

Is a Bi-National Democracy Viable? The Case of Belgium

Philippe Van Parijs*

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Is there anywhere on earth an area of about 30,000 km² inhabited by about eleven million people divided, in a ratio of about 60/40, into two main linguistic communities, whose political life is dominated by the conflict between these two communities about many issues, not least by the clash between their respective claims on their historical capital? Ask Google, Wikipedia, Wolfram Alpha. They will all tell you that there are two such areas. One is called Israel/Palestine. The other one is called Belgium.

In neither of these two areas can the relationship between the two communities be described as smooth. But in one of these two areas, the level of tension, violence and repression is incomparably lower than in the other. One casualty as a result of a heart attack is no match to thousands of victims of terrorism and war. It so happens that the more peaceful of the two areas lives under a regime that can arguably be characterized as a “binational democracy.” Does its being more peaceful have anything to do with this characteristic? And could the less peaceful of the two areas, despite countless differences, benefit from becoming more like a binational democracy?

It is not my intent in this essay to answer either of these two questions, but I will provide some food for thinking about both of them by defending the following claim: Yes, Belgium’s democracy is viable, but if it is ever to function significantly better than it does now, it needs to become less binational in several dimensions. For this claim to be intelligible, a modicum of historical and institutional background is indispensable.¹

An Unusual Federal State

In 1830, Belgium seceded from the Kingdom of the Netherlands to form a unitary state with French as the sole official language. As a result of a long and laborious process driven by the Flemish movement, it recognized Dutch and French on the same official footing in 1898, and eventually became a federal state in 1993 with linguistically defined components.

Belgium’s federalism is unusual because it combines a standard territorial federalism based on three regions (Flanders, Wallonia, and Brussels-Capital) with a non-territorial federalism based on three communities (French, Dutch, and German-speaking) which do not coincide with the three regions. This community-based federalism constitutes a very limited instance of the personal federalism advocated over a century ago by the first people who tried

· Philippe Van Parijs directs the Hoover Chair of Economic and Social Ethics at the University of Louvain and holds a Visiting Professorship at the Law Faculty of the University of Oxford

¹ See Kris Deschouwer, *The Politics of Belgium. Governing a Divided Society* (London: Palgrave-Macmillan, 2009), for a lucid and comprehensive presentation of Belgium’s current institutional framework and how it came about.

to imagine how best to organize a multinational democracy. The social-democratic thinkers and leaders Karl Renner) and Otto Bauer wanted to address the challenge of turning the Austrian Empire into a democratic polity that would accommodate the coexistence of eight nations, each defined by its language and several of them not neatly confined to specific territorial segments of the empire.² Their proposal, which was never implemented, was to confer competences in matters of education, culture, religion, and social assistance to parliaments and governments that would rule over these non-territorially defined nations.

In federal Belgium, “person-related” competences are similarly entrusted to the communities, each of which has its own executive and assembly, while the regions’ assemblies and executives are in charge of “place-related” competences. The communities’ competences, however, are far more territorially confined than they would be in a pure Renner-Bauer model: in the case of the German-speaking community (Deutschsprachige Gemeinschaft), to nine municipalities in the east of the Walloon region; in the case of the French-speaking community (Communauté française Wallonie-Bruxelles), to the rest of the Walloon region and to French-speaking Brusselers; in the case of the Dutch-speaking community (Vlaamse Gemeenschap), to Flanders and to Dutch-speaking Brusselers. It is the overlap between the two main communities within the limits of the Brussels region that makes Belgian federalism (very modestly) non-territorial.

Belgium	30.510 km²		10.839.905 inhabitants	
Flanders	13.522 km ²	44.3 %	6.251.983	57.7%
Brussels	161 km ²	0.5 %	1.089.538	10.1%
Wallonia	16.844 km ²	55.2 %	3.498.384	32.3%
of which				
German-speaking Community	854 km ²	2.8 %	75.222	0.7%

Source : <http://statbel.fgov.be> (data for 1/1/2010)

Next to the pattern of devolution, the electoral system is another key feature of Belgium’s democracy. Back in 1899, Belgium was the first country to adopt proportional representation. It is still in place today at all levels of government, in an “open list” version that gives each elector the possibility of voting for several individual candidates on the same list. The elections for the federal Chamber of Deputies are organized in eleven multi-member constituencies, each corresponding to one of the provinces (five in Flanders, five in Wallonia) with the exception of the Brussels constituency that currently includes thirty five communes

