

STABILITY AND INSTABILITY FACTORS OF MULTINATIONAL DEMOCRACIES: THEORETICAL  
ASPECTS AND EMPIRICAL EVIDENCE  
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XXVI

CANDIDATE: Maja Ajdin

TUTOR:  
Prof. Pietro Grilli di Cortona

DIRECTOR:  
Prof. Leopoldo Nuti

*To Naḍa*

*“May your life be like a wildflower  
growing freely  
in the beauty and joy  
of each day.”*

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## INTRODUCTION

The present analysis is an attempt to examine normative concepts about multinational democracy and political recognition, and a contextually-sensitive empirical analysis of the Spanish and Belgian case. Multinational democracies are fragile systems and occasionally they are facing periods of crisis or political deadlock.

Several questions are posed about the stability of democracies with such an arrangement. Consociational arrangement was proposed as the most suitable for divided countries. However, consociativism has produced several positive and many negative results throughout the recent history. Consociational theory has been developed with the aim to explain stability of states with multinational component.

The analysis will be developed in several stages and it will begin with the illustration of the concept of democracy. Consequently and in relation to democratic principles it will be examined the notion of ethnicity, nationality by underling the difference between these last two concepts.

The consociational democracy will be analyzed in its main features.

The aim of the research is the exploration of a suitable framework for the political inclusion of different national groups through the process of recognition, accommodation and representation. Territorial arrangement, electoral systems and political parties will be examined in the light of their relation to multinational countries.

The focus will be on the conditions under which a multinational state can function democratically and specifically which are the factors favor stability of deeply divided democracy

What concerns this work is to find the most suitable pattern for different national groups' accommodation within the state. Consequently and unavoidably it is of enormous importance to understand how the states face and cope with the accommodation of several national groups, trying to preserve, at the same time, unity and stability of the country.

Electoral systems will be part of this analysis as they represent one of the most powerful instruments that support consensus democracies, with relation to party systems, representation of the groups in legislatures, and the stability of democratic arrangements.

The two empirical cases, Belgium and Spain will be examined in their constitutional arrangement, territorial organization, party system and electoral system in order to understand what kind of obstacles can threaten stability and unity of these two countries.

# CHAPTER I

## DEMOCRACY, NATIONALITY AND STATENESS

### 1. Evolution of the concept democracy

Democracy as concept has had a long evolution since its first forms and practices.

The term comes from the Greek word *dēmokratía* and it was coined from *demos* (people) and *krátos* (power),<sup>1</sup> or *kratein*<sup>2</sup> as used by Aristotle. For the precise definition of the exact meaning of democracy in Ancient Greece a semantic excursus is needed, but for the purposes of this work it will be used the commonly accepted definition of the ancient term as a “rule of people”.

A very careful analysis is needed when we accept the meaning of *krátos* that Greeks attributed to a segment in a society. By the meaning this word can be interpreted also as force and in the ancient meaning and conception they were attributing what we today define as sovereignty.<sup>3</sup> Considering the atheniese practice, this first form of democracy has influenced the further political philosophy and has represented the first form of participation to the political life of a citizen. However, the concept of politics, political community and of participation was completely different of what we conceive today. The idea of political community was comprehensive of all other spheres including the economical, religious and moral sphere. The antique concept of freedom cannot be compared with nowadays definition considering that the atheniense freedom was coinciding with the participation to the political life and the notion individual freedom was far away from being regarded as a value.<sup>4</sup>

Three main aspects essentially influenced the evolution of democratic practice: the enlargement of the polity, the increasing specialization of political functions and the new concept of freedom. Today governments are states, their geographic and demographic sizes are much bigger than Greek cities, the politics domain is wider and it is connected to all other spheres of the state activity and the concept of freedom is completely changed. Considering the size of the states, from the point of view of their geographical size and population, the concept of the direct

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<sup>1</sup> Dahl, R., *On Democracy*, New Heaven, Yale University Press, 1998, p.11

<sup>2</sup> Schumpeter, J.A., *Capitalism, Socialism and Democracy*, Taylor & Francis e-Library, London, 2003, p. 243

<sup>3</sup> Bearzot, C., *Un'ideologia del federalismo nel pensiero politico greco?*, in “*Federazioni e federalismo nell'Europa antica*” (Atti del Convegno Bergamo, 21-25 settembre 1992), Milano 1994, 161-180

<sup>4</sup> Grilli di Cortona, P., *Come gli stati diventano democratici*, Editori Laterza, Roma, 2009, p.4



democracy during the modern age, as defined by Sartori was not possible anymore.<sup>5</sup> The modern democracy was based on representative principle, where the exercise of power was assigned to the representatives of the people.<sup>6</sup>

Constant has made a distinction between the modern and ancient concept of liberty that, as a general notion, as at the basis of democracy. He argued that the modern concept is based mainly on “the right to be subjected only to the laws [...], the right of each person to express his opinion, [...], the right of each person to associate with other individuals, each person’s right to have some influence on the administration of the government—by electing all or some of the officials, or through representations.”<sup>7</sup> However, the liberty of ancients consisted “in carrying out *collectively but directly* many parts of the over-all functions of government, coming together in the public square.”<sup>8</sup>

Therefore, according to Constant, the liberty of ancients was based on collective and, overall, direct participation to the functions of the government.

However, this was not the only reason that changed the concept of democracy during the modern age, but it was due also to modern changed concept of politics and political functions. In Sartori’s words, the massification of the politics has created a complex “inversion of perspectives”. The politics, exclusive competence of the state, became more complex and structured.<sup>9</sup>

The concept of freedom was subjected to a massive evolution considering that Athenians, which were all *equal citizens* by having the same right to participate to the political life, they could enjoy their freedom by exercising their sovereign functions. Nowadays, the equality and freedom could be accomplished by exercising direct and indirect participation, free and fair information and responsible and responsive government.<sup>10</sup>

After the French Revolution, and particularly at the end of the nineteenth century, many policies aimed to craft a unitary homogeneous nation-state that would include only one cultural and political identity. In case of France, the French language was the only accepted language in the

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<sup>5</sup> Sartori, G., *Elementi di teoria politica*, il Mulino, Bologna, 1995, p.41

<sup>6</sup> *Ibidem*, pag.41

<sup>7</sup> Constant, B., *The Liberty of the Ancients Compared with that of the Moderns*, lecture to the Athénée Royal of Paris in 1819. Available on <http://www.nationallibertyalliance.org>

<sup>8</sup> *Ibidem*

<sup>9</sup> Sartori, G., op. cit., pag.272

<sup>10</sup> Morlino, L., *Democrazie e democratizzazioni*, il Mulino, Bologna, 2003, pag. 28-30

state. The manifestation of any regional cultural differences was unacceptable and the only commonly accepted idea of a democratic state was a homogeneous, unitary state.

Therefore since the end of the 19<sup>th</sup> century, when the first modern democratizations took place the states struggled continuously in order to fulfil normative prescriptions. However, principles pursued by the democratic states in the past have changed over the time and across the space. Nevertheless two principles, freedom and equality, have always symbolized significant objectives for democratic statesmen and citizens. The ideals of equality and freedom have continuously been believed to be essential and indispensable. The conceptualisation of these principles, as the conceptualisation of democracy, have changed throughout the centuries.

First of all, as Sartori pointed out, the term democracy is misleading for the descriptive purposes of the concept. The term denotes “how democracy should be” which is different from what it is in reality. The term refers to an ideal-type that is further away from the democracy in practice. The practised democracy is different from a normative concept of itself.<sup>11</sup>

According to Hansen the principle of equality was conceived as sameness, uniformity, while nowadays it is conceived as equality of opportunities. The Athenians *eleutheria* was the notion of political freedom, but in philosophers’ understanding *eleutheria* was perceived as a status of being free and not being a slave. According to Aristotle democrats assumed that they are all *eleutheroi* (free by descent) and consequently they should be equal in everything.<sup>12</sup>

In Dahl’s definition democracy is narrowly connected with the notion of equality of individuals within the polity. The principle of equality is fulfilled when individuals are also legal persons and citizens of the country that brings in addition its obligations and rights that originate from the membership to a country. As a result, the equality is defined as equality of rights and obligations in all the fields of social life.<sup>13</sup> He also points out that countries where the population have no enough capabilities to express their freedom and equality, referring explicitly to economic possibilities, democracy is quite impossible.

However, freedom and equality mean different things to different thinkers.

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<sup>11</sup> Sartori, G., *Democratic Theory*, Westport, Greenwood Press, 1973

<sup>12</sup> Hansen, M. H., *Democratic Freedom and the Concept of Freedom in Plato and Aristotle*, Greek, Roman, and Byzantine Studies 50 (2010)

<sup>13</sup> Dahl, R., *On Political Equality*, Yale University Press, 2007, p.52-58

According to J. Roland Pennock democracy "is much more than a technique of government. It is a technique that reflects certain values notably those of individual liberty and equality".<sup>14</sup> Similarly, Mayo and Lipson have developed models of democracy characterized, in their prescriptive dimension, by freedom and equality and, in their descriptive component, by citizen control of leaders.<sup>15</sup>

Moreover in theory it is possible to make a distinction between the leftist and rightist thoughts in equality that acquire different connotations. In that context democratic equality cannot mean equality in everything and there are also many inequalities that democracy does not deal with.

For Dahl, it is the logic of "political" equality that represents one important factor affecting the development of democratic institutions and ideas. Dahl defines the logic of political equality as the belief that *"all the members of the association are adequately qualified to participate on an equal footing with the others in the process of governing the association,"* and that *"no single member, and no minority of members, is so definitely better qualified to rule that the one or the few should be permitted to rule over the entire association."*<sup>16</sup>

However, democratic equality is not intended to make all people equal in all dimensions. Dahl argues only a democratic government is fully coherent with the logic of political equality. According to Dahl, there are five criteria that mark a democratic process: voting equality, effective participation, enlightened understanding, control of the agenda, and inclusion of all adult members in collective decisions. Violation of any of these conditions not only would make the process undemocratic, but also it would be discordant with the principle of political equality. For example, *"[t]o deny any citizen adequate opportunities for effective participation means that because their preferences are unknown or incorrectly perceived, they cannot be taken into account. But to not take their preferences toward the final outcome equally into account is to reject the principle of equal consideration of interests"* and this is a deduction of the logic of political equality.<sup>17</sup> Nevertheless the logic of political equality itself does not delineate its scope, which must be defined by further criteria of democracy.<sup>18</sup>

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<sup>14</sup> Griffith, E., Plamenatz J., and Pennock, R., *Cultural Prerequisites to a Successfully Functioning Democracy: A Symposium*, The American Political Science Review Vol. 50, No. 1 (Mar., 1956)

<sup>15</sup> Mayo, H., *An Introduction to Democratic Theory*, New York, Oxford University Press, 1960), p.60 ff; Lipson, L., *The Democratic Civilization*, New York, Oxford University Press, 1964, p. 73.

<sup>16</sup> Dahl, R., *Democracy and its Critics*. Yale University Press, 1991. pag.31

<sup>17</sup> Ibidem, pag. 109

<sup>18</sup> Dahl, R., *Democracy, Liberty and Equality*, Oslo, Norwegian University Press, 1986, p.197

Sartori stated that "[i]nequality is 'nature'; equality is denaturalization." In terms of their relationship with democracy, according to Sartori, some equalities preceded democracy, while others are democratic claims. Pre-democratic equalities included some indisputable rights, and equal freedom or moral equality. These equalities are more the results of times when they were shaped such as religion (Christianity), ethics, natural law and liberal ideals than of democracy. In contrast, three other equalities stand out as distinctively democratic demands: full political equality (as equal universal suffrage), social equality (as equal status and consideration regardless of class or wealth), and equality of opportunity (as equal access and equal start). It is easier to defend social and political equality and equality of opportunities because these equalities rest on basic moral and ethical values and do not engage too much state involvement (particularly, they do not involve wealth redistribution), and therefore are well-accepted principles in liberal democracies. It is harder, however, to justify equality of opportunity as equal start (for example, equal initial material conditions for equal access to opportunities), because equal start (as defined by Sartori) involves wealth redistribution and equalization of circumstances.<sup>19</sup>

Both Rousseau<sup>20</sup> and Sartori point to the fact that liberty, by itself, does not guarantee all equalities human kind aspire to have. "Modern democracy seeks, thus, a set of 'just equalities' that do not follow spontaneously in the wake of freedom".<sup>21</sup> In between several forms of equality not all of them are democratic claims or are compatible with democracy. Different forms of equality have different bases, means and purposes.

Salvadori for example identifies liberty as the core value of political association. He writes: "nothing, not peace, not happiness, not prosperity is as important for all men as liberty."

However it would be wrong to identify democracy with liberty. Democracy refers to "institutions through which freedom of the members of politically organized community is realized".<sup>22</sup> Sartori, in relation to liberty and equality, is quite sharp on difference between democracy and "liberal democracy". He believes that "*to isolate liberalism from democracy, we say that liberalism calls for liberty and democracy for equality. To unite them we say that it is the task of liberal-democratic systems to combine liberty with equality.*"<sup>23</sup>

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<sup>19</sup> Sartori, G., *The Theory of Democracy Revisited*, Chatham, New Jersey: Chatham House, 1987, p.345

<sup>20</sup> Rousseau, J. J., *The Basic Political Writings*, Indianapolis, Hackett, 1987

<sup>21</sup> Sartori, G., Op. cit., 1987, pag.344

<sup>22</sup> Salvadori, M., *Liberal Democracy*, Garden City, Doubleday & Co., 1957, p. 20.

<sup>23</sup> Sartori, G., op.cit., 1987, p.383

Contemporary democratic theory defines a competitive political environment as a system in which various leaders and organizations define the issues and contend for public support. Democratic politics, in other words, develops in a fundamentally pluralistic context. A democratic society is one in which power is divided between political parties and groups; no single entity should be allowed to monopolize power.

However, nowadays what is the democracy? Through the time democracy has changed and moreover the structure of the society changed. What is the relation between the democracy practiced by the states and democracy described by scholars?

## **2. Definition of democracy**

Contemporary theory stipulates a set of prerequisites for arise and survival of democracy.

Sartori describes democracy in its empirical dimension as "a political system in which the influence of majority is assured by elective and competitive minorities to whom it is entrusted."<sup>24</sup>

In its normative aspect, democracy is equated with equality.

Schumpeter gives a definition in terms of leadership and competition in a pluralistic political environment. The primary function of the people, he argues, is not to decide issues but it is "to produce a government."<sup>25</sup>

Currently the definition of democracy became very difficult even if it is a very ancient concept. The term is applied on variety of realities and practices that makes difficult an exact, punctual, precise formulation of the concept. Different contexts on which democracy is applied change the connotation of concept itself. Therefore the risk is to stretch the concept of democracy and lose the essence of the core concept. Other problematic issue is that proliferation of conceptual definitions that creates different adjectives and sub-types of the concept of democracy.<sup>26</sup>

On the other hand, scholars have the aim to describe as many as possible the variety of "democratic arrangements" emerged in last decades. Consequently, it is a hard task trying not to stretch the concept and still aiming to describe wide range of democratic arrangements. As Collier and Levitsky analysed there are more than 550 sub-types of democracy. Some of these

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<sup>24</sup> Sartori op. cit., Sartori's definition of democracy is developed in a series of stages.

<sup>25</sup> Schumpeter, J.A., *Capitalism, Socialism and Democracy*, Taylor & Francis e-Library, London, 2003

<sup>26</sup> Collier, D., Levitsky, S., *Democracy "with adjectives": Conceptual Innovation in Comparative Research*, World Politics, Vol. 49 (3), Apr., 1997

sub-types represents distinctive institutional elements, or features of full or “diminished” democracy.<sup>27</sup>

Nevertheless, these concepts and formulations used by scholars are applied on different realities and in connection to a certain scientific goal or research direction. For this reason democracy has variety of adjectives that depend on the context and the goal of research. It causes a creation of a large range of conceptual innovations and concept stretching.

Sartori has also emphasized that even if several political theories emerged in last centuries, democracy had never been specifically related with one of the political streams, such as, for example, socialism or communism. He points out that democracy is union of ideals as it denotes a political system created as a result of the development of the Western society. Furthermore, as long as democracy became universally accepted system, the concept itself was subjected to theoretical fading.<sup>28</sup> He also adds that by using an inadequate word to describe a concept is definitely misleading and confusing for the whole concept. Democracy should be categorized with all its principles on more rational ground and consequently examined why it can be implemented or cannot be realized at all.

Beetham asserted that democracy “may need to be diluted in this or that practical context depending upon the range of constraints and opportunities which present themselves with regard to the organization of politics in that context.”<sup>29</sup>

The properties of democracy can be established after democracy has been conceptualized adequately. From time to time democratic adjective is used for some countries even if only limited procedures and practices are presumingly democratic, creating a misleading concept of democracy itself. However for the scientific purposes that is called definitional fallacy.

Definition of democracy taken by general assumption, described from a set of principles based for the most part on experience or experimental evidence from the practice of any country or political entity would be completely misleading and wrong. Democracy is a set of procedures and practices that can vary from one country to another and this democratic dynamics is always

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<sup>27</sup> Diamond, L., *The End of the Third Wave and the Global Future of Democracy*, IHS Political Science Series No. 45, July 1997

<sup>28</sup> Sartori G., *Democrazia e definizioni*, Bologna, Il Mulino, 1969, p. 321, cited in L. MORLINO, *Democrazie*, in G. Pasquino (ed), *Manuale di scienza politica*, Bologna, Il Mulino, 1986, p. 86.

<sup>29</sup> Beetham, D., *Defining and Measuring Democracy*, London, Sage, 1994

under developing process. Therefore, assumptions created by induction in order to create a general rule are completely distorted and deceptive.

However, from the observation of the democratic practice in many countries it can be concluded that democracy has frequently been far from the ideal type. The difference between what democracy is in theory and what it should be in practice has always represented the major engine for its development.<sup>30</sup>

Ryan argued that: "it's no use defining democracy in terms of the politics of any particular country, for then we can no longer praise that country for being democratic – we cannot praise a society for qualities which belong to it by definition rather than by political contrivance".<sup>31</sup> For example, in contemporary democracies citizens are holders of the political power in a way that they elect their representatives and exercise some instruments of direct democracy. But they also have their individual rights and liberties and in these they should be threatened as free and equal and no constrain should come from the state. Politics provides only general norms and within these legal borders, people act autonomously and freely.<sup>32</sup>

The democratic axiom "rule by people" is extremely vague and is open to highly diverse interpretations.<sup>33</sup> Democracy is certainly predominantly characterized by freely expressed will of the people, by the idea that all individuals are to be treated equally, by an inclusive citizenship and by political equality and popular sovereignty.<sup>34</sup>

Sartori in his conceptualizing of democracy, besides the majoritarian rule and participation, included also "equality, freedom, consensus, coercion, competition, pluralism, constitutional rule, and more".<sup>35</sup> As Beetham pointed out the popular control is strengthened by the people as self-determining agents who participate actively to the political life and have the right to express issues that affect their lives. Also every individual should have equal rights and capacity for self-determination and consequently the equal right to influence collective decisions.

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<sup>30</sup> Sartori, G, *How Far Can Free Government Travel?*, Journal of Democracy, Vol.6 (3), 1995

<sup>31</sup> Ryan, A., *The philosophy of the social sciences*, Macmillan, London, 1970, pag.29

<sup>32</sup> Fisichella, D, *Lineamenti di scienza politica: concetti, problemi, teorie*, Roma, Carocci, 1998, p. 281

<sup>33</sup> Hadenius, A., *Democracy and Development*, Cambridge University Press, Cambridge, 1992; Held, D., *Models of Democracy, Polity*, Cambridge, 1987, Lively, J., *Democracy*, Blackwell, Oxford, 1975

<sup>34</sup> Beetham, D., *Key Principles and Indices for a Democratic Audit*, p28., in *Defining and Measuring Democracy*, D. Beetham (ed.), Sage, London, 1994

<sup>35</sup> Sartori, 1987, op.cit., pag 184

O'Donnell in his work, adopting a thicker description of democracy, explains the difficulties of defining the notion of certain aspects of the state (and of the regime).<sup>36</sup> He asserts that aspects of the state are “a territorial entity that delimits those who are the carriers of the rights and obligations of political citizenship and legal system that enacts and backs the universalistic and inclusive assignment of these rights and obligations”.<sup>37</sup> He points out that democratic theory needs to go beyond the mere focus on electoral liberties and must take in consideration the idea of the state as a legal system, it must include a “historically oriented political sociology of democracy. He also adds that an analysis of democracy cannot include only aspects regarding the regime, but it must be examined with reference to the state, to its legal system and to several elements of the social context.<sup>38</sup>

Therefore, the process of classification of the concept cannot be coined only in theoretical isolation, but it has to be embedded in practice in order to validate the concept. One of the most important democratic principles is equality of all citizens in a democratic state. Consequently they all have same rights and all should be treated equally in specific political context. As Sartori precised these democratic parameters should be considered in relation to the context. In stable and strong democracies such as Anglo-american or Scandinavian models the maximization of equality is the ultimate goal. On the other hand, in democracies that do not have strong and durable basis, the parameters are restricted and the aspect that becomes of fundamental importance is liberty.<sup>39</sup>

Claims that a person or a minority group should rule a political community – that is, a group of “individuals who need to make at least some binding collective decisions - without being democratically chosen can be based upon many foundations, notably sex, age, class, race, religion, military strength and knowledge. Most of these demands can be reduced to a common form of claim: that a specific group of people, claim the right to lead the community because of their specific (“superior”) characteristics”.<sup>40</sup>

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<sup>36</sup> O'Donnell, G., *Democracy, Law and Comparative Politics*, Studies in Comparative International Development, Spring 2001, Vol. 36 (1).

<sup>37</sup> Ibidem

<sup>38</sup> Ibidem

<sup>39</sup> Sartori, G., *Elementi di teoria politica*, il Mulino, Bologna, 1987, p.47

<sup>40</sup> Saward, M., *Democratic theory and indices of democratization*, in Beetham, D., ed., *Defining and Measuring Democracy*. Modern Politics, London, Sage, 1994, pp. 6–24.



In this context also Walzer pointed out that “all arguments for exclusive rule, all anti-democratic arguments”.<sup>41</sup> He also argues that political power represents a field of social activity qualitatively different from other spheres. Political power is a particular kind of good. It has a dual nature. Initially it is as other goods that people create, value, trade and share; as all other divisible good sometimes is held by few or otherwise it is the possession of the few. On the other side, the political power is different from all the other goods because, whoever has it, political power is the regulative agency for all social goods generally.<sup>42</sup> Politics is not 'just' about the nature and the different sorts of political claims within different spheres of activity constituted around certain social goods; it is also about the multifaceted relationships between these separated spheres. It is intricate research in order to understand the complexity of politics in a given space and time. Politics has to deal also with the nature of different types of political claims that are originated from distinct areas of society and it has to manage intricate relationships among them. Nevertheless, when certain claims are originated from different constitutionally relevant national groups, in order to act democratically, the state has to act starting with the assumption that all citizens are equal and that the totality of the population has right to decide, by democratic means, the appropriate political course of their community. This could be defined as 'equality assumption'. The equality assumption arises from the fact that there are no elements upon which some groups could have the privilege to rule the rest. It has to be taken as the core definition of democracy within the theory of democracy. Consequently the general rule that can rationally be a result of the equality assumption is that policy and political and administrative actions must be compatible to the articulated preferences of a majority of citizens. There should be indispensable equivalence between acts of government and the expressed will of citizens with respect to those acts (responsive rule). Therefore the simple majority rule is preferable to any of alternatives: minority rule, qualified majority rule or unanimous rule. However, a range of prerequisites must be met before it is effectively achieved. Besides the empirically necessary conditions, the logically necessary requirements refer to rights, freedoms and decision mechanisms. All the requirements originate from the equality assumption and the responsive rule definition. The basic freedoms

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<sup>41</sup> Walzer, M., *Spheres of Justice: a Defense of Pluralism and Equality*, New York, Basic Books, 1983, p.285

<sup>42</sup> See also Rotberg, R., *Failed States, Collapsed States, Weak States: Causes and Indicators*, Princeton, Princeton University Press, 2003

reproduce the requirements originating from the equality assumption. Participation conditions and citizenship reflect the need for minimal rights and specified mechanisms essential to the maximization of responsive rule.

Nevertheless we face situations where within the population of the same state there are groups having different beliefs, preferences or ethnic belonging and in a political system these differences might provoke clashes and dissonances and also could undermine governments of some states. Nowadays all autonomous democratic state could be defined multicultural at some level. Undoubtedly they should be divided in different categories according to the degree of cultural diversity and according to the influence of different ethnic groups. In case of a polity where there is one national group that considers itself as a nation and the members of the group share the same language, religion, culture and history the nation-building and democratization process can go side by side and reinforce one another.<sup>43</sup> However in case of a polity that includes different ethnic groups and the democratization process is about to be introduced by, as usually it is, competitive elections, the state building and democratization process could find several obstacles. The main problem is introduced by different groups who want to govern and all of them claim to be “more privileged” than others in the state-building process.

There are many reasons why states can fail to fulfil democratic principles and may fail. Lately the practice and consequently the theory has been overwhelmed of cases where states weren't able to establish democratic principles, not even basic ones, and where democracies have been threatened. Among the most common reasons were entrenched elites, the lack of cultural and social requisites and inadequate institutions. Nevertheless one of the main reasons of the failure of the democracy or of the democratization process in most cases and in many countries was the existence of an ethnic conflict in any form.<sup>44</sup> As Horowitz has pointed out, some countries with smallest number of serious cleavages, like Hungary, the Czech Republic, and Poland, achieved democratic process in less time than other countries such as Slovakia, Bulgaria, Romania, and the former Yugoslavia. While the first group of countries have had some democratic traditions the second one have showed “a direct relationship between ethnic conflict and nondemocratic development.”<sup>45</sup> Democracy can open the road to many different expression of ethnicity and

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<sup>43</sup> Stepan, A., Linz, J., Yadav, Y., *Crafting State-Nations, India and Other Multinational Democracies*, Baltimore, The Johns Hopkins University Press, 2010

<sup>44</sup> Horowitz, D., *Democracy in divided societies*, Journal of Democracy, Vol. 4 (4), 1993

<sup>45</sup> *Ibidem*

therefore can also “facilitate either majority rule and the exclusion of minorities or minority rule and the exclusion of majorities. Things can be done -for some deeply divided societies are relatively democratic--but there are good systemic reasons why it is difficult to produce institutions conducive to the emergence of multiethnic democracy.”<sup>46</sup>

It is important to speculate about the democracy as a system in which inclusion and participation are among the main ones. Inclusion and consequently exclusion are related with the access to the power, resources, about the privilege to be part of the political community. The principle of is very close to freedom and equality, the two main axiomatic characteristics of democracy, and frequently it can be in contrast with them, for the reason that inclusion may possibly be only partial and for certain groups determined by certain characteristics.

The principle of inclusion, nowadays, is closely related to the state arrangement in divided societies. If we take in consideration model settled by Linz and Stepan<sup>47</sup> concerning five arenas of modern consolidated democracies we can clearly see how the political, civil and economic sphere are closely related and interaction is strictly necessary. Democracy is not only a set of values and it is not only a regime. It is an elaborated mechanism of interaction between different systems composing a state apparatus. In other words, a democratic state is an interactive system between stateness (rule of law, state apparatus), civil society (which can be composed of a nation or different nations or ethnic groups), political society and economic society. Nevertheless, a great number of states are multiethnic or multinational and the history had witnessed and still is witnessing the breakdown of many states or the fail of the democratization process caused by interethnic or inter-national partitions. Among the all cleavages considered in theory so far, the ethnic cleavage emerged very late in relation to other cleavages and to the development of the party systems.<sup>48</sup> According to that, even if we can argue that a party system of a deeply divided country reproduce the ethnic division of that country, the dynamics and the relations between ethnic groups and political parties deserve a deeper consideration and study.

The constitutional arrangements in these countries should be based on respect of all the constitutionally relevant groups, on inclusiveness of the different groups living within the

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<sup>46</sup> *Ibidem*

<sup>47</sup> Stepan, A., Linz, J., *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Baltimore, Johns Hopkins Univ Press, 1996

<sup>48</sup> Horowitz, D., op.cit. 1993

borders of the state and on equality of opportunities. Therefore the forms of ethnical exclusion are undoubtedly in opposition to the democratic principles and one of the main reasons of the certain failure of democracy in multiethnic states are the state arrangements that foster differences between different ethnic groups and the inadequacy of most decision rules and institutions to deal with a deeply divided state.

Therefore it can be argued that the inclusion and participation of everyone in public discussion and decision-making requires particular but intricate mechanisms for group representation. However, when within the border of the same state there is coexistence of various groups that differ in culture, values, and behavioural styles, the perception can also reflect the privilege of only one or few groups. For that reason the principle of equal treatment that can be claimed by other groups, will tend to perpetuate oppression and exclusion. The inclusion and participation of everyone in social and political institutions consequently demand the articulation of special rights that focus on group differences in order to reduce oppression and disadvantage.<sup>49</sup>

Hence, how states can aim to become democratic and accommodate mainly sociocultural or multinational within its borders? Although the old wisdom and the common perception in the past has taken for granted that supposed cultural boundaries must be compatible with territorial frontiers, at the present time it can be demonstrated that there are some successful multinational democratic states and others that still cannot find the path toward the democratization process and are not able to accommodate the sociocultural differences in order to establish democratic institutions. For the comparative purposes, the degree of cultural diversity of the democratic states could be taken as a variable and according to the level of the diversity they can be distinguished in different categories. With reference to the sub-types of these categories should be taken in consideration not only the degree of diversity but also how rooted is the partition between different groups.

In practice we have several examples of multiethnic countries. Considering their different constitutional arrangement, administrative organization and a level of inclusiveness we have a range of multiethnic countries with different structure and some of them are structurally advantaged countries and others are severely divided societies. In deeply divided countries, as Sri Lanka for example, the boundaries between different groups are reflected on the state arrangement and party system and the partition is rooted in every social aspect.

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<sup>49</sup> Young, I. M., *Polity and Group Difference: A Critique of the Ideal of Universal Citizenship*, Ethics, Vol. 99, (2), 1989

Ethnic affiliations in these countries grant a sense of belonging, security and “shelter” from “others”. These social divisions are strictly connected with political system partitions and cause extreme forms of ethnic exclusion that requires a legal framework at the constitutional level that is remarkably adverse to basic democratic principles. In such countries democracy is always difficult to establish because in addition the external force who even try to intervene in order to initiate a democratization process have to interfere with deeply entrenched social pattern and establish a political framework within which all groups will be represented. It requires a legal structure and constitutional arrangement that will be democratically, inclusive based.

However, India for example is one of the countries that have been surprisingly successful in accommodating diversity and resolving ethnic conflict through democratic institutions. Every Indian state that is part of the Indian 25 states federal system reflects a prevailing ethnic group. Nevertheless each of these groups is separated in castes, sects, different religions and other socio-economic category. India has succeeded in overseeing multinational frictions by the implementation of adequate usage of various consociational practices. This process allowed to India to become a successful democratic state-nation.<sup>50</sup> This example has shown that even in a state with strongly multinational dimension where the population has multiple and complementary identities and where national groups are divided by the lines of a variety of linguistic and religious differences it is still possible to introduce democratic procedures and avoid the jeopardy of partition.

The concept of the state-nation was introduced by Linz and Stepan (1996) and proposed again by stating the states that “are multicultural, and sometimes even have significant multinational components, which nonetheless still manage to engender strong identification and loyalty from their citizens, an identification and loyalty that proponents of homogeneous nation states perceive that only nation states can engender.”<sup>51</sup> The conception of democracy itself has had an evolution through the centuries and it has reflected this changes to the conception of the state as well. During the nineteenth century the creation of a national identity and crafting a homogenous state were identified as democratic practices. In the past the nation was identified with the state,

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<sup>50</sup> Arend Lijphart has intentionally omitted India from his volume *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, New Heaven, Yale University Press, 1984. However, in his next volume on this matter he acknowledged that India is a democracy (in Lijphart, A., *Patterns of Democracy: Government Forms and Performance in Thirty Six Countries*, 1999); See also Stepan, A., Linz, J., Yadav, Y., *Crafting State-Nations. India and Other Multinational Democracies*, The Johns Hopkins University Press, Baltimore, 2011

<sup>51</sup> Stepan, A., Linz, J., Yadav, Y., op.cit., 2011 p.4

an idea that nowadays in most cases is not possible. The difficult attempts to create nation-states in a multicultural environment show that the introducing of the policy features of a homogenous country in a culturally divided society is rather fruitless and that practises of state-nation are more suitable for such society. Throughout the history there were cases where the imposition of a “common culture” was successful (i.e. France), but today the process of homogenisation almost certainly would not bring positive outcomes.

In such states that include a variety of different ethnic or national groups that act on exclusive basis it is possible, as Horowitz has pointed out, distinguish two general types of polities: bifurcated polity where half of the state govern the other half and minority dominated polity where one or two small groups lead the majority. In such circumstances where the arrangement mentioned above is rooted it is quite impossible to bring any change to the system because of the opposition of the leading group.<sup>52</sup> In this context Horowitz argues about those groups who are living in a territory that, for some historic reason, belongs to another group or vice versa. Those groups who feel themselves as ones who have the right to live on that certain territory they also consider themselves as more privileged than other inhabitants within the same borders. These kinds of circumstances are very frequent in Asia and Eastern European countries. In the last case the tensions between groups are heavily burden by historic reminiscence. Considering that in some cases the history is intertwined with present politics and arrangement of the state, the assumption is that in most cases the ethnicity is very dangerous for the success of the democracy.<sup>53</sup>

Before analysing multinational states and means through which they manage diversities, this study requires a specific consideration of what is multinational, multiethnic or multicultural.

### **3. “Ethnic origin” of nations**

In 1882 Ernest Renan emphasized the uncertain difference between nation, race and the meaning of these words. During his speech “What is a Nation” held on Sorbonne he was pointing out as follows:

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<sup>52</sup> Horowitz Op. cit. 1987, p.19

<sup>53</sup> Horowitz Op. cit.,1987, p.19

“I intend to analyse with you an idea which seems simple and clear but which lends itself to the most dangerous misunderstandings... In our day one commits a serious error: one confounds nation and race, and one attributes to ethnographical or rather linguistic groups a sovereignty analogous to that of real peoples. Let us try for some precision in these difficult questions where the slightest confusion about the meaning of words, which are at the basis of our reasoning, can produce the most disastrous errors.”<sup>54</sup>

From this excerpt is remarkably clear the difference he makes between “ethnographical or ... linguistic groups” and “real peoples”. He doesn’t give any political significance to an ethnic/linguistic group and certainly gives this relevance only to “real peoples” that we could at present call possibly nations. Nevertheless, even if the terminology has moderately changed since Renan’s times, the topic is still applicable to the present time and it requires a deep study on differences between groups with different connotations.

The relation between citizenship, religion, nationality and ethnic origin has always been a discussed topic among scholars from sociological, historical, political point of view. The dichotomy citizenship – religion and both in relation to the nation have been the main issue of many polities even in the smallest state units and cannot be discussed without an interdisciplinary approach. For the purposes of this study it is indispensable to clarify the terminology and significance of the definitions related to the meaning of the ethnic group and nationality that often create misunderstandings in attributing the erroneous significance to one or another. The purpose is to illustrate the relation between the civil society and the state and to raise the question about the inclusion and exclusion related to the issues of assimilation, integration and accommodation of different groups.

This subject is strictly related to the citizenship issue, which is about the inclusion/exclusion in the political community and as concept it has its roots in the concept of sovereignty, which is expressed as the exclusive power held by the government to exercise its authority over the territory. In multinational societies the state arrangement can become very intricate because of different groups who are competing for the inclusion to the community and to the government.

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<sup>54</sup> Lecture at Sorbonne, March 11<sup>th</sup> 1882, in *Discours et Conférences*, Paris, Caiman-Levy, 1887, pp.277-310; also in Eley, G., and Suny, G., ed., *Becoming National: A Reader*, New York and Oxford, Oxford University Press, 1996, pp. 41-55.

In some cases, groups can be also represented by historical enemies or national groups that do not accept the actual arrangement of the state or have a lack of identity and loyalty to the state.

National borders between different nations, in many cases, are not the same as borders between states. A state may contain more than one national group or otherwise people who belong to a same national group may live in different states. However, as it was previously examined, the main difference between a national group and an ethnic group stands in their political aspirations. A group that has no political aspirations will be considered more as an ethnic group than as a nation and the path to its inclusion does not challenge state unity.

In its general definition, the nation among its characteristic has the “we-feeling” attitude that gather the members who share the same history, culture, tradition and are also loyal to the state and are committed to its goals.<sup>55</sup> In case where state’s population includes different groups, having different aspirations, the claims of the groups can arise over territory, administrative autonomies and political recognition. The issue that state must cope with is to decide whether to accommodate or to repress requests of “others”. It becomes a matter of the calculation of the cost of the accommodation and toleration and the cost of the suppression.<sup>56</sup> Consequently the question that arises is in which way it is possible to accommodate diversity of groups and, on the other side, what would be the outcome of repression?

*Accommodation* occurs in territorial federal arrangement and in other practices that give the recognition to the groups as political actors. On the other hand, the cost of repression may be very high considering that one of the outcomes could be secession.

However to understand better the difference between the national group and ethnic group we have to understand their origin. From this point of view is very important the Anthony Smith's study of the formation of nations and their evolution out of older ethnic communities.<sup>57</sup> Smith makes a distinction between two cases: the first one is where the nation is based on a single leading ethnic group. The culture of that group, being stronger than others', is imposed on ethnic minorities living within the borders of the developing nation. In the second case, a dominant culture is weak and has to be crafted with the aim to create a nation out of different ethnic groups. In this case nation-building process is based on crafting similarities among groups, in

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<sup>55</sup> Stepan, A., Linz, J., Yadav, Y., op. cit., 2011, p. 5

<sup>56</sup> *Ibidem*

<sup>57</sup> Smith, A., *The Ethnic Origins of Nations*, New Jersey, Wiley-Blackwell, 1988



particular the invention of a common national past.<sup>58</sup> Consequently, ethnicity and ethnic culture, according to Smith's assumption, is a more genuine form of loyalty than nationality and in that case stronger as a concept of unity. What makes this assumption realistic is that the national identities were frequently being created and manipulated in the interests of those who hold (or aim to hold) power in particular states.

According to Obershall ethnic sentiments and ethnic identity are natural sentiments and they have an emotional and not rational quality.<sup>59</sup> Ethnicity and religion are deeply rooted in society and have different connotation and practices, but they are real social facts that the society has to deal with. According to Linz and Stepan "political identities are less primordial and fixed than contingent and changing. They are amenable to being constructed or eroded by political institutions and political choices".<sup>60</sup>

However, besides the cultural aspects of nationality and taking into account only its political dimension, it is possible to say that ethnic groups can be considered as an embryonic stage of a politically significant national group that acquire the consciousness of itself as a political actor.

Nationalism potentially requires ideological basis in order to form the state. Therefore, ethnicity has been understood as an initial form of what would eventually become manifest as nationalism. Nevertheless the major difference between an ethnic and a national group is seen in their relationship with the state. In this context the circumstances the former socialist multi-ethnic states offer a clear pattern (for example the Soviet Union and Yugoslavia). Some countries born after the break up of these formerly federal states became nearly mono-national state by conferring nationality status to some ethnic groups living within their borders. However the consequences of this policy produced, in some cases, the arising of the local awareness of national identity and provoked the inter-national conflicts (which doesn't mean intrastate conflict).

According to Gellner and to his thought about the nation-state, nationalism "is primarily a political principle, which holds that the political and the national unit should be congruent . . .

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<sup>58</sup> Smith, A., *Structure and Persistence of Ethnie*, in Guibernau, M., Rex, J., (eds), *The Ethnicity Reader: Nationalism, Multiculturalism, and Migration*, Polity Press, Cambridge, 2010, p.31

<sup>59</sup> Obershall, A., *The manipulation of ethnicity: from ethnic cooperation to violence and war in Yugoslavia*, *Ethnic and Racial Studies*, Volume 23 (6), 2000

<sup>60</sup> Stepan, A., Linz, J., op.cit., 1996, p.366

Nationalist *sentiment* is the feeling of anger aroused by the violation of the principle . . . A nationalist *movement* is one actuated by a sentiment of this kind.”<sup>61</sup>

However the concept of nation is still an extremely intricate topic and as long as it belongs to the sphere of the highly rooted values, it has a range of connotations that can differ from one group to another. In Max Weber’s theory the sentiment of solidarity was one of the core aspects of the nation concept. The solidarity that connects people of the same group is based on a “privilege”. He asserts that some populations are intellectually privileged within a polity and privileged by their existence. To be part of that group, individuals have to share that same privileged culture diffused among other members and national solidarity is connected to common political destiny. In time this status of being a part of a privileged group and of a privileged culture, becomes converted inevitably in demand of power and into the idea of the nation.<sup>62</sup>

National sentiment is variously related to political associations and the idea of nation may be used for political scopes of the future state. According to Craig Calhoun national and ethnic groups are part of a modern formation of identities that are used and controlled by elites and other members of the political and social life. He considers nationalism as a superlative rhetoric used to define political communities by claiming the self-determination.

A nation can be defined as a community with certain political connotations and sentiments of uniqueness of their origin which, as Weber was asserting, a nation “would adequately manifest itself in a state of its own”<sup>63</sup>; therefore, a nation is a affiliation witch normally “tend to create a state of its own”.<sup>64</sup> He was not in agreement with the generally accepted rule that the language is unifying element, especially because it is possible, even nowadays, to find groups or nations that speak the same language but culturally differ one from another. Language, in certain cases, can be a significant element in creating the basis for the formation of the national sentiment, but cannot be the only element of identification of the group identity nor a precondition to originate a nation.

In Gellner’s words nationalism is a “political legitimacy” that insist on the same ethnic and political boundaries. However he insists on the theory that the states are not the outcome of the evolution of the nations and also that some nations were created without the support of their

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<sup>61</sup> Gellner, E. *Nations and Nationalism*, Oxford, Blakwell Publishing, 1983, p.1

<sup>62</sup> Guibernau, M., *Nationalisms: The Nation-State and Nationalism in the Twentieth Century*, Cambridge, Polity Press, 1996, p.34

<sup>63</sup> Weber, M., *The Nation*, in Hutchinson, J., Smith, A., (eds), *Nationalism*, Oxford, Oxford University Press, 1994, p.25

<sup>64</sup> *Ibidem*

states. "The state has certainly emerged without help of the nation. Some nations have certainly emerged without the blessings of their own state. It is more debatable whether the normative idea of the nation, in its modern sense, did not presuppose the prior existence of the state."<sup>65</sup> Along the same lines as Gellner, Hobsbawm has analysed the relationship between nation and state, by claiming that the sequence of the causal direction originate from the state. He argues that the chronological succession starts with state where forms of nationalism develop. Consequently nationalism, supported by the state, results with the arise of nation.<sup>66</sup> Linz similarly claims that states develop earlier than nations, considering that the states are the outcome of the feudal crisis while nations develop after the French Revolution.<sup>67</sup>

The world population is divided into nations and the world system is structured as a state system that is promoting certain values based on the culture of those nations. What can be witnessed nowadays is that the claims of national groups occasionally can be exploited as rhetorical approach to bigger political aims. In another direction the nation with its cultural heritage is used by elites to manipulate opinions of the masses in pursuit of power.

However more than often the history has witnessed and it can still be observed the phenomenon of the clash of nations. The state structure doesn't correspond to the settlements of the national groups. For this reason the ethnic and national identity becomes problematic. In such an arrangement it is difficult to give the same importance to all claims. The search of power needs the categorization of identities and consequently claims of certain groups will be declared more legitimate than others.

Tilly has put the emphasis on the distinctive character of modern states, and he has stressed the consolidation of the world system as a system of equivalent states with centralized administrative power. This trend is related to the political and social organization of states of the modern era. The problematic segment of this arrangement regards the function of the culture. More specifically it regards the role of the national culture and the claim of those states to be "national" as a matter of right.

A common difference between nation and ethnic group is that a nation is perceived as a group that should be entitled to an independent state or to be allowed a sort of autonomy within the state. Nation is an entity and is a concept that drags with itself other theoretical and empirical

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<sup>65</sup> Gellner, E., op. cit., 1983, p.6

<sup>66</sup> Hobsbawm, E. J., *Nations and Nationalism since 1780*, Cambridge, Cambridge University Press, 1990, p.10

<sup>67</sup> Linz, J., *State Building and Nation Building*, European Review 1 (4), 1993

entities. The speculation about nationalism and nationhood start with the issue what is nation. Even if there is a general definition of the idea, which can include or not certain characteristics (as language for example), but in analysing the topic there is also a difference in academic approach.

Consequently, when a state includes within its borders several national groups which will tend to produce a state on its own or will claim the right to rule, what are the challenges that state have to cope with and how it is possible to accommodate their claims?

#### **4. Nationality and citizenship**

Nationality is closely related to the citizenship and sometimes these two terms are conflated. Occasionally nationality and citizenship are two overlapping terms. In its most simple definition citizenship describes the legal relationship between the individual and the state. This relation may have many forms depending on the definition of the polity of a certain state. It is the evolution of the polities throughout the state formation that gave citizenship in the West an institutionalized and formalized character.<sup>68</sup>

The terms citizenship and nationality both are in relation to the nation and sometimes they are used as synonyms but each term reflects a different legal framework. Both recognize a legal position of an individual in terms of state membership. Generally, citizenship is largely confined to the national, inner dimension, while nationality is used more in the context of the interstate system.<sup>69</sup> Numerous struggles, based upon national identity and upon the citizenship issue, were based on understanding of national identity and citizenship as a political, social and sometimes religious identification.<sup>70</sup> In this context T.H. Marshall, assumed that there has to be pointed out a great difference between forming one's identity as a religious person or as a citizen.<sup>71</sup> For example one can see this in Northern Ireland where there are clashes of identity that are both religious and political and in this case, as in many others, more than often these two identities are tangled.

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<sup>68</sup> Isin, E.F., Turner B. S., *Citizenship studies: An introduction*, in *Handbook of Citizenship Studies*, London, Sage 2002

<sup>69</sup> Sassen, S., *Towards Post-National and denationalized Citizenship*, in *Handbook of Citizenship Studies*, London, Sage 2002

<sup>70</sup> Isin, B., Turner, S., op.cit, 2002

<sup>71</sup> Marshall, T. H., *Citizenship and Social Class and Other Essays*, Cambridge University Press, Cambridge, 1950

In commonly accepted assumption Western European countries and United States use nationality as synonymous for citizenship. An individual of one of above mentioned state is a citizen of that state or at least is born under within its borders. On the other side, the Eastern Europe citizenship and nationality have two different connotations. After the collapse of the communism, nationalism and ethnic conflict were a crucial issue of Eastern European politics and identity.<sup>72</sup>

The French Revolution introduced aspect of the nationality in terms of an ideological approach to the political community. The nation was made of all inhabitants who obeyed the laws, paid taxes and respected all the duties required by the state. Participation in a “social contract” and sharing the sovereignty of the state granted the citizenship. As Renan said a nation is a made by the “common sharing of a rich legacy of memories and ... mutual consent, (sharing of) the desire to live together and the will to live together and the will to continue to emphasize the heritage one has received together”.<sup>73</sup> Renan was one of the first scholars to claim that nationhood was civic, based on political community, rather than being grounded on kinship and ethnic origin.<sup>74</sup>

Some of the countries still hold distinctions between politically determined citizenship and ascriptively defined nationality. France, for example, with its civic, instead of ethnic, conception of the citizenship is still coping with nationalist wing of the population which would like to move toward a more ethnic view of the “Frenchness”. In case of Israel, for example, from the bureaucratic point of view, the proposal that the word “Hebrew” replace “Jew” to designate ethnic affiliation and be employed in a strictly secular sense may have some improvement in eliminating the use of the same word for both nationality and religion, but it will not solve the basic legal dilemma. However, the ongoing practice in Israel of gaining citizenship based on religious beliefs is just one part of the problematic Israeli national issue.

It can be said that “civic nations” which share the same “civic” loyalty to the state assign citizenship according to *jus soli* (civic nationalism) and “ethnic nations” which found their

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<sup>72</sup> On this topic see Calhoun, C., *Nations Matter: Culture, History and the Cosmopolitan Dream*, Routledge, New York, 2007; Chirot, D., ed., *The Crisis of Leninism and the Decline of the Left: The Revolutions of 1989*. Seattle, University of Washington Press, 1991; Tilly, C. (ed), *Special issue on ethnic conflict in the Soviet Union*, Dordrecht, Springer, Vol. 20 (5), 1991, p. 569-724

<sup>73</sup> Brubaker, R., *Citizenship and Nationhood in France and Germany*, Cambridge, Harvard University Press, 1992

<sup>74</sup> This understanding of the nation as a product of shared identity rather than common descent was instrumental in the development of French national identity. See Schnapper, D. *La France de l'integration*, Gallimard, Paris, 1991 and Brubaker, W. R., *Citizenship and Nationhood in France and Germany*, Cambridge, Harvard University Press, 1992

national belonging to the sharing of the same cultural values, grant the citizenship according to *jus sanguinis* (ethnic nationalism).

The globalization for example is certainly causing the redefinition and deconstruction of essential principles that are on the basis of the nation-state. As the main formula of determining inclusion and exclusion, citizenship is an essential instrument for the state's exercise of its sovereign power. Taking into consideration how the citizenship and granting the citizenship to "newcomers" has been changed is an important marker of how globalization is modifying the role of the state within and outside its borders. The tendency toward a multidimensional view of the citizenship would make possible establishing of more significant transnational relations among different populations. As it can be observed, globalization is eroding most aspects of the state sovereignty through increasing of economic (and financial) integration, international policy goals and transnational communications.<sup>75</sup> Citizenship remains one of the last bastions to be conquered by the globalizing force.

## 5. Stateness

In 1968 John Peter Nettl with his article *The State as a Conceptual Variable* introduces a concept of stateness.<sup>76</sup> He elaborates a conceptual approach to the state and advocates that the concept of state is and should be considered as a variable in social science, in relation to the diversity of empirical cases. Consequently the notion of stateness was introduced by him as "conceptual variable". This conceptual variation is due to the ideological and geographical differences of the realities taken in examination. Conceptualizing stateness, he based his definition on structures and functions of the state and also he defined historical, intellectual and cultural dimensions of this phenomenon. But John Peter Nettl didn't make a clear difference between two notions: statehood and stateness.

For empirical research and for the aim of this work it is important to clarify the difference between these two concepts: "statehood" and "stateness". Statehood and stateness connote two different aspects of being a state. Statehood is an old notion and its definition can be interpreted

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<sup>75</sup> See also Krasner, S.D., *Sovereignty: Organized Hypocrisy*, Princeton, Princeton University Press, 1999; Gilpin, R., *Global Political Economy*, Princeton, Princeton University Press, 2001; McGrew, A., *Globalization and Global Politics*, in Baylis, J., Smith, S., Owens, P., eds., *The Globalization of World*, Oxford, Oxford University Press, 2011

<sup>76</sup> Nettl, J. P., *The State as a Conceptual Variable*, *World Politics*, Vol.20 (4), 1968

as the condition or status of being a political state or the status of being recognized as an independent nation; it has features of attachment of the population to the state.<sup>77</sup> On the other hand, stateness can be formulized as the state's fulfilment of its own status and its capacity to achieve its functions within the borders of its territory and to realize expectations of its own citizenry. It refers to the state's own domestic capabilities and to the level of legislative and institutionalized interaction with its population.<sup>78</sup>

Stateness is not a new concept in political science although, as mentioned above, the theory didn't have (if not only recently) defined clear borders between two ideas. Many scholars wrote about stateness and coined the definition without mentioning the word stateness. For instance, exploring what Michael Mann, among others, has called state infrastructural power, that is, "the institutional capacity of a central state...to penetrate its territories and logistically implement decisions. This collective power, "power through" society, coordinating social life through state infrastructures. It identifies a state as a set of central and radial institutions penetrating territories."<sup>79</sup>

Some of those scholars whose works relate clearly to the stateness are Tilly, Linz, Stepan, Bartolini, Poggi.<sup>80</sup> For Charles Tilly stateness can be "measured by formal autonomy, differentiation from nongovernmental organizations, centralization, and internal coordination of a government."<sup>81</sup> Stefano Bartolini, following Charles Tilly's definition<sup>82</sup>, describes stateness in four dimensions: "creation of the organization for the mobilization of resources: bureaucracy and tax burden; external consolidation of the territory: army; maintenance of internal order: police and judiciary and state activism in regulatory activities and in economic and social interventionism".<sup>83</sup> Another definition to this conceptualization of stateness was proposed by Alfred Stepan and Juan J. Linz, who probably have contributed the most to the exploration of the

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<sup>77</sup> Grilli di Cortona, P., Di Sotto, N., *No State, no Democracy*. Fragilità statale e democratizzazioni nella terza ondata, RISP, Year XLII, n. 1, April 2012

<sup>78</sup> Bäck, H., Hadenius, A., *Democracy and State Capacity*, Governance, Oxford, Blackwell Publishing, Vol 21 (1), January 2008

<sup>79</sup> Mann, M., *The Sources of Social Power*, Vol. 2, *The Rise of Classes and Nation-States*, 1760-1914, 1993

<sup>80</sup> Linz, J., Stepan A., *Transizione e consolidamento democratico*, Bologna, Il Mulino 2000; Bartolini, S., *Restructuring Europe. Centre Formation, System Building, and Political Structuring between the Nation State and the European Union*, Oxford, Oxford University Press, 2005; Poggi, G., *Lo Stato*, Bologna, Il Mulino; 1992

<sup>81</sup> Tilly, Charles. *Coercion, Capital and European States: AD 990 – 1992*, New York: Wiley-Blackwell, 1992. 34-5

<sup>82</sup> Tilly's definition is referred to the state-making and its capacity to control the population within the state borders. He calls state "an organization" that must be autonomus, different from other organizations performing on the same territory and "its division are formally coordinated with one another"

<sup>83</sup> Tilly Ch., ed., *The formation of National States in Western Europe*, Princeton, Princeton University Press, 1975

subject. Linz and Stepan argued that stateness is “a variable so undertheorized” and clarify that their “point about under-theorization concerns in particular the triadic inter-relationship between the modern state, modern nationalism, and modern democracy”.<sup>84</sup> In their analysis they focus on the relationship between state, nation(s) and democracy. Linz and Stepan conceptualization of stateness is based also on the indicator of “identification with the state” and they explained it in relation to the “large groups of individuals in the territory” that aspire “to join a different state or create an independent state”.<sup>85</sup> Linz and Stepan emphasize two essential properties of stateness. The first is the monopoly on the use of force within the territory of the jurisdiction. The other characteristic is that the different groups living within the borders of the same state have reached an agreement about who has the right to citizenship in the state. Consequently, stateness is explicitly understood as a precondition for democracy by Linz and Stepan. Linz formulated the statement “no state, no *Rechtsstaat*, no democracy”.<sup>86</sup> However, even if the concept of stateness is closely connected the concept of the coercive power, the stateness and the rule of law are often confused in the literature. That is because much of the present literature basically treats stateness in terms of the closely related but thicker concept of state capacity. However, state capacity includes also the ability to implement policies, something that goes beyond the monopoly of the use of force within sovereign territory and beyond the agreement about the citizenship stressed by Linz and Stepan.<sup>87</sup> When understood as state capacity, there is a risk that the notion of stateness is related to the concept of the rule of law because the rule of law implies by its definition a certain level of administrative ability. Such an extension of the concept is inconvenient because there is a risk to fuse the concept of stateness with the aspects of liberal democracy. O'Donnell concentrating his work in which he is approaching a thicker definition of democracy, explains the difficulties of defining the notion of certain aspects of the state (and of the regime).<sup>88</sup> He does not concentrate his research on stateness but his focus is on the definition of political citizenship as the individual connection with a democratic regime that he describes as follows: “the legal assignment and the effective enjoyment of the rights... both the surrounding freedoms... and the rights of participation in fair

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<sup>84</sup> Linz, J., Stepan, A., op. cit. 1996. p.16

<sup>85</sup> Linz, J., Stepan, A., op. cit. 1996. p.7

<sup>86</sup> Linz, J., *Democracy Today*, Scandinavian Political Studies, Vol. 20 (2), 1997 Scandinavian University Press

<sup>87</sup> Linz, J., Stepan, A., op. cit. 1996

<sup>88</sup> O'Donnell, G., *Democracy, Law and Comparative Politics*, Studies in Comparative International Development, Vol. 36, (1), 2001



elections, including voting and being elected ”.<sup>89</sup> He points out that democratic theory needs to go beyond the mere focus on electoral liberties and must take in consideration the idea of the state as “a legal system that enacts and backs the universalistic and inclusive assignment of these rights and obligations”<sup>90</sup>. This can be understood as a suggestion for a broader definition of democracy, including a conceptual shift from the regime to attributes of the state. This short analysis is important to explain that the focus on the state’s legal system is not to be confused with stateness, especially in Linz and Stepan’s sense. Consequently, while the rule of law can be considered as a defining attribute of democracy by descending the ladder of abstraction, stateness is conceptually different from democracy; Stateness, as mentioned before, is its precondition and not a defining attribute.

One of the tools that allow the measurement of the stateness is the degree of state fragility. Precisely, it is one of its basic features and according to the degree of fragility it is possible to distinguish three levels of stateness according to its gradation: full, quasi and non – stateness. Full stateness, with which it is possible to describe strong states, is the ideal type and it is characterized by a solid external territoriality, juridical statehood and full control over the territory. The ideal type of state has numerous administrative, coercive and regulative mechanisms and tools that allow them to dominate the territory, define and redefine policies, relationships and material resources on their own territories.

On the other side of the scale there are failed states of which stability is generally threatened by a on-going civil war that obstruct the functioning of the state and impede the control of the state over its territory. These factors can cause the collapse of the state and reduce it to an empty shell resulting with the power vacuum.<sup>91</sup>

The elements that allow to measure the level of the state fragility<sup>92</sup> can be resumed in social, economic, political and military indicators and singularly they are: demographic pressures, population displacement, group grievance, emigration, internal homogeneity of economic development, poverty, state legitimacy, public services, human rights and rule of law, security

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<sup>89</sup> *Ibidem*

<sup>90</sup> *Ibidem*

<sup>91</sup> Grilli di Cortona, P., Di Sotto, N., op. cit. 2012

<sup>92</sup> According to the 2014 Fragile State Index of the Fund for Peace, Finland has the highest ranking on the scale of strong states, while South Sudan represents highest level of alert according to the indicators mentioned above; <http://library.fundforpeace.org/fsi> , July 2014

apparatus.<sup>93</sup>

The legitimacy and trust of the citizens toward the state is as a requirement for the functioning of democratic institutions. The identification of the nation with the state, intended as a significant factor in political and societal life depends not only on the issues relating to the apparatus and the functions of a particular state but on the existence of a cultural arrangement to provide support to the existence of a state in its unity. In this context it should be mentioned the analysis of Almond and Verba.<sup>94</sup> Here stateness was treated, even if not cited with this specific term, as a variable in the context of bidirectional relation between citizens and the state, structured as normative control and normative dissent. Although the book does not expressly treat with the concept of stateness, it does focus on the purpose of distinct political structures and defined image of cleavages and procedures. The relation between the state apparatus and its population was always bidirectional.

The global trends are creating circumstances where nation states will have to deal with different structural and functional arrangements. Unique national identity once was one of the fundamental factors for the national unity and stability. Nowadays states have to cope with the strain that take place between national, cultural (religious and linguistic) pluralism and shared common identity. As Linz pointed out, “there is a tension between a liberal conception based on the rights of individuals to their own distinctiveness and the conditions of freedom in a liberal society, and a conception of pluralism that privileges a pluralism of groups, communities and institutions to which people might or might not belong”.<sup>95</sup> The friction will happen in case where those who opt to identify themselves, not with the groups and institutions privileged by the majority, but with those who belong to the minority within the same boundaries. From this struggle between the cultural or national homogeneity and the expressions of different national belonging could cause different models of state arrangements. In such circumstances the pursuit for homogeneity and one dominant shared identity is threatening democracy, unitary state and principles of democratic government.

The research has the aim to call attention to those aspects of stateness, which could be identified in ability to achieve governmental objectives, create efficient institutions and concentrate

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<sup>93</sup> Fund for Peace, The Fragile States Index

<sup>94</sup> Almond, G., Verba, S., *The Civic Culture: Political Attitudes and Democracy in Five Nation*, Princeton, Princeton University Press, 1968

<sup>95</sup> Linz, J., *Democracy Today*, op.cit., 1996

resources for state activities. In multi-national state this method has go along with socio-cultural tradition that introduce the identity issues, the question of citizens' identification with the state – but also the questions of national and civil identity of the people. In this case the “stateness” is conceptualized through interaction with nation and democracy on one hand and national identity and pluralistic society. In this context Dahl's analysis of the federalism points out the issue of the legitimacy of the unit. The conflicts could arise in relation to the level of the sentiment of identification of the minority with the majority. Consequently the majority should show the willingness and predispose structural instruments in order to accept and respect the rights established to the population of the minority. Federal system presupposes that the majority renounce and transfer the decisional power on certain domains to the demos of a small entity.<sup>96</sup> The question arises on how much pluralism is compatible with some form of integration and with loyalty to the institutions of the state.

Nevertheless, the stateness issue goes before the choice of constitutional design. According to Juan Linz and Alfred Stepan, “a “stateness” problem may be said to exist when significant proportions of the population does not accept the boundaries of the territorial state...as a legitimate unit to which they owe obedience...The neglect in the literature of the question of legitimacy of the state is unfortunate because this variable...is of fundamental theoretical and political importance for democracy.”<sup>97</sup> According to this statement the democratic approval of the people on stateness plays the first role, and constitutional design and power-sharing measures take place only after the stateness issue is decided.

From the academic point of view one of the most problematic issues that scholars could incur is the measurement of the stateness and the identification of the right indicators. For instance, the Failed States Index<sup>98</sup> and the Worldwide Governance Indicators (WGI)<sup>99</sup> do not specifically develop an analysis of the stateness in whole. They conceptualize some specific and special aspects of stateness, but they also combine and confuse performance of governmental functions parameters with governance indicators, or assemble cause and effect of a certain matter. As for the “socio-cultural approach” the attempts to find indices or ratings nearly close to this conceptualization of stateness were not successful. An attempt to conceptualize stateness is

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<sup>96</sup> Dahl, R., *Democracy, liberty and equality*, Oslo, Norwegian University Press, 1986, p.119

<sup>97</sup> Linz J., Stepan, A., *Political Identities and Electoral Sequences: Spain, the Soviet Union, and Yugoslavia*, Daedalus, Vol. 121 (2), 1992

<sup>98</sup> Fund for Peace - <http://ffp.statesindex.org/rankings-2013-sortable>

<sup>99</sup> World Bank - <http://info.worldbank.org/governance/wgi/index.aspx#home>

made by Bertelsmann Stiftung with the Stateness Index<sup>100</sup>. Stateness here is considered as a precondition of political transformation and examined indicators are related to the state's monopoly on the use of force and basic administrative structures. It also takes in examination the rule of law, includes the analysis of separation of powers and prosecution of office abuse. It measures the level of the acceptance of the democratic system, representativeness and political culture. Stefano Bartolini<sup>101</sup> set up an index that covers the information on stateness of few European states in 1880-1920, but for understandable reasons they are not comparable with nowadays values. For the goal of this research the index that should be mentioned is Multiculturalism Policies for National Minorities Index developed by the Queen's University, Canada. The Multiculturalism Policy Index is academic research project that analyses the progress of multicultural policies across the Western democracies. The project is intended to provide information about multiculturalism policies in a standardized format that support comparative research and contributes to the awareness of state-minority relations.<sup>102</sup> It takes under observation those groups who are territorially concentrated, have an important nationalist awareness and activity, are organized in significant social movements or political parties in order to be considered as nation within larger state. The analysis is concentrated also on their mobilisation to achieve the recognition of their nationhood as an independent state or in form of certain territorial autonomy within the state.

Stateness had been conceived as the strength of state and has long been regarded as an important factor for the democratic consolidation. Research on state strength has been, predominantly, approached from a 'dichotomous' perspective in which states are viewed as either strong or weak. This is sometimes confusing because most states, which are usually considered as strong, are gathered in one conceptual category. As a result, the label 'weak states' denotes a variety of empirical cases that, in practice and by relevant scholarly standards, differ widely from each other. The resulting conceptual stretching, in turn, seriously affects a proper theoretical and empirical understanding of most of the existing states in the developing world. Contemporary theories of the state, conceptualize state - making as either a success or a failure

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<sup>100</sup> <http://www.bti-project.org/index/methodology/>

<sup>101</sup> Bartolini, S., *The Class Cleavage. The Political Mobilization of the European Left, 1860-1980*, Cambridge, Cambridge University Press, 2000

<sup>102</sup> Multiculturalism Policy Index, <http://www.queensu.ca/mcp/>

basing the analysis almost singularly on Max Weber's definition of the state that endows it with two fundamental capabilities: monopoly on the legitimate use of force and control of a sovereign territory. A "successful" state must exhibit total control over a sovereign territory. However, the challenge for the state apparatus comes from the societal cleavages reflected on the functions of the state considering that the public sphere and its interaction with the state apparatus is a functional requisite of democratic systems. According to Poggi, the public sphere can menace the unity and continuity of the state action. The state can prevent that risk by institutionalizing certain antagonistic expressions in order to make them less disruptive and by promotion of common political values in order to shape and unite the public sphere and go beyond the existing divisions by encouraging the same political identity and political destiny. In Poggi words "nationhood entails that the population has a close, abiding, intensely meaningful relation with the State's territory, and construes it as the very body of the nation itself. When this relation cannot be attained or maintained, their frustration feeds nationalist complaints and aspirations."<sup>103</sup>

A multinational country that has several national identities within its borders has to opt for a state-nation pattern that supports more than one national identity and give the opportunity for the expression of multiple and complementary identities. In case of multinational new democracies it's a very hard task to set a proper arrangement of interlocking institutions that could adequately pursue governmental goals according to the democratic principles. According to Fukuyama, stateness reinforcing should be prior to the introducing of democracy and he points out that "the two are intertwined, but the precise sequencing of how and when to build the distinct but interlocking institutions needs very careful thought."<sup>104</sup>

The multinational and multiethnic democracies are unlikely to remain democratic if the state insists on remaining a nation-state. Stepan pointed out that "all democracies that are strongly multinational are federal and asymmetrical".<sup>105</sup> According to Dahl, Linz and Stepan, only a democracy can be a federal system. In particular Dahl argues that federalism is "a system in which some matters are exclusively within the competence of certain local units – cantons, states, provinces – and are constitutionally beyond the scope of the authority of the national

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<sup>103</sup> Poggi, G., *L'ambiguo rapporto della sfera pubblica nel rapporto tra la statualità e democratizzazione*, XXIV Convegno SISP, 2010

<sup>104</sup> Fukuyama, F., *Stateness first*, Journal of Democracy, Vol. 16 (1), 2005

<sup>105</sup> Stepan, A., *Arguing Comparative Politics*, Oxford, Oxford University Press, 2001

government”.<sup>106</sup> However, federal arrangements will be discussed more in detail in the next chapter.

Considering that a state that meets the ideal weberian concept of state nowadays is rather an exception than the rule and cases of weak or failed states are very recurrent.

After this short analysis of concept of stateness and its features in multinational countries there is need to focus on issues of state arrangements in these countries and on what kind of political practices and incentives play decisive role in making congruent multiple and complementary identities, in preserving civic peace and fulfilment of democratic principles. Starting from the political theory the research shall proceed in next chapters with examination and evaluation of the performance of specific institutional components (or their transformation) and the constitutional arrangement in order to satisfy the complex multinational society challenges. The focus will be on the conditions under which a multinational state can function democratically and specifically which are the factors of stability and instability of multinational democracies.

## **6. Nationalism and Democracy**

Nation and nationalism can be linked to too many concepts that to comprehend them all and give them a stable and steady definition is quite impossible. What concerns this work is to find the most suitable pattern for different national groups’ accommodation within the state. Consequently and unavoidably it is of enormous importance to understand how the states face and cope with the accommodation of several national groups, trying to preserve, at the same time, unity and stability of the country.

Nation has a narrow connection with territory and as such has tight bonds with state. The nation’s “articulators” can be language, religion or some historical facts. Term nation can be used for different purposes and sometimes can characterize people from the same country or people who speak the same language and sometimes even religion is supposed to be one of the distinctive factors of the nation, like in the Jewish religion.

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<sup>106</sup> Dahl, R., op.cit.,1986

When there is dichotomy nationalism – democracy the common perception can recall conflict and not stable relationship. In relation to nationalism that can have positive or negative connotation Hans Kohn in *The Idea of Nationalism*<sup>107</sup> has explained the dichotomy between “good” and “bad” nationalism or civic nationalism versus ethnic nationalism or Western versus Eastern nationalism.

Nationalism as a concept and by its origin does not have negative connotation. Nationalism that can go along with democratic principles is nationalism determined by civic culture and has liberal, rational connotations and can be described as inclusive, while, on the other hand, the “bad” nationalism originates from ethnic sentiments and has exclusive attributes and it is potentially fuelled by conflicting and violent feelings. Nationalism can have different connotations depending on which geographical (and consequently historical) origin it has. History has showed that it is possible to distinguish the nationalism characteristic of Eastern European countries and the nationalism of Western countries and it can be said that the ethnic nationalism cannot go along with democracy while civic nationalism can be actually a constitutive part of it.

Greenfeld has defined nationalism as containing the same essential elements of democracy. Nationalism, the one intended with its civic connotations, has the core concept in the recognition of the fundamental equality of its different parts. Greenfeld also argues that nationalism was the form in which democracy appeared in the world.<sup>108</sup>

The civic nationalism is also a political definition of a nation and it refers to a political community, living and governing a certain territory with its own laws and institutions<sup>109</sup> and it is democratic by it self.

On the other hand the ethnic nationalism is closed and rooted in the ground of ideas of common history and culture that is unique and peculiar for its unique aspects and connotations. Consequently the ethnic nationalism is exclusive and closed phenomenon that exclude anybody else who don't share the same ancestry or history. When there is an idea of uniqueness of the certain group of people, the connections with those ideas and democratic principles are almost impossible.<sup>110</sup>

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<sup>107</sup> Kohn, H., *The Idea of Nationalism: A Study in its Origins and Background*, New York, The Macmilan Company, 1944

<sup>108</sup> Greenfeld, L., *Nationalism: Five Roads to Modernity*. Cambridge: Harvard University Press, 1992, p.10

<sup>109</sup> Ignatieff, M. *Blood and Belonging. Journeys into the New Nationalism*. New York: Farrar, Straus & Giroux, 1993

<sup>110</sup> Greenfeld, L. Op. cit, 1992.

However, John Stuart Mill<sup>111</sup> was convinced that in general “it is a necessary condition of free institutions that the boundaries of government should coincide in the main with those of nationality.”<sup>112</sup> Nevertheless Mill was convinced that a multinational population would lead to the authoritarian regime and would bring the elites to “divide and rule technique”.

Nowadays a lot of states can be defined as “multiethnic”. The immigration, the previous colonization and also the way of gaining the citizenship of a certain state, can make of a country a multiethnic environment. However from an academic point of view, and for the purposes of this work, a multiethnic state requires much more analysis in order to be defined as multiethnic or multinational.

After Rustow writing in 1970, warned that “the only precondition for the establishment of a democratic state is that the great majority of the citizens of the future democracy have no doubt or mental reservation about the political community to which they belong.”<sup>113</sup>

Dahl has pointed out that “Presumably because an ethnic or religious identity is incorporated so early and so deeply into one’s personality, conflicts among ethnic or religious subcultures are specially fraught with danger, particularly if they are also tied to region. (...) That subcultural pluralism often places a dangerous strain on the tolerance and mutual security required for a system of public contestation seems hardly open to doubt.”<sup>114</sup>

The opinion of some scholars is that “the ethnification of politics in democratizing states precludes a stable democratic outcome or consolidation”<sup>115</sup> while some others, as mentioned before, argued that it is very unlikely for a liberal democracy to survive in an ethnical plural society.

During the '90s it was practically demonstrated with dissolution of Czechoslovakia, Soviet Union and Yugoslavia that nationalism creates a great danger to the consolidation of democracy. But also has to be said that democracy is a set of principles that should allow to everybody to express their positions, opinions and orientation, consequently if there is no right to the self-determination of the nations either the democracy cannot exist.

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<sup>111</sup> Mill, J. S., *Considerations on Representative Government*,

<http://philosophyfaculty.ucsd.edu/faculty/rarneson/Courses/166JOHNSTUARTMILLConRepGov2006.pdf>

<sup>112</sup> Connor, W., *Ethnonationalism: The Quest for Understanding*, Princeton, Princeton University Press, 1994, p.6

<sup>113</sup> Alonso, S., Keane, J., Merkel, W., (eds), *The Future of Representative Democracy*, Cambridge, Cambridge University Press, 2011, p. 171

<sup>114</sup> Dahl, R., *Polyarchy*. New Haven, London: Yale University Press, p.108

<sup>115</sup> Hughes, J., Sasse. G., *Ethnicity and Territory in the Former Soviet Union*. London, Frank Cass, 2001, p.221



However the concept of self-determination in theory and practice includes two concepts: the post First World War Wilsonian idea of the nations and the post-Second World War concept that was applied to peoples in colonial territories.<sup>116</sup> The self-determination concept, narrowly connected to the territory, can produce two outcomes: secession and irredentas. Kymlicka, for instance, considers secession adequate in case it is voluntary and mutual, but he admits that secession “is not always possible or desirable, because sometimes might not be viable.”<sup>117</sup> However, the principle of self-determination still creates strong debates from the political, legal, moral and philosophical standpoint.

Nevertheless, it is possible to find examples, which demonstrate that democracy is viable in multinational environment (Belgium, Canada, India, Spain, Switzerland, South Africa, United Kingdom). All these states do not full fill the same level of same variables; they are all different by its economic development, geographic location and ethnic heterogeneity. Even if in some cases the expectations were those to predict an authoritarian regime or an experience of a violent conflict in same cases the transition from the communist regime to the democracy has major success.

During the ‘90 Przeworski had argued that “it is wrong to assume that culturally and nationally heterogeneous societies are not viable candidates for successful democratization.”<sup>118</sup> This doesn’t mean that democracy with its accommodating features can solve the conflicts related to a presence of different cultural or national groups and it doesn’t merge all these cultures in to one homogeneous civic identity. Democracy, with its features, cannot make disappear the minority nationalism and nationalism conflicts, but it has to manage it and to transform it into something acceptable.

Democracy is about accommodating differences and aiming to create compromise for forces/groups that have different opinions, goals, who stand on opposite sides. So why democracy is threatened when it has to accommodate different sides which in this case would be national groups? Keeping valid the statement that elites are the ones who should operate in order to create a sustainable environment for all the groups, why when it comes to the cooperation of

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<sup>116</sup> Horowitz, D., *Self-Determination: Politics, Philosophy, Law*, in Moore, M., *National Self-Determination and Secession*, Oxford, Oxford University Press, 1998, p.,194

<sup>117</sup> Kymlicka, W., *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford, Clarendon Press, 1995, p. 186

<sup>118</sup> Przeworski, A.et al., eds., *Sustainable Democracy*. Cambridge, Cambridge University Press, 1996, p.33

the groups is more probable that a conflict rather than a compromise will arise? Consequently which variables are the most responsible for lack of conditions for a stable democracy: constitutional arrangements with its territorial settings, elites cooperation or representation?

Nationality is an intricate concept because it changes according to the territory and time and “too complex...to capture in a single definition or fix in a single moment.”<sup>119</sup> Accordingly, plurinationalism is a concept that can be different from one territory to another. Some nations are territorially integrated within the state while others are divided between separate states.<sup>120</sup> So the problematic issue of plurinationalism can empirically present different questions, concerns and solutions based on the pattern of a certain nation.

Although almost any country can be described as multinational, multicultural or multiethnic, those who are scholarly recognized as multinational are countries composed by different national groups that have a constitutional importance. These national groups are usually politically and territorially organized and through time have made pressure on the central government in order to obtain certain recognition, to obtain certain privileges and to obtain the right to participate actively in the political decisions of that country.

The problem is that in between different national factions what is dividing them is not only a different inner belief, religion or a language, but it is the threat of the others, the suspicion and fear of the action and reaction of other groups and possible attack and conflict in between different groups. So what would ever make vanish the mistrust among the groups? Which factors can influence state stability in multinational environment? Is it just possible for democratic states to be multinational or is the multinationality that doesn't allow to the state to be stable democracy?

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<sup>119</sup> Keating, M., *Plurinational Democracy. Stateless Nations and a Post-Sovereignty Era*, 2001

<sup>120</sup> *Ibidem*

## CHAPTER II

### CONSOCIATIONAL DEMOCRACY, FEDERALISM AND POWER SHARING

#### Introduction

Multinational societies include several politically active nation groups. These groups form smaller units within the totality of the population and according to their size can form several minorities or can represent minority/s within the majority of the population. In the academic literature different interpretations, sometimes very dissimilar among them, refer to the term “minority”. As general notion, the definition of national minority is referred to a non-dominant group within a state that obtained certain level of self-government or some degree of autonomy.<sup>121</sup>

In the case of national groups, their wishes and requests for autonomy and for national self-government differentiate minority nationalism from the wider phenomenon of multiculturalism. Multiculturalism is related to ethnic, religious, and cultural minority demands for protection. These requests are usually referred to claims for special freedoms, symbolic recognition, material support or special representation.

On the other side, national minority demands, however, seek to modify state borders in order for the group to set up an independent state on its own, join a bordering kin-state or succeed in obtaining political autonomy within a distinct part of the present state territory. It is important to comprehend the authentic political nature of such projects. In case that the aim of nationalist demands are referred to the protect of their particular idiom or culture, then a state recognition of such diversity, might succeed in stopping any further national requests. However, the preservation of the culture usually is an instrument used to define the boundaries of a national territory and its population while the achievement of political power is the final objective.

In such circumstances the preservation of the state stability and of democratic principles within the state structures becomes one of the primary tasks of the state system. States have numerous tools that can be suitable for the recognition of political and territorial autonomy to national groups living with its borders. These tools were the subject of decades long theoretical research and has involved numerous scientists. Several empirical cases, different among them, depict

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<sup>121</sup> Bauböck, R., *Federal arrangements and minority self-government*, EIF Working Paper Series, Österreichische Akademie der Wissenschaften, Working Paper n.2, 2004

colourful picture of the general scenario. Different countries have adopted different arrangements, sometimes departing from the same basis, but have presented a wide range of different results.

Democracy is about creating consent and equilibrium but it must also articulate and manage dissent and tolerance. The stability of democratic structures is based on the state's ability to hold together different communities living within its borders. The problem can arise when the state is not strong enough to manage diversities and demands of different groups. In case of emerging state it should be recognized as soon as possible the necessity of building a state-nation with all its characterizing features instead of forcing a nation-state creation. In case of an attempt to forge a nation-state in a multinational environment the problematic aspect is the national identity of the state. In these cases is the majoritarian community that imposes or at least privileges their community as a state identity culture. Therefore it will depend on crafting public institutional structures and territorial autonomies that will allow the accommodation of diversities and it will recognize aspirations and demands of different groups. Otherwise, the state would undoubtedly be both a source of power and a stage for contestation for power among different national groups. In deeply divided societies the state can germinate and develop in case it has democratic features and it is marked by inclusiveness and toleration of different cultures. On the other hand, it must be considered that all features of distinctiveness of national groups are intricate, deeply emotional features that cannot be erased or ignored. In case they are not accommodated, managed or tolerated they tend to magnify and to create a chain reaction that could culminate in to violent conflict. Therefore, one of the first steps is the territorial and accordingly institutional federal arrangement that will give more power to national groups and would channel their political demands. The researches on consociational democracies have showed that consociational arrangements give the best results when they are implemented with territorial federalism.<sup>122</sup>

For this reason, the quest presents several inquiries to conduct. All these issues are related among them by chain of events they put in action. First of all, in which way multinational democracies can concede autonomy to national minorities that live within the state borders?

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<sup>122</sup> Elazar, D., *Federalism and Consociational Regimes, Federalism and Consociationalism* (a special issue of Publius) 15, (2), Center for the Study of Federalism, Temple University and North Texas State University, 1985

How, in pursuing this kind of policy, can be maintained democratic stability and quality and how can be preserved state integrity and unity? Which variables are crucial? What aspects of devolution in these cases are permanent and with what results and, on the other hand, what features of multinational policy are only occasionally used and with what results?

## 6. Consociational theory and practice

At the beginning of the seventieth century Althusius was writing “*Politica est ars homines ad vitam socialem inter se constituendam, colendam et conservandam consociandi. Unde simbiotichè vocatur.*”<sup>123</sup> According to his thought, human society, the *consociatio*, is based on the agreement between people living within it. “Politics is the art of associating (*consociandi*) men for the purpose of establishing, cultivating, and conserving social life among them. Whence it is called “symbiotics”. The subject matter of politics is consequently association (*consociatio*), in which the *symbiotes* pledge themselves each to the other, by explicit or tacit agreement, to mutual communication of whatever is useful and necessary for the harmonious exercise of social life.”<sup>124</sup> He defines people as symbiotic, cooperative individuals in order to stress the relation between each single inhabitant of the society and to explain that society is the result of the union of its inhabitants.

However, the above-described societal relationships, for many decades were conceived to be possible in circumstances where the society (country) was homogeneous, populated by peoples who were sharing the same identity. Social uniformity, cultural, linguistic or religious correspondence among the population (translated in political consensus) was considered for a long time one of the requirements for a stable democracy.

Currently the history is witnessing empirical cases of states where different nations are living within the same borders and where sociocultural divergences have developed great political salience. The incongruity between political and national borders is not a new issue, but when national groups start to gain levels of political importance within the state, it can threaten

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<sup>123</sup> Althusius, *Politica methodice digesta*, in M. D’Addio, *Storia delle dottrine pubbliche*, Vol. I, Ecig, 1996,

<sup>124</sup> Wilson, E., M., *The Savage Republic: De Indis of Hugo Grotius, Republicanism and Dutch Hegemony Within the Early Modern World-System* (c. 1600-1619), Martinus Nijhoff Publishers, Brill Academic, 2008, p.195

democratic stability and it can result with conflict in a state that is based on nation-state parameters.

Nation-state arrangements, referred to mono-cultural states or to states that does not include several politically important national groups, are based on “political-institutional approach that attempts to match the political boundaries of the state with the presumed cultural boundaries of the nation, or vice versa”.<sup>125</sup> For example, countries like Portugal, Japan and Sweden are clearly part of this category. Nation-state’s policy is created around a common cultural identity that is shared among the inhabitants.

On the other hand, when a state hosts and accommodates several politically active national groups, it is possible to speak about the state-nation arrangement. The state-nation policy, aims to accommodate different national groups, without putting preference on any particular of the cultures and without imposing single “state culture”. These countries must also adopt particular institutional and political arrangements in order to create certain degree of loyalty to the state and in order to create a “balance of power” between different national groups. Countries like Switzerland, Spain and Belgium, with significant inner diversities among the population and with politically organised groups, are unambiguously state-nations.

Therefore, one of the most critical issues today is to understand in which way the countries, that aim to be stable democracies, can accommodate national diversity within its borders. The academic theory that for a long time was anchored on the nation-state arrangement, needed to adapt to the empirical practice considering that states were facing requests of devolution of the central power and for more autonomy for national groups. According to the old wisdom every state should contain one nation within its borders and every nation should have a state on its own.<sup>126</sup> However this was no longer the case and there was need for new theoretical speculation and new institutional practice.

Nowadays several states can be described and defined as multinational. However, the use the adjective “multinational” here is referred to those states that host within their borders several national groups which are politically active and constitutionally guaranteed.

The *multinationality* can create different patterns, but in case where different national groups acquire certain political importance within the state and state is still based on nation-state arrangements, democracy could be put in danger or impossible to establish. There are countries

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<sup>125</sup> Stepan, A., Linz, J., Yadav, Y., op.cit., 2011, p.4

<sup>126</sup> Ibidem

that contain great diversity and still can proof evident democratic stability (like India), while some other were struggling for a long time trying to solve out internal conflicts between different national groups (Cyprus, Bosnia Herzegovina). Generally, the reason could be found in the level of accommodation and in the degree of cooperation among different national groups. On the other side, where sociocultural differences did not obtain in addition a great political importance and there is a strong sense of shared history or common culture it is still possible to pose the basis of an inclusive democracy. Nevertheless, when several national groups gain certain degree of political importance within the state and act as active players on the political scene, an adaptation of democratic institutions is required. For a long time, a great number of scholars has sustained that societal divisions create enormous obstacles for the democratization, therefore the establishment of the democracy becomes very arduous task.

Lijphart was a pioneer of a new theory that was postulating feasibility of a stable democracy in a multi-component society and he started a new stream of thought where he introduced new theory of divided societies by establishing a new terminology and a new practice for the problematic issue of democracy in multinational societies.<sup>127</sup>

In 1968 he published *The Politics of Accommodation: Pluralism and Democracy in The Netherlands*. Within the country and elsewhere the success of this new point of view was owed, in large part, to a new picture of Dutch politics as a contradictory case of robust social division (or pillarization) within a stable democratic environment. The Netherlands in fact and contrary to expectations, is both stable and democratic country although its extensive social cleavages.

Lijphart's studies (1968, 1975, 1977, 1985, 1999) on consociational democracy and later on consensus democracy in divided societies have demonstrated that democracy and multinationality (or other kind of societal division) could be compatible and could create favourable conditions of stable political society. In his study of deviant cases he discovers that elite behaviour is a fundamental variable between political culture and social structure on one hand, and a crucial element of political stability in plurinational democracies on the other.<sup>128</sup>

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<sup>127</sup> Lijphart, A., *The Politics of Accommodation. Pluralism and Democracy in the Netherlands*, Berkeley, University of California press, 1968; Lijphart, A., *Democracy in Plural Societies: A Comparative Exploration*, New Haven: Yale University Press, 1977; Lijphart, A., *Power-Sharing in South Africa*, Berkeley: Institute of International Studies, University of California, 1985

<sup>128</sup> Lijphart, A., *The Comparable Cases Strategy in Comparative Research*, Comparative Political Studies, Vol. 8 (2), 1975

Term consociational is used in order to describe a system where all parts are interdependent and can exist only if they cooperate in order to create a stable, productive environment. Lijphart has introduced a new perspective on democratic institutions in the academic approach on democratic theory, and has been recognized as an authority on democracy in divided societies. History (and academic research) has showed that the common perception of stable democracy was based on national unity and “monochromatic” society. However, in Lijphart’s view some new variables were gaining ground in order to proof that democracy was achievable in segmented societies and, in addition, can maintain its stability. First of all, this was possible only if the power, instead of being monopolized and centralised, was shared and devolved.

According to Lijphart, there are some normative prescriptions to follow in order to establish democratic principles in deeply divided societies. These prescriptions were analysed and widely accepted among numerous scholars. He underlined that “the successful establishment of democratic government in divided societies requires two key elements: power sharing and group autonomy.”<sup>129</sup>

A general definition of power sharing denotes the participation of representatives of all significant communal groups in political decision-making, especially at the executive level.

The second fundamental element of the accommodation is the group autonomy which means that the “groups have authority to run their own internal affairs, especially in the areas of education and culture.”<sup>130</sup>

However, power-sharing (in its core notion) and group autonomy, conjointly or separately, cannot guarantee a stable democracy and are not enough to accommodate different national groups. Primarily they have to be adapted to the context: power sharing can be translated in several different political practices in order for all the national groups to be represented; group autonomy can be achieved through territorial and decision-making features. The two mentioned characteristics are not separated one from another and the latter is a consequence of the former. Several other variables needed to be examined in order to achieve a more precise image of the society to which the power sharing arrangement should be applied. With this aim, Lijphart, in his long speculation and research, has refined the concept of power sharing and group autonomy. He has identified four crucial dimensions of a plural society to be taken in consideration:

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<sup>129</sup> Lijphart A., *The case for power sharing*, in: L. Diamond, M.F. Plattner (eds.), *Electoral Systems and Democracy*, Baltimore, The Johns Hopkins University Press, (2006), p. 43

<sup>130</sup> Ibidem



identification of the segments composing a society, determination of the size of the segments, level of overlapping segmental cleavages (social, political, economic), degree of segmental loyalty translated in the results of elections that should reflect the segmental division.<sup>131</sup>

This arrangement that has to be followed by corresponding normative, institutional and political features, in politological terminology, is defined as consociational democracy. After Lijphart, a multitude of scholars have analysed the important and positive role of these two features and of the consociational practice as a whole and are supportive to their adoption by divided societies.<sup>132</sup>

As his research proved there are some fundamental features of the consociational democracy that democratic to-be multinational societies cannot avoid to implement in order to achieve democratic stability. Lijphart, after the refinement of the concept, has distinguished four institutional and behavioural forms of collaboration and accommodation: a grand coalition, proportionality, segmental autonomy and mutual veto.

Grand coalition empirically is translated in cooperation of the political leaders of all politically significant groups. It can take different forms accordingly to the framework in which is implemented. It can result in grand coalition in the parliament or it can take form of committee with advisory tasks; it can also be represented by a grand coalition of a president and top leaders in presidential system.<sup>133</sup> Regardless the context, the aim of the leaders must be the commitment in converging instead of antagonistic decision-making process.<sup>134</sup>

The other important variable of consociational democracy is the proportional representation of all significant groups. It is referred to the proportional representation in assemblies and, according to Lijphart, it should be used as a methodological approach in assigning offices and resources. Proportionality is neutral and impartial criterion and all the groups can be represented according to their “weight” in society. The proportional representation is also a tool

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<sup>131</sup> Lijphart, A., *Consociational Theory. Problems and Prospects, A Reply*. Comparative Politics, 12,(2), 1982

<sup>132</sup> Some of these scholars are Dirk Berg-Schlosser, William T. Bluhm, Laurence J. Boule, Hans Daalder, Edward Dew, Robert H. Dix, Alan Dowty, Jonathan Fraenkel, Hermann Giliomee, Theodor Hanf, Jonathan Hartlyn, Martin O. Heisler, Luc Huyse, Thomas A. Koelble, Gerhard Lehmbruch, Franz Lehner, W. Arthur Lewis, Val R. Lorwin, Diane K. Mauzy, John McGarry, Kenneth D. McRae, Antoine N. Messarra, R.S. Milne, S.J.R. Noel, Eric A. Nordlinger, Brendan O’Leary, G. Bingham Powell, Jr., Andrew Reynolds, F. van Zyl Slabbert, Jürg Steiner, Albert J. Venter, Karl von Vorys, David Welsh, and Steven B. Wolinetz

<sup>133</sup> Lijphart, A., *Democracy in Plural Societies. A Comparative Exploration*, Yale University Press, New Heaven, 1977, p. 25

<sup>134</sup> Ibidem, pag. 99-100

of improvement of the grand coalition feature. In this way all the groups are represented in the government according to their political impact in the state.<sup>135</sup>

Segmental autonomy as one of the basic features of consociationalism is interpreted as minority rule over spheres important to that specific group (for example education). According to this principle issues of common interest should be decided by all national groups while issues of vital importance to a certain group should be exclusively decided by that group. This feature involves minority rule over itself and in the sphere of group's exclusive concern. Segmental autonomy is also translated into territorial division that takes form of federalism, which will be examined at the later stage. This kind of territorial arrangement is not an exclusive tool of divided societies, but remains of fundamental importance in case of group's autonomy and power sharing arrangement. Federations, in this case multinational federations are composed of autonomous units where national minorities form local (regional) majority and where they can exercise political autonomy, they have their representatives to the national assembly where actively participate to the executive process and thus obtain right of equal citizens of the national polity.<sup>136</sup> Nevertheless, federal territorial arrangement is possible where the different groups are territorially concentrated and internal societal cleavages overlap the territorial divisions.<sup>137</sup>

Mutual veto is theoretically very powerful tool that minorities have while participating in grand coalition. It is one of the deviations from the pure majority rule and in Lijphart's words it represents "negative minority rule".<sup>138</sup> This tool is also a feature of the grand coalition where decisions are made by a majority vote and as such can exclude minorities from taking decisions. By giving the power of veto minorities feel more protected, especially in case of the issues that can be of vital interest to them. Accordingly, the mutual veto is an aspect of consociativism that gives minorities certain degree of political protection. On the other hand the dynamics that can follow present different scenarios and at the extreme case, can bring to paralysis of the decision-making process.

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<sup>135</sup> Ibidem, pag 39

<sup>136</sup> Bauböck, R., op.cit., 2004

<sup>137</sup> Stein, M., *Federal Political Systems and Federal Societies*, World Politics 20 (4), 1968, in A. Lijphart, *Democracy in Plural Societies. A Comparative Exploration*, New Heaven, Yale University Press, 1977

<sup>138</sup> Lijphart, Op. cit, 1977, p. 36

This instrument is of an extreme importance in countries where several minorities live and it allows them to protect their vital interests that, otherwise, could be overpowered by the majority. However, mutual veto (or minority veto in some cases) can bring to a blockage of the decision-making system, therefore it is expected a restrained use of veto power. However, as a protection tool of minorities, the mutual veto should be possibly guaranteed by the constitution.<sup>139</sup> For example, in Belgium the mutual veto, used informally in relations between Liberals, Socialists and Catholics, has obtained constitutional recognition by claiming majority of both Dutch and French linguistic groups on laws involving cultural and educational interests. Consociational arrangement, with its main above mentioned elements, is a result of a long speculation over ethnic divisions and it brought to the conclusion that the borders between different segments are not elastic nor modifiable. They can be politically shaped in order to create a cooperative society, but consequently they have to be institutionally recognized and accepted.<sup>140</sup> It is impossible for the national groups to abandon their own culture and to join or identify themselves with one common identity.<sup>141</sup> Therefore the supporters of the consociationalism accept persisting societal partition but struggle to find the best suitable institutional and political arrangement.<sup>142</sup>

There are several other examples where it can be proved how different consociative features were applied. In Lebanon the societal partition was reflected at the highest level in order to have all groups represented. Accordingly, the president ought be Christian, the prime minister Sunni Muslim and the speaker of the parliament Shi'ite Muslim. Following the same rule, Bosnia Herzegovina's Presidency, that has to include representatives of all three constitutive peoples, requires the election of one Croat, one Bosniak and one Serb representative at the same time, creating in this manner a tripartite Presidency.

The consociationalist theory sustains that the cooperation at the elite level within the grand coalition would gradually bring opposing groups to join forces, leading toward certain degree of "we-feeling" and in that way having '*a beneficial impact upon societal ethnic rigidities, allowing*

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<sup>139</sup> Lijphart, Op. cit. 1977 p. 38

<sup>140</sup> McGarry, J., O'Leary, B., *Explaining Northern Ireland: Broken Images*, Oxford, Blackwell, 1995, p.338

<sup>141</sup> McGarry, J., O'Leary, B., *Power shared after the deaths of thousands*, in R. Taylor, ed., *Consociational Theory: McGarry and O'Leary and the Northern Ireland Conflict*. London, Routledge. 2009, p.26

<sup>142</sup> Kerr, M., *A culture of power sharing*. in R Taylor, ed., *Consociational Theory: McGarry and O'Leary and the Northern Ireland Conflict*, Routledge, Abingdon, 2009, pp. 206 - 220

*differences to be managed peacefully*'.<sup>143</sup>

Consociational arrangement was introduced in many countries of the world and one of those is also South Africa. In a very short time the country became a successful multinational democracy. Since 1990 the National Party, among other important decisions and changes, have begun to negotiate and collaborate with all opposition parties. In Huntington's words, methods of democracy are negotiations, compromises and agreements<sup>144</sup> and that is exactly what was happening in South Africa. Even if terms such as group rights, consociationalism, and minority vetoes were abhorrent in the South African political vocabulary, it is possible to determine consociational elements in many institutional and political aspects. The South African system includes representatives of all the groups of the society and all politically relevant groups are included in the cabinet and at the executive level.<sup>145</sup>

What Lijphart wanted to find with consociational arrangement was certain degree of stability in an environment that notoriously and basically due to its composition, would have been more incline toward instability and conflict. In his work he focused on democratic stability, which is one of the elements of the quality of democracy. Nevertheless, the quality of consociational democracy cannot be measured without taking in consideration also an adequate amount of political participation of different groups of the segmented society. However, Lijphart himself has preferred to underline the importance of the elites' cooperation while advising a certain passivity and submissiveness of the members of each segment.<sup>146</sup>

In addition, while analysing the consociational arrangement in India, Lijphart have added several other factors that enhance or impede the establishment of the consociationalism. They can be summarized as follows<sup>147</sup>:

- Presence of a majority – it can obstacle consociationalism and proportional representation
- Presence of large socio-economic disparities
- Number of groups - if the groups are numerous, the reach of a compromise could be complicated. (However, India with its several groups and fourteen languages does not

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<sup>143</sup> Tonge, J., *From conflict to communal politics: the politics of peace*, in C. Coulter and M. Murray, eds., *Northern Ireland After the Troubles: A Society in Transition*, Manchester, Manchester University Press. 2009, p.53

<sup>144</sup> Huntington, S., *The Third Wave: Democratization In The Late Twentieth Century*, University of Oklahoma Press, 1991, p. 164-165

<sup>145</sup> Dahl, R., Shapiro, I., Cheibub, J., eds., *Demoracy Sourcebook*, Cambridge, MIT Press, 2003 p.100

<sup>146</sup> Lijphart, A., *Consociational Democracy*, *World Politics*, Vol. 21, (2), 1969

<sup>147</sup> Lijphart, A., *The Puzzle of Indian Democracy: A Consociational Interpretation*, *The American Political Science Review*, Vol. 90 (2), 1996

shows the opposite scenario)

- The size of the group - the approximately same size favours the power of balance between the groups
- The size of the population – size influence the complexity of negotiations. In case of smaller population, the negotiation and decision-making process are less complex. (India, again, show the opposite effect)
- External danger – promotes internal unity
- Overarching loyalties – moderate particularistic loyalties
- Federalism – enhance the group autonomy
- Traditions of compromise and accommodation

The above described practises and dynamics are part of consociational democracy, which as a term is often used to describe power sharing democracy. However, Lijphart has suggested the use of the term power-sharing democracy instead of consociational democracy<sup>148</sup>, while the wider use of “power sharing” term includes both consociational democracy and as a definition of an alternative and rival model of integrative majoritarianism.<sup>149</sup> Power sharing refers more to the institutional settings of a multinational society, while consociational democracy with its features relate to dynamics of stability of the multinational democracy.

Among other scholars, Sisk has pointed out the difference of “types” of power sharing. He argued that “a long-standing misconception of power sharing institutions is that they are all of a specific type, which for many years has been called “consociationalism”.<sup>150</sup> In fact, adoption of the term “power sharing” to refer solely to the consociational approach is incorrect, confusing and conceptually narrowing.<sup>151</sup> Sisk distinguishes between two forms of power sharing. The first one is called consociational power sharing and it is based on principles of: broad-based coalitions among ethnic political parties, minority or mutual veto, proportionality and group autonomy. The second one is defined by Sisk as integrative power-sharing and consists in: incentives for elite

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<sup>148</sup> Lijphart, A., *The wave of power-sharing democracy*, in Reynolds, A., ed., *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, 37–54. Oxford, Oxford University Press, 2002

<sup>149</sup> Horowitz, D., *Explaining the Northern Ireland Agreement: the sources of an unlikely constitutional consensus*, British Journal of Political Science n.32, 2002

<sup>150</sup> Sisk, T., *Power-sharing after civil wars: matching problems to solutions*, in Darby and Mac Ginty, eds., *Contemporary Peacemaking: Conflict, Violence and Peace Process*, Basingstoke, Palgrave Macmillan, 2003

<sup>151</sup> Horowitz, D., *The Contest of Ideas*, in *The Democracy Sourcebook*, Dahl, R., Shapiro, I., Cheibub, J. A., Cambridge, MIT Press, 2003, p.149

and mass moderation, intra-group contestation and inter-group moderation in electoral contests and minority influence translated in effective access to power by minorities. Consociational or “the group building-block” approach takes existing divisions and uses communal groups as building blocks of a political order based on elite consensus and group autonomy. Second, the so-called integrative approach, where political institutions are designed to give encouragements for elite and mass moderation has the aim to go beyond the cleavages that divide the country.

The first approach of Sisk’s theory is based on potential (but not guaranteed) inter-group collaboration while the integrative power-sharing presents already inbuilt incentives for moderation. Considering that the second approach is based on the already designed structure that from time to time and case by case, can be tailored according to specific backgrounds, has an advantage over the more rigid “groups building block consociationalism” that entrenches groups and that can possibly reinforce divisions.

However, Arend Lijphart’s theory was a sort of deviation from pure majority rule. He claimed that divisions in some countries are so deep and intense that majoritarian politics would be dramatically dysfunctional. Given these circumstances, minorities have to be protected and that goal could be reached with the overrepresentation of the smaller groups within the assembly, or even by giving the veto rights over matters of fundamental importance to them.

As Lijphart noted, consociational democracy “is defined in terms of both the segmental cleavages typical of plural society and the political cooperation of the segmental elites”.<sup>152</sup> It’s a dual concept that comprehends social-political side with its segmented pluralism and a political side with its coalescing elites. However, consociationalism originates its usefulness as a democratic solution for divided societies and not from the accuracy with which it depicts political systems in relation to their society.

The power-sharing in relation to consociationalism embraces only political characteristics of consociational democracy and sometimes political features of the power sharing are used on wider set of arrangements/states (United States and “majority minority districts where districts are drawn on order to create local majority of the national minority”).<sup>153</sup>

However, the theoretical approach to the consociationalism is not enough. Each country presents different degrees of multinationality and therefore of political conflict among the groups.

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<sup>152</sup> Lijphart, A., op. cit. 1977, p.5

<sup>153</sup> Bogaards, M., *The Uneasy Relationship between Empirical and Normative Types in Consociational Theory*, Journal of Theoretical Politics, Vol.12 (4), 2000, p.416

Theoretical approach cannot replace a contextual analysis and especially in this area where the application of the general axioms does not take in consideration several other variables that are peculiar solely to one country. Several dimensions like historical, degree of cultural differentiation, are not taken as variables in general theory.

Hence, if the balance between the elements mentioned above can be considered as optimal - as a kind of ideal type of consociational democracy – therefore, which circumstances can explain the deviations from the “ideal type” and what variables are responsible of that? The contextual variation of consociational democracy is related to different extent of endogenous variables. The main purpose of Lijphart’s work was the research of democratic stability in multinational countries, which innately would tend toward conflict and political deadlock. Consequently, the exam here will focus on the already stable multinational countries that intermittently deal with secessionist tendencies or executive impasse. The two examples that will be taken in exam here are both stable democracies, multinational societies and face some instability sparks. Belgium and Spain.

## **7. Federalism and its features**

Federalism is not a new concept, but it is a complex one. It was a practical approach used by states for primarily for economic and military purposes.<sup>154</sup> Subsequently, federalism became a model adopted for distinct reasons and the main one being the need to accommodate different national groups within the same state.

The need for creation of smaller political units within larger state organisation comes from the request in order to make governments more receptive of citizens’ demands and to make the state more closer to the individual citizen, or in this case, to the specific national group and to give the group the opportunity to express its requests, traditions and practices. Self-government is the most important demand raised by national minorities.<sup>155</sup>

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<sup>154</sup> Karmis, D., Norman, *The Revival of Federalism in Normative Political Theory*, in *Theories of Federalism: A Reader*, New York, Palgrave Macmillan, 2005, p.8

<sup>155</sup> Bauböck, R., *Federal arrangements and minority self-government*, EIF Working Paper Series, Österreichische Akademie der Wissenschaften, Working Paper n.2, 2004

Creation of political units within the state is a solution for those groups that tend to form a state on their own on the basis of their distinctiveness and strong sense of community identification. Therefore, the purpose of federalism is not to create uniformity, but to maintain state unity while at the same time preserving diversity.<sup>156</sup>

In this context a great number of scholars tend to use term such as “state sub-unit”. However the term sub-unit, as pointed out by Norman, is not a neutral term. It denotes a multilevel government and hierarchical relations between the central government and the local governments.<sup>157</sup> He adds that “whereas in its purest form federalism is about coordinating two “orders” not “levels” of government, each of which is sovereign in its own competencies”.<sup>158</sup> According to their territorial structure and to the relation flowing between the central government and decentralized units, federal political systems can be divided in different *genus*<sup>159</sup>. Federation is one of the *genus* where not even one of the constituent units are subordinate to the other. The source of power of each unit is not a “higher” unit, but it is the constitution and each unit exercise its power over the issues conferred to that unit.

The federal political system and the power sharing arrangement enable the constituent units to maintain their culture and to give voice to their political aspirations. By giving certain autonomy to the groups the central government doesn’t isolate nor ignore national groups because of their diversity, but by institutionalizing federal arrangement and political power sharing system it accommodates and manages deep societal diversities and absorbs them within the state polity.

Federal political system, as descriptive term, includes a broad category of multilevel government systems that can be consequently divided into different models according to the specific relations between the central source of power and units that are composing the state. According to Watts, the spectrum of variety of federal system includes: unions, constitutionally decentralized unions, federations, confederations, federacies, associated states, leagues, joint functional authorities, hybrids and condominiums.<sup>160</sup>

Federalism is also a normative term and denotes a system that merges state unity with national diversity by holding together, protecting and supporting different identities within larger

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<sup>156</sup> De Rougement, D., *L’attitude fédéraliste*, in Rapporteur du premier congrès annuel de l’Union européenne des Fédéralistes à Montreux, Genève, August 1947, p.13.

<sup>157</sup> Norman, W., *Negotiating Nationalism: Nation-Building, Federalism, and Secession in the Multinational State*. Oxford, Oxford University Press, 2006, pag.77

<sup>158</sup> Ibidem, pag.77

<sup>159</sup> Watts, R., *Models of Federal Power Sharing*, International Social Science Journal, Vol. 53 (167), March 2001

<sup>160</sup> Watts, R., op.cit



political union. In political theory the term federalism is used for two different meanings. The first definition refers to the theory of the federal State and not only, considering that federalism can also include political structures outside the state. Another, second meaning of federalism is more intricate and it does not refer only to the institutional aspect of a state, but it refers to the society, to a range of values.<sup>161</sup> According to Riker, "federalism is a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions."<sup>162</sup>

However, Elazar introduces several ambiguities connected to the federalism. Accordingly he argues that "federalism involves both structures and processes of government ... (it) is directed to the achievement and maintenance of both unity and diversity... (it) is both a political and social phenomenon ... (it) concerns both means and ends ... (it) is pursued for both limited and comprehensive purposes."<sup>163</sup>

Friedrich has developed an analysis of federalism, which was concentrated on federalism as a matter of process and a matter of structure.<sup>164</sup> In the present work this is of crucial importance considering that the process can be broadly defined in order to include a political cultural dimension as well.

For the purposes of this work, federalism is considered as a theory of government and as a political tool used in deeply divided societies to install pacific relations between different populations living within the borders of the same state. The constitutional principle on which federal state is founded is the plurality of sources of power that must be coordinated among each other. The federal government, that has the jurisdiction over the entire territory of the state, has enough power in order to guarantee political and economical unity, while the smaller unities that compose the state have all the residual powers of their competence that can vary from case to case.

The factors that bring the federation to their existence are not the same as those that are responsible for maintaining them in order to be self-sustaining. Especially the arrangement can become very intricate in multinational states where political issues are connected with several

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<sup>161</sup> Bobbio, N., Matteucci, N., Pasquino, G., *Il Dizionario di Politica*, Utet, 2004

<sup>162</sup> Riker, W., *The Senate and American Federalism*, American Political Science Review, 49(2), 1955

<sup>163</sup> Elazar, D. *Federalism and Consociational Regimes*, Publius: The Journal of Federalism, Vol. 15, Spring 1985

<sup>164</sup> Friedrich, C. J., *Trends of Federalism in Theory and Practice*, New York, Praeger, 1968, p.177

other social issues related to each and every single component of the population. The meaning of the component here includes national groups that have their national interests to preserve and their political interests to express. In order to make an analysis of the stability of such precarious and sometimes conflicting condition appears opportune to take in exam William Riker's research, who in 1964 was the first scholar to develop a comparative analysis on the important distinction between the foundation of federations and their survival. Riker introduced concepts and terminology that refined the notion of federalism. "Centralised federalisms" was Riker's term for modern federations as distinct from "peripheralized federalisms", with which he was referring to confederations, while "the bargain" had the meaning of the political agreement that shaped the creation of the federation and successively developed into the written constitution. As he observed in the United States, it was the decentralised nature of the party system, entrenched in localism, which was "*a powerful agent in maintaining the guarantee to the states in the federal bargain*".<sup>165</sup> Consequently Riker's dominant conclusion about the circumstances that efficaciously sustained the federal bargain is: the structure of the party system was "*the main variable intervening between the background social conditions and the specific nature of the federal bargain*".<sup>166</sup>

Federalism by itself embodies an intricate choice that may take several different configurations and may require many different conditions for its establishment and maintenance.<sup>167</sup> Taking as an example the type of the party system it can produce a centripetal outcome that helped the cooperation of the constituent parts of the federation in order to reinforce national integration. On the other side, it can produce a centrifugal consequence that might strengthen the power of each constituent unit itself and it can intensify societal diversities leading to a weakening of the state integrity.

Given that the conditions responsible of the stability of the federal bargain are different from the conditions of making it, from Riker's definition it is possible to conclude that the "federal bargain" (that has the aim to achieve federal compromise) consists of political predispositions that include recognition, reciprocity, toleration, respect, mutual trust, consultation and consent. Former four predispositions are rather elements of cultural/national aspects of the constituent parts while

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<sup>165</sup> Riker, W., *Federalism: Origin, Operation, Significance*, Little, Brown and Company, Boston, 1964, pag. 96

<sup>166</sup> Ibidem, pag. 136

<sup>167</sup> Ibidem, pag. IX

the latter three are of political nature and all of them are of the crucial importance in a multinational environment.

Therefore, the formation of federal arrangement and its functioning connects necessary intentions of willingness to establish such structure and ability of political elites to commit in federal state formation and to construct constitutional basis, institutions and decision-making process that can maintain a federal political culture.<sup>168</sup> The federal “behaviour” or spirit is the basis of the dual concepts of compromise: being cooperative with different and opposite interests and beliefs and being accommodating in order to include these interest and beliefs in formal and informal decision-making process.<sup>169</sup>

In some cases there is necessity to grant certain level of autonomy only to some parts of the territory or just to one territorially organized group. That leads to an asymmetrical devolution of powers, granted only to some and not to all units composing the state. Asymmetrical federation is conceived as a state in which all components have constitutionally guaranteed autonomy, but in which one or few groups enjoy a different, greater level of autonomy than the rest or where at least one part of a state enjoys autonomy, but the rest does not.

Federal democracy established according to the multinational character of the state must have constructive basis for an easier accommodation of different groups. In a society composed by different national or ethnic groups the conception of the rules, principles and norms can be interpreted differently and especially they can be perceived and considered as advantage for some groups and disadvantage for others.<sup>170</sup> This factor can create the inter-ethnic or inter-group antagonism and can lead to the conflict. By giving the asymmetrical obligations to different constituents it can allow more range of action and decision to the groups.

Most of the conflicts arise on a land and territory issues that have become a difficult ground of contest and negotiation. Territory as cultural symbol is crucial for the survival of group identity and rights. This matter becomes even more complicate in case of the transitional states where the gap between the state and the community is manifestly big and there is a lack of identification of the people with the state’s institutions. A sort of constitutional patriotism professed by Habermas could be a key solution for states that cope with this inner division, but for this

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<sup>168</sup> Burgess, M., *In Search of the Federal Spirit: New Theoretical and Empirical Perspectives in Comparative Federalism*, Oxford, Oxford University Press, 2012, pag. 3

<sup>169</sup> Ibidem, pag.13

<sup>170</sup> Brown, D., *The State and Ethnic Politics in SouthEast Asia*, New York, Routledge, 1994, pag.23

purpose it is crucial to hold together different groups by giving them a constitutional importance and found strong base for a federal state. As McGarry suggests the aspects that have to be taken in consideration are the nature and intensity of the intentions for common action and shared-rule and the concentration and distribution of the pressures and motives in the constituent units for autonomous policy making and self-rule.<sup>171</sup>

Currently, it is possible to witness even more requests for autonomy claimed by some national groups that have already a long history within larger states that have long democratic history. Why these claims are coming from those national groups who already arranged their existence within state with democratic features and obtained certain level of autonomy and security? One of the reasons, in case of EU states, can come from the demands of the global society that tend to create a homogeneous culture, fostered by global communications and consumership, and that requires everybody to adapt to the new global tendency. It releases laws and rules to which the states have to conform to.<sup>172</sup>

The forms of state are related to a very intricate territorial engineering. Territory is connected to the state and the state is connected to the exercise of the power. Consequently, the nation that is already politically active and organized and has moved on from an embryonic status of ethnic group the first goal that it has is the control of the territory. Territory becomes crucial substantial factor for the recognition of the nation's status as political unit and for the expression of its unique culture and political aspirations through the political and social institutions.

## 8. Territory

Territory is narrowly connected to the dynamics of the politics. Throughout the history territory has always been contested among populations who, for several and distinct reasons, claimed to have the exclusive right over a determined portion of it. Rokkan has pointed out three crucial notions of the territory:<sup>173</sup>

- a temporarily delimited geographical space
- a group of individuals interacting among them and having the exclusive right to extract

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<sup>171</sup> McGarry, J., *Asymmetry in Federations, Federacies and Unitary States*, Ethnopolitics, Vol. 6, (1), 2007

<sup>172</sup> Keating, M., *Plurinational Democracy in a Post-Sovereign Order*, Queen's Papers on Europeanisation No 1, European University Institute, Florence, Italy University of Aberdeen, Scotland, 2002

<sup>173</sup> Rokkan, S., *State Formation, Nation-building and Mass Politics in Europe*. The Theory of Stein Rokkan, Oxford, Oxford University Press, cited in Grilli di Cortona, P., Stati, nazioni e nazionalismi in Europa, Bologna, il Mulino, 2003, pp. 32-33.

resources from the territory

- strategies aimed to delineate borders of the territory and defence against outsiders

A federal arrangement, first of all, presents territorial segmentation that divides state territory in several parts, which could be called regions, provinces, cantons etc. In multinational countries, if that is possible, the division follows the lines of separation of different national groups. In Europe (and in other continents) there are several states that have already opted for this kind of arrangement for administrative reasons or for multinational composition of their population.

Territorial division and consequently power sharing concept have created several reformulations of the concept of the state sovereignty and it has aroused additional doubts about the nation-state as the only form of political order. As Rokkan was already presenting in the 1970s, the creation of European nation-states, according to him, was a difficult and incomplete process, leaving behind important cleavages.<sup>174</sup>

In multinational countries territory becomes a central matter for national groups and it's the initial main concern for the positive outcome of the recognition issue. In order to obtain self-government the nation will claim the control of territory that, besides its symbolic importance, is the most inclusive form of defining nation's characteristics and gives the basis for further political and cultural development. The territory is the starting point for all other aspirations that national group has: it is a reference point for the recognition of nation's identity. In this context the idea of the state and sovereignty has to be reformulated in order to give more updated answer to this fluid and pluralistic issues. Territory is a basis for the exercise of the power and it gives a structure to the nation for the realization of the public policy.<sup>175</sup>

The distinction can be drawn on the basis of internal boundaries. The state decentralization can be based on the institution of different regions but in such a way that the majoritarian national group is represented also as a majority within each region. In this way smaller national groups or minorities are incorporated into dominant, majoritarian culture and there is tendency of creating a nation-state.

The territorial division can be based on the creation of numerous symmetrically autonomous

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<sup>174</sup> Rokkan, S., *Territories, Centres and Peripheries: Toward a Geoethnic-Geoeconomic-Geopolitical Model of Differentiation within Western Europe*, in J.Gottman (ed.), *Centre and Periphery. Spatial Variations in Politics*, Beverly Hills, Sage, 1980; Rokkan, S. and Urwin, D., *Economy, Territory, Identity. Politics of West European Peripheries*, London, Sage, 1983;

<sup>175</sup> Keating, M., op.cit. 2002

segments, where, in some of them, members of the minority national group can become the majority of the population. As also Lijphart suggested, in the speculation on the consociational theory, some segments can obtain more than one territorial, federal unit. This can be the case of those groups, which smaller units reside in large or non-contiguous areas.<sup>176</sup>

The problem can arise also from the identification with the territory. National group that has some kind of autonomy on certain territory identifies itself with it and considers it as detached from the rest of the country. Consequently, the national minority identifies itself with the part of the territory that was “given” to them, while the majority of the state population is used to identify itself with the totality of the territory within the state borders. This may be the case of Canada where the common perception is divided between “English Canada” and “French Canada”.

#### **4. Symmetrical and asymmetrical arrangements**

The adoption of federal arrangement to a variety of contexts, have created complexities from both theoretical and empirical standpoint. It has been argued that “Federal political system are consciously and purposively designated to facilitate flexible accommodation for the many diversities which acquire political salience”.<sup>177</sup> According to the degree of diversities and considering the flexibility of the federal system, federalism can develop in symmetric or asymmetric arrangement.

One of the general types of symmetry presents an arrangement where the territory is divided in several sections and all parts have the same degree of autonomy. Accordingly, the specific national group obtains its territory but consequently also the rest of the population is divided into different regions. On the other hand, another solution can be the devolution of power and certain degree of autonomy, granted only to some parts of territory and to the group living on that territory. This is the case of asymmetrical federation.

Asymmetrical arrangements are considered more suitable for those countries where the majority of population shares the common culture and there is one or limited number of groups that

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<sup>176</sup> Lijphart, A., *Consociation and Federation: Conceptual and Empirical Links*, Canadian Journal of Political Science 12 (3), 1979

<sup>177</sup> Burgess, M., Gress F., *Symmetry and Asymmetry Revisited*, in Agranoff, R., *Accommodating Diversity: Asymmetry in Federal States*, , Baden-Baden, Nomos Verlagsgesellschaft, 1999, p.43

demands certain degree of autonomy according to their different national origin. This solution, on one side, can prevent demands of autonomy by certain groups by giving them jurisdiction over a part of territory, but on the other side, in some cases especially when it gives a significant acceptance of the group's nationhood, can forge centripetal forces.

Brugess has described asymmetrical federalism as "Janus-faced... being perceived by some as a positive instrument designed to buttress and sustain federal values and structures while simultaneously inducing fears and anxieties in other who construe it very much as a dangerous threat to the stability and integrity of the state."<sup>178</sup>

According to Tarlton, symmetry is "the level of conformity and commonality in the relations of each separate political unit of the system to both the system as a whole and to the other component units."<sup>179</sup> Therefore, asymmetry denotes opposite characteristics such as diversity between component units. This diversity is expressed politically through various levels of autonomy that result with asymmetrical arrangement. The extent and form of asymmetrical federalism can vary as well as the conditions that cause the asymmetry.

Watts asserted that, "cultural, economic, social and political factors in combination have in all federations produced asymmetrical variations in the power and influence of different constituent units."<sup>180</sup> More specifically, the influential factors of the asymmetry can be summed following table 2.1.

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<sup>178</sup> Burgess, M., *Comparative Federalism: Theory and Practice*, London, Routledge, 2006, p.209

<sup>179</sup> Tarlton, C., *Symmetry and Asymmetry as Elements of Federalism: A Theoretical Speculation*, The Journal of Politics 27 (4), 1965, p.867

<sup>180</sup> Watts, R., *A Comparative Perspective on Asymmetry in Federations*, Asymmetry Series 4, Institute of Intergovernmental Relations, School of Policy Studies, Queen's University, 2005

**Table 2.1. Main preconditions of asymmetry**

Political Cultures and Traditions	Traditions reflecting the culture and tradition of the group. Traditions that can influence polity functions
Social Cleavages	Cultural factors. Pluralism from linguistic, religious, ethnic point of view
Territoriality	Politics is narrowly connected to the territory. (es. national groups that consider their homeland within the state where they live will have different degree of requests while those populations that have “their” territory within the borders of the neighbouring state will have different aspirations.)
Socio – Economic Factors	Economic disparities
Demographic Factors	Many demographic patterns may influence and are affected by, for example, national and regional economies, distribution of population

Source: Burgess, M., *Comparative Federalism: Theory and Practice*, London: Routledge, 2006, pp.215-17; Burgess, M., and Gress, F., “Symmetry and Asymmetry Revisited,” in *Accommodating Diversity: Asymmetry in Federal States*, ed. Robert Agranoff, Baden-Baden, Nomos Verlagsgesellschaft, 1999, pp. 48-50

The preconditions can be present only partially in different countries and can be reflected to different extent. Therefore, the asymmetric outcome can result with different degrees of asymmetry, which can be *de facto* or *de jure*.



De facto asymmetry is caused by its preconditions. The asymmetry is given by factors such as territory (size), economy, culture, population, etc.<sup>181</sup> De jure asymmetry is embedded in the Constitution where different degrees of power are constitutionally regulated.<sup>182</sup>

Asymmetry is both normative and empirical concept. From the normative point of view it is used for several reasons and therefore reflects certain “values, beliefs and interests.”<sup>183</sup> In terms of political theory, there are mainly three principles, indicated by Gagnon and Gibbs that are on the basis of asymmetrical federalism: a functional principle (efficient management of diverse within a territory), a communitarian principle (conservation of political communities within a country) and democratic principle (protection of equality, liberty, political participation of all nationalities within the country).<sup>184</sup>

Empirically, in case of the presence of several national groups, commonly the simple symmetrical autonomy is adopted. This solution is usually pursued by nations in order to stress recognition and, even more, equality with other nations within a country. Such arrangements were aimed by national groups in ex- Yugoslavia (Albanian and Magyar national minorities) in order to obtain political and administrative weight within the state. The main goal is to acquire “dualism”, the same treatment and the constitutional parity as other groups or as the majority of the state population. The difficulty can arise when the majority of the population, the *Staatsvolk*<sup>185</sup>, have the same constitutional weight as the minority group/s.

However, in case of multinational federations, almost all of them, with the exception of Switzerland, have some degree of constitutional asymmetry. With this arrangement, various competences in linguistic, cultural and also legal matter are allocated to different constituent units with the aim to keep the unity of the state.<sup>186</sup> Asymmetrical arrangement has been adopted also in Belgium, Spain, Canada and India as a tool of accommodation. According to Linz and Stepan, “asymmetrical federalism should be strongly considered [...] as a possible approach to

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<sup>181</sup> Watts, R., op. cit., 2008, p.121

<sup>182</sup> Ibidem, p. 127

<sup>183</sup> Burgess and Gress, op.cit, 1999, p.56

<sup>184</sup> Gagnon, A., Gibbs, C., *The Normative Basis of Asymmetrical Federalism*, in Agranoff, R., ed., *Accommodating Diversity: Asymmetry in Federal States*, Baden-Baden, Nomos Verlagsgesellschaft, 1999, pp. 78-92

<sup>185</sup> McGarry, J., *Asymmetry in Federations: Federacies and Unitary States*, *Ethnopolitics*, Vol. 6, (1), March 200

<sup>186</sup> Stepan, A., *Federalism and Democracy: Beyond the U.S. Model*, in *Theories of Federalism: A Reader*, Karmis, D., Norman, W., New York, Palgrave Macmillan, 2005. Pp. 246, 266

democracy in polities [...] that have at least two territorially based and politically activated linguistic-cultural cleavages within the existing state”.<sup>187</sup>

If the Webber’s statement that “a political structure is most stable...when it bears some tolerable resemblance to the character of its society”<sup>188</sup> is true, then it appears that multinational federations should be only asymmetric federations. Asymmetry seems to be the only valuable instrument to manage diversity. Managing diversity is intricate task that goes along with inevitable conflict and tension. Federalism offers a model centred on “validity of combining unity and diversity... [and] of accommodating, preserving and promoting distinct identities within a larger political union”.<sup>189</sup> Federalism and especially asymmetrical federalism as refinement of the federal theoretical concept and empirical instrument, is useful for purposes of maintenance of the state unity. However, constituent units need to have also a “we-feeling” in order to preserve the unity. Otherwise, no amount of symmetry or asymmetry can hold the federation together.

## 5. Successful case of managing diversities: Switzerland

Switzerland has been described by Karl Deutsch as a “paradigmatic case of political integration”.<sup>190</sup> The political stability and the absence of violent conflicts do not mean that the national groups living within the Swiss borders have been always living in harmonious relationship. However, through the centuries and despite conflicts arose on few different basis (political, linguistic, religious), the stability of the Swiss state has never been questioned nor at risk. The unity of the state was never threatened.

French and Italian speakers have always openly declared certain distance from German speakers and especially the difference between francophone and German speakers was growing in last century only because of the different national language but also because of different political aspirations.<sup>191</sup>

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<sup>187</sup> Stepan, A., Linz, J., Yadav, Y., op. cit., p.6

<sup>188</sup> Webber, J., *Reimagining Canada: Language, Culture, Community, and the Canadian Constitution*, Montreal & Kingston, McGill-Queen’s UP, 1994, p.255

<sup>189</sup> Watts, R., op. cit., 2008, p.8

<sup>190</sup> Deutsch, K., *Die Schweiz als ein paradigmatischer Fall politischer Integration*. Bern, Verlag Haupt, (Switzerland as a Paradigmatic Case of Political Integration), 1976

<sup>191</sup> The vote against the EEA in 1992 led to violent polemics from French speakers (Amoretti, U., Bermeo, N., *Federalism and Territorial Cealvages*, Baltimore, The John Hopkins University Press, 2004)

The process of identity building and the creation of institutions in order to accommodate linguistic, religious and political differences have produced an ambiguous but successful case of long term cleavage management. This process has not been always peaceful and it has taken centuries to create multinational state.

At the beginning of its existence the alliance of thirteen cantons had faced the conflict between the agricultural rural canton and the urban manufacturing canton which has been replaced later, after the Reform, by the religious difference between catholic and protestant groups.

From the linguistic point of view Switzerland was mostly German speaking country. After the French Revolution, French and Italian speaking territories, after being allies, but with no predominant control over certain territory, in eighteenth century joined the Swiss Confederation. Their co-existence in an extremely loose political system<sup>192</sup> was based on mutual help ratified by federal treaties. There was no predominance of one of the centres, but this arrangement can be described as multi-centric or polycephalic system. This arrangement of “non predominance” of any of the groups or lack of control of one of the groups over the others has created feelings of loyalty toward the Confederation.

During Napoleonic regime Switzerland became bilingual with the French territory Vaud. In addition Italian speaking Ticino obtained independence and, as Vaud, with the aim to obtain more political rights, opted to join the Confederation. After Grison, with German, Italian and Romanish speakers, joined the Swiss cantons, the government, that has based its existence on principles such as concord and freedom, has given the equal rights to all three languages and decreed freedom of conscience. After the Congress of Vienna and after some territorial integration, Swiss confederation was composed of 75 per cent of German, 20 per cent of French, 5 Italian and less than 1 per cent of Romanish speakers.<sup>193</sup>

The Swiss confederation, after accommodating different linguistic groups, has had to face cleavages based on differences between liberal (mainly Protestant) and conservative forces (mainly Catholic). The short war of 1847 brought a victory of the liberal, reformed cantons over the Catholic Special League.

However, the process of creation of federation that implies smaller units “coming together”, was not completely the case of Switzerland, considering that the integration of Catholic canton was

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<sup>192</sup> Brachtiger, A., Steiner, J., *Switzerland. Territorial Cleavage Management as Paragon and Paradox* in Amoretti, U., Bermeo, N., *Federalism and Territorial Cealvages*, Baltimore, The John Hopkins University Press, 2004

<sup>193</sup> Ibidem

accomplished under coercion. At the moment of the unification, they were against joining the state where they would feel as unprivileged second-class citizens, but in the second half of twentieth century the relations were more balanced and harmonious.

The Swiss constitution has established a symmetrical federation with large autonomy given to the cantons, which can be described more exactly as sovereignty of the cantons in order that they are not politically controlled by nor subjected to the central government. Accordingly the central government has no local offices in cantons in order to implement federal laws. The cooperation between the local units and the central government is achieved by the cooperative federalism where the centre provides the guidelines and basic legislation while the local units, the cantons, implement them. Consequently, this has led the central government to a mechanism of large financial transfers to the cantons in order to sustain the implementation and functions of their political system.

The competencies transferred by the constitution to the cantons are: religion, health, education, the police, energy, and regional economic policy.<sup>194</sup> According to the principle of territoriality they have linguistic sovereignty that permits the protection of each language spoken in certain canton. However the same principle imposes that people who live in a linguistic canton that has different official language, they have no possibility to being instructed in their language, with the exception for multilingual cantons.

The legislative system is based on bicameral arrangement (Council of States and National Council), with chambers having equal powers, where the council of states is composed by two representatives from each canton elected by the voters according to majoritarian rule.<sup>195</sup> In this case (as in USA), it can be said that since each canton elect two representatives, smaller cantons are overrepresented and accordingly the Swiss system is highly demos constraining.<sup>196</sup>

The Swiss constitution does not allow the federal government to acquire new powers without a constitutional amendment.<sup>197</sup>

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<sup>194</sup> Brachtiger, A., Steiner, J., op, cit., p.32

<sup>195</sup> Ibidem, pag. 33

<sup>196</sup> Stepan, A., *Toward a New Comparative Analysis of Democracy and Federalism: Demos Constraining and Demos Enabling Federations*, pag.12 "Demos constraining is not meant to imply that "a majority" always exists or is always right. I believe that in some federations, especially multi-national or multi-cultural federations there can be a role for non-majoritarian consociational practices which are consensually agreed upon." Paper presented at the conference on Federalism, Democracy, and Public Policy Centro de Investigación y Docencia Económicas, Mexico City, Mexico June 14-15, 1999

<sup>197</sup> Linder, W., *Swiss Democracy: Possible Solutions to Conflict in Multicultural Societies*, Macmillan, London, 1994, pp. 42-43

The party system of Switzerland is not based on linguistic differences. This benefit of integration precludes language distinctions from being used for political purposes.<sup>198</sup> However, cantonal parties are much stronger than central parties and all the issues undertaken by a centre based party, it has to gain the consent of the cantonal party, which creates great point of balance between centre and cantons and indicates that interests of different cantons cannot be ignored.

This example shows how limited competencies and action of the federal government sanctioned by the constitution is an essential basis for successful management of differenced within territorial borders. It also demonstrate that partial competencies of the central government enables groups to implement their own policy, makes them more responsible and more responsive toward local issues in order to preserve their own culture. Nonetheless, the system described can bring positive results and it can be a successful example only in case where political actors decide to cooperate in order to make them function. In order to function effectively, the political system must enjoy legitimacy and obtain loyalty by the population living within its borders.<sup>199</sup> Linz and Stepan have pointed out that where there is a multicultural setting, the dominant group pursues policies of systemic repression and elimination of diversities.<sup>200</sup> However, as Kymlicka has stated, nowadays state has to face multiculturalism and support diversities in order to take active role in their societal accommodation and participation.<sup>201</sup>

Territorial cleavages can be successfully managed and facilitated whereas socioeconomic differences among the groups are not too significant.<sup>202</sup>

However, if one of the definitions of nationalism includes a political project, an effort to reach political independence or at least autonomy then the notion of nation can be described as community of individuals within which this political project is broadly shared. In Switzerland the trans-group alliances have created a strong basis for a common shared we-belonging Accordingly, it is observable that Switzerland presents only one nation: the Swiss one.

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<sup>198</sup> Horowitz, D., *Ethnic Groups in Conflict*, Berkeley, University of California Press, 1985

<sup>199</sup> Rokkan, S., Urwin, D., *Economy, Territory, Identity: Politics of West European Peripheries*, Sage, London, 1983, 1966

<sup>200</sup> Linz, J., Stepan, A., op.cit., 1996, p.19

<sup>201</sup> Kymlicka, W., Cohen-Almagor, R., *Democracy and Multiculturalism*, in R. Cohen-Almagor, ed., *Challenges to Democracy: Essays in Honour and Memory of Isaiah Berlin*, London, Ashgate Publishing Ltd, 2000, Ch. 5

<sup>202</sup> Lijphart, A., *Power-Sharing in South Africa*, Policy Papers in International Affairs, No.24, Berkeley, University of California, Institute of International Studies, 1985

## CHAPTER III

### DIMENSIONS OF MULTINATIONAL POLITICS

#### 6. Group interaction and balance of power in multinational politics

Robert Dahl in his book *Who Governs* (1961)<sup>203</sup> by using the decisional method in order to discover who holds the power introduces the thematic of the role of élite. The impact of his work<sup>204</sup> has overreached the contexts on which the research was based. He has pointed out the distribution of power and its direct consequences on the issues concerning the functioning of democracy and he has deepened the question of the relationships between the economic power, the role of the political parties and political participation of the citizens to the political process and the efficiency of governing class.

However, this part of the present work is not based on the structural research of the elite nor it has for aim to research what degree of power they can have. It is taken for granted the existence of the political elite that can lead political decisional process. The goal is to analyse the type of intra-elite relationship in multinational states and what degree of collaboration they achieve in order for democratic institutions to work.

The multinational environment implies multinational elite existence that can strongly influence the dynamics of the state in order to maintain of certain interests, to be representative of those interests, to collaborate with groups having different interests and in order to detain and maintain balance of power between different interests. The consociational democracy means the “government by cartel”<sup>205</sup> that has to turn a deeply divided society and fragmented political culture into a stable democracy. It is almost an impossible process to find the perfect pattern of different variables in order to set a fragmented society and fit it into democratic features. There

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<sup>203</sup> Dahl, R., *Who Governs?: Democracy and Power in an American City*, London, New Heaven, Yale University Press, 2005

<sup>204</sup> Hunter published *Community Power Structure* in 1953, Chapel Hill Books, The University of North Carolina Press

<sup>205</sup> R. Dahl, I. Shapiro, J. A. Cheibub eds., *op.cit.*, 2003

are several variables that can result more or less suitable for a consociational policy dynamics. One of the variables that appear fundamental and largely influential in a fragmented consociational democracy appears to be the behaviour of the political elites. In order to define more exactly the role and the position of the political elite it is useful to use Bottomore's definition of elite as "a minority which rules over the rest of society; this minority - the 'political class' or 'governing elite', [is] composed of those who occupy the post of political command and (...) those who can directly influence political decisions (...)".<sup>206</sup>

Political elite can influence both negative and positive outcome of the delicate equilibrium of the consociational democracy. They can play fundamental role in competitive behaviour and consequently influence reciprocal frictions and instability or they can also endeavour in counteracting already fixed and immobile cleavages.

Notably the importance of the elites' role is based on the assumption that "political elites make and implement politically relevant decisions."<sup>207</sup> In the case of multinational state the main goal of nationalist elites is to increase their political power by claiming the representation of a distinctive community. Peculiar characteristics of that community become means of political rhetoric and lines of separation and distinction.

According to Lijphart, consociational democracy needs elites, which are able to accommodate different demands of separate national groups. This requires their flexibility in order to go beyond lines of separation between the groups and to commit jointly with elites of rival groups. The goal of their commitment has to be the preservation of the solidity and stability of already fragmented and fragile system.

In an already established consociational arrangement, it is possible to analyse the institutional arrangement and the elites' operational code and it can give us clearer picture of the degree of cooperation aimed in solving different inter-national issues caused by fragmented political system. As Lijphart also suggested it must be taken in consideration the length of time in which elites commit in the effort to cooperate.<sup>208</sup> This factor is important considering that inter-elites'

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<sup>206</sup> Bottomore, T., *Elites and Society*, Second Edition, London, Routledge, 1964, pag. 5.

<sup>207</sup> Bogaards, M. *Democracy and Power-Sharing in Multinational States: Thematic Introduction*, Jacobs University Bremen, pag. 3

<sup>208</sup> Dahl, R., Shapiro, I., Cheibub, J. A., eds., *op.ci.*, 2003

political socialization “acquire a strong degree of persistence through time.”<sup>209</sup>

In order to establish and to maintain inter-elites collaboration, there are factors to be observed. One of these factors, generally applicable on multinational states, is the number of national groups within the country.

The existence of two or more national groups can strongly influence the balance of powers between the groups. In order to create certain balance among different political forces it is needed the existence of more than two national groups. The multiple balance of power will not permit to one of the groups to prevail over the rest, while a dual balance might bring to a struggle for power and domination over the “other” and could lead to hegemony of one of the groups. As Dahl has argued that “the temptation to shift from coalition to competition is bound to be very great.”<sup>210</sup> In case of the dual balance possibly can lead to a high level of rivalry and antagonism that can easily bring to a higher level of immobilism and paralysis of the political system, which is one of the biggest threat of consociational democracy. Daalder has claimed that “the divisive effects of segmentation are softened by the circumstance that none of the subcultures has much chance of acquiring an independent majority.”<sup>211</sup> Nonetheless, Lijphart affirms that in order to maintain the balance it is needed the presence of at least three different segments.<sup>212</sup>

In case of dual balance of power Steiner affirms that the victory of one group is perceived as defeat of the other<sup>213</sup> and that can bring to increasing tensions and conflict between the two groups. On the opposite side, more the society is fragmented and there is presence of several national groups, more the cooperation becomes difficult and instable. This can result primarily and only in search for victory over other groups and can divert attention from cooperation to a mere struggle for power. However, Horowitz has sustained that in case of the presence of several smaller groups, the existence of a central power can counterbalance the possible “power

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<sup>209</sup> Lehmbruch, *A Non-Competitive Pattern of Conflict Management in Liberal Democracies: The Case of Switzerland, Austria and Lebanon*, paper presented at the Seventh World Congress of the International Political Science Association, Brussels, 1967

<sup>210</sup> Dahl, R., *Political Oppositions in Western Democracies*, New Haven, Yale University Press, 1966, p.337.

<sup>211</sup> Daalder, H., *The Netherlands: Opposition in Segmented Society*, in R. Dahl ed., *Political Oppositions in Western Democracies*, p.219

<sup>212</sup> Lijphart, A., op.cit., 1977

<sup>213</sup> Steiner, J., *Amicable Agreement versus Majority Rule: Conflict Resolution in Switzerland*, Chapel Hill, University of North Carolina Press, 1974



struggle” effect and centre, as a “neutral arbiter”<sup>214</sup> can still give response to certain groups’ demands without inflicting any damage to other groups. Therefore, Lijphart states that the optimal number of groups in order to have a balance of powers is three or four.<sup>215</sup>

Nevertheless, the problematic issue remains the dimension of each group and the proportions among them. Related to the issue of number of groups can be also the type of the difference among the groups and if there is the presence of overlapping groups.

A great number of scholars have argued that the interaction between groups can bring to an increasing conflict. David Easton has also advocated the theory that good social fences may make good political neighbours, by recommending a sort of intentional apartheid policy as the best solution for a divided society: “Greater success may be attained through steps that conduce to the development of a deeper sense of mutual awareness and responsiveness among encapsulated cultural units.”<sup>216</sup> Therefore it appears that the groups, when in close contact, produce a kind of chain reaction, where each group struggle to prevail over the other, by affirming their distinctiveness and peculiarity. This denotes that the overlapping-memberships schemes might be perceived as a self-denying hypothesis. In case of groups where are in place minor variations of the same cultural pattern, any further contact and interaction can possibly lead to further positive development of the homogenization. As Connor stated “increased contacts help to dissolve regional cultural distinctions within a state such as the United States. Yet, if one is dealing not with minor variations of the same culture, but with two quite distinct and self-differentiating cultures, are not increased contacts between the two apt to increase antagonisms?”<sup>217</sup> The relations of dissimilar ethnic elites can become a significant problem if they must interact on regular basis.<sup>218</sup>

In order to maintain stability of a political system Karl W. Deutsch affirms that is necessary a “balance between transaction and integration” considering that “the number of opportunities for possible violent conflict will increase with the volume and range of mutual transactions.”<sup>219</sup> Accordingly, in order to preserve the stability in multinational states it is suitable to keep

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<sup>214</sup> Horowitz, D., *Three Dimensions of Ethnic Politics*, World Politics 23 (2), 1971

<sup>215</sup> Lijphart, A., op. cit.

<sup>216</sup> Easton, A., *Systems Analysis of Political Life*, New York, Wiley, 1965, pp.250–51

<sup>217</sup> Connor, *Self-Determination: The New Phase*, World Politics, xx, 1967, 49–50.

<sup>218</sup> Hotowitz, D., *Ethnic Groups in Conflict*, Berkeley, University of California Press, 1985

<sup>219</sup> Deutsch, K., *Political Community at the International Level*, Garden City, Doubleday, 1954, pag.39

relations among different groups to a minimum.

As for the importance of the elites' and political parties' roles Daalder asserts that it is of great significance "the extent to which party leaders are more tolerant than their followers" but also the degree to which they "are yet able to carry them along."<sup>220</sup> Political parties and their relative political elites are the articulators of the groups' interests. The success and stability of the consociational democracy stands in the ability of the parties to formulate groups' claims while aggregation of the already articulated interests can be enacted by the cartel of elites.

The research based on the level of inter-group and inter-elite cooperation shows that democracy in divided society has possibility for success even if the masses remain separated. The role of elites is fundamental and can be structured as the form of executive coalition where representatives of all main national groups are represented.

One of the examples that can be mentioned in this context is Belgium that presents different overlapping cleavages. The Belgian case, because of its regionally based linguistic and cultural divisions, is complex and ambiguous. If the distinction is based on separation between Catholic, Liberal and Socialist group, all of the groups are minorities, even if the Catholic is close to majority status. Since the Belgium seceded from the Netherlands in 1830, the independence unified the elites, which consensually become united. However, between the struggle for independence and the 1960s, Belgian elites went through several and frequent periods of crisis and conflict.<sup>221</sup> Although the elites are basically disunited, the birth of the national state in 1830 unified them. However, the regime during the period following the independence was fundamentally unbalanced. In 1992 the rearrangement of the state into a federal structure could scarcely manage potential linguistic and cultural divisions and prevent the government's deadlocks.

However, Belgium is coping with the lingual cleavage, which has strongly influenced territorial and arrangement and most of all the party system of the country. The Belgian case will be examined in detail in the Chapter IV.

Another suitable example could be India where elites have presided over recurring and

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<sup>220</sup> Daalder, H., *Parties, Elites, and Political Developments in Western Europe*, in La Palombara, J., and Weiner, M., eds., *Political Parties and Political Development*, Princeton, Princeton University Press, 1996, p.69.

<sup>221</sup> Higley, J., Burton, M. G., *Elite Foundations of Liberal Democracy*, Maryland, Rowman & Littlefield Publishers, 2006, p. 158

extremely bloody communal conflicts between Hindus and Muslims. After the independence the major controversy in the Constituent Assembly was the language issue. With the Constitutional change in 1955, most of the Indian federal units were geographically and sociologically reconfigured in order to achieve greater congruence between languages and state boundaries. However, along with the reorganization of the state, India had reverted to a stable representative regime operated by a well-established consensually united elite after Indira Gandhi's period of emergency rule during 1975- 1977.<sup>222</sup> In this case it is possible to extract one significant point: India had always had a strong leader that have created a convincing leadership with all the political sides in order to achieve the goal of elite cooperation.

## **2. Political parties and multiparty system**

With the analysis presented in *The Civic Culture: Political Attitudes and Democracy in Five Nations*<sup>223</sup>, Almond and Verba was a study of political culture that refers to "*attitudes toward the political system and its various parts, and attitudes toward the self in the system.*"<sup>224</sup> Their analysis is tightly connected to the separation of powers and overlying memberships and it is related to the established dichotomous classification of democratic systems according to the number of parties: two-party and multiparty systems.

As Duverger<sup>225</sup> has suggested, the classification of contemporary regimes could be based according to the party system adopted in certain country. The system can be distinguished according to a presence of one party, two parties and several numbers of parties. He suggests also that there is close relation between the number of parties and the stability of democracy. Accordingly a two-party system corresponds to a more stable system considering that it reflects natural duality of public opinion and it is also more moderate than other system arrangements. The multiparty systems reproduce the intensification of differences and to an "extremization" of opinion.

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<sup>222</sup> Ibidem, p. 51.

<sup>223</sup> Almond, G., Verba, S., *The Civic Culture: Political Attitudes and Democracy in Five Nations*, Princeton, Princeton University Press, 1968

<sup>224</sup> Almond, Verba, op. cit., pag.13

<sup>225</sup> Duverger, M., *Political Parties: Their Organization and Activity in the Modern State*, London, Methuen & Co, 1959

As Almond had specified the number of parties is factor of great importance. The political culture and political structure affect each other reciprocally, in a complex pattern. He also affirms that “the presence of a large number of fairly small parties makes it increasingly likely that each party will merely transmit the interests of a special sub culture (...) with a minimum of aggregation”.<sup>226</sup> The social structure of country influences and shapes the character of political parties at crucial development stages.<sup>227</sup>

Sartori, by taking into exam the segmented societies he distinguishes different levels of multiparty systems and according to the number of parties he differentiates two classes: limited pluralism (with three, four or five relevant parties and extreme pluralism with six or eight parties). In multinational countries it is likely to have a multiparty system where no party is expected to obtain an absolute majority. His typology is based on numbers but its principal distinction is rather degree of polarization and party competition and thus the mechanics of the system (centripetal or centrifugal).

Whereas there are different expressions of nationalism within the same country, party system can reflect the fractures that run along the lines of division.<sup>228</sup> According to the intensity of the impact of internal national cleavages on the party system, there are four different patterns: irrelevant, confluent, sectionalized and *direct-expression* system.<sup>229</sup> The first category reflects no territorial, national, linguistic or ethnic cleavage. The confluent pattern indicates a system where the national aspirations are not directly expressed through political parties program. However, these aspirations merged with and are channelled within party's program. As the word itself explains, the sectionalized pattern includes those systems based on ethno-regional party system. The configuration of such party system can be favoured by some factors as, for example, territorial division of the country. Therefore, in a federal arrangement it is more likely for a sectionalized party system to develop. As for the last pattern, *direct-expression* represents a system that clearly reflects the internal cleavages and their main program is the representation and, especially, the protection of the specific national group or community.<sup>230</sup>

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<sup>226</sup> Almond, G., Powell, G., *Comparative Politics: A developmental approach*, Little, Brown & Co., 1966, pag. 103

<sup>227</sup> Epstein, L., *Political Parties in Western Democracies*, New Jersey, London, Pall Mall, 2000, p.27

<sup>228</sup> Grilli di Cortona, P., *Stati, nazioni e nazionalismi in Europa*, Bologna, il Mulino, 2003, p.228

<sup>229</sup> Ibidem, p.228-229

<sup>230</sup> Ibidem, p. 228-229

The presence of segmental parties, according to Lijphart<sup>231</sup>, is favourable to consociational democracy for several reasons. They represent articulated political claims of their groups. The presence of multiple political parties, with (relatively) few parties representing national groups is the optimal arrangement in a plural society. As it was mentioned above, the two-party system, usually considered as optimum, according to the balance of power, would not be a desirable condition in a consociational democracy.

Accordingly, in order to distinguish the “weight” of a multiparty system it can be applied Sartori’s research<sup>232</sup> on the variations of numbers of parties. In case of multiparty systems he distinguishes moderate and extreme multiparty systems.<sup>233</sup> Taking into account only those parties who have “coalition potential” or “blackmail power” and accordingly have a certain weight on the political scene, he considers that the suitable number of parties for a moderate multiparty system is three or four. System that encompasses minimum five parties belongs to extreme multipartitism, which can easily bring to a centrifugal pattern of development. Therefore, the relation between democracy, its stability and the number of parties, Sartori argues that two party system and moderate multiparty system create centripetal forces, while the extreme multiparty system creates centrifugal forces. His claim is that the dividing line between these two systems is, in fact, the one that divides four-party system and five-party system (point of transition). However, he states that the transition point is “around five” but not precisely nor necessarily.

Following Sartori’s distinction, in plural societies with segmental parties, moderate multipartitism appears to be more suitable and favourable to consociational democracy. As it was noted, the size of each national group is very important factor for stability of multinational political system. Accordingly, moderate multiparty system, with four, or in some cases even five, parties, will be a favourable factor only in case where segmental parties are of similar sizes. In addition, as Lijphart sustained, the most important condition in multiparty system is that political parties represent all major segments. However, the segmentation of the political system, without any overlapping cleavages can probably lead to immobilism of the party system. In fact, the danger for democracy can come from the immobilism created by the segmental closure of

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<sup>231</sup> Lijphart, op. cit., 1977

<sup>232</sup> Sartori, G., *European Political Parties: The Case of Polarized Pluralism*, in *Political Parties and Political Development*, La Palombara, J., Weiner, M., Princeton, Princeton University Press, 1966

<sup>233</sup> Sartori, G., *Parties and Party Systems. A Framework for Analysis*, Colchester, ECPR Press, 2005, p.112

different groups that can result in lack of cooperation and aggregation. The immobilism is deepened in situations where there are permanent winners and losers among the political parties representing different national groups. Facing the scenario of perpetual exclusion, the losers will be more likely to pursue non-democratic ways of obtaining power or separation. Although breakdown is avoidable, democracy's chances of survival under these circumstances are not too high.<sup>234</sup> The concern is that perpetual majority domination could probably lead to breakdown is shared by other authors.<sup>235</sup> The problem of permanent losers is reduced if non-ethnic issues (such as economic development) are salient for at least some portion of the electorate.

Nonetheless, Horowitz<sup>236</sup> does note that incentives toward moderation may exist. First, in some cases parties need to cooperate with other parties to form a government. This is possible, in case the largest party does not form a majority by its self. Second, when the winners' political program includes goals related to national economic development, they may opt to make concessions to other ethnic groups that play important role in that field. Third, and most important, the threat of civil disorder can encourage moderation considering that civil disorder and breakdown are costly for the winners.

The second aspect of electoral competition that brings to polarization is outbidding. Outbidding takes place when two or more parties contend for the same ethnic group consensus by using increasingly extreme ethnic appeals. In these circumstances usually moderate parties are accused to have sacrificed the group's interests if they fail to pursue goals of divisive inter-ethnic issues. Once ethnicity becomes crucial and, as a consequence, all issues are interpreted in terms of ethnic politics, the rhetoric of cooperation and mutual trust can be harmful for the reputation of the party. Consequently it could be accused of too much concession to other groups and of lack to pursue main national interests' goals.<sup>237</sup>

In some multinational countries the party system cleavages are related to other major cleavages in society that can influence the political system. This means that there are a great number of crosscutting cleavages between the party system divisions and cleavages involving societal separations (i.e. religion, language, culture). This means that lines of division on certain matters

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<sup>234</sup> Horowitz also observes that because electoral competition often increases inter-group tensions and violence, in order to reduce the proportion of the conflict, the multiparty system could be eliminated

<sup>235</sup> Lijphart 1977, Sisk 1996, Reilly 2002, Roeder 2005

<sup>236</sup> Horowitz, D., *Ethnic Groups in Conflict*, Berkeley, University of California Press, 1985, p.348

<sup>237</sup> Horowitz, 1985, op.cit., p.346

are crossed by elements of unification that can moderate the political segmentation. For this purpose, Belgian and Swiss case can be suitable, even if the degree of cohesion between the groups in both countries is different.

The results in Belgium show that Catholics (around 75% of population) give quite strong support to the Catholic party, while non-practitioners of religion generally opt for Socialists. It appears that language differences have little influence of party choice. Equally, Switzerland follows almost the same pattern where the support of catholic religious population goes almost completely to the Catholic party, while the Protestants support Socialist Party.<sup>238</sup> The result is that the party system separations have a tendency to correspond to religious cleavages and to crosscut with linguistic cleavages.

However, Lipset sustains that democracy in order to be stable, parties should obtain support from many different segments of the population. Otherwise, the state will reflect societal cleavages and will rule out compromise.<sup>239</sup>

In order to establish if federalism and the multiparty system have a certain degree of interdependence Weaver's work<sup>240</sup> presents a series of negative predictions. His study of federalism in advanced democracies finds "little evidence" that federalism has an independent effect on governmental fragmentation and he also observes that there is no clear relationship between federalism and the growth of anti-system parties.

Spain, as an example, is a multi-national federal country that includes strong polity-wide parties with some small but significant provincial parties. First competitive free elections after the death of Franco were polity-wide and they played an important role for the formation of strong polity-wide parties, including the region such as Catalonia and the Basque Country. However, Catalonia, the province with the fiercest autonomy movement, is ruled by a regional national party coalition. This is a fundamental feature of Spain's "asymmetrical federalism" and it contributes to the integrative bargaining games that occur if no party at the centre has a majority. Due to Spain's asymmetrical multinational federal arrangement there are powerful provincial parties who are capable of negotiating for special status, giving in exchange their support to form the majority

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<sup>238</sup> Lijphart, A., *Patterns of Democracy: Government Forms and Performance in Thirty -Six Countries*, 1999, p.37

<sup>239</sup> Lipset, S. M., *Political Man: The Social Bases of Politics*, Garden City, New York, Doubleday, 1960

<sup>240</sup> Weaver, K., *Electoral Rules and Party Systems in Federations*, in Amoretti, U., Bermeo, N., *Federalism and Territorial Cleavages*, Baltimore, The Johns Hopkins University Press, 2004, p. 470

It can be concluded that multiparty system is more suitable system for the multinational countries. It reflects the composition of population and the inner separation among different groups. This kind of arrangement can bring to a political immobilism, but it is also important, in order to maintain stable democracy, to have parties which by their program, can obtain support from different groups. The presence of a strong centre (among political parties and among the electorate) can counterbalance the weight of national groups. As long as the number of parties will correspond to the number of national groups, it is not possible to generally establish how many parties multinational country will have. It is demonstrated that where there are more than five parties democratic stability is threatened.

India again offers an exceptional example for a multinational arrangement. Even if India reproduces a multitude of cross-cutting identities, however, religion has the ability to form a national majority. Political appeals on the basis of pan-Hindu identity, simplified by mass communications, have started to build a progressively self-conscious religious community able to rise above its own heterogeneity. However, the manifestation of this communal consciousness (Hindu nationalism) poses a fundamental challenge to India as a secular state. In India, where religion has high degree influence in shaping national majority, its party system, like its constitutional structure, has helped to support democratic politics and national unity, providing access to political participation for newly mobilized groups. Since 1947, and for more than forty years, India has been governed (at the centre) by the Indian National Congress. For the first twenty years, the main arena of political competition, at both national and state levels, was within the Congress party, but with increasing frequency since the mid-1960's, regional parties have successfully challenged Congress's power on various states. Then in 1977, opposition parties defeated Congress for the first time. Nowadays there are three major forces at the centre, represented by parties that declare to be "national" in character. As in the case of India, the stability of democracy depends on its ability to balance a dual commitment to both majority rule and minority rights.



### 3. Cross-cutting cleavages

During the second half of the twentieth century generally spread interest was centred on the critical issue of how political systems can become both democratic and stable. In their exam of the conditions of stability and democracy most of them were convinced that political fragmentation creates immense obstacles to the realization of stability and democracy. Therefore, the research was based on the identification of those cleavages which were produced by opposing and conflicting social, ethnic, religious groups and the goal was to find the way of surmounting those cleavages before they threaten democratic stability.

In Rokkan's and Lipset's analysis there are two kinds of important cleavages and they are of territorial and functional nature. Those involved in the nation defining process are of territorial nature, national-regional and the "subject vs. dominant culture" which involves different cultures living inside the state borders.<sup>241</sup> Here it is possible to include also the church/government cleavages that has for the subject the national morals and secularism/ideology dichotomy. Industrial/economic cleavages are part of those fractures of functional nature and are interest-based. They can be summed up, for example, as workers vs. employers/owners or primary vs. secondary economy.

However, the short summary of the Rokkan's and Lipsets' important research explain on which criteria the division of individuals, groups and organizations are based. However, in order to complete the definition of cleavage it must be added that between these groups there must be an existing latent conflict in order to put them on the opposite sides of the scale of values.<sup>242</sup> In this context, an important issue in the multi-national arrangement are crosscutting cleavages and how they can contribute to inter-ethnic cooperation. Alone they are not sufficient to produce cooperation and the great attention has to be put on the details of the cleavage structure itself. The cleavage characteristics will influence how populations respond to political elites' offers of alliances along cleavage dimensions and will therefore affect the ways in which underlying societal cleavages are translated into political outcomes.

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<sup>241</sup> Rokkan, S., Lipset, S. M.,(eds), *Party Systems and Voter Alignments: Cross National Perspectives*, New York, The Free Press, 1967.

<sup>242</sup> Lane, J. E., Ersson, S., *Politics and Society in Western Europe*, London, Sage Publications, 1999, pag.41

Multinational countries can be affected by immobilism given by the separation among different groups along the lines of cleavage. Members of a certain group use to relate with members of the same groups according to the common sharing of values.

While cleavage means division on the basis of some criteria characteristic for certain group, crosscutting cleavages are related to a certain fluidity of a divided society. They are considered as important factor for the stability of multinational democracy.

Structurally different groups need shared attitudes within the group and an organizational element to constitute a full cleavage. But in order to examine certain level of “mobility” among the groups it is necessary to determine the degree and type of existing cross-cutting cleavages. If members of a group in a given society belong only to his group, in a clannish manner, characterized by its “uniqueness” there is no *cross-cuttingness*<sup>243</sup>, rather there is *reinforcingness* of the societal divisions along the national lines. While in case of members of one group which share some other values with members of another, distinct group, there is cross-cutting factor that, according to different cases, can be tracked along multiple axes: religion, language, tribe, caste etc.

Considering that ethnicity has the ascriptive, nature it increases the control of the leaders on the group. The political rhetoric of leaders can easily use the distinctiveness of the group in order to gain control over it and to keep the group closed and distinct from others. Ethno-linguistic identity can be cross-cut by other important cleavages, like religion, socio-economic class, region of residence and the multi-layered identity of the members, and on another side, can create certain degree of mobility of the multinational system. On the other hand it can create lack of loyalty in the eyes of the group leaders, which will try to maintain their power over the group in its totality.

It is important to add that geographic concentration increases identification with nationalist causes by providing a potential ethnic homeland and that communication is also enhanced when members of a group are spatially proximate. One of the examples could be India that reflects a multitude of cross-cutting identities where, nonetheless, religion has the potential to form a national majority.

Minorities may reproduce the cross-cutting social cleavages and intersecting memberships that

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<sup>243</sup> Gubler, J., Selway, J. S., *Horizontal Inequality, Cross-cutting Cleavages and Civil War*, British Journal of Political Science 41(1), 2011

characterize the model of democratic pluralism, or they could create a range of distinct groups that define their identity in terms of one or more attributes like religion, language, or caste. However, there must exist among the various groups a core political culture, a basic agreement on the rules of reciprocal respect and of the political game rules.

For instance, in the Helvetic Confederation, the party system of radical democrats, Christian democrats, socialists and the Peoples' party (which share power in the federal council according to the so-called "magical formula" of two representatives of each of the parties except the Peoples' party that has only one) extends across the linguistic, religious and most of the cantonal borders. Switzerland has no German, French or Italian parties, but the confederacy-wide parties take into account both a linguistic and religious composition of the population in the elections for public office.

Cross-cutting cleavages, including class or religious cleavages, are likely to create bonds across boundaries in a federal state. More broadly defined, where crosscutting cleavages exist, there are some shared feelings, some sense of common identity, some shared symbols that make leaders and people feel they have more in common with all the other citizens of the state than with foreigners. Such a sentiment allows the existence of democratic multinational federal states. On the other hand, such a terminology is irritating to the nationalists who would rather prefer to pursue their radical nationalist politics in order to keep control over their national group. As Linz stated, there should be some sharing of "joys and sorrows" of the citizens and leaders across the boundaries of federal subunits.<sup>244</sup> This is possible in case where the nationalist sentiments of the dominant or majoritarian nationality are moderated and it is not demanded an exclusive identification with that nationality by those with a different identification or a shared identification. However, the necessary criteria for the assessing of overarching loyalties and cross-cutting cleavages that transform segmentation into universal diversity are not given.

In conclusion societal cleavages (as race, class, religion, gender, region, etc.) can produce conflict and disagreement among the population over politics and policy, and if they overlap with each other, this can heighten the conflict and produce a "divisive" result. The disagreements produced

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<sup>244</sup> Linz, J., *Plurinazionalismo e Democrazia*, RISP vol. XXV, n. 1, 1995

by one division (e.g. class), will reinforce the divisions produced by another (e.g. race). Consequently, finding agreement and compromise across groups in this situation can be an arduous task. On the other side, cross-cutting cleavages can help to lessen the tensions between already established groups. If cleavages *cut across each other*, this can decrease the presence of conflict across groups. Discrepancies produced by one division can produce cross-pressures for individuals and soften the divisions they may experience by another cleavage. Cross-pressures help produce bonds across the cleavages, making agreement and compromise more likely.

#### **4. Size and democracy**

Dahl and Tufte have questioned if “democracy is related in any way to the size” of the country. “How large should a political system be in order to facilitate rational control by its citizens?” This questions “call attention to the search for community and to the question of the appropriate political units for expressing one’s identity as a member of a community.”<sup>245</sup>

The size of the country is one of the important factors in terms of managing diversities and conflict. Polities are more likely to create and maintain a democratic form of rule insofar as they are small. The present analysis is based on the size of the country understood as the size of population, citizens, as members of the polity, not as territory dimension.<sup>246</sup>

The size impacts the quality of democracy differently along different dimensions. Specifically, the increasing the size of a polity may have negative consequences for participation, feelings of efficacy, and perhaps for other dimensions of democracy, it can produce negative results. Stateness of the country, in terms of rule of law and capillary diffusion of the state’s presence , can be lower.

The consensus view among most academics is that size is inversely correlated with democracy (in case of the multinational state). Polities are more likely to maintain a democratic form of rule

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<sup>245</sup> Dahl, R., Tufte, E., *Size and Democracy*, Stanford, Stanford University Press, 1973, pag.1-3

<sup>246</sup> In previous historical eras, as it was mentioned in the Chapter I, the proportion and correlation between population and territory was different. The size of the Greek cities was completely different in its conception and political arrangement than it is in modern era. In the modern era these concepts have become highly differentiated.

insofar as they are small. According to Lijphart<sup>247</sup> countries that implemented consociational democracy in Europe are mostly small countries.

This empirical relationship with consociational theory has direct and indirect effects that can be divided between direct internal, direct external, indirect internal and external effects.<sup>248</sup>

Direct internal effects in smaller multinational countries derive primarily from the small size of the elites that in a “reduced” environment have more chance to interact and to find a compromise. As Lijphart stated, their perception of the political game will not be regarded as zero-sum game and they will opt for cooperative instead of antagonistic way of decision-making. The basis from which the cooperation starts is fertile for a higher level of mutual cooperation and understanding. Consequently there are better chances of implementing more stable consociational democracy considering closer link between the elites.

Smaller states in some part or totally are surrounded by greater states, which are also great powers. They can represent a direct external effect expressed as threat to the political unity of the country. Lijphart states that the feeling of vulnerability and insecurity will create more sense of we-belonging between the population of the country and they will be more encouraged to cooperate and maintain reciprocal internal solidarity. It is remarkable that some of the consociational democracies created first basis of the country’s consociational arrangement during the periods of international crisis that actually could represent a threat for countries’ existence. The example of the Netherlands and Austria explain that process of the initiation of consociational democracies during the world crisis, respectively during the First and the Second World War.

The explanation of the effect of the external threat is perceived as a common danger that creates among different groups, living within the country, sentiment of unity and cohesion.

In case of threat by the external powers the internal cohesion between different groups can be put in danger in case of the internal divisions running along the external conflict lines. The internal groups’ boundaries, especially if religious or linguistic, can easily reflect the external conflict based on the same principles. This coincidence could have been applied to the case of Belgium where linguistic-regional divisions could have been exacerbated by the external influence (France and Germany).

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<sup>247</sup> Lijphart, A., op. cit, (1977), pag, 65

<sup>248</sup> Ibidem

The indirect influence that can affect small multinational and consociational country are related to decision-making issue. The stability and the responsiveness of the government can be examined by the balance between the ability of the government to respond to the demands placed on it. Considering that the management of the multinational society is an intricate, weighty and frequently slow process, consequently it requires strong elites' skills. The size can reduce the length and weight of the decision-making system. Stability can be more probable where the load of the issues is less and it can be influenced by the size of the demands directed to the government.

Therefore, indirect internal effect is related to the inner complexity of the state according to its size. Dahl and Tufte have asserted that "other things being equal, particularly the socioeconomic level of a country, the larger the country, the greater number of organizations and subunits it will contain, and the greater the number of organized interests or interest groups it will contain."<sup>249</sup> According to this statement, the complexity of the country can be proportioned to the size of the country.

The intricacy and slowness of the decision-making problem is also related to the indirect external factor. Smaller countries avoid to intervene and to take choices on international level. During the past, by their own decision or by imposition, smaller countries have adopted the role of neutrality. In small European consociational democracies the neutrality has been imposed by an agreement of the major international powers.<sup>250</sup> Decisions taken in case of an international conflict could be affected by inner division in the country (less likely to happen), or inversely the internal conflict could spill over the boundaries of the country, which is more frequent scenario.

However, in terms of size of territory and of population, India, presents huge territory and population. India offers an example that even in bigger country there are premises for consociational democracy. Despite the big diversification of the population, the violence of factions can be soothed not by repressing conflict but rather by enlarging the scope of the polity so that multiple conflicts are embraced and none are threatening to the survival of the polity, or of democracy. "The frequency of intra-group conflict is positively related to the size of a group

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<sup>249</sup> Dahl, R., Tufte, E., *Size and Democracy*, Stanford, Stanford University Press, 1973, p.40

<sup>250</sup> Dalder, H., *The Consociational Democracy Theme*, World Politics 26 (4), 1974

while the *intensity* of conflict is negatively related to the size of the group.”<sup>251</sup>

If democracy, for the purpose of this paragraph, is understood as electoral competition among different groups and as constitutional constraints on the exercise of power, it is possible to conclude that a large population increases elite competition, which on the other side creates constraints on the ability of any single leader to monopolize power. In a large country, with a larger population, it is more possible to have more cleavages within the elites and within the society. More divisions, if managed adequately, create more competition; and more competition can cause more turnover and challenges for the political elites.<sup>252</sup>

It is generally supposed that small country generally poses less coordination problems, less logistical issues and fewer constituencies whose support and participation would be required. Rule of law may also be easier to establish.<sup>253</sup>

On the other hand, in a large polity it is more difficult for state actors to observe, coerce and control the population. The elite within a small polity is highly visible and small. The intra-elite contact and interaction is more frequent. By contrast, in a large polity, besides the small possibilities of a recurrent contact, the actions of elites are more difficult to track and to control.

However, the same causal factor might have divergent causal effects on different aspects of democracy. By consequence, contemporary trends for greater amalgamation across polities (e.g., the European Union), or for division or devolution within polities, may have divergent causal effects – strengthening democracy in some respects and weakening it in other respects.

## **5. Electoral systems in multinational countries**

### **a) Conceptual overview**

Elections are one of the basic elements of democratic practice. As Lijphart pointed out “[the] indispensable task in representative democracies is performed by the electoral system – the set

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<sup>251</sup> Coser, L., *The Functions of Social Conflict*. New York, The Free Press, 1956

<sup>252</sup> Gerring, J., Zarecki, D., *Size and Democracy, Revisited*, Boston, Boston University, 2011

<sup>253</sup> Olsson, O., Hansson, G., *Country Size and the Rule of Law: Resuscitating Montesquieu*, *European Economic Review* 55 (5), 2011

of methods for translating the citizens' votes into representatives' seats. The electoral system is the most fundamental element of representative democracy."<sup>254</sup> It is a complex system of rules and procedures that influence the way in which the electorate express their vote, the possibility that parties obtain seats in Parliament and the way in which votes are transformed in seats.<sup>255</sup> The analysis is mostly concentrated on formulas<sup>256</sup> with which the votes are transformed in seats as a quantification element. However, an electoral system is composed by a series of variables where the formula is an important element that interacts with other factors.<sup>257</sup>

Generally, **electoral systems** are divided in three main types and all of them can be separated in several subtypes. According to Lijphart main electoral formulas can be classified as:

- majoritarian
- proportional
- semi-proportional systems (divided generally in cumulative vote and limited vote).<sup>258</sup>

A schematic representation of the main electoral systems is represented bellow.

### Figure 3.1. The electoral system families

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<sup>254</sup> Lijphart, A., *Electoral Systems and Party Systems. A Study of Twenty-Seven Democracies, 1945 – 1990*, Oxford, New York, Oxford University Press, 1994, p. 1

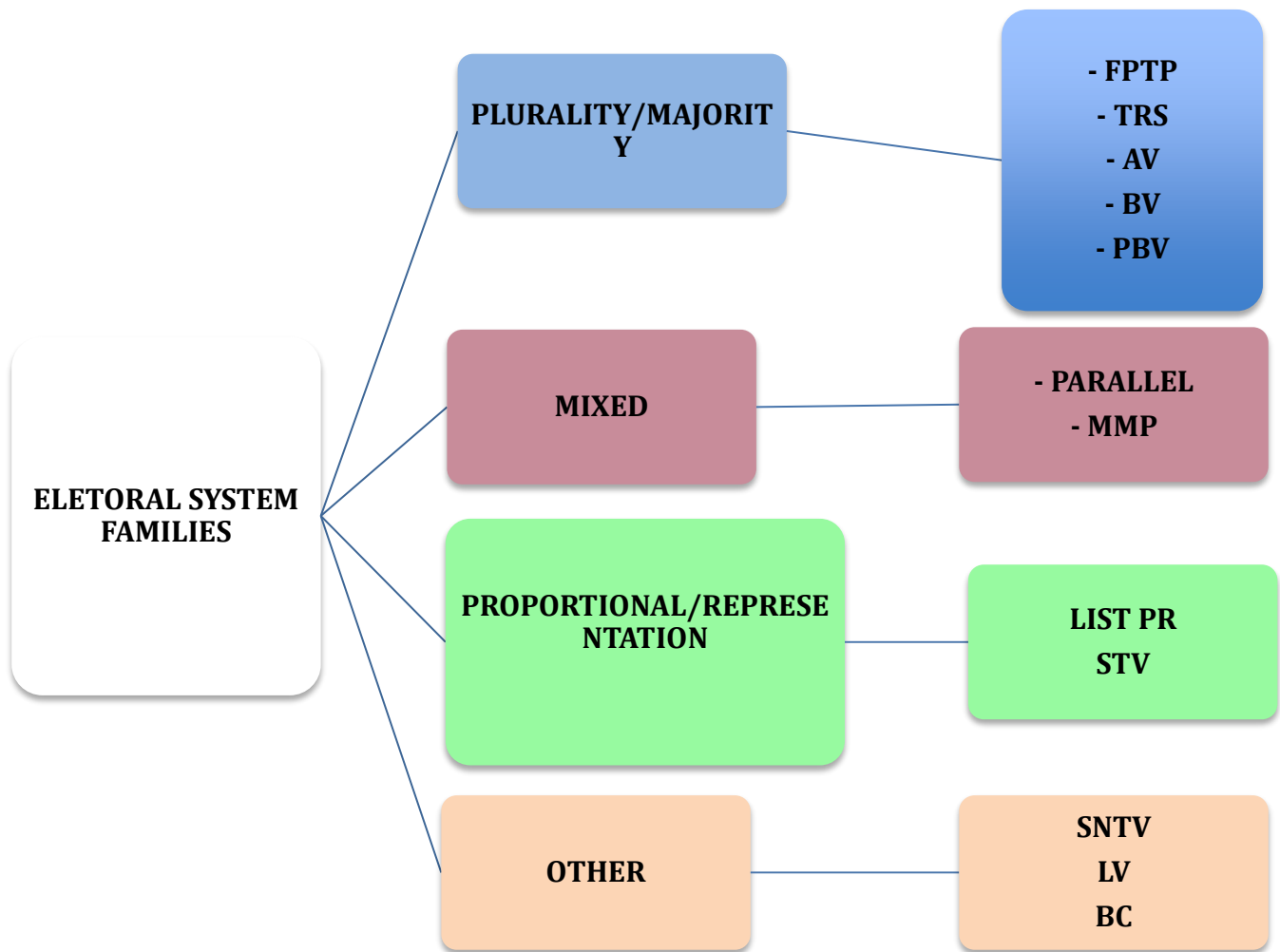
<sup>255</sup> Pasquino, G., *I sistemi elettorali*, in Barbera, Amato, *Manuale del diritto pubblico*, il Mulino, 1984, p. 375

<sup>256</sup> For further analysis: Rokkan, S., *Citizens, Elections, Parties Approaches to the Comparative Study of the Processes of Development*, ECPR Classics Series, 2010; Lanchester, F., *Sistemi elettorali e forma di governo*, Bologna, il Mulino, 1981

<sup>257</sup> Lanchester, F., *Sistemi elettorali e forma di governo*, il mulino, 1981, pp.43-44 and p.98

<sup>258</sup> Lijphart, A., Op. cit., p. 10





Source: Reynolds, A., Reilly, B., Ellis, A., et al., , The New International IDEA Handbook, Stockholm, International Institute for Democracy and Electoral Assistance, 2005, and own elaboration

It is commonly agreed that the most important features of electoral systems are the electoral formulas, district magnitude and ballot structure.<sup>259</sup>

All these elements influence the outcome of the election according to their combination in different systems. Lijphart adds other four minor elements that can help to refine the analysis of the electoral systems' effects. According to his theory these aspects are: ballot structure, malapportionment, the difference between legislative elections in parliamentary and in

<sup>259</sup> Lijphart, A., op. cit., p.10

presidential systems and the possibility of linked lists.<sup>260</sup> Given above-mentioned elements, it is clear that electoral systems can vary in an almost infinite number of ways. According to the literature, numerous scholars, during several decades, tried to delineate different “laws” related to electoral systems. Due to certain methodological, conceptual and empirical weakness and omissions some of them were criticized<sup>261</sup>, while some others have put the basis of the further development<sup>262</sup> or have elaborated theoretical and empirical cases and established suitable electoral “laws”.<sup>263</sup>

For the purpose of the present analysis, basic description of main electoral systems will be included and the attention will be concentrated on the proportional system, which is considered to be the most suitable system for deeply divided countries.

## **b) Electoral system classification**

- Plurality/Majority Systems
  - FPTP - First Past The Post system is the form of plurality/majority system. It is based on a single-member districts and candidate-centred voting. The elector can vote, among different candidates for only one of them. In an FPTP system the winner is the candidate with the most votes, but not necessarily with an absolute majority of the votes.
  - TRS - Two-Round System takes place in two rounds. The first round is conducted in the same way as a single-round plurality/majority election. If no candidate or party receives an absolute majority, then a second round of voting is held and the winner of this round is declared elected.
  - AV - Alternative Vote Elections take place in single-member districts. Under AV electors rank the candidates in the order of their preference. A candidate who has won an absolute majority of the votes (50 per cent plus one) is immediately

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<sup>260</sup> Lijphart, A., 1994, op cit. p.15

<sup>261</sup> Some critics to the M.Duverger's *Les partis politiques*, Paris, Colin, 1954, to the *L'influence des systèmes électoraux sur la vie politique*, Paris Colin, 1950 and to the D. Rae's *The Political Consequences of Electoral Laws* can be found in Sartori, G. *Elementi di Teoria Politica*, Milano, il Mulino, 1987 and in Lijphart, A., *The Political Consequences of Electoral Laws 1946 – 85*, American Political Science Review, Vol. 84 (2), June, 1990

<sup>262</sup> As Lijphart has considered the Rae's work *The Political Consequences of Electoral Laws*, 1967

<sup>263</sup> For the electoral laws see Sartori, G. *Elementi di teoria politica*, Milano, Il Mulino, 1987, pag. 354-355; Sartori, G., *Parties and Party Systems A Framework for Analysis*, Cambridge, Cambridge University Press, 1976.

elected. If no candidate has an absolute majority, under AV, the candidate with the lowest number of first preferences is 'eliminated' from the count, and his or her ballots are examined for their second preferences. Alternative Vote and the Two-Round System, have the aim to guarantee that the winning candidate obtains an absolute majority (over 50 per cent).

- BV - Block Vote BV - The Block Vote is simply the use of plurality voting in multi-member districts. Voters have as many votes as there are seats to be filled in their district, and are usually free to vote for individual candidates regardless of party affiliation. The winner is the candidate with the most votes but not necessarily an absolute majority of the votes. When this system is used in multi-member districts it becomes the Block Vote.
- PBV - Party Block Vote - Under Party Block Vote, unlike FPTP, there are multi-member districts. Voters have a single vote, and choose between party lists of candidates rather than between individuals. The party that wins most votes takes all the seats in the district, and its entire list of candidates is duly elected.
- Mixed Systems
  - Parallel - Parallel systems combine both PR and a plurality/majority elements.
  - MMP - Mixed Member Proportional (MMP) systems also use two elements and in this case the PR element balances for any disproportionality resulting from the plurality/majority system.

### **c) Proportional electoral system**

In this context of examination it is opportune to take an exam of proportional systems that have shown to be more suitable systems for fragmented societies. In Sartori's words a proportional

system is determined by it self, considering that corresponds in proportions to the society to which it is applied.<sup>264</sup>

Proportional systems as such can vary and they can also be very impure and disproportional.<sup>265</sup> Besides the formulas according to which the seats are allocated<sup>266</sup>, Sartori argues that the size of the district is important and according to him the rule is “the bigger is the district, the bigger is the proportionality”.<sup>267</sup> Therefore, according to him, one of the most important variables is the size of the district.

PR system is based on a multimember district and a party list obtains seats according to the share of the vote in that district. In some cases, (i.e. Netherlands and Israel) the entire country forms one multi-member district. The alternative can be the adoption of districts based on provinces (i.e. Argentina and Portugal).

Additional features of PR system are:

- the pre-ordered party list or individual candidates list that the voters can support
- the district magnitude that can vary according to the number of seats in each electoral district
- the minimum threshold of votes that the party must obtain in order to achieve any seats.

In regard to the district magnitude, the greater the number of representatives to be elected from a district, the more proportional the electoral system will be.

As it has been mentioned, the threshold can produce several important effects, especially in PR system where small parties represent interests of small communities. The low threshold and high district magnitude allow almost every political party to gain even small representation in the legislature.<sup>268</sup> This provides a solid basis for the principle of inclusion, which is of crucial importance for stability in divided countries. On the other side, an electoral system that does not ensure certain degree of participation to both minorities and majorities, can have negative

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<sup>264</sup> Sartori, G., op.cit., 1987, p.331

<sup>265</sup> Ibidem p. 340

<sup>266</sup> See McLaren Carstairs, A., *Short History of Electoral Systems in Western Europe*, London, George Allen, Unwin, 1980; and Gallagher, M., *Comparing Proportional Representation Electoral Systems: Quotas, Thresholds, Paradoxes and Majorities*, British Journal of Political Science, Vol. 22 (4), October, 1992

<sup>267</sup> Sartori, op. cit., p.341

<sup>268</sup> Reynolds, A., Reilly, B., Ellis, A., et al., *Electoral System Design*, The New International IDEA Handbook, Stockholm, International Institute for Democracy and Electoral Assistance, 2005, p.58

consequences. However, the level of proportionality (or lack of proportionality) remains one of the pillars of the PR system. The topic will be discussed hereinafter.

Some main advantages and disadvantages of PR system are summed up in the following table.

**Table 3.1. Advantages and disadvantages of the Proportional Electoral System**

PROPORTIONAL ELECTORAL SYSTEM	
ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>○ Proportional translation of votes into seats</li> <li>○ Avoids destabilizing results produced by plurality/majority electoral system</li> <li>○ In case of low thresholds almost all political parties have the possibility to elect a candidate</li> <li>○ Low percentage of wasted votes</li> <li>○ High degree of inclusiveness</li> <li>○ Reduce possibility of regional political “monopoly” (where a single party with strong presence would obtain majority of seats – “regional fiefdoms”<sup>269</sup>)</li> <li>○ Inclusiveness produces a more complete cross-section representation of interests</li> </ul>	<ul style="list-style-type: none"> <li>○ Possible instability due to coalition governments</li> <li>○ Coalition governments could lead to a legislative stalemate</li> <li>○ Can facilitate fragmentation of the party system</li> <li>○ A platform for extremist parties.</li> <li>○ Disproportional representation (small parties achieve disproportionately high degree of power; large parties may be obliged to form coalitions with much smaller parties)</li> <li>○ In case of coalitions, some political parties are ever-present in government</li> </ul>

Source: Reynolds, A., Reilly, B., Ellis, A., et al., *Electoral System Design*, The New International IDEA Handbook, Stockholm, International Institute for Democracy and Electoral Assistance, 2005 and own elaboration

However, according to its different features, the PR system and the degree of different elements applied to a certain contexts can produce wide range of results.

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<sup>269</sup> Ibidem

#### **d) PR electoral system and democracy**

Political actors in multinational environment most of the times have strong incentives to use nationalistic rhetoric in order to acquire more approval and with the aim to mobilize voters. In such conditions politics can produce centrifugal forces, forged by extremist fractions of each nationalist group and can easily put the state in danger causing failure of democracy. Consequently the electoral system in multinational state should be engineered in order to accommodate different groups and with the goal to help democracy survive.<sup>270</sup>

The aim is to find the way that promotes centrist politics with the goal of accommodation and inclusiveness. The electoral systems, if suitable for certain societal arrangements, have the power to promote both democracy and conflict management. Accordingly, they can promote cooperation and accommodation between different groups and can diminish the importance of ethnicity.

Horowitz claimed that there is need to craft electoral rules that promote reciprocal agreement and accommodation across group lines.<sup>271</sup> The most effective system in multinational circumstances is the one that make political actors mutually dependent on consensus from other national groups other than of their own. The consociational system is frequently related to the electoral rules that allow certain level of proportionality and give the opportunity to different groups to articulate their interests instead of polarizing them. Lijphart, in his detailed examination of the characteristics of power sharing democracies has developed this prescription, after the analysis of, among other countries, the Netherlands, Belgium and Switzerland.<sup>272</sup> PR gives the opportunity and supports different national groups in order to define themselves into

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<sup>270</sup> Horowitz, D., *Ethnic Groups in Conflict*, Berkeley: University of California Press, 1985, Diamond, L., and Plattner, M. F., eds., *Nationalism, Ethnic Conflict, and Democracy*, Baltimore, Johns Hopkins University Press, 1994

<sup>271</sup> Horowitz, D., op cit.; and Donald L. Horowitz, *Making Moderation Pay*, In Montville, J., *Conflict and Peacemaking in Multiethnic Societies*, New York, Lexington Books, 1991

<sup>272</sup> Lijphart, A., *Democracy in Plural Societies*; Horowitz, D., *Making Moderation Pay: The Comparative Politics of Ethnic Conflict Management*, in Montville, J., *Conflict and Peacemaking in Multiethnic Societies*, New York, Lexington Books, 1991

political parties and to achieve representation in the parliament proportionally to their population.<sup>273</sup>

However, the effects of the PR system can be various. One of the first attempts in this direction was Duverger's theory with which he was claiming the multiplication of the political parties caused by the adoption of the PR system. Sartori disagreed by stating that proportional system has the effect to mirror the existing situation.<sup>274</sup> However, that does not mean that it has no effects on the system at all. The effect of the PR can be related to its *purity*: the more pure is the PR system, the less effect it has. Inversely, the PR system produces some effect according to its impurity. The extent of the effects is associated with different PR system features such as the adoption of certain threshold of representation, the size of the district and the inexact conversion of votes in assembly seats.<sup>275</sup>

Accordingly (and contrary to what Duverger was sustaining) the PR system can reduce the number of parties, because, for example, it can exclude smaller parties, which voters are dispersed in small quantities throughout several districts. This general effect is theoretical and can change from one empirical case to another.<sup>276</sup>

Commonly, in multinational countries the multiplication of the number of parties can be due to the formation of regionally based parties, but that's not the effect of the electoral system. It can be related to the federal arrangement of the state that incentives the creation of new smaller parties which at the national level would not have any chance to gain legislative seats.

Federalism is in fact territorial arrangement that can lead to the creation of territorially based subnational parties, usually founded on the basis of peculiar features of certain groups. In Spain, for example, the development of regionally oriented parties was narrowly connected to the existence of autonomous communities (i.e. Catalonia and the Basque region). For instance, Belgium's high level of proportional representation has helped the rise of the Flemish nationalism Vlaams Blok as a considerable presence in both federal and Flanders legislatures.

#### **e) PR system: proportionality and disproportionality**

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<sup>273</sup> Horowitz, D., op.cit., 1985

<sup>274</sup> Sartori, *Parties and Party Systems: A Framework for Analysis*, Colchester, Ecpr press, 2005, pag. 84

<sup>275</sup> Ibidem

<sup>276</sup> Lijphart, A., op, cit. 1994, p. 25

The PR system, according to the methods used in calculating the levels of proportionality, can produce certain levels of disproportionality. Different methods of proportional representation can produce considerably dissimilar allocations of seats for a determinate number of votes. As Gallagher has pointed out, different results are due to different conceptions of proportionality.<sup>277</sup> The main aim of the PR system is essentially to reproduce the most possible proportionality. Several conceptions of proportionality brought to the creation of numerous methods of calculation. However, methods used for the transformation of votes to seats can lead to different results. In order to understand the basis of conceptions of each method they will be listed and described in their core concept. For this purpose there will be used formulas where  $v$  corresponds to the votes won,  $s$  to seats received (according to the votes obtained at the certain point) by the  $p$  party.

- a) D'Hondt formula is concerned above all to reduce to the minimum the over-representation of the most over-represented party.<sup>278</sup> It is based on the formula with which the total votes won are divided for seats received plus 1. ( $v/s+1$ ). This method is known to be restrictive towards the small parties and it is considered to be advantageous for party lists.
- b) Sainte-Laguë method. According to this method the next seat is given to the party that has obtained higher result on the calculation  $v/2s+1$ . According to this calculation, the method in question creates more obstacles to the bigger parties and gives more opportunities to win seats to the smaller parties
- c) Equal Proportions. The divisors that give effect to this approach are the square roots of successive pairs of numbers:  $\sqrt{0 \times 1}, \sqrt{1 \times 2}, \sqrt{2 \times 3}, \sqrt{3 \times 4}, \dots$ . Therefore, the divisors are 0, 1.41, 2.45, 3.46, 4.47. This method has been used in United States
- d) Largest Remainders method calculations are based on the division of the total number of the votes by the number of seats. The resulting number is known as Hare quota. The mathematic calculation is made following the equation: total votes/total seats = Hare quota. The number of total votes obtained by the party is then divided by the Hare quota and the result is the number of seats.

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<sup>277</sup> Gallagher, M., Proportionality, Disproportionality and electoral Systems, Electoral Studies, 10 (1), 1991

<sup>278</sup> Ibidem



## **f) Federalism and PR electoral system**

For deeply divided countries, federalism and the PR electoral system, are the most advised for the successful management of diversities. However, there is no rule that explains how federal system should be connected to a particular electoral system. Federalism can coincide with a range of electoral systems.<sup>279</sup>

The institutional variables (electoral thresholds, district magnitudes), as well as the level of group fractionalization in a country, can heavily influence the effective number of parties. Federalism incentive the growth of territorially based parties that contend and win seats federally, consequently fragmenting party representation in the national legislature. This outcome can fluctuate depending on the scheduling of federal and provincial elections (if they take place simultaneously or not).<sup>280</sup>

Nonetheless, two empirical cases, that practice simultaneous federal and state elections, Brasil and USA, have respectively the highest and the lowest number of parties, which demonstrate that federalism probably does not have an independent effect on party fragmentation.

In a great number of countries, territorial units play a direct role in selecting representatives of the national upper chamber (case of German Bundesrat, the Lander delegations are direct appointees of the Land governments; autonomous community legislatures choose a minority members of the Spanish Senate: the Belgian Senate is a hybrid of directly elected members, those delegated by regional councils and additional members appointed by the first two groups). Here the components can face the overrepresentation or the underrepresentation of territorial units: in some cases small territorial units can have the same number of representatives as units with significantly higher population.

Some countries, like Switzerland, did not opt for homogeneous electoral system: the majority of members of the lower chamber are elected according to PR, while in five small cantons plurality elections were adopted. This shows that territorial units, in this case cantons, can set their own

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<sup>279</sup> Taagepera, R., Shugart, M. S., *Seats and Votes: The Effects and Determinants of Electoral Systems*, New Heaven, London, Yale University Press, 1989

<sup>280</sup> Reilly, B., *Electoral systems for Divided Societies*. Journal of Democracy, Volume 13 (2), April 2002, p

election rules. Nonetheless, asymmetrical electoral rules for specific territorial units in upper chambers are certainly the exception rather than the generally adopted rule.<sup>281</sup>

Devolution process in some Western European countries has created the need for new electoral arrangements and different kind of cleavage within the state. This resulted with different electoral systems between the national and sub-national level. It is difficult, also in this case, to establish a rule “one size fits all” according to the fluid and changeable nature of multi-national cleavages and not always the same electoral systems can be pursued at all levels of government. For example UK opted for SMP in elections for the House of Commons, PR for the EU Parliament, STV for the Northern Ireland Assembly and MMP for the Scottish Parliament and the Welsh Assembly.<sup>282</sup>

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<sup>281</sup> Lijphart, A., *Patterns of Democracy: Government Forms and Performance in Thirty -Six Countries*, New Heave, Yale University Press, 1999

<sup>282</sup> Reilly, B., op. cit.

## CHAPTER IV

### BELGIUM: CONSTITUTIONAL EVOLUTION AND POLITICAL INSTABILITY

#### Introduction

Consociationalism has been recommended as the most appropriate political system for divided societies to maintain political stability. Supporters of the consociational system in fact regarded Belgium as the paradigm of a successful consociation. Arend Lijphart observed in 1981 that "Belgium is the most thorough example of a consociational democracy" and he envisaged a long-lasting and peaceful coexistence of the Belgian communities under a consociational democratic arrangement and defined Belgium as "the most perfect, most convincing, and most impressive example of a consociation."<sup>283</sup> In the opening chapter he explains that the consociational democracy is: "the type of democracy that is most suitable for deeply divided societies."<sup>284</sup> His audacious statement is grounded on the analysis of Belgian politics using the institutional features that would appear in Lijphart's 'Democracies' in 1984.<sup>285</sup>

Consociationalism is closely linked with Belgium, which served as a role model for setting up consociational systems of democracy elsewhere. Since Belgium has been classified as the ideal case for consociationalism, it should have served as the best example for the exam of consociationalism.

Belgium also meets some of the conditions that Lijphart identified as favourable for consociationalism. Its population is relatively small, approximately 10,7 million which, as Lijphart advocated, should make the decision-making process less complex.

There are two major ethnic groups, the Flemings and the Walloons, since the German-speaking community embraces less than 1% of the total population. Cooperation among the elites should

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<sup>283</sup> Lijphart, A., *The Belgian Example of Cultural Coexistence in Comparative Perspective*, in. Lijphart, Arend (ed.) *Conflict and Coexistence in Belgium*, Berkeley, Institute of International Studies, University of California, 1981, pp.1-13.

<sup>284</sup> Ibidem, pag.1

<sup>285</sup> Lijphart, A., *Democracies. Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, New Heaven, Yale University Press, 1984,

be more efficient according to the small number of ethnic groups. In Belgium the geographic concentration of the groups is also predominant, which, according to Lijphart, is favourable element that enables group autonomy.<sup>286</sup>

Even though Belgium had been a unitary multinational state since its independence in 1830, it had not been experienced civil wars or any ethnic violence. In addition, the state is based on the rule of law and strongly promotes human rights, making it a democratic multinational federation. All these aspects imply that Belgium should be suitable as the perfect candidate for the exam of consociationalism for its success of reducing ethnic tensions. However, it will become clear that even if the state observes consociational practices and has most of the favourable conditions, the cooperation among the groups becomes difficult precisely because of some consociational practices.

While consociationalism promotes power sharing and proportional representation of the different national groups living within the borders of the state, it might provoke strong fragmentation of the state and can bring to a political deadlock. This is exactly what has recently occurred. Belgium as a federal state has not been able to form a government in more than 500 days, breaking the time record that any country has ever needed to form a coalition government. This extraordinary event justifies even more the research and the testing of the consociational system's role in Belgium.

However, according to the major opponents of consociationalism like Donald Horowitz, the system is "inapt to mitigate conflict in severely divided societies."<sup>287</sup> Equally, Roeder claims that "Belgian power sharing was most stable as long as ethnicity was not elevated above other group rights and institutional weapons did not concentrate in ethnic foci,"<sup>288</sup> stating that since the consociational system provided ethnic groups with means through their own institutions to be more self-confident of their ethnicity, tensions have intensified. The historical objections from the Flemish people towards the Walloons and the enlarging economic cleavage between the two regions, due to the continuous Flemish economic growth together with the relative economic difficulty of Wallonia play a major role in the Flemings' growing claim towards separatism.

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<sup>286</sup> Lijphart, A., *Democracy in Plural Societies: A Comparative Exploration*. New Heaven, Yale University Press, 1977, p. 497.

<sup>287</sup> Horowitz, D., *Ethnic Groups in Conflict*, Berkeley, University of California Press, 1985. p. 256.

<sup>288</sup> Roeder, P. G., *Power Dividing as an Alternative to Ethnic Power Sharing*, in Roeder, P. G. and Rothchild, D., eds., *Sustainable Peace: Power and Democracy after Civil Wars*, Ithaca, Cornell University Press, 2005. p. 66.

Although Flemish nationalism has gone through numerous stages during the last decades, it has never threatened the complete dissolution of Belgium.

From the Belgian example it is possible to analyse that the consociational system, even though it had been fully developed in Belgium, has not been able to avoid tensions between the segments. If previously Belgium was believed the model for the consociational system, which aspects could have caused the crisis that the consociational system could not deal with? The case of Belgium, considering all its characteristics, creates some doubt on the use of this model as a method of managing conflict in deeply divided societies.

Given that Belgium is a “crucial case” for the testing of consociationalism, it is possible to argue that if consociationalism failed in Belgium it is probable that it will not have success in other cases where the conditions are less ideal.

The dependent variable of the research is ethnic conflict at the state level. Probably this conflict will not rise to the violent conflict levels, but therefore, the type of conflict that could occur is the conflict within the central government at the federal level. What the research is concentrated on the exam of the consociational/federal state transformations that aimed to put an end to international tensions. However, the amendments have only aggravated the pre-existing conflict. Consociational institutions such as grand coalition and minority veto essentially have made compromise and negotiation very problematic. Minority veto also gave more power to the ethnic groups in order to put more pressure for further and more radical claims. This resulted with several deadlocks, each time longer than the previous one.

Political conflict will serve as a starting point for determining which time periods to select. It is possible to examine intervals that have shown political disturbances, therefore a longitudinal analysis to gain an in-depth picture of each time period that is of importance and investigate the causes that escalated the crises in relation to the consociational system. This can be carried out by examining the periods of reform of state occurred during the years. With the use of process-tracing, which “explores the chain of events of the decision-making process by which initial case conditions are translated into case outcomes,”<sup>289</sup> it will be possible to ascertain the causes that have produced several crisis and to analyse their origins.

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<sup>289</sup> Van Evera, S., *Guide to Methods for Students of Political Science*, Ithaca, Cornell University Press, 1997. p. 64.

## 1. Historical and Political Overview

Belgium has been depicted as one of the most deeply divided states in Europe, including 58% Flemish-speakers and 41% French-speakers. The origins of the division can be related to 1830, the year of the foundation of the Belgian state and to the first sixty years of its existence French was the only official language until 1889. The French *Bourgeoise* was responsible of “frenchification” of the whole of Belgium, as it can be clear from the intensions of the leader of the Belgian Revolution and later Prime Minister of Belgium, Charles Rogier’s. After the Belgian independence he expressed that:

“The first principles of a good administration are based upon the exclusive use of one language, and it is evident that the only language of the Belgians should be French. In order to achieve this result, it is necessary that all civil and military functions are entrusted to Walloons and Luxemburgers; this way, the Flemish, temporarily deprived of the advantages of these offices, will be constrained to learn French, and we will hence destroy bit by bit the Germanic element in Belgium.”<sup>290</sup>

After its independence from the Netherlands in 1830 it was clear that Belgium should become a unitary state since the economic, financial and political elite spoke only French. Flemish was the language of the masses among which illiteracy was prevalent. The main goal after the independence from the Netherlands was the establishing of a shared Belgian identity as reaction to the previous Dutch domination. The independence was reached by the reluctant but indispensable collaboration between the Liberals and the Catholics.<sup>291</sup> The intended “frenchification” process initiated by the French-speaking elites progressively brought to the awakening of a Flemish opposition movement, which was basically expressed through literature and obtained political power only in the 20th century.

The well-defined separation between the groups prevented any kind of conflict since all the segments had their own educational, social, etc. networks. However, class and religious cleavages

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<sup>290</sup> Rogier, C. "Letter to Jean-Joseph Raikem." 1832, from *Histoire de la Belgique et ses conséquences linguistiques*, available on [http://www.axl.cefan.ulaval.ca/europe/belgiqueetat\\_histoire.htm](http://www.axl.cefan.ulaval.ca/europe/belgiqueetat_histoire.htm)

<sup>291</sup> Heisler, M. O., *Managing Ethnic Conflict in Belgium*, Annals of the American Academy of Political and Social Science, Vol. 433, Ethnic Conflict in the World Today, 1977, p. 36.

cut across ethnic or regional cleavages, which contributed the stability of the state's segmental structure.<sup>292</sup>

During the 19th century Walloon steel and coal industry was flourishing and Belgium became one of the few countries in Europe that quickly embraced industrialization.<sup>293</sup> However, the Northern Flemish region, based on agriculture, remained relatively poor. Nonetheless, the Flemish movement gained more power and in 1898 the Dutch language became recognized as the other official language in Flanders besides French. After the introduction of universal suffrage the Flemish majority gained even more political strength. However, only in 1932 Dutch became the only official language in Flanders and consequently the Francophone elites employed in public services needed to accommodate Dutch speakers.

After World War II the Flemish movement enjoyed a renewed expansion. Also Controversial issues during the 1950s and political and demographic changes during the 1960s, caused more division among the segments and consequently created an increasing need for federalization.

The period after World War II was marked by the Royal Question, the issue of the King Leopold's II return to the throne, and the matter generated other disagreements among the population. The question caused conflict between, on one side the Socialist/Liberal opponents and, on the other side, the Catholics, traditionally supporters of the crown. Even though the conflict broke out along party lines, since Flanders had been predominantly Catholic and therefore gave a strong support for the return of the king, the socialist stronghold Wallonia voted against the king's return in a 1950 referendum.<sup>294</sup>

Even though the linguistic struggle was not the main focus of these conflicts, the conflict between Socialist Wallonia and Catholic Flanders became a lot more prominent due to the ideological cleavage.<sup>295</sup> During the 1950s Wallonia's industries experienced a substantial crisis and in the post war period a great number of the light industries were transferred to the North.<sup>296</sup> Therefore, the social and the economic fields experienced an unexpected rotation and the

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<sup>292</sup> Ibid., p. 38

<sup>293</sup> D'Haveloose, E., *Milestones in the Belgian Political History and the Foundation of the Belgian State Structure*, RoSa-factsheets No. 5. 2000. p. 2.

<sup>294</sup> In the consultative referendum in March 1950, 72% votes were in favour of the return of the king in Flanders as opposed to 42% in Wallonia and 48% in Brussels. After the return of the king, strikes broke out. The king finally abdicated in favour of his son, Baudouin I

<sup>295</sup> Dunn, J. A., *The Revision of the Constitution in Belgium: A Study in the Institutionalization of Ethnic Conflict*, The Western Political Quarterly. Vol. 27 (1) 1974, p.147

<sup>296</sup> Heisler, M. O., *Managing Ethnic Conflict in Belgium*, Annals of the American Academy of Political and Social Science, Vol. 433, Ethnic Conflict in the World Today, 1977, p. 39

Flemish population gained more strength. It is explained by Hesler's words when he states that "Given their larger, more dynamic population and economy, (the Flemings) would be able to achieve both economic and political goals within the framework of the Belgian system through evolutionary means. (The Walloons) became concerned with building institutional safeguards against Flemish revenge for real or imagined wrongs inflicted during the long period of francophone cultural, political and economic dominance."<sup>297</sup>

Given the unexpected social and political change and considering that the regional/segmental differences became more marked, the existing political system became inappropriate.

The Walloons were also favourable to the federalization of the state, since they wanted to avoid to protect their interests through a "Flemish dominated" national government.<sup>298</sup> Protecting Wallonia's interests against the Flemish dominance in the central government had been the Walloons' main reason to promote federalization, while the Flemings wanted to safeguard their long-awaited cultural and linguistic autonomy. The definition of the precise linguistic frontier in 1962 made Flanders exclusively Dutch speaking, Wallonia stayed French-speaking and Brussels was declared bilingual. According to Dunn, "the linguistic laws of the sixties polarized the relations between the two ethnic communities and stimulated each group to increase its demands on the political system."<sup>299</sup>

The 1968 was marked with the "Louvain Affair" and precisely with the split of the University of Louvain/Leuven into French and Flemish sections. This issue was just another problematic point in Flemish – Walloon relations and have increased the need of the federalisation of the state.<sup>300</sup> The "Louvain affair" is also to associate with the separation of the three traditional political parties along ethnic/linguistic lines.<sup>301</sup> Consequently, during the same year, the Social Christian party separated into the Flemish CVP (Christelijke Volkspartij) and the Walloon PSC (Parti Social Chrétien), and two years later the two other dominant national parties, the Socialists and the Liberals also split up along linguistic lines. Therefore "many of Belgium's other political, economic, and social problems tended to be viewed through the prism of the ethnic problem."<sup>302</sup>

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<sup>297</sup> Ibid., p. 40

<sup>298</sup> Dunn, J. A., *The Revision of the Constitution in Belgium: A Study in the Institutionalization of Ethnic Conflict*, p. 148.

<sup>299</sup> Ibid., p.149

<sup>300</sup> Jules, G., *Belgian Electoral Politics*, in Lijphart, A., ed., *Conflict and Coexistence in Belgium*, Berkeley, Institute of International Studies, University of California, 1981. p. 134

<sup>301</sup> Ibid., p.135.

<sup>302</sup> Dunn, J. A., *The Revision of the Constitution in Belgium: A Study in the Institutionalization of Ethnic Conflict*, p. 150.



Besides the division of the three traditional parties, new nationalistic parties that based their political activity on ethno-linguistic cleavage, had been formed: the Volksunie (VU) in Flanders and the Rassemblement Wallon (RW) in Wallonia mobilized voter support based on the mutually exclusive antagonism between the two ethnic groups.

Therefore, the political, social and cultural pattern was gradually but intensely becoming polarized and separated mainly along the linguistic dividing line. Subsequently, the only choice possible was to intervene on the Constitution of the country in order to create a more suitable state for the new social, cultural and political circumstances.

## **2. Constitutional arrangements and Reforms of state**

The terminology that has been used in the description of the nature of the Belgian polity included *verzuiling* or pillarization, whiplash parties, dissociative federalism and many other. In last decades of the past century the Belgian consociationalism was accompanied by transformation process that has led the country to become a federal state.

The Constitution of Belgium has been adopted in 1831, after obtaining the independence in January of the same year. For the historical period in which was adopted, the Belgian Constitution represented a model of modern liberal constitutions and it was written and adopted with great rapidity in order to present to the great powers a *fait accompli*. The National Congress was elected with the aim to meet in rapid times while in the same time a special committee was established. The committee had prepared the draft of the first Belgian Constitution on which the Congress would have worked. The draft was ready and rapidly approved, without amendments, in late October 1830. The Congress included ninety-eight members elected in Flanders, seventy-five in Wallonia and twenty-seven in Brabant.

In this period there was no organized political parties and majority of the members belonged to the "Unionist" tendency with Liberal or Catholic orientation.

The Constitution contained some important advanced principles for those times in which was drawn: the executive power was in hands of the government responsible to the Parliament and the unity of the nation was one of the basic principles. The legislative power was in hands of the two elected Houses of Parliament.

The Constitution so rapidly drawn and successively adopted was the object of several reforms that aimed to adapt the constitutional arrangement to the new circumstances and to make it more appropriate and responsive to new needs of the Belgium society. The new context was created by a higher conscience of the population about the diversity of the Belgian society. Therefore from the beginning of the 1960s Belgium undertakes a long journey of state reforms that will radically change the initial arrangement of the state.

However the long reform process was preceded by several changes within the state among which the language issue was the most important one. The discussions about the linguistic frontier arising out of the language census in 1960, were no longer enough.<sup>303</sup> It was necessary to underline that between 1921 and 1935 the use of each language in education, administrative and judiciary field was determined by law. Therefore, in the period between the two World Wars the bilingualism was abolished. Only in 1962, after the adoption of an ordinary law the territorial bilingualism (or regional “monolinguisism”) was institutionalized according to the formula *cuius regio, eius lingua*.<sup>304</sup> From this historical moment the two separate communities were created. Over the years the gap became even wider considering that the new generations were not obliged to learn the language of the other region. Therefore, through the time, the two parallel “universes” were created without being obliged or able to communicate among them.<sup>305</sup> From this point the linguistic and cultural peculiarities of the two communities became a core issue of the political debate. The start of long process of the reform could be dated from the February 1970 when the Prime Minister Gaston Eyskens declared that “*de unitaire Staat...is door de gebeurtenissen achterhaald*.”<sup>306</sup>

The final outcome of the Belgian federalization cannot be described as an authentic political process built on a pacific consensus but only as a pragmatic response to several disputes arose between the groups.

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<sup>303</sup> Van Speybroek, A., *La Réforme de l'Etat Belge de 1974 jusqu'au Pacte Communautaire*, CEPES 1977; Dossiers du CRISP n.893-4, *La Réforme de l'Etat*, 1980

<sup>304</sup> Ventura, S., *Le premesse del processo di federalizzazione in Belgio*, in *Quaderni di scienza politica*, 2006, p. 103.

<sup>305</sup> Mancini, S., *Minoranze autoctone e Stato*, Milano, Giuffrè, 1996, p. 139.

<sup>306</sup> Speech can be found in *Chambre des représentants. Annales parlementaires*, 18 February 1970, p. 3). G. Eyskens has pointed out that “The unitary state, including its structures and modes of operation, set out as they are in law, has since become obsolete. The communities and the regions have to find their place in the new structures of the state which are better adapted to the current situation particular to our country”, in Martens, W., *Europe, I Stuggle, I Overcome*, New York, Springer, 2008, p.29

## **g) I Reform of State**

The first institutional step was a constitutional law on 24th December 1970 with which were introduced four linguistic regions: one French, one Dutch, the bilingual Bruxelles and one German region and the use of the each language was institutionalized respectively in political institutions (art.4. Constitution)

Another, further step toward the decentralization was made with the art.2 of the Constitution which introduces three Cultural communities: the French, the Dutch and the German community. The art.3 stipulates the existence of three Regions (Wallonia, Flanders and Brussels), but does not identify their powers and their legal institutionalization. The main, bilingual, characteristic of the country is also reflected inside the Parliament and the art.43 of the Constitution defines the institution of the French and of one Dutch Group within both Parliamentary Chambers.

The importance of the Groups inside the Parliament can be found in case of special laws<sup>307</sup> voted with aggregated majority (or super qualified majority). However, some matters can be determined solely by special laws that have to be approved by two thirds of each Chamber and by the majority of each of the two linguistic groups within the Parliament (Constitution art.4 par.3). The legislative importance of the Groups is also described in the case of the *sonnette d'alarme*, which is a protection tool for the lingual groups and it is described in the art.54 of the Constitution.<sup>308</sup> In case that one of the interests of one of the groups is in danger Parliamentary procedure is suspended and the motion is transferred to the Council of Ministers. Also the Council of Ministers itself must be composed by an equal number of Dutch-speaking members and French-speaking members, with the exception of the Prime Minister (Constitution art. 99).

After this first set of amendments that Belgium has adopted it was clear that these measures aimed to turn the conflict between the communities into a peaceful coexistence. The 1970

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<sup>307</sup> Special laws are those that integrate the Constitution, in M. Olivetti, *Il federalismo asimmetrico belga e le sue recenti evoluzioni*, in G. D'Ignazio (a cura di), *Integrazione europea e asimmetrie regionali*, Milano, Giuffrè, 2007, p. 78. Laws that make a special majority necessary include laws that aim to modify the borders of the regions based on the linguistic divide, laws that would set up new cultural councils or economic bodies for further decentralization.

<sup>308</sup> "...a reasoned motion signed by at least three-quarters of the members of one of the linguistic groups and tabled following the depositing of the report and prior to the final vote in a public sitting can declare that the provisions that it designates of a Government bill or private member's bill can gravely damage relations between the Communities..." art 54 Constitution. Once the "alarm bell" procedure was initiated, the bill is sent to the cabinet that has thirty days to make modifications, amendments to the bill. Then the Parliament has to vote again to either accept or reject the bill. The bill however cannot be vetoed again by the same linguistic group for the second time.

constitutional reforms needed to satisfy the diverging claims of the Walloons, which were primarily socio-economic due the economic crisis of the region during the 1950's, and the claims of the Flemings, which were more of cultural/linguistic concern. The reforms introduced a new state structure based on the division of the three cultural communities (German-, French- and Dutch-speaking) and the three regions (Flanders, Wallonia and Brussels). Competencies in language, issues and partially education issues were given to the communities, thereby satisfying the Flemish claim for cultural autonomy, whereas some economic competencies were given to the regions, thereby satisfying the Walloon demands.<sup>309</sup> In addition, a few other measures were introduced that aimed to guarantee the protection of minorities on both a regional and federal level. The French demanded "guarantees against *minorization*" in the federal government in return for granting equal representation to the Flemish minority in the Brussels executive district.<sup>310</sup> Therefore linguistic equivalence within the executive and proportional representation within the legislature was introduced in both Brussels and the federal government.

This first set of amendments in 1970 established several consociational institutions and practises in Belgium and were the first substantial move towards the creation of a multi-national federation. However, some of the claims of the national groups were not yet completely satisfied. Specifically, the first set of modifications did not bring a solution for the problematic status of Brussels and left some of the power-division matters between the national and regional levels unsettled. Even though the equal presence of the French-speaking minority in the cabinet was guaranteed in response to the equal representation of the Dutch-speaking minority in the Brussels executive, this arrangement only led to further demands by both ethnic groups.<sup>311</sup>

The French-speaking population of Brussels perceived this arrangement as an elite agreement between the Walloons and the Flemings, which ignored the rights of the Francophone *Bruxellois*. Brussels was inhabited by 90 per cent of French population that did not appreciate being put on the same level of representation with Dutch speakers. In addition, the language laws that determined the borders of Brussels, restricted the city, consequently limiting the voting rights of the French-speakers in Brussels' peripheral area since it expands into the territory of Flanders. On the other side, the Flemish population of Brussels aspired to have a capital city that would

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<sup>309</sup> Heisler, M. O., *Managing Ethnic Conflict in Belgium*, op. cit., p. 42.

<sup>310</sup> Dunn, J. A., *The Revision of the Constitution in Belgium: A Study in the Institutionalization of Ethnic Conflict*, op. cit., p. 153.

<sup>311</sup> D'Haveloose, E., *Milestones in the Belgian Political History and the Foundation of the Belgian State Structure*, op. cit., p. 3.

reflect an effectively Flemish-majority Belgium in its political, social and cultural arrangements. Moreover, the Walloons claimed further economic regionalization and autonomy both for Brussels and Wallonia.

Disagreements over the correct power-division between the regional and national authorities and the issue of the capital city Brussels have split national groups and political leaders into “unitarist” and regionalist factions.<sup>312</sup>

In 1977 an agreement aimed to put an end to these disputes and it was signed as part of a government formation process on 24 May 1977. The Pact, known as Egmont Pact, would have instituted autonomous governments for all the three communities and regions. It would have also granted right to vote for French population in Brussels' suburban area. Nevertheless, this historic pact between the Flemish, Walloon, and Brussels Regions was not implemented, being intensely opposed by forces both within and outside the coalition parties, being heavily disapproved by the Council of State on a number of points in the agreement and ultimately being exposed to divergent interpretations placed upon the pact by the Dutch-speaking and French-speaking factions. The increasing internal tensions within the parties themselves and the difficulties associated with the actual implementing procedure did not create conditions for the solution of the disputes and have also depicted a scenario of deeply divided political parties.

The post-Egmont Pact period was marked by new inner divisions within the parties. The Flemish Christian Democrats (CVP) who obtained most of the votes in Flanders during the 1977 elections, internally split into unitarists and regionalists. On the contrary, the Socialist Party (PS), the major Francophone party, gave proof of a relatively cohesive position on regionalization issue. The Flemish nationalist party, the Volksunie (VU), from this point of view, was more agreeing with the Francophones and supported regionalization, thus destabilizing the Flemish side during the negotiating process. Due to the CVP's intraparty divisions on the issue and the protests, the Egmont Pact eventually brought to the resignation of the Prime Minister Leo Tindemans in 1978. The Francophone side declared that they would join the new coalition only if a solution concerning regionalization and the Brussels-issue would have been found. Considering that the Belgian constitution, based on the consociational practices, requires an equal number of Dutch- and French-speakers for the formation of the cabinet, the government have not been formed for

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<sup>312</sup> Covell, M., *Agreeing to Disagree: Elite Bargaining and the Revision of the Belgian Constitution*, Canadian Journal of Political Science. Vol. 15 (3), 1982, p. 455.

the following three months due to the difficulties of reaching a common agreement.<sup>313</sup> The political conflict of 1978 exemplifies very well the weakness of the consociational system in terms of elite bargaining. As Horowitz pointed out, "if each group were represented by a single set of leaders, then leaders would indeed have more latitude to cooperate across group lines," but since ethnic groups themselves are not cohesive, this makes cooperation less plausible.<sup>314</sup> After the Flemings accepted to make some concessions in terms of further regionalization and economic decentralization demanded by Walloons, the new set of constitutional amendments were prepared.

## **h) II Reform of State**

In 1980 with another constitutional law it could be marked the beginning of the second reform of State. With new amendments the political actors intended to further define issues around regionalization since the Egmont Pact of the Tindemans government was never implemented.

On 17th July 1980 the three already existing Cultural Communities changed their denomination in "Communities" and precisely were divided in French, Flemish (not Dutch anymore) and German Community. Each Community obtained competences in the field of *personnalisables*<sup>315</sup> issues that are essentially connected to the relation between administration and public service.<sup>316</sup> The powers of the cultural communities were widened to include health care, welfare and personal affairs, while the regions were assigned more specific powers this time as well, involving regional economic development, country planning, environment and employment.<sup>317</sup>

With the same law the composition of the institutions of the French Community, Flemish Community, of the Walloon and the Flemish Region was decided. In this context and with a so-

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<sup>313</sup> Ibid., p. 464.

<sup>314</sup> Horowitz, D., *Ethnic Groups in Conflict*. op. cit., p. 574.

<sup>315</sup> In Belgium the language communities have powers in 'personal matters', which include not only cultural and educational policies, but also health and welfare programmes. This creates primarily regional disparities in social citizenship between Flanders and Walloon Region that are similar to those in case of other federations. In Brussels, where the language communities have non-territorial jurisdiction, there is, however, a concern about different social standards for the two language groups within the region.

<sup>316</sup> Alen, A., *Il federalismo in Belgio*, in Albertoni, E.A., ed., *Il federalismo nel pensiero politico e nelle istituzioni*, Milano, Eured, 1995, p. 135.

<sup>317</sup> D'Haveloose, E. "Milestones in the Belgian Political History and the Foundation of the Belgian State Structure." op. cit., p. 3.

called special law, in August 1980, the Regions acquired new competences in economic and social affairs. The regions and communities ultimately got their own parliaments and governments as well (the members of the regional parliaments have been directly elected, for the first time, only in 1995).<sup>318</sup> In Flanders the regional and the community institutions merged by which The Dutch-speaking community and the Flanders Region had one parliament and government. The institutional unification of community and regional bodies reinforced and emphasised Flemish autonomy as opposed to the different bodies of the Walloon region and the French-speaking community.

Even though regions and communities obtained certain level of self-government, at this point Belgium was not a federal state yet, considering that direct elections on the federal level were not yet possible. The dispute around Brussels was not settled, nor the capital city was provided with its own autonomous institutions like the other regions.

In the late December 1983 the German community was introduced by an ordinary law, while the constitutional law was needed for the institution of the Brussels Region occurred in July 1988. The Region obtained institutional mechanisms structurally symmetric but functionally inverted to those adopted for the protection of the French minority at the state level.<sup>319</sup>

The consociational arrangement and the introduction of territorial and non-territorial autonomy have further engraved the way for Belgium to become an ethno-federation. The transfer of additional powers to the local governments provided the two national groups with more power to pursue new goals of more autonomy. Some of the issues, belonging to the old unsolved matters, were easily developing into a problem of national interest.

The debate about the town Voeren-Fouron dates back to 1962, the time when the linguistic border was fixed. The town, part of the Flemish province Limburg, resulted from the linguistic census in 1930 as being populated of 18% French-speakers and 81% of Dutch-speakers. However, the results from the 1947 census revealed 42% Dutch and 51% French inhabitants.

The town of Voeren became a matter of linguistic controversy, since it was officially determined to be Flemish-speaking with special regulations for the French-speakers, causing resentment by the Walloons towards this arrangement. The issue of Voeren received special attention again in

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<sup>318</sup> Basta, K., McGarry, J., Simeon, R., eds., *Territorial Pluralism: Managing Difference in Multinational States*, Vancouver, UBC Press, 2015, p. 202

<sup>319</sup> The sonnette d'alarme and use of Flemish language in the institutions at the regional level were introduced as protection tools for the Flemish speaking minority in Brussels, in Angelini, F., Benvenuti, M., *Il federalismo belga alla luce della sesta riforma dello Stato*, Istituzioni del Federalismo, Vol.1, 2013, pag. 7

1987 when a French-speaker called Jose Happart was elected as mayor. According to the constitution of 1970, people in public/governmental offices must speak the language that was territorially determined. On the other hand, based on the 1970 constitution, one's native language cannot preclude anybody to run as a candidate for a public position, or the knowledge of a particular language cannot be a requirement for becoming elected.<sup>320</sup> The issue was aggravated, however, by the refusal of the newly elected mayor of Voeren to attend the Dutch-language test. Therefore he was deemed to resign from his position. The controversy around the Happart-issue increased tensions between both groups and within the federal government. This issue shifted focus to other similar cases in the Brussels area where civil servants in municipalities did not speak any Flemish, but still worked under the Flemish regional government. The controversies around Happart and the use of languages in the municipalities around Brussels eventually resulted in the fall of the government in 1987.<sup>321</sup>

### **c) III Reform of State**

From 1987 December to 1988 May, 148 days were necessary for the political forces that won the elections to form a new coalition government. In order to identify what could have affected the impasse at the central level, it is necessary to search the causes in the last constitutional revisions.

The causes of the government collapse in 1987 created also the need for further refinement of the consociational system in order to placate the existing tensions between the communities. However, an agreement on the new amendments of the state reform was an intricate process. Within the Belgian consociational system, in order for the new legislation to be approved a double majority is needed by each language group. Besides the need to find an urgent solution to cases like the Happart-controversy, other educational, economic, social issues came to the centre of attention and needed to be resolved through the new state reform.

However, the two-thirds majority on both sides, necessary to amend the constitution, was less easy to reach and therefore the governmental deadlock was protracted for nearly five months. Each ethnic group claimed the need for the new state reform. In this occasion the obstacle in

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<sup>320</sup> Craeybeckx J., Meynen A., Witte, E., *Political history of Belgium from 1830 onwards*, Brussels, VUB Press, 2000., p. 442

<sup>321</sup> Ibid., p. 442.



bargaining was not caused by the contrasting views of the unitarists and the regionalists (like in 1979), as not only the nationalist parties (eg. the Volksunie or the Ressaemblament Wallon) encouraged further federalization, but both the Flemish and Walloon traditional parties supported further decentralization.

The Francophones aspired Brussels to become an autonomous, fully-fledged region, thus achieving economic independence, whereas the Flemings did not want the French-dominated capital to become an autonomous region. Finally, after extensive negotiating the parties managed to reach a compromise, which of course resulted in further regionalization.<sup>322</sup>

Brussels was determined to become a self-governing region with a legislative and executive body on its own. In return, as asked by Flemings, the linguistic border should have not been modified, but should have remained based on the 1970 constitution. This pact also intended to resolve the possible future Happart-type disputes, considering that the new law obliged all civil servants, serving under the Flemish regional government, to learn Dutch. In addition, the representation of the Dutch minority in the Brussels government was stipulated by law and guaranteed by the Constitution.

Political parties established a further devolution of powers and considerably increased the number of competencies of both the regions and the communities. Competencies in areas of public work, scientific research, environment, etc. had been given to the regions, while the jurisdiction over education had been fully relocated to the language communities. In addition, the communities and regions from this time on could rely on a fixed part of the national tax for their financing, which further satisfied their economic claims.

As it was previously experienced, the reforms undertaken during 1988 in the first instance conciliated the claims of the national groups. Nonetheless, the new arrangement created only the basis and incentives for further demands. As Roeder states, “under power-sharing institutions in ethnically divided societies, politicians have greater incentive to make all issues an ethnic issue, and so ethnicity is seldom irrelevant to any policy question....this ethnification of issues, in turn, leads to the elimination of cross-cutting cleavages; only policy divisions that are cumulative rather than cross-cutting are likely to reach the government.”<sup>323</sup>

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<sup>322</sup> Ibid., p. 445.

<sup>323</sup> Roeder, P. G., *Power Dividing as an Alternative to Ethnic Power Sharing*, op. cit., p. 56.

Besides the general fiscal issues, the ethnification of other policies became frequent. Consequently, disparities in the funding of schools or scientific research, became also an ethnic issue. In such circumstances, public policies, which would not spontaneously put the North against the South, became interpreted in terms of an ethnic issue.<sup>324</sup>

As a consequence, public protests over various legislations became regular, and as the result of a public opinion poll, in 1992 the 31% of the Flemish would have opted for the complete independence.<sup>325</sup> The reforms of 1993 further refined the discrepancies of the previous reforms and provided constitutive autonomy to the federal units to organize their institutions independently within the framework of the constitution. Direct elections of the federal states had finally become possible in 1995.<sup>326</sup>

#### **d) IV Reform of State**

During the 1993 the fourth reform takes place. Through the constitutional amendment it gave a federal structure to the Belgian state. *The Accords de la Saint Michel* and *the Accords de la Saint-Quentin* are on the basis of the fourth reform and they are the core of some crucial changes occurred in Belgium in examined period.

35 constitutional articles were revisited and moreover the article 1. of the Constitution stipulates that "Belgium is a federal State composed of Communities and Regions." (art.1 Constitution).<sup>327</sup> Further modifications were concerning the art. 35 that defined the powers of Communities and Regions according to the principle of residual powers – "The Communities and the Regions, each in its own field of concern, have competences for the other matters, under the conditions and in the terms stipulated by the law".<sup>328</sup> The role and composition of Senate was changed<sup>329</sup> and it was introduced a bicameral configuration of the Parliament (art. 67 and art. 74. Constitution).<sup>330</sup>

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<sup>324</sup> Murphy, A., *Belgium's Regional Divergence: Along the Road to Federation*, in: Smith. G., ed., *Federalism: The Multiethnic Challenge*, London/New york, Longman Group Limited, 1995. p. 93

<sup>325</sup> Ibid., p. 94

<sup>326</sup> D'Haveloose, E., *Milestones in the Belgian Political History and the Foundation of the Belgian State Structure*, op. cit., p. 4

<sup>327</sup> "La Belgique est un État fédéral qui se compose des communautés et des régions." The text of the Constitution is available on the web page of the Senate, [http://www.senate.be/doc/const\\_fr.html#t1](http://www.senate.be/doc/const_fr.html#t1)

<sup>328</sup> art.35 Constitution of Belgium

<sup>329</sup> "Without prejudice to Article 72, the Senate is composed of seventy-one senators, of whom:  
1° twenty-five senators elected in accordance with Article 61 by the Dutch electoral college;

With a special law voted in July 1993, considering the new, federal structure of the country, the electoral legislation of Regions and Communities was modified as well. The St Michel Accords contained the transfer of the competences to the Communities and Regions. At the same time with the second Agreement (Saint-Quentin Accords) the transfer of the competences between the French Community, Walloon Region and the French Community Commission was decided. In this context, considering the importance that the local units were achieving and analysing the process of federalization of Belgium, urges a brief clarification of the federal components. Belgium, according to its territorial division, is a multileveled state composed by regions, communities and communes. Mainly, the Regions are geographic concept and Belgium is divided between these three territorial units: Flanders, Walloon region and Brussels region. Each of the regions is composed of provinces.<sup>331</sup>

On the other hand, the communities are not territorial concepts. Considering the languages spoken in Belgium the communities in Belgium are also three and are divided between French, Dutch and German speakers. The communities have the jurisdiction over the linguistic and cultural issues, *personnalisable* matters and education. The “territorial” principle of the communities is expressed in the territory where the respective languages are spoken. The Dutch speaking community is composed by the Dutch speakers in Flemish region and by the Dutch speakers in Brussels region (considering that Brussels is bilingual). In the case of the Dutch community and Flemish region, the two overlapping units merged and have only one set of institutions. The French speaking community includes all the Francophones of the Walloon provinces, Brabant province and Brussels. Finally, the seventy thousand of German speakers compose the German community.<sup>332</sup>

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2° fifteen senators elected in accordance with Article 61 by the French electoral college;

3° ten senators appointed from within its members by the Parliament of the Flemish Community, called the Flemish Parliament;

4° ten senators appointed from within its members by the Parliament of the French Community;

5° one senator appointed from within its members by the Parliament of the German- speaking Community.

6° six senators appointed by the senators referred to in 1° and 3°;

7° four senators appointed by the senators referred to in 2° and 4°.

<sup>330</sup> federal legislative power is jointly exercised by the King and by the House of Representatives for:

1° the granting of naturalisation;

2° laws relating to the civil and criminal liability of the King’s ministers;

3° State budgets and accounts, without prejudice to Article 174, first paragraph, second sentence;

4° the setting of army quotas.

<sup>331</sup> Fitzmaurice, J., *The Politics of Belgium. A Unique Federalism*, London, Hurst & Company, 1996, p.122

<sup>332</sup> Ibidem

## e) V Reform of State

In 2001 the fifth reform of state starts with the approval of two special laws and one ordinary law, not less important for its matter. Provinces and Communes acquire more autonomy and the financial autonomy is increased. With the two special laws Lambermont and Lombard Agreements came into effect, new electoral rules were specified and new powers were transferred to the regions and communities.

With the Lambermont Agreement jurisdiction over agriculture, fisheries and foreign trade were also regionalised. Development cooperation (with regard to regional and community areas of competence), supervision of electoral expenses for elections to the Parliament and the supplementary financing of the political parties were assigned to the communities and regions.<sup>333</sup> The Accord provides for a number of measures relating to the financing of the communities, the extension of the fiscal powers of the regions and an extra budget allocation from the Federal Government to the Flemish and French-speaking Community Commission.<sup>334</sup>

With the Lombard Accord the Brussels region was ultimately resolved. The ultimate modifications to the Belgian Constitution have solved some crucial problems. Precisely, the six Brussels members of the Flemish Parliament have since become directly elected. The Agreement also revises the allocation of seats between the two linguistic groups in the Parliament of the Brussels-Capital Region. Within the Parliament of the Brussels-Capital Region, out of the total of eighty-nine members, seventeen Dutch-speakers are elected. The regional government of Brussels is composed of two French speaking members, two Dutch-speaking ministers and the minister-President who is habitually French. With this composition the French majority in the Brussels region is reflected.<sup>335</sup>

However, what results from the several decades of institutional modifications and of increasing awareness of the composition of the Belgian federation can be summed up in the following words: “When one looks at the whole system of agreements, balances and protective measures, it is clear that in the federation of Belgium neither French nor Dutch-speaking inhabitants can be

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<sup>333</sup> [http://www.belgium.be/en/about\\_belgium/country/history/belgium\\_from\\_1830/formation\\_federal\\_state/fifth\\_reform\\_of\\_state/](http://www.belgium.be/en/about_belgium/country/history/belgium_from_1830/formation_federal_state/fifth_reform_of_state/)

<sup>334</sup> OECD, *Belgium: The Lambermont Agreement*, in H. Blöchliger, C. Vammalle, *Reforming Fiscal Federalism and Local Government: Beyond the Zero-Sum Game*, OECD Publishing, Paris, 2012

<sup>335</sup> Kincaid, J., Moreno, L., Colino, C., *Diversities and Unity in Federal Countries*, Published for Forum of Federations and International Association of Centers for Federal Studies by McGill-Queen's University Press, 2010, p.61

regarded as a national minority group. One can only speak of such a minority if two conditions are met: the population group must be a minority group in both number and strength.”<sup>336</sup>

After the federal elections in 2007 the parties could not find an agreement for the government formation and the period this time was prolonged to 196 days. The issues that brought to the 2007 political stalemate were mostly due to the Flemings' permanent concern about the further devolution of powers to the regions (predominantly in terms of fiscal autonomy) considering that economic differences between the Flemings and the Walloons became even more pronounced.

The other reason that caused conflict on the political level was due to the still unsettled and controversial case of the electoral district of Brussels-Halle-Vilvoorde, which came again to the centre of attention due to the electoral reforms introduced by Guy Verhofstadt, the 47th Prime Minister of Belgium.<sup>337</sup> The reforms aimed to neutralize the party fragmentation and make government formation easier on the federal level by introducing a 5% threshold. It also established new electoral districts that would have been matching with the provinces, but which would have involved the split-up of the BHV. There had been other factors that produced significant tensions: the growing economic differences, which led to the increased popularity of the extreme right-wing Vlaams Belang (Flemish Interest). In Flemish regional elections the party was the second best after the traditionally supported Christian Democrats. In order to avoid forming a federal coalition with extreme Vlaams Belang, the Christian Democrats had to ally with parties of the other two 'traditional' party families (the Socialists and the Liberals) thus generating an unprecedented and exceptional alliance that made the path toward an agreement extremely difficult.

It is important to mention that since the parties in Belgium are electorally split up on a linguistic basis since the 1970 reforms, there were no nationally organized parties and ever since electoral districts did not violate the borders of the regions. Therefore Walloon voters could only vote for Walloon parties, while Flemish voters could opt only for Flemish parties. The modification of the electoral system was introduced by Verhofstadt in 2003 in order to make the forming of government coalitions easier. However, due to the high fragmentation of the parties, to achieve a

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<sup>336</sup> “*Like good neighbours; Flanders and the language legislation*”, Ministerie van de Vlaamse Gemeenschap, Brussels, 1998, p.35 in Documents: Working papers, 2002 ordinary session (Second part) 22-26 April 2002, Vol. 3: Documents 9289 & 9333-9395, pag 224, available on

<http://www.briobrussel.be/assets/vlaamserand/like%20good%20neighbours.pdf>

<sup>337</sup> the 47th Prime Minister of Belgium from 1999 to 2008

working majority was not an easy matter. By introducing a new 5% threshold, Verhofstadt aimed to lower the number of the parties in the federal legislature. However, the time shift between the federal and the regional elections caused other unexpected problems, specifically the incongruity of the political parties at the federal and at the regional level. This made cooperation between them rather more problematic, since certain parties were part of the federal coalition while being left out from a regional coalition, or the other way around.<sup>338</sup>

The controversial issue of the BHV electoral district has also gained new attention due the 2003 electoral reform, which intended to adjust the electoral districts to each province. The district of Brussels-Halle-Vilvoorde included the bilingual Brussels region and a periphery that is part of Flanders. On the other hand, it had 80% French-speaking inhabitants. In order to expand the bilingual region of Brussels, that way reducing the size of the region Flanders, the Flemings in return asked for more social and economic competences. The Flemings required the French-speakers to assimilate and therefore to learn Dutch, while French-speaking parties considered the population of the periphery important in terms of votes and counted on their contribution during the elections.<sup>339</sup>

The persistent contrast between the two regions, besides the cultural differences, had basically one main reason, which can be identified in economic development differences. Flanders became one of the wealthier regions of Europe with high-value exports (i.e. diamond industry in Antwerp), whereas Wallonia's industry is grounded on coal and iron mines. The Walloon area has been facing continuous regression since the Second World War. Consequently, also the employment has been affected by the persistent decline that resulted in 10% higher unemployment compared to Flanders standards.<sup>340</sup>

**Table. 4.1. Belgian evolution of GDP and GRP (Gross Regional Product) 1955 - 1998**

	Flanders	Wallonia	Brussels		Flanders	Wallonia	Brussels
Year	Share of GDP				GRP <i>pro capita</i>		

<sup>338</sup> Sinardet, D., *Belgium Federalism Put to the Test: The 2007 Belgian Federal Elections and their Aftermath*, West European Politics, Sep 2008, Vol. 31 Issue 5, p. 1018

<sup>339</sup> Sinardet, D., *From consociational consciousness to majortarian myth: Consociational democracy, multi-level politics and the Belgian case of Brussels-Halle-Vilvoorde*, op. cit., p. 356- 357.

<sup>340</sup> *Belgium*, Political Risk Yearbook, Belgium Country Report, 2008

1955	44.2	34.2	21.6		87.3	100.6	104.8
1963	47.9	31.0	21.0		89.8	93.2	158.7
1970	53.9	29.1	17.0		96.0	88.9	152.6
1980	56.9	27.6	15.5		99.6	84.4	152.4
1988	58.7	26.3	15.0		101.9	80.8	152.6
1998	56.6	24.0	19.3		97.5	73.5	206.4

Source: Coakley, J., *The Territorial Management of Ethnic Conflict*, p.77; Portal Belgium, Official information and services, [www.belgium.be](http://www.belgium.be), Key Figures Belgium; own adaptation

The demand for further devolution of powers by the Flemings has been a demand for further economic independence, since most Flemings resent the fact that a lot of the taxes they pay to the federal state flow into the less well-off Wallonia. In this context the nationalist/separatist party *Vlaams Belang* (Flemish Interest) has found the fertile ground for its autonomist demands. Franck Vanhecke, the president of the party claimed: "We oppose Belgium and the European super-state in the making, because no Belgian or European people exists. A multi-national democracy does not exist because a multi-national people does not exist."<sup>341</sup>

In 2007 for the first time the grand coalition (usually composed of 50% French- and 50% Dutch-speaking members) was to be formed from parties belonging to different 'party families' with the aim to leave the *Vlaams Belang* out. In previous times the government or the opposition always included both of the regional sections of the traditional party families (Liberal, Socialist, Christian Democrat), however in 2007 for the first time parties from different party families were forced, considering the circumstances, to collaborate and try to reach compromises, which led to serious difficulties. As the coalition had to be composed of parties of very different ideologies, consultations became exceptionally intricate and eventually have brought to another political deadlock.

The political crisis in 2007, in the same way to preceding crises unambiguously reveals that the consociational structure does not resolve ethnic divergences but creates opportunities for the

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<sup>341</sup> Frank Vanhecke, President of the *Vlaams Belang* cited in *The Flemish Republic*, n.13, Jan-Feb-March, 2006

stronger group, like in the Belgian case, to press for additional fiscal, social, etc. autonomy, by which the process becomes irreversible. In addition, the Francophone parties felt that the Flemish request to divide the BHV district into a bilingual Brussels and a Dutch-speaking Halle-Vilvoorde constituency (where only Flemish politicians could stand for vote) would jeopardize their vital interests and would generate more ethnic fears.

The result is that the consociational dynamic produces the opposite effect. The consociational arrangement, in this case, increases ethnic tensions instead of reducing them. Although Lijphart have foreseen these blockages as only temporary, they rather seem to be chronic symptom of the institutionalized division of the groups. In Belgium, the crisis has further polarized the two ethnic groups, bringing them closer to the possible split of the country. Therefore it is a clear indicator of the fact that the route Belgium has taken does not avoid but generates ethnic tensions.

## **f) VI Reform of State**

The elections of the 13th June 2010 open the road to the sixth reform of the state. The government crisis was caused by an announcement of abandonment of the coalition by the Flemish Liberal party. The government, before failing, on 7th May 2010, have declared an approval of a new set of constitutional amendments to be undertaken.

The results of the elections brought the victory to a Flemish party Nieuw-Vlaamse Alliantie that has always had autonomist inclinations. This was the first time that one of the traditional parties did not obtain the relative majority. Considering that the consensus obtained by the N-VA was 17,40 per cent, the creation of the government was very difficult. This was the reason of the longest governmental crisis that lasted for 540 days: from the 13th June 2010 till the 6th December 2011 Belgium's political forces could not find the way to the agreement in order to form the government.<sup>342</sup> The leader of the N-VA, De Wever was nominated as *informateur*<sup>343</sup>, but due to the insolvable contracts between different political forces in July of the same year he renounced to this task. Di Rupo, as the President of the French Socialist Party, was nominated by

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<sup>342</sup> Govaert, S., *Les Négociations communautaires et la formation du gouvernement Di Rupo*, in *Courrier hebdomadaire*, 2012, fasc. MMCXLIV-MMCXLV, p. 7 ss.

<sup>343</sup> Uyttendaele, M., *Trente Leçons de droit constitutionnel*, cit., p. 381, "*l'informateur a pour mission d'établir un bilan de la situation politique et économique*"



the king as *préformateur*<sup>344</sup>, but for the long lasting contrasts he resigned as his predecessor. The king nominates as new *médiateurs* the Presidents of the Chamber of Representatives, A. Flahaut, and the President of the Senate, D. Pieters. However given the conflict among the political parties they also resigned. In October 2010 De Wever accepts the role of *clarificateur*. After his mandate, that did not bring any positive outcome, other personalities with the role of *conciliateur*<sup>345</sup> and *informateur* did not reach any agreement with the political parties. Ultimately, in May 2011 Di Rupo was assigned by the King as *formateur*<sup>346</sup> with the power to negotiate with the parties and to form the future coalition. His success is also due to his effort in separating the alliance between the Flemish Catholic Party and the N-VA. He also succeeded in obtaining support from the two Socialist parties (the Flemish and the French Socialist Party), both Catholic parties, both Liberal parties and two Ecologist parties.

The gap between the two majority parties winning the votes of their regions has become significant, making the forming of a coalition quite problematic. While the New Flemish Alliance formed only a part of the coalition with the CD&V in the previous government, its popularity has by far surpassed the reputation of the CD&V. The reason of this shift could be attributed to the previous crisis itself, which further reinforced nationalist sentiments. However, the grand coalition was supposed to consist of the New Flemish Alliance (N-VA), the Socialist Party of Wallonia (PS), the Christian Democratic Flemish Party (CD&V), the Flemish Socialist Party (SPA), the Humanist Democratic Centre (CDH) and the Ecolo, which would mirror parties in the regional governments. Elio Di Rupo, head of the Socialist Party, was appointed to be the next prime minister since the Socialist party family comprises the biggest part of the Parliament and the N-VA has no Francophone equivalent.

In this intricate political environment, in October 2011 the sixth reform of state takes place with the *Accord institutionnel pour la sixième réforme de l'Etat*<sup>347</sup> and continues in December 2011

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<sup>344</sup> Uyttendaele, M., "le préformateur étant un peu plus qu'un informateur puisqu'il négocie déjà une ébauche d'accord avec des partenaires identifiés" (op. cit. p. 382).

<sup>345</sup> Govaert, S., op. cit., p. 27 ss.

<sup>346</sup> Uyttendaele, M., Op.cit., pp. 382-383, "lorsque la situation politique a suffisamment décanté le Roi désigne un formateur lequel est généralement appelé à devenir le futur Premier ministre. Sa mission consiste à négocier directement, avec les partenaires de la future coalition, un programme gouvernemental".

<sup>347</sup> "Accord politique présenté le 11 octobre 2011, conclu entre le CD&V, le SP.A, l'Open VLD, Groen, le PS, le MR, le CDH et Écolo en vue d'une réforme de certains éléments du système politique fédéral, d'un apaisement du contentieux portant sur BHV, du transfert de nouvelles compétences vers les entités fédérées et d'une réforme du mode de financement de ces entités. Cet accord a mis fin à la crise politique qui a suivi les élections fédérales du 13 juin 2010, les partis flamands ayant exigé un accord institutionnel, avant de passer à la négociation d'un accord de gouvernement."

with the presentation of the *Projet de déclaration de politique générale*<sup>348</sup>. During the negotiations, the New Flemish Alliance made elite bargaining and cooