

**Democratic legitimacy in multilevel political systems.  
The European Union and Belgium in comparative perspective.**

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## **1 Introduction**

The concept of democratic legitimacy has been at the heart of political science since the early years of the discipline. Political theorists developed numerous sets of criteria to evaluate the democratic character of political systems. These criteria were most often constructed to assess the democratic quality of nation states. However, the emergence of more complex, multi-level polities has forced political science scholars to broaden their scope. Criteria had to be amended to facilitate assessment of efficient functioning and democratic legitimacy of multilayered political systems.

More in particular, the democratic legitimacy of the European Union (EU) has become subject of a lively academic debate. Diagnosis and remedies with respect to the EU differ according to whether authors start from the democratic legitimacy of either nation states (cf. Hix, 2008) or international organizations (cf. Moravcsik, 2002). In particular those who define the EU as a political system, use comparative politics concepts to analyze issues of democracy in the EU. Considering the EU as a multilevel political system or polity these authors address issues such as parliamentary control on the executive, transparency of decision-making procedures, bicameral parliamentary organization and electoral systems.

While the literature on the democratic legitimacy of the EU multilevel polity has boomed, the democratic legitimacy of the Belgian federal system has hardly been touched upon (see Pavia Group 2007 for a recent exception). Most analyses of the Belgian multi-level system are either based on normative grounds or solely deal with the efficiency and the effectiveness of the system. This is a surprising observation because, as we will argue, the Belgian political system has many features in common with the EU polity, both with respect to functioning and democratic set-up. Given these similarities, it is also remarkable that

comparisons between Belgium and the EU hardly exist. Swenden (2005) is a notable exception, but his focus is not explicitly on legitimacy issues.

In this contribution, we argue that scholarly work on the democratic legitimacy of the EU can be inspiring to analyze the Belgian case, just as comparisons between the EU and other federal polities have delivered interesting findings, both for the EU and for the state level (cf. Trechsel, 2005, Thorlakson, 2005). Our core question therefore is to what extent a comparison between the EU and Belgium can deliver insights to better understand the democratic legitimacy of the Belgian federal polity. In the next paragraph we shortly discuss the concept of democratic legitimacy and apply it to our case. Secondly, we argue why a comparison between the EU and Belgium is possible and useful. The third part presents an overview of the literature on democratic legitimacy in the EU. It discusses the charges brought against the EU and summarizes the remedies that have been suggested so far. The fourth part discusses the democratic deficit on the Belgian level. Next, we analyze whether and to what extent we can learn from the European level debate to pin down the democratic quality of the Belgian federation. Throughout the analysis, we focus on party politics and electoral engineering, addressing the issues of political parties, electoral districts, mass media and public sphere. Using such an analytical comparative framework, our findings become relevant for a broader set of multi-level political systems.

## **2. Democratic legitimacy in multi-level political systems**

Following Scharpf (1999), we distinguish two inter-related sides of democratic legitimacy of political systems. Firstly, citizens and third parties can find a political system legitimate if and because the decision-making process evolves according to approved rules. Input-legitimacy or 'government by the people', refers to the idea that citizens attribute legitimacy to a political system if

they consider themselves sufficiently involved in delivering ‘input’ in the decision-making processes (Smismans, 2004). Secondly, political systems can derive legitimacy from their performance to produce policy outcomes. Output-legitimacy or ‘government for the people’ connects the legitimacy of a political system with its (perceived) performance. It attributes legitimacy to a political system based on its capacity to achieve citizens’ goals (effectiveness) and to solve their problems (Höreth, 1999).

As mentioned above, this contribution focuses on party politics and electoral politics. These features can be directly linked to the input-legitimacy, and more in particular to its dimensions of representation, participation, transparency and accountability (Bursens, 2009). Following Schattschneider, we argue that especially electoral competition among political parties is a crucial condition for democratic legitimacy. In this respect Schattschneider introduced the concept of substantive democracy, defined as ‘a competitive political system in which competing leaders and organizations define the alternatives of public policy in such a way that the public can participate in the decision-making process’ (1960, 141).

Evaluating competition for office holders and policies is easier in single-level polities than in multi-level polities. In centralized states, it may suffice to look at the direct link between citizens and central authorities. In (quasi) federal political systems, however, this direct relation is complemented by an indirect link: citizens can also be represented at the federal level through intermediary institutions. Party competition and electoral organization will therefore be of a more complex nature. Below we will discuss whether the EU and Belgium live up to the input-legitimacy conditions and whether the analysis of the EU can be inspiring to examine democratic legitimacy in Belgium. Before we turn to this analysis we first argue why Belgium and the EU can be fruitfully compared.