² Karl Renner, *Der Kampf der österreichischen Nation um den Staat* (Leipzig & Vienna: Franz Deuticke, 1902; revised as *Das Selbstbestimmungsrecht der Nationen* [Leipzig & Vienna: Franz Deuticke, 1918]); Otto Bauer, *Die Nationalitätenfrage und die Sozialdemokratie* (Vienna: Ignaz Brand, 1907; English translation of the second edition: *The Question of Nationalities and Social Democracy* [Minneapolis: University of Minnesota Press, 2000]).

of the adjacent Flemish province (hence its name: “Brussels-Halle-Vilvoorde” or B-H-V”) but will, from the next election, include only six of them.³

The actual operation of the system, however, changed significantly as a result of the division of all three national parties along the linguistic divide. The Christian-democratic party split up into two distinct parties in 1968 as a result of a sharp disagreement about the expulsion of the French section of the Catholic University of Louvain from the Flemish city of Leuven, where it had been since 1425. The liberal party and the socialist party followed suit in the 1970s. One important consequence is that in ten out of the eleven electoral constituencies for the federal Chamber, the choice of the electors is restricted to either only Dutch-speaking or only French-speaking parties.

Regional elections in Flanders and Wallonia also operate with proportional representation and several geographically defined multi-member constituencies. For the Brussels regional elections, however, there are two separate electoral colleges, one with lists proposed by Dutch-speaking parties competing for a fixed number of seventeen seats, and one with lists proposed by French-speaking parties competing for the remaining seventy-two seats. Electors can choose freely in which electoral college they want to vote.⁴

The federal government must have the confidence of a simple majority of the members of the federal chamber, but it must necessarily consist of seven French-speaking and seven Dutch-speaking ministers (in addition to the prime minister). The Brussels government must have the confidence of a simple majority in the regional parliament, but it must necessarily consist of two French-speaking and two Dutch-speaking ministers (in addition to the minister-president). This constitutionally imposed composition confers de facto a veto right to the French-speaking minority at the federal level and to the Dutch-speaking minority at the level of the region of Brussels-Capital.

A Binational Democracy?

Does all this make Belgium’s democracy “binational”? Certainly not in the strong sense of the democratic co-habitation of two entities unanimously regarded as “nations.” When asked which “nation,” if any, they belong to, most Belgians would not answer either Flanders or Wallonia. Indeed, many Flemings would not call Flanders a nation, few Walloons would call Wallonia a nation, and hardly any Brusseler would regard him or herself as belonging to either. Yet, there are three weaker senses in which the functioning of Belgium’s democracy can plausibly be characterized as “binational.”

³ To be precise, in six communes in which Francophones have enjoyed special “linguistic facilities” since the 1960s, citizens will have a choice between voting in the Brussels constituency and in the constituency of Flemish Brabant. All this concerns the House of Representatives (Chambre/Kamer). Belgium’s political system is bicameral, but the Senate plays a minor role, and its abolition has been repeatedly proposed. According to the 1994 federal Constitution, some of the senators are elected directly in two constituencies: one that covers the five Flemish provinces and B-H-V and one that covers the five Walloon provinces and B-H-V. The other senators are regional deputies or co-opted by the parties. However, according to the institutional deal struck in July 2011 by the parties currently in power, the direct election of some of the senators will be abolished by the next federal election.

⁴ The parliament of the Dutch-speaking community is made up of all members of the parliament of the Flemish region and a few deputies elected separately in the Brussels region at the time of the regional elections. The parliament of the French-speaking community is made up of a subset of the members of the regional parliaments of Wallonia and Brussels. The Parliament of the German-speaking community is elected directly at the same time as the regional parliaments.

Firstly, Belgium's federal democracy is "binational" in the sense that several of the competences that are no longer exercised at the central level, including the bulkiest of them all—education in Dutch or French from kindergarten to university—are devolved not to the governments of its three territorially defined regions, but to the governments of its two "nations," i.e., its two main linguistically defined communities.

Secondly, owing to the absence of country-wide political parties, federal elections take the form of two separate electoral contests between political parties vying for the votes of separate electorates and often yielding strongly divergent results. This can be described as a conjunction of two democracies, with the winners in each of the two "nations" having to negotiate with each other the formation of the "binational" federal government.

Thirdly, in the capital city, the small portion of the country's territory where the Dutch-speaking and French-speaking communities both exert their competences, the citizens' representation is organized through two distinct electoral colleges and sub-parliaments. This rests on the assumption that all Brusselers belong to one and only one "nation" with segregated educational and cultural institutions, and that the Brussels subset of each of these two nations needs to have its own separate political space.

Is Belgium's Democracy Viable?

In these three senses, Belgium's democracy can be characterized as "binational." Is it viable? I certainly believe that the Belgian federation will survive us all. Why? Not because Flemings and Walloons are incredibly fond of each other. It is not love for each other that drew them near to each other nor will it keep them together. There is one simple reason why they cannot go the Czech/Slovak way and will need to find a way to keep living together. It can be summed up in one word: "Brussels"; and it can be spelled out as the conjunction of two propositions.

Firstly, neither Flanders nor Wallonia can leave the Belgian federation with Brussels in its back pocket. Why not? Firstly, Brussels has become the capital of the European Union and the EU authorities would not be keen on either of these separatist scenarios. In particular, France would strongly oppose what it regards as a Francophone city being absorbed by Flanders, and other member-states would strongly oppose their capital being swallowed by what would be de facto a French protectorate, if not a French region. Secondly, the Brusselers themselves do not want it. According to the latest reliable poll, less than three percent among them see their future in a separate entity with Flanders, and less than two percent with Wallonia.⁵ Thirdly and most decisively, the other region would need to agree to give up Brussels, but will never do so for the reasons that underlie the second proposition.

This second proposition states that neither Flanders nor Wallonia wants to leave the Belgian federation without Brussels. Why not? There is, firstly, the symbolic significance of the historical capital for each of them. Because religion is not involved, Brussels is not quite Jerusalem in this respect, but the emotional investment is nonetheless considerable on both sides. The region of Brussels-Capital lies north of the language border and covers a territory where the local rural language had been all along, ever since the Germanic invasions, a Dutch dialect akin to those spoken elsewhere in what is now called Flanders. The Flemings, therefore, tend to speak of Brussels as a Flemish town, and when Belgium was turned into a federal state, chose Brussels as the capital of both the Dutch-speaking community *and* the Flemish Region. But it is in French that Brussels became a capital, starting in the second half

⁵ See Rudi Janssens, *Van Brussel gesproken* (Brussels: VUB Press, 2007), pp. 141-2.

of the fifteenth century, when the Duke of Burgundy decided to make the city the permanent seat of his court, and more than ever after the creation of the independent Kingdom of Belgium in 1830, with French as its sole official language. For each of the two sides, having to leave Brussels in the hands of the other would be an unbearable symbolic blow.

Secondly, Brussels is also more than the Jerusalem of the other two regions. It is the heart of the economic dynamism of the whole country. Hardly more than one percent of the country's surface—the Brussels-Capital region itself and its tentacles along a few railway lines—accounts for one third of the country's GDP. With its 1.1 million inhabitants, Brussels-Capital is just the central cosmopolitan neighborhood of a larger sprawling metropolis of 2.5 million inhabitants that reaches all the way to the university towns of Leuven (in the province of Flemish Brabant) and Louvain-la-Neuve (in the province of Walloon Brabant). It is therefore inextricably linked with a hinterland formed by the wealthiest and fastest growing provinces of each of the other two regions.

Glued together by a city that is both a sensitive symbol and a powerful engine, Belgium has no real option but to keep going. As there is nothing to suggest that it will cease to satisfy the minimal conditions for qualifying as democratic, it can be safely concluded that Belgium's democracy is viable. But is it viable as a binational democracy? My firm conviction is that Belgium's democracy can fare far better if it becomes less binational in each of the three senses listed in the previous section.

Why Belgium's Democracy Must Become Less Binational

Firstly, Belgium will function better if it shifts to a simple classic federalism with four regions—Flanders, Wallonia, Brussels, and German-speaking *Ostbelgien*—while the communities gradually reduce to structures of cooperation between regions. Why would this be better? Firstly because interaction tends to be smoother when the game involves four players (and is experienced as such), than when it amounts to a permanent confrontation between just two (or is experienced as such). True, the four players would be very different in size—one is larger than the other three together, another is more populated than the other three together—but this is not essential.⁶ There would be two big ones and two small ones, two in the north and two in the south, two “Germanic” ones and two “Latin” ones, with connivances and alliances not always following the same lines.

Secondly, this simplified federalism would allow for a more efficient distribution of competences. Not much would change for Flanders, as it decided from the start (in 1979) to merge the executives and assemblies of the Flemish region and the Dutch-speaking community, only about four percent of which—the Dutch-speaking minority in Brussels—lives outside the Flemish region. More would change for the Walloon region, in particular as it would become able to promote its own culture and identity instead of having to regard itself as nothing but the periphery of Brussels and Paris. The German-speaking community would secede from Wallonia and become able to determine its own policies in matters of employment, environment, infrastructure, or town planning in addition to controlling its schools and its media. Most importantly, the government of the Brussels region would appropriate the crucial competence of education. There is no way in which it can be held

⁶ Comparable inequalities in both population and surface exist between formally equal members of other federations. For example, while the Flemish region would have 83 times more inhabitants than the German-speaking one, the state of California has 66 times more inhabitants than Wyoming, the canton of Zurich 85 times more than Appenzell, and the state of Uttarpradesh 329 times more than Sikkim. And while the Walloon region is 105 times larger than Brussels, the canton of Graubünden is 192 times larger than Basel-Stadt, the state of Rajasthan 231 times larger than Delhi, and the state of Alaska 547 times larger than Rhodes Island.

responsible for the welfare of the Brussels population, in particular for the extremely high rate of unemployment among the youth born in the region or even for the level of criminality, as long as its schools are under the control of the Flemish and Walloon governments.⁷

For these reasons, it would be better if Belgium managed to become and to view itself as a federation of four regions, rather than as a conglomerate of two nations.⁸ It would also be better if it became less “binational” in a second sense. The emergence of two distinct “national” electoral arenas as a result of the disappearance of country-wide parties is now proving a major threat to both the legitimacy and efficiency of federal level politics. The legitimacy of the federal government is getting weaker because its members are electorally accountable (via their parties) to only (more or less) half the people affected by their decisions. And the efficiency of federal politics is in deep trouble because of the paralyzing tension between two features of the current system. Electoral pressure in each of the two “nations” makes commitments at the expense of the other “nation” irresistible for those who want to win the election. But those who win the elections on each side need to make a deal with the winners of the other side in order to be able to form a federal government. This unavoidably requires renegeing on some of their electoral promises, which can only be done, if at all, in the course of a lengthy, opaque, and laborious negotiation driven more by the concern not to lose face than by the ambition to strike win-win deals.

The way out of this trap could not be the top-down recreation of country-wide parties. It rather requires the creation, next to the provincial constituencies, of a country-wide electoral constituency for the federal Chamber of Deputies. The number of seats need not be large, for example fifteen out of the 150 seats, as proposed by the Pavia Group.⁹ But if the election is not to degenerate into an ethnic census, the number of seats allocated to Dutch and French-speaking candidates must be fixed prior to the election, simply in proportion to the composition of the retiring chamber. Those who want to present full slates (rather than either only nine Dutch-speaking candidates or only six French-speaking candidates in the event of a federal constituency with fifteen seats) will have to strike an alliance across the language border within the same political family. All the leaders of all the parties, in particular those with the ambition to govern the federation, are bound to stand as candidates in this constituency. In this new set up, it will no longer be the case that they have nothing to gain by making sensible pre-electoral concessions on issues that are contentious between the communities and, more importantly still, it will be in their interest to emphasize issues that are not contentious along this cleavage. Moreover, those candidates who manage to gather significant numbers of votes from both sides of the language border will have a particularly

⁷ About 16% of the Brussels pupils attend Dutch-speaking schools, while about 80% attend French-speaking schools (and the remaining 4% multilingual European Schools). One member of the Flemish government is in charge of the Dutch-speaking part of Brussels’ education, and three Walloon ministers are currently in charge of the French-speaking part (one for compulsory education, one for higher education and one for school buildings). Since 2008, the governments of the Walloon region and of the French-speaking community have the same minister-president, but are still formally distinct governments.

⁸ See Philippe Van Parijs, *Just Democracy. The Rawls-Machiavelli Programme* (Colchester: ECPR Press, 2011), chapters 7–8. This idea of a “union of four sub-states” is defended, among others, by former Deputy Prime Minister Johan Vande Lanotte (“De Belgische Unie bestaat uit vier deelstaten,” Brussels: SP-a, April 2011, www.s-p-a.be/media/uploads/pdf/belgische_unie.pdf), who presented it as the chief lesson he drew from his 100 days long (failed) attempt to solve the 2010-11 governmental crisis.

⁹ A group of academics, mainly political scientists, from all Belgian Universities, that made a detailed proposal of this sort in February 2007 (see www.paviagroup.be).

legitimate claim to govern the federation.¹⁰ Only if this (comparatively minor) change in its constitution is made will Belgium be able to avoid the recurrence of pathetic deadlocks of the sort it experienced in the aftermath of the elections of June 2007 and June 2010. It must put an end to the separate “binational” functioning induced by its current electoral system and recreate a political space in which those who want to govern the federation can be rewarded for formulating programs that can claim to serve the interest of the whole federation and for taking the trouble to explain it to all during the electoral campaign.

Thirdly and lastly, political life—and life in general—within the region of Brussels Capital must become less “binational” too. Institutionally, Brussels is still organized as if it consisted of two ethnic groups, with their own schools, their own associations and their own elections. But today’s fast growing Brussels population has become something altogether different from what was once Flemings and Walloons living side by side. It consists of nearly one third non-Belgians, mostly from other member states of the European Union, nearly one third Belgians of recent foreign origin, mostly non-European (Moroccan, Turkish, Congolese, etc.), and a shrinking third of “ancient” Belgians, mostly with at least some Flemish roots but with French as mother tongue.

In this context, it becomes increasingly unrealistic to have Brussels’ democracy organized “binationally,” with two sets of “tribal” parties addressing their respective tribes. If Brussels is to take on the huge challenges it faces—in particular providing quality education to its multicultural youth and equipping them with the trilingual linguistic competence (in French, Dutch, and English) they absolutely need—its political dynamics must be dramatically reshaped. Extending voting rights at the regional level to all EU citizens is part of what is needed, as is giving English an official status next to Dutch and French, and transferring from the two communities to the Brussels region significant powers in matters of education. This would deeply change political life in Belgium’s capital and make it far better adapted to the needs of the day. It would also be yet another way of making Belgium’s democracy less “binational.”¹¹

Conclusion

Belgium can stumble along as a binational democracy: with significant powers left to its two main communities, without real federal political dynamics, and with the politics of its capital organized along ethnic lines. But if it wants to function more smoothly, less erratically, more harmoniously, and better serve the interests of its present and future generations, it should endeavor to become less binational along each of the three paths sketched in the previous section.

What light, if any, does this shed on the two questions mentioned at the start? Belgium’s current binational organization was arguably an unavoidable stage on the desirable voyage that took Belgium away from its unitary organization. For this reason, it can be said to have been a major contributing factor in the pacification of the relationships between its two main

¹⁰ For details, arguments and objections, see Kris Deschouwer and Philippe Van Parijs, *Electoral Engineering for a Stalled Federation*, with comments by Laurent de Briey, Donald Horowitz, Bart Maddens and Brendan O’Leary (Brussels: Re-Bel, 2009), e-book n°4, July 2009, www.rethinkingbelgium.eu.

¹¹ On the unprecedented challenges faced by Brussels and how it needs to address them, see, somewhat less elliptically, Philippe Van Parijs, “Bruxelles aujourd’hui: dix paradoxes et cinq menaces,” *Politique* 49 (2007): 20–27; and the final sections of Philippe Van Parijs, “Linguistic Territoriality and Belgium’s Linguistic Future”, in *The Linguistic Territoriality Principle: Rights Violation or Parity of Esteem*, Re-Bel e-book n°11, October 2011, pp. 53-77, www.rethinkingbelgium.eu.

“ethnic” components. But it is an unstable stage, and the tensions intrinsic in it will—in not too long, I hope—lead to a better democratic organization of our life together: a federation with four regions, three unilingual and one trilingual, with a federal democracy articulated around country-wide federations of regional parties, and with a federal capital reshaped so as to better serve its multicultural population and its European mission.

It would be presumptuous on my part to say much on the second question: whether binationalism could also serve a useful purpose for Israel/Palestine, that other bi-ethnic area that looks quite similar from afar but differs deeply in countless respects. Yet, perhaps the very instability of Belgium’s “binationalism” may inspire some thinking about what a desirable and stable end stage could look like in this other area too. A federation of four states of very unequal sizes, one of them a de-ethnicized capital, with a federal political dynamics that cuts across “national” cleavages, is no doubt far off the realm of the currently feasible, but perhaps less chimerical as a possible focus of shared hope than a resolutely binational democracy.