the Netherlands. When cleavages emerged, elites used their existing patterns of consensus to accommodate these tensions. It is not the segmentation of society that led to consociationalism; the inclination towards consensual stances pre-existed and was applied to reduce emergent cleavages. A similar logic may explain the inclination of Belgian elites to privilege consocational techniques to reduce tensions along a new line of cleavage.

Third, the configuration of the Belgian political system was also more favourable to the consociational model than to its alternatives. First of all, except for one single constituency, Brussels-Hal-Vilvorde, electoral districts used in Belgium since 1899 have coincided with the linguistic borderline even before this frontier was set up. All constituencies but one were monolingual. In that context the creation of mixed constituencies where candidates have to seek votes from both linguistic groups was more complicated than the creation of linguistically separate electoral arenas. Furthermore, most amendments to the electoral system influenced by the ethno-linguistic cleavage were passed at a time when all political parties had split along the linguistic cleavage. Since then, no national party has existed in Belgium (Delwit, 2003). Moreover, no party is still present in the two regions. The sole area where French-speaking and Flemish parties confront one another is Brussels. In this context it is plausible that these split political parties would prefer not to compete with their previous counterpart to attract votes. The building of linguistically separate electoral arenas ensured that it would not happen.

Finally, the choice of the consociational model was also the most worthwhile for parties in terms of access to power. According to Boix (1999), parties tend to favour electoral rules giving them maximum access to power. The consociational model is in that respect an interesting choice. First, even where you are part of the minority group, it guarantees your participation in all major decisions. Second, by instituting thresholds of minimum guaranteed representation, Belgian parties have opted for a system that is in their strategic interest.

Conclusion

There is a growing interest in the use of institutions to build a framework favouring the peaceful accommodation of ethnic conflicts (Reynolds, 2002). In this literature, one of the most often scrutinized institutional devices is the electoral system. Yet most of these studies are supported by empirical evidence found in newer democracies. In this article we have adopted the alternative option. Studying an older democracy has a twofold interest. First, there is an existing institutional architecture that cannot be radically modified in a short period of time. Second, there is a history, a habit of democratic resolution of conflicts. Knowing that, an analysis of electoral reform passed to reduce tensions between ethnic groups in an older democracy provides a better appreciation of the way existing institutional patterns may adapt when a new ethnic cleavage emerges.

For all these reasons an analysis of the recent evolution of the Belgian electoral system is relevant. Institutions were used in this country to reduce the growing tensions between the two dominant linguistic communities (Dutch-speakers and French-speakers). Even though electoral reforms are not the most visible part of it, these were also adapted to accommodate ethno-linguistic tensions. What we have observed is that reform of the Belgian electoral law since the 1960s has followed two core principles. The first was the construction of linguistically separate electoral arenas. This division was drawn along the linguistic border established in 1962–63, dividing the country into three linguistic areas (a Dutch-speaking one in the north, a French-speaking one in the south, and a bilingual one around Brussels). The main example of this division is the creation for Senate elections of two electoral colleges: a Flemish one and a French-speaking one, with voters in Brussels-Hal-Vilvorde being the only ones in the country having the choice between lists from the two colleges. The second pattern of reform was the management of all points of contact between the linguistic communities by instituting mechanisms of minority representation. For instance, for regional elections in Brussels the Dutch-speaking minority has a guaranteed quota of 17 of the 89 members of the regional parliament.

Interestingly, this evolution confirms our two expectations about institutional reforms in older democracies. First, as we expected, the institutional architecture in older democracies is less flexible. Even to match new cleavages and growing tensions within society, its reform needs time. The federalization of Belgium and the adaptation of its electoral system took more than four decades and some issues are still being discussed. Second, it showed that, when a pattern of conflict resolution has existed in a country for decades, it becomes part of the political culture of the country. Therefore this pattern of conflict resolution tends to remain the guiding line even when new types of conflicts emerge. In the Belgian case the adaptation of the Belgian electoral law to the ethno-linguistic cleavage complies with the consociational model. Concerning the use of electoral rules, the core principles of Liphart's model are that: 1) the interests of all segments of the country must be represented in the political sphere; 2) members from one segment must be represented by MPs belonging to the same segment; and 3) the proportionality principle

can be transgressed in order to make sure that all segments are associated with the decision and that no group can impose its will on others. These principles are present in the evolutions of Belgian electoral law. First, the creation of linguistically separate electoral arenas as observed in Belgium complies with the idea that members from one segment must be represented by MPs belonging to the same segment. Second, the core principle to guarantee representation of all segments remains proportional representation. Lastly, the distance from the proportionality principle introduced by the institution of quotas of guaranteed representation has been adopted in order to ensure that the linguistic minority is not denied in the decision-making process.

In other words, the analysis of the Belgian case conducted in this article has shown that, as in newer democracies, institutional reforms are a privileged means used in established democracies to accommodate new tensions along an ethnic or an ethno-linguistic cleavage. However, in these older democracies such reforms are more constrained. First of all, they take more time, as the existing institutional architecture is less flexible. Second, existing patterns of conflict resolution tend to be reproduced in the new rules adopted.

Notes

- 1. Quoted from Res Publica, 13(3-4), 1971, p. 433.
- 2. Belgian Constitution, Article 1.
- 3. D'Hondt formula except for local elections, where the Imperial formula is used.
- 4. The ranking of the list is rarely modified (Dewachter, 2003).
- 5. Since the 1995 European elections, Belgium has had 25 MEPs (+1). The extra seat was given to a newly created German-speaking college. Moreover, a reapportionment was passed between the Dutch- and French-speaking colleges. The former got one extra seat (14) while the latter lost one (10). In 2004 Belgium lost one MEP. The consequence is that the French-speaking college sends one less MEP than before (nine instead of 10), while the two other linguistic colleges keep the same number of MEPs.
- 6. Local programmes of public aid are run by a service called the CPAS-OCMW. All CPAS-OCMW's activities are carried out under the supervision of a political council appointed by the elected municipal council.
- 7. From 1989 to 2004 the appointment of an additional member of the local executive, to include one member from the linguistic minority, was only a possibility. In 2004 it became compulsory in municipalities where the mayor was appointed with the support of one Flemish councillor.

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