### **3. Similarities and dissimilarities between the EU and Belgium**

Our argument rests on the assumption that the EU and Belgium can both be considered as multilevel political systems because they are characterized by a diffusion of authority over several layers of governance (cf. Marks and Hooghe, 2004). The *raison d'être* of both multi-level polities is to organize effective governance for their citizens and to install institutions that function as problem solvers with respect to conflicts that arise from the heterogeneous character of their societies. In addition, the two polities are 'multi-national and multi-lingual' political systems (Swenden, 2005, 198-189) and they both share features of consociational democracy (cf. Lijphart, 1981, Lijphart, 1999, Deschouwer, 2002, Deschouwer 2006a and Hooghe, 2004 for Belgium; Bartolini and Hix, 2006 and Costa and Magnette, 2003 for the EU).

However, to make the argument of comparability doesn't mean that we close our eyes for the pitfalls of over-enthusiast comparison. Obviously, the two political systems differ from each other with respect to a whole series of issues: the Belgian system is built upon the division between the legislative and executive branch of government while the EU is based upon an institutional balance between the unique triangle of Commission, Parliament and Council; Belgium rests upon its federal constitution while the EU is legally seen a treaty-based international organization; for the last decades Belgium has been characterized by devolution (a centrifugal trend) while the EU has been subject to gradual integration (a centripetal trend). In short, as a simple copy-paste strategy would be clearly inappropriate, we will carefully point to the dissimilarities behind the similarities and take these into account while assessing the European remedies for the Belgian case.

#### **4. The Democratic Deficit in the EU**

Does the EU suffer from a democratic deficit? So far, EU scholars have not found much common ground. Some authors argue that the EU polity as such doesn't need to live up to the criteria of input-legitimacy. Majone (1999) argues that the EU's policies are not meant to be redistributive or value-allocative (creating winner and losers) but have essentially a regulatory character that strives at Pareto-optimum outcomes (benefiting some while making nobody worse off). He argues that member states explicitly created the European governance level to evacuate regulatory policies (single market, product standards, monetary policy) from national democratic policy-making that would deliver Pareto-inefficient policies. Democratizing the EU would cause the opposite of what one hopes to achieve: suboptimal policy outcomes and decreasing output legitimacy. Moravcsik (2002) agrees with Majone that the EU doesn't suffer from a democratic problem. Following a liberal intergovernmentalist argument, he claims that the EU is an international organization controlled by the national governments of the member states which are all democratically elected and controlled by their national parliaments. In other words, the EU is composed of institutions (Commission, Council, Parliament) which act as agents under control of principals (the member states). Since the member states are democratically organized, the EU itself cannot be undemocratic.

On the opposite side, scholars such as Hix (2008), Follesdal (2006), Bartolini (2006), Magnette and Papadopoulos (2008) contend that the EU does suffer from a democratic deficit. These authors claim that the assumptions of Majone and Moravcsik no longer hold in contemporary EU politics. Against Majone they argue that hardly any of the current European policies are completely free from normative or redistributive features. EU policies are non zero sum games, affecting citizens and economic actors differently. Because EU policies

create winners and losers, a democratic way of EU-policymaking is indispensable. With respect to Moravcsik's arguments, these authors agree that many EU policies reflect the aggregated preferences of the member states. However, they also argue that, since EU policies directly affect EU citizens, these citizens must also be able to directly control EU-policymaking.

Hix (2008) presents a nice overview of the charges brought against the democratic nature of the EU. Firstly, European integration has brought actors of the executive branch into a more powerful position. National administrations and governments control European policy-making while the national legislatures have only limited tools to control their government's actions at the European level. Secondly, when national control is problematic, the European Parliament (EP) may step in. However, although the EP's competencies have increased over the last decades, the assembly still does not enjoy full legislative and control powers. Thirdly, the EU is very distant from national voters. Its institutions and procedures are complex and opaque, leaving the EU at odds with the transparency criterion. Fourthly, it is argued that the EU suffers from 'policy drift', meaning that its policy output doesn't correspond with the preferences of a majority of the European public. National governments are accused of using the EU to push centre-right neo-liberal policies – supported by unelected economic lobby-groups – and hence of circumventing the majority of centre-left opinions among the European voters.

We agree with Hix (2008, 72-75) that these accusations are somewhat exaggerated. Governments have always dominated parliaments, also before European integration took place, the EP delivers counterbalance through co-decision power in cases where majority voting applies, European policy-making has become quite as transparent as national policy-making and the existence of a numerous checks and balances ensure that policy outputs end

up rather centrist, frustrating reformist actors at the left as well as at the right side of the political spectrum.

There is still a fifth accusation, though, that is far less easily countered. Above, we argued that the EU is a multi-level political system with the ability to conduct policies that directly affect citizens. However, there is no real electoral contest for EU political office or policies, neither indirectly in national elections, nor in EP elections. During national elections, the European issue is mostly kept off the campaign agenda, while EP elections are widely considered to be second order elections (Reif, 1980, Schmitt, 2005). As a result, citizens' preferences have hardly any direct impact on the political agenda of the EU. In other words, while the EU lives up to the procedural criteria (free elections, freedom of association, freedom to run for office, ...), it hardly meets the substantive criteria of democracy (Schattschneider, 1960): the EU lacks an electoral contest over executive office and policy agenda at the European level (cf. Hix, 2008).

Building further upon the lack of politicization as a core element of the democratic deficit problem at the European level, our attention is drawn to some more concrete aspects of the electoral system, party competition and in second order also to features of mass media and public sphere.

#### *Electoral competition and party politics*

First of all, the EP still lacks a uniform electoral procedure based upon EU-wide candidate lists. The only thing that has been realized so far in this context is the possibility for EU-citizens who reside in another member state to vote and to stand as a candidate in the member state they reside. Secondly, EU wide parties are only starting to develop. Transnational party groups in the EP and broader transnational party federations have been created. Internal EP rules trigger the formation of ideologically grounded party groups, while also outside the EP

national political parties with ideological common ground created transnational party federations. The latter have become gradually more involved in facilitating contacts during EP electoral campaigns. The degree of integration of national political parties varies significantly, ranging from rather intensive in the case of the Green parties to hardly existent in the case of parties representing the populist radical right. However, in general, EU-level party organization is still far away from hierarchical top-down led national political parties. Transnational party manifestos also remain vague in terms of concrete common policy proposals. Even with respect to EP elections, the selection of candidates and the electoral campaign are firmly in the hands of the autonomous national political parties. In addition, electoral success is considered to be strongly determined by the profile of domestic party politics (Hix and Lord 1997, 85-89).

The national nature of European elections restrains transnational party federations from putting EU-wide issues in the centre of EP election campaigns. The absence of an EU-wide electoral competition has significant consequences for the nature of the mandate of the Members of the EP (MEPs): they receive rather a national in stead of a European mandate. As Swenden argues, '(...) National parties campaigning in European parliamentary elections are not concerned about the interests of the parties campaigning in other EU member states, since they remain essentially discreet for electoral purposes (2005: 192)'. Already long ago, Hallstein (1972: 74 cited in Judge and Earnshaw, 2003: 81) observed that this in itself prevents European level parliamentarians from investing in European level political parties: 'What is lacking... is an election campaign about European issues. Such a campaign ... would give the candidates who emerged victorious... a truly European mandate from their electors; and it would encourage the emergence of truly European parties'. While Hallstein's remark

dates from before the first direct European elections in 1979, there is still much truth in this, precisely because EP elections are still nationally organized.

### *Mass media and public sphere*

According to some authors, the heart of the problem is not institutional, but related to the absence of a European demos or public sphere. For this reason, they argue that even if it were possible to Europeanize European politics, EU level democracy would still be void. Weiler (1999, 337 cited in Judge and Earnshaw, 2003, 83) even bluntly writes: ‘Simply put, if there is no demos, there’s no democracy’. The question then becomes what needs to be in place first. Does one have to wait for some endogenously driven process that creates one single *demos*? Or can a European *demos* be triggered by political participation in European wide elections? Is it normatively acceptable to create a European *demos* by means of some kind of electoral engineering, i.e. by the introduction of one single electoral district? Or should the conclusion be that the absence of one *demos* is simply the end of the democratization story?

The question whether a European public sphere exists in some form, whether its absence is problematic and what can be done about this, has also been discussed extensively in academic literature (see Closa, 2001; Schmitter, 2001; Mercier, 2003). Such a European public sphere can be conceptualized either as a pan-European public sphere, or as the result of the Europeanization of national public spheres (Machill, 2006). The role of mass media is a crucial aspect of this debate. Concerning the first conceptualization, it is clear that pan-European media are almost completely inexistent. Some European wide radio and television broadcasters and newspapers do exist, but these are either organized by the European institutions themselves (e.g. Europe by Satellite) or can be considered as elitist (the German-French cultural tv-channel Arte, some newspapers, magazines and internet media such as the Financial Times, European Voice, the Economist or EUobserver). They only reach a very

small part of the European public and therefore cannot contribute significantly to the formation of a true public sphere. Moreover, EU institutions and politicians don't see these EU-wide mass media as the primary instruments through which to communicate with the European public. Even the European Commission opts for a differentiated (i.e. nationalized) communication strategy in order to reach all the way down to the national publics. Also national politicians who represent their member state in the Council communicate European issues primarily through national media. One nice example of this is how press conferences are organized during meetings of the European Council (composed of Heads of State and Government Leaders). With the exception of the rotating Presidency, all 'chefs' address their national journalists during simultaneous press conferences in separate rooms. This allows all 27 of them to spin the joint decisions as 27 separate negotiation victories. Their aim, of course, is that their national mass media reports this national victory 'at home'. The side effect is, however, that this strategic behavior hampers the development of a European-wide public opinion. In addition, a European public sphere conceptualized as the Europeanization of national public spheres, doesn't seem to emerge either. Machill et al. (2006) have shown that, while there are differences between different countries, generally only a very small proportion of news reporting in national media concerns EU-topics and EU-protagonists. They conclude that 'the much-discussed deficit in terms of democracy and public in the EU runs in parallel to a deficit in European media reporting' (Machill et al, 2006, 79).

### **5. The Democratic Deficit in Belgium**

Unlike in the literature on the EU, the issue of democratic legitimacy has been hardly debated in the literature on the Belgian political system. In the absence of such an academic debate, we look at the Belgian system from the European literature. Having identified the lack of electoral competition as the core of the EU democratic deficit, we also focus on this aspect in

our discussion of Belgium. But first, we apply some of the other critiques towards the EU on the Belgian case.

### *Transparency and policy drift*

The extremely complex institutional organization caused by the bumpy evolution towards federalism (epitomized by the situation in the Brussels region) has led to rather opaque institutional structures and electoral procedures. When, for example, 'federal' election campaigns *de facto* don't allow that voters of one community are informed of the policy preferences of parties of the other community, the translation of party positions into a federal government program is hard to understand. Closely related to this, is the concept of 'policy drift'. Consider for instance matters for which there is a majority amongst the total of representatives in the federal parliament, but not amongst representatives of one of the two language groups. Some criticize this situation saying that such policies don't reflect the preferences of the voters of one of the two Communities but are rather 'forced' upon that community by the other. One example was the debate on the attribution of communal voting rights to citizens who do not have the Belgian nationality. Among Flemish parties, only the Social-Democrats were in favor. They voted the legislative proposal granting the voting rights together with all French-speaking parties, among which consensus on this matter was much larger. This was hard to understand for Flemish voters who during the preceding election campaign were confronted with a large majority against the proposal. It even made the Flemish-nationalist opposition speak of 'illegitimate law-making'.

### *Electoral competition and party politics*

Our main argument is that – similar to the EU – there is no real electoral contest for Belgian federal political office. Unlike at the EU level, our argument doesn't rest on the second order

concept. It is indeed generally not the case that federal issues are being kept of the campaign agenda for federal elections. Regional themes only occasionally interfere with federal elections. On the contrary, federal themes often interfere with regional election campaigns. For example, the 2004 regional elections campaign in Flanders was partly dominated by the issue of the continuation of the federal coalition, induced by the presence of the federal prime minister and other federal ministers in the regional campaign (cf. Sinardet, 2004).

However, despite the absence of a second order effect, the Belgian situation doesn't live up Schattschneider's criterion of substantive democracy. In the following, we argue that there are no 'competing leaders and organizations [who] define the alternatives of public policy in such a way that the public can participate in the decision-making process'. We contend that this is not the case because candidates in federal elections only define these alternatives to their own language community.

At this point the similarity between the European and the federal Belgian elections becomes striking: while for EP elections candidate selection and electoral campaigns are in the hands of national parties, for Belgian federal elections they are in the hands of regional parties; while voters for EP elections can only vote for national representatives, voters for Belgian federal elections can only vote for regional representatives; while MEPs receive a national mandate, Belgian federal MPs receive de facto a regional mandate; while voters for EP elections are informed of parties' preferences and policy positions by national media, voters for Belgian federal elections are informed by regional media. In short, Belgian federal elections are more regional than federal, just as EP elections are more national than European (cf. Sinardet, 2008).

These parallels can be explained by the remarkable similarity regarding the organization of the party system and electoral constituencies. Similar to EU level, Belgium's

party system is split and Belgian electoral districts – with the notable exception of Brussels-Halle-Vilvoorde – do not transgress the borders of the regions.

Political parties play a crucial role in linking citizens to the national government. This is very outspoken in Belgium, which is often characterized as a partitocracy (De Winter, Della Porta et al., 1996; De Winter, 1998; De Winter, 2002) – a characteristic which cannot be dissociated from the consociational character of the Belgian system (Deschouwer, 1996: 296). The Belgian party system has changed dramatically between 1968 and 1978 due to the three traditional political parties splitting up on a linguistic basis: first, the Christian-Democrats in 1968, then the Liberals in 1971 and finally the Social-Democrats in 1978. One of the reasons for this split was the rise, already earlier, of parties confined to a specific sub-national geographic area: regionalist parties such as the *Volksunie*, the *Front démocratique des Francophones* and the *Rassemblement Wallon* put linguistic and decentralization issues on the agenda forcing other parties to take a clear stand. Latecomers such as the Greens followed the same organizational logic. The absence of federal political parties is unique for a federal state (Deschouwer 1997: 77, Swenden 2005: 192). The result is the existence of two party systems in one state because parties only present themselves to voters in their own language region (De Winter, Swyngedouw et al. 2006: 934-938).<sup>1</sup>

Party system features are intertwined with the parliamentary and electoral system. The constitutional reform of 1970 divided members of the national parliament into a Dutch and a

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<sup>1</sup> One could even argue that Belgium has three party systems as, next to the two areas where Dutch-speaking and French-speaking parties only compete amongst themselves, they also compete against each other in the electoral district of Brussels-Halle-Vilvoorde. However, since even in the latter district parties mostly address only voters of their own language community, we prefer to speak of two party systems.

French ‘language group’. All MPs need to belong to one of these two groups. This reform was necessary to introduce protection mechanisms – such as the alarm bell procedure, special majority laws and the linguistic parity of the national council of ministers – for the Francophone minority on the national level (for more details, see Alen 1990 and Sinardet, 2008). These mechanisms are some of the key consociational features in the Belgian federal system, as they oblige representatives of the two communities to take decisions by consensus (cf. Lijphart, 1981, Deschouwer 2006). One result of this reform, however, was that national representatives could always be identified as members of one of the two large language communities. Deschouwer (2006: 902) concludes that ‘the end result is a parliament in which the representatives are supposed to represent their own language group’. Martiniello (1998) speaks of an ‘ethnicisation’ of political representation. One can even ask whether national MPs can de facto be considered as representatives of the nation, as is stipulated in article 42 of the Constitution, which stipulates that MP’s represent the nation and not only those that elected them (Velaers, 1999: 282).

Subsequent electoral reforms followed the same logic. In 1979, for instance, Belgium was divided into two electoral colleges for EP elections: a Dutch-speaking and a French-speaking electoral college, both electing their own representatives on the basis of a fixed distribution of seats between the two language groups. A similar system with was introduced for the Parliament of the Brussels Capital Region in 1988 and for the federal Senate in 1995 (Deschouwer 2006a: 903-904). Still today, for the Senate and the EP, most voters in Belgium can only vote for lists deposited in one of the two electoral colleges. The situation is different

for the federal Chamber of Representatives, for which Belgium is divided in provincial electoral districts since the elections of 2003.<sup>2</sup>

In short, as political parties only present themselves to voters in their own language community, it is impossible for voters – in all but one of the electoral districts – to legitimate political parties of the ‘other’ language community through elections. These ‘other’ parties are, however, represented in the federal parliament and some regularly take part in the federal government. This has remarkable consequences. Voters of the Walloon Region have almost never been able to pronounce themselves on the Prime Minister leading their country. All but one Prime Minister belonged to a Dutch-speaking political party<sup>3</sup>, meaning that they only presented themselves to voters in the Flemish and Brussels Region. Similarly, most voters in the Flemish Region are not able to electorally legitimize policies on some key federal departments, as they are headed by ministers from French-speaking parties. For instance, the two dominant themes on the Flemish side during the federal election campaign in 2007 were justice and fiscal policies. Both departments, however, were run by ministers from French-speaking parties.

### *Mass media and public sphere*

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<sup>2</sup> Only in the (controversial) district of Brussels-Halle-Vilvoorde voters have access to lists of the two colleges. But even these are presented separately: voters first have to choose whether they want to vote for the Dutch or French college, before they can vote for one of the lists (for more details on Brussels-Halle-Vilvoorde, see Sinardet 2008).

<sup>3</sup> Paul Vanden Boeynants, member of the French-speaking Christian-democrats and who led a ‘transitory cabinet’ during five months in 1978-1979, is the only exception.

The dynamics of the party and electoral system also lead to ‘spill over’ effects to other aspects central to the issue of democratic legitimacy, such as media reporting on federal politics and the lack of a federal Belgian public sphere.

The quasi total absence of nationally structured mass media is another remarkable feature of the Belgian polity. In most federal (and even multilingual) countries some kind of overarching structure in public broadcasting unites broadcasters of the different communities or federated entities. This is for instance the case in Switzerland, Canada and even Cyprus (Shaughnessy & Fuente Cobo 1990, 42). In Belgium, however, there are no structural ties between the two public broadcasting companies, except for the common central office building in Brussels. In 1960, a new broadcasting law split the previously unitary broadcaster into two autonomous companies, a Dutch-speaking and a French-speaking one, disposed of a monopoly within their language community. This act was the first to recognize the existence of two large language communities in Belgium, therefore, preceding and prefiguring the more general federalization process that was to follow (Jacquemin & Van Den Wijngaert 1996; Antoine 2000: 10; Erk 2003, 213; Sinardet, 2007). When in 1970 language communities were established and granted their own councils, the competence over radio and television was largely transferred to these councils as part of the ‘cultural matters’ (Antoine 2000: 12).

Also commercial broadcasting companies in Belgium developed in one single Community and are accountable to different shareholders. Moreover, regional governments explicitly demand from the regional broadcasters to stimulate the cultural identity of the language community. In most other federal countries, broadcasters are instructed to also disseminate national culture and stimulate national cohesion (see Shaughnessy & Fuente Cobo 1990, 40 for Switzerland and Monière 1999, 10 for Canada).

While Dutch-speaking and French-speaking media are exclusively imbedded within their own language community, they nevertheless still function within a federal political

system. This situation brings along an awkward kind of relationship (cf. Sinardet, 2007). Debates on federal politics are largely conducted amongst only Dutch-speaking or French-speaking representatives. This is most striking in election times. For instance, in the 2007 elections Flemish candidates for the office of federal Prime Minister hardly ever presented their political program through French-speaking media. In addition, debates in Dutch-speaking media on federal policies such as justice and finance were held in the absence of the incumbent Ministers of Justice and Finance or of any other representatives of the parties these ministers belonged to. This misfit is not only visible at election times. While Belgium's federal government is composed of as many Dutch-speaking as French-speaking ministers (linguistic parity) and while decisions made by any federal minister are obviously applicable to the entire Belgian population, this is not reflected in media coverage. For instance, on Dutch-speaking television news (public as well as commercial), 80 % of the federal ministers interviewed are Dutch-speaking, while on French-speaking television news, 80 % are French-speaking. The news value of a federal minister thus seems to depend on his or her belonging to a language group (Sinardet, 2007: 305-310). Again, there is a correlation with the behavior of politicians and a parallel with the situation on the EU level: Flemish and French-speaking federal ministers have the tendency to communicate their decisions primarily to their 'own' media. Quite comparable to the organization of press conferences after European Council meetings, press conferences of the federal government are held by the Prime Minister, who is mostly flanked by a Dutch-speaking as well as by a French-speaking minister. After the joint conference, they both tend to cater for their own media (Sinardet, 2007: 312-315). The discourse of politicians also tends to vary, depending on whether they are interviewed by Dutch-speaking or French-speaking media. For instance, in March 2008 the discourse of Prime Minister Leterme on the sensitive issue of state reform varied notably in interviews on Dutch-speaking and French-speaking broadcasters.

Not only politicians, also media themselves tend to frame political information according to the political consensus within their own community. This is most strikingly the case on linguistic matters. For instance, in political reporting on the controversial matter of the electoral district of Brussels-Halle-Vilvoorde, media of one particular community emphasized elements that fitted in the political consensus of that same community while omitting elements that didn't fit (Sinardet, 2007: 420-432).

While the absence of national media in Belgium is certainly comparable to the absence of European media in the EU, one cannot simply say that the absence of a public sphere in both systems is completely comparable. Federal matters may often be 'regionalized' in the media, but coverage of the federal politics is still very present. On the contrary, members of the European Commission are hardly present in the national news and therefore simply not known by most Belgians. Nevertheless, while the lack of a polity-wide public sphere is not as outspoken in Belgium as in the EU, it is also true that the type of public sphere that exists in most of the EU member states is not present in Belgium, making Belgium to resemble much more the EU than its member states.

To summarize, we argue that the different dimensions of the democratic deficit in Belgium crystallize around the issue of federal elections. Belgian federal elections come down to two simultaneous 'regional' elections: one Dutch-speaking and one French-speaking. In federal elections two sets of community-based, 'regional' parties compete against each other for 'regional' votes through 'regional' election campaigns which are mostly fought in 'regional' media. After federal elections, the two resulting 'regional' election results are brought together to form one single federal government (cf. Sinardet, 2008). Federal elections can therefore be considered to be rather illegitimate vehicles of competition for federal

government office and federal policies. Hence, comparable to the EU, Belgium lacks politicization of its federal level, casting serious doubts regarding its democratic set-up.

## **6. Conclusion: Similar Diagnosis, Similar Remedies?**

The previous paragraphs have shown that the Belgian and European political systems share many features with respect to their multi-level organization and the democratic challenges they are confronted with. But what can be transferred in terms of remedies from the European debate to the Belgian situation? We first discuss the suggestions of Majone and Moravcsik and then turn more in detail to the arguments of Hix and others.

Majone's basic argument is that the EU doesn't have to be democratized because the EU almost exclusively deals with regulatory policies, which would suffer from sub-optimal outcomes if politicized. This analysis is often criticized as an incomplete view on EU policies arguing that nearly all EU-level policies also have redistributive consequences. This is even more so for the Belgian federal level. The Belgian federal government organizes large scale financial flows through fiscal and social security policies, making the federal level *par excellence* a redistributive government and therefore playing a non-zero-sum game involving winners and losers. Majone's argument is simply not applicable to the Belgian political system.

Moravcsik's argument is somewhat harder to discard as irrelevant for Belgium. He basically argues that the EU is an international organization, meaning that the existence of democratically organized member states suffice to legitimize the overarching European level. At this very moment, Moravcsik's analysis doesn't make sense because Belgium cannot be compared with an international organization. However, Moravcsik's argument does offer a potential remedy to remedy the Belgian democratic deficit. This would require the radical step

of splitting up the federation into independent states which subsequently (re)found a confederal Belgian level. This confederation would then resemble a classic international organization which in itself will be democratically legitimized if the constituent parts (the newly established autonomous states) are each based on democratic institutions. Of course, this scenario is highly unlikely because of its extremely low legal and political feasibility.

This leaves us with the suggestion to democratize multi-level polities through politicization. The primary rationale behind building the European multilevel political system was to pacify the European continent (conflict management) and to reap the benefits from economic (and later also political) cooperation (effectiveness through economies of scale). European integration was (and still is) an elite driven process that was not concerned with the democratic nature of its policy-making. Only since the beginning of the nineties (marking the Danish referendum on the Maastricht Treaty, the decreasing turn-out for EP elections and the upcoming anti-globalization protest), European political elites have become concerned with the public's demand for more democratic participation and control. The Laeken Declaration (2001), the Nice Treaty (2003), the Draft Constitutional Treaty (2004) and the (currently being ratified) Treaty of Lisbon all explicitly address the issue of democratic politics.

Assuming that the EU is indeed a political system in which the absence of true European electoral competition is the core of the democratic problem, what remedies can then be suggested to enhance the quality of its democracy? Hix pleads for the introduction of 'limited democratic politics' (2008, 89), elsewhere also called 'constrained democracy' (Follesdal and Hix, 2006). According to this argument, even limited political competition can generate policy innovation, cross-institutional coalitions to overcome policy gridlock, media attention for EU policies and therefore incentives for the broader public to debate EU policies and to form opinions. A remedy which is not mentioned as such in the Treaties, but which

clearly fits into the call for politicization as put forward by Hix and others as a tool to democratize the EU polity, is politicizing the competition for governmental office on the appropriate level. At the EU level, this could be organized by establishing a European electoral district in which a part of the MEP's could be elected. The EP has presented several proposals in the past. In 1998, the committee on Institutional Affairs adopted a resolution demanding that 10 % of the seats of the EP would be assigned through an electoral district encompassing the entire territory of the EU. However, such proposals have not been accepted by the Council, who has to decide by unanimity in this matter (Farrell, 2005). Neither national governments (represented in the Council) nor political parties (represented in the Parliament) seem to be very keen to give up control over electoral programs and candidate selection. The matter is still subject of investigation and debate, but the road ahead seems to be fairly long and controversial. As mentioned above, a uniform procedure of European elections in the individual member states is probably the most far-going reform that will be achieved in the next few years.

Putting aside the feasibility at the European level, we can still ask ourselves whether electoral reform would be the solution for the Belgian case. For one, the point of departure seems to run parallel: just as the integration process in Europe has not been triggered by democratic concerns, Belgian institutional reforms were not primarily designed with the aim of creating a democratically legitimate (or even effective) federal system. The rationale behind the reforms was conflict-management, the accommodation of nationalist and/or regionalist pressures, the division of power between the dominant political forces in the north and south of the country and pacification of a divided society – hence the clear presence of consociationalist elements, such as coalition governments, veto-players and proportional representation. We argue that this one-sided focus resulted in a state structure which is legally

a federation but politically neither very effective nor democratic. At best, the subsequent stages of state reforms sought to reform institutions in order to overcome policy deadlock or to prevent policy-outcomes from being too sub-optimal. The transfer of (parts of) policy competences in order to achieve more homogeneous competency packages, and the establishment of intergovernmental co-operation agreements can serve as examples here. While one can even disagree about whether these reforms have made the Belgian federation more effective, more agreement might be found on the observation that none of the previous state reforms has put the issue of democratic legitimacy in the centre of the discussion.

Only very recently, such concerns seem to be emerging in the debate. One of the ideas that has recently been floating around in the Belgian discussion is very similar to the European level proposal that has been discussed above: the creation of a Belgian wide electoral district. The idea of a federal electoral district is slowly gaining some ground among the political parties that are involved in the ongoing state reform negotiations.<sup>4</sup> The idea stems from proposals of the ‘Pavia Group’ (which is composed of Dutch-speaking and French-speaking academics) and comes down to electing part of the representatives in the national Chamber within an electoral district that encompasses the entire Belgian territory (for more details, see Pavia Group, 2007). The establishment of a partial federal electoral district would trigger electoral competition for federal office and federal policies, hence coming much closer to Schattschneider’s substantial democracy. Politicians aspiring federal office would enjoy

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<sup>4</sup> The idea is included in the explanatory memorandum of the special majority law concerning the ‘first package’ of the state reform of March 2008, as well as in the note that the then federal prime minister Yves Leterme presented in April 2008 to all political parties involved in the negotiations. However, this negotiation round did not succeed. Nevertheless, four parties support the proposal: the Dutch-speaking and Francophone Greens as well as the Dutch-speaking and Francophone liberals.

considerably more legitimacy if they are elected with potential support from the whole Belgian population.

Campaigning for federal elections would also have tangible consequences for the political parties and the party system. The reformation of Belgian parties would become feasible, even more in the Belgian than in the European context as it would less drastically change the current parties' prerogatives. However, the introduction of a federal electoral district would not necessarily lead to the recreation of genuine Belgian parties. Regional parties could still present themselves alone in such a district. Hence, also less far-going cooperation among regional parties might be triggered. Depending on the specific mechanisms (such as the obligation for a list to gain votes in a specified number of provinces or regions in Belgium), incentives could be created which stimulate the formation of common lists. Such measures could, on the other hand, make the reform also even more controversial, as they could be interpreted as purposely making things difficult for some political formations. For instance, in Belgium as well as in the EU, the extreme right is not part of what can be considered as a 'party family'.

In both polities, political parties (be they national in the EU or regional in Belgium) seem to be the key players in this debate: their preferences and institutional interests are crucial for any reform to become feasible. In Belgium, regional political parties would need to be persuaded that the Belgian political system suffers from a democratic deficit and that electoral reform might be part of the solution. Related questions of efficiency and effectiveness (output-legitimacy) might foster this awareness. The deadlock with respect to the formation of a new government and the growing feeling that a well-functioning federal government is indispensable in times of economic crisis might lead to a more general discussion of how the Belgian federal system works, including the organization of the party system (Sinardet, 2008).

Finally, the lack of a genuine Belgian electoral competition is also intertwined with the absence of a Belgian public sphere, externalized in mass media reporting. Politicizing electoral competition at the Belgian level could trigger mass media attention beyond the respective language communities. This path to a Belgian public sphere is probably more fruitful than that of trying to create a common public sphere or demos without politicization. The latter has been tried at the EU-level – although some might say not intensively enough – at the end of the 1980’s and the beginning of the 1990’s, through the stimulation of a European identity. Some of the initiatives through which this was supposed to be achieved concerned the stimulation of European-wide media, but without much success.

To conclude: we argued that multilevel political systems which suffer from a lack of democratic legitimacy can be democratized through the politicization of the ‘federal’ level. We suggested electoral engineering as a point of departure to trigger reforms in party competition. More in particular the introduction of a federal electoral district would enable political parties to present to their voters the choice between rival candidates for federal office and between rival agendas for federal policies, the latter being two crucial conditions of substantive democracy. Competition at the federal level would also trigger some change in the party system as regional parties would need to cooperate, be it at least in a minimalist way. Federal electoral competition would in addition also partially redirect the attention of regional mass media towards federal politics, hence in some way creating some kind of federal public sphere. The ultimate question, of course, is the real-life feasibility of this theoretical argument. Baring in mind the minor success at EU level and taking into account the integrating trend at the European level compared to the disintegrating trend at the Belgian level, prospects for democratization in the federal state of Belgium might look gloomy.

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