

Could a federal electoral district be effective?

Laurent de Briey
University of Namur.

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Part II : Towards a more efficient and legitimate working of Belgium's federal democracy ?

I will go straight to the point: I share the analyses and the objectives underlying Van Parijs and Deschouwer's proposal. However, without questioning the salutary effect of a change in the electoral system, I doubt that a federal district could really be effective. In my opinion, the incentives are merely too weak.

Two Requirements

1. A federal district needs to fulfil two requirements in order to be effective. First of all, if candidates cannot really hope to obtain a high number of votes from the other community, they will keep on positioning themselves according to the expectations of their community and they will follow the political line of a unilingual party. This is why a high number of electors must be likely to vote for candidates from the other community.

It would certainly not be the case if seats were allocated to each community proportionally to the obtained result. In this case, the elector from a community who votes for a candidate from the other community makes his own community's representation decrease. Consequently Deschouwer and Van Parijs rightly think that the number of seats allocated to each language community must be fixed in advance.

It would not work either if electors had to choose between voting only for French-speaking candidates or only for Dutch-speaking candidates. The elector would not be encouraged to vote for a candidate from the other community if it means that, for one of his votes, he couldn't influence the election of his most direct representatives. Deschouwer and Van Parijs' answer to this point is right too: their proposal does not impose bilingual lists, but they rightly underline that it gives a comparative advantage to bilingual lists over unilingual lists. Furthermore, by giving the opportunity to vote for several candidates on the same list, bilingual lists allow electors to vote in favour of candidates from their community AND from the other community.

Nevertheless, these two right answers –quota's and bilingual lists– can also have some drawbacks. For instance, I am not a lawyer, but I am not sure whether the Constitutional Court would allow candidates to run once in the federal district and once in the regional district. I do not know either what it would say about limiting unilingual lists to six or nine candidates while bilingual lists would have fifteen candidates.

Moreover, if quotas and bilingual lists are two *sine qua non* requirements for the efficiency of a federal district, there do not guarantee that a lot of electors would actually vote for candidates from the other community. Even worse, bilingual lists mean that, for a party, the potential external electors - which means the electors of the other community- would essentially be the electors of the “brother” party. Indeed, it is really likely that a great majority of electors would first vote for candidates and for a party from their own community. They would only secondly think of voting -on the same list- for a candidate from the other community. Only well-informed electors, probably strongly committed to Belgium- would cast their vote mainly according to the accommodating attitude of candidates from the other community. I am afraid that a lot of proponents of the federal district wrongly generalise the way that they would vote themselves to the average elector.

2. The second requirement in order to create genuine incentives for candidates to take into consideration the concerns of the other community: parties and candidates must really have something to gain by accommodating those concerns.

It would hardly be the case with only fifteen seats at stake. The main political competition will not take place in the federal district but in the provincial ones in which the 90% of the seats will be allocated. In the best case, a party might hope to gain only one more seat. However, the ability of parties to influence the distribution of federal seats would be very weak and would overall depend on its brother party seduction power in its community and of what I call the “unpredictable last seats”. Clearly, the light accommodating incentives created by the federal district will be wiped out by the stronger polarising incentives generated by local and unilingual districts.

The “Unpredictable Last Seats”

I have just spoken about the “unpredictable last seats”. In order to understand what I am talking about, let’s have a look at the procedure described by Van Parijs and Deschouwer in order to allocate the fifteen federal seats:

The allocation of seats between the lists and the candidates can proceed using the standard d’Hondt system, under the constraint of the linguistic quota. That means that a list can have its next candidate elected, as long as he or she belongs to a language group for which the quota has not yet been reached. If this quota has been reached, the seat is allotted to the next candidate on the same list from the other language group. If the list is unilingual, the seat is allotted to the next list that can claim the seat and has candidates from that language group.¹

¹ See K. Deschouwer, P. Van Parijs, “A countrywide electoral district for the Belgium’s federal Parliament” in *Electoral engineering for a stalled federation*, Rethinking Belgium, E-Book 4, 2009, p. 15, <http://www.rethinkingbelgium.eu/rebel-initiative-files/ebooks/ebook-4/Lead-Piece.pdf>.

I have carried out two simulations based on the results of the last election for the Senate². Obviously, I can only sum up the votes obtained by the different parties and candidates in their own community. As I do not know how candidates would have been ranked on a bilingual list, I have to assume that there is no devolution of list votes –which means votes not for specific candidates but for the list as such. Consequently, seats are supposed to be allocated to candidates only according to the preferential votes cast in their favour. These limits imply that the following simulations do not make it possible to evaluate the federal district as such, but they underline the drawbacks of the proposed allocation procedure and the comparative advantage of bilingual lists.

The first simulation implies that parties from the same political family decide to put forward a bilingual list. The results are the following:

1. CD&V/NVA-cdH: 4 seats
2. VLD-MR: 4seats
3. SPA-PS: 4 seats
4. VB³: 2 seats
5. GROEN-Ecolo: 1 seat

The distribution of the seat between parties which composed a bilingual list is not surprising either⁴.

Flemish parties (9 seats)	Frenchspeaking parties (6 seats)
CD&V/NVA: 3 seats	MR: 2 seats
VLD: 2 seats	PS: 2 seats
VB: 2 seats	cdH: 1 seat
SPA: 2 seats	Ecolo: 1 seat

Nevertheless, the rule of quotas plays a decisive role. According to the preferential votes, the fourth seat for the list should be allocated to the cdH. However, as the French-speaking quota is already exceeded this seat goes to the CDV.

It should also be noted that if the socialist family has about some thousand votes less, the fourth seat of the CD&V/NVA-cdH list would be allocated before the third socialist seat. In this case, the French-speaking quota would not be exceeded and the cdH would get a second seat (and the last French-speaking seat). Then, the two last socialist seats would go to the SPA. The quota rule would lead to a very weird distribution of the seats for these political families:

² See tables in appendixes.

³ A bilingual list composed of the two extreme-right parties, the Flemish *Vlaams Belang* and the French-speaking *Front National*, is not really conceivable. Anyway, the results of the FN are so weak that they would not influence the seats distribution.

⁴ This distribution would exactly be the same with only unilingual lists –see tables in appendixes.

SPA: 3 seats	cdH: 2 seats
CD&V-NVA: 2 seats	PS: 1 seat

The second simulation leads to a similar distortion in the repartition of the seats among bilingual lists. It also underlines the comparative advantage of bilingual lists over unilingual list. The suppositions are identical to those of the first simulation, except that the two socialist parties do not form a bilingual list⁵. The results by political families are the following:

1. CD&V/NVA-cdH: 5 seats
2. VLD-MR: 4 seats
3. SPA + PS: 3 seats
4. VB: 2 seats
5. GROEN-Ecolo: 1 seat

The socialist parties together loose a seat to the benefit of the CD&V/NVA-cdH list. It clearly demonstrates that the List-PR electoral system favours larger lists, such as bilingual lists. Logically, this seat should be lost by the smallest socialist party, the SPA. However, the quota rule plays a decisive role once again:

Flemish parties (9 seats)	French-speaking parties (6 seats)
CD&V/NVA: 3 seats	MR: 2 seats
VLD: 2 seats	cdH: 2 seats
VB: 2 seats	PS: 1 seat
SPA: 2 seats	Ecolo: 1 seat

The cdH gets a second seat and the fourth seat of the CD&V/NVA-cdH list thanks to the eleventh coefficient. With the allocation of this seat, the French-speaking coefficient is already reached. Thus, the PS may not receive its second seat even if it has the fourteenth coefficient. The SPA takes advantage of this situation to get a second seat with the sixteenth coefficient. If a non socialist party had had this sixteenth coefficient, it would have meant that the socialist family would have obtained only two seats!

Clearly, with the procedure of allocation of the seats described by Van Parijs and Deschouwer, the quota rule has some hardly justifiable effects. In my opinion, the only way to avoid this kind of results is to allocate seats separately for each community. The electoral results of each party on a bilingual list should be calculated by counting only the ballot papers with at least one preferential vote in favour of a candidate from the voter's community or a list vote. But it actually means that there

⁵ Caroline Gennez, president of the SPA, once declared that, in Wallonia, she would vote for Ecolo. It clearly shows the bad reputation of the PS in Flanders. Nevertheless, I am convinced that socialists would form a bilingual list if a federal district were implemented in future. Anyway, the simulations do not aim at anticipating what the practical results could be in a federal district, but at illustrating the theoretical failures of the proposed mechanism of allocation of the seats.

would be two completely distinct elections and that each elector could take part in both elections only if he accepted to vote for two parties from the same political family.

What Else? The Multiple Proportional Vote

I agree with Van Parijs and Deschouwer's aims but I think this system needs stronger incentives if we want it to really be effective. Obviously, it could be suggested to increase the number of seats allocated in the federal district. So, why couldn't all seats be allocated in that district? Some drawbacks I have described would remain, but at least the incentives would be stronger. However, this solution may seem excessive, not to say unrealistic.

First of all, keeping a relative proximity between politicians and voters is seen as important. This is why local districts are necessary. Secondly, the system of linguistic quotas is not as weird as it seems. The quotas reflect that, in a consociational state, such as Belgium, it is deemed as important for each community to have its specific representatives.

However, oddly enough, with a federal district, the representatives of the minority are elected by an electorate who predominantly comes from the other community (at least for candidates of the minority). In my opinion, in a consociational system, politicians must remain the representatives of their own group and they should mainly be elected by the electors from their own community. This is why I am in favour of an alternative electoral system –the Multiple Proportional Vote or MPV– which limits the scope of the federal district, not to a percentage of the seats but to a percentage of the votes.

MPV is best defined by the three following features:

- (1) The representatives of the different communities within society are elected separately by using a List-PR electoral system.
- (2) Those representatives are elected not only by the voters from their own group, but also by the voters of every other group within society.
- (3) The value of the total of all internal votes is higher than the value of the total of all external votes.

Concretely, in Belgium, it means that, such as for the federal district, each elector receives two ballot papers. The first is used to vote within the home district, such as it is currently the case. However, with the second one, voters choose between political parties from *the other community*⁶. It is, in the simplest version of the MPV, a system of closed lists: the elector casts its external votes for a party as a whole and not for a candidate.

⁶ This point is crucial. In order to create genuine incentives, we need an electoral system in which electors don't have to choose between candidates from their community and from the other one. As suggested by Andeweg during the ReBel event of December 17th, we can not expect vegetarians to choose a dish with meat if there are vegetarian dishes on the menu. If we really want vegetarians to eat meat, they must not have any other choice.

The votes that parties obtain within the other language community are totalled and then divided by a reduction coefficient –let’s say 4. Afterwards, they are shared out between the different provincial districts, proportionally to their size, and added to the votes cast within these districts in order to obtain the final electoral result.

Using the MPV, every representative still represents his own community, but is encouraged to defend its point of view while remaining open to the other community. That is why the reduction coefficient must be high enough to make sure that the weight of the votes cast by the other community remains lower than the weight of the votes cast within the candidate’s community, but it must not be excessive to preserve accommodating incentives.

As I do not have enough space to present MPV in details, I would only like to underline the difference of efficiency between MPV and the federal district by reacting to three objections raised by Deschouwer and Van Parijs.

First of all, they regret that MPV uses closed lists for the external votes. Actually, MPV could also work with open lists. The Flemish liberal deputy, Sven Gatz, has precisely introduced a bill in order to implement MPV with open lists for the election of the Parliament of Brussels capital-region. However, I think that using closed lists for external votes is not only easier, but it also avoids that a party uses a more accommodating candidate to catch votes that will serve to elect a less accommodating candidate who would have a lot of internal preferential votes. With closed lists, it is up to the party as a whole to become more accommodating in order to gain external votes.

Secondly, Deschouwer and Van Parijs also regret that MPV does not make it possible to draw up bilingual lists. But they also consider that MPV would lead to deals between political parties, whereby a party would tell its voters to vote for the brother party. This would mean that political parties with a smaller brother party will never accept the system. This could be right, but it would *a fortiori* be the case for the bilingual lists favoured by the federal district, since bilingual lists are precisely a kind of strong deal between political parties. For a political party without brother party (this usually means strongly regionalist parties), MPV is even worse than a federal district, precisely because the accommodating incentives are stronger with MPV. Nevertheless, those parties will never agree with both the MPV and the federal district.

Finally, Deschouwer and Van Parijs criticize the reduction coefficient for the external votes because, contrarily to what would happen with a federal district, the votes of an elector from the other community would matter less to a candidate than a vote of someone from his own community. However, they forget that, according to them, the candidates in the federal district also run for election in a regional district. It means that, if only ten percent of the seats are allocated in the federal district, external electors does not matter four times less, but at least twenty times less than internal electors. Actually, the weight of external votes upon the global result of a party when using a federal district and MPV is the clearest sign of the respective strength of the accommodating incentives created by both systems.

I will conclude by saying that I agree with Van Parijs and Deschouwer on a last point: the federal district is politically more feasible than MPV. Unfortunately, this is the case only because this district would be ineffective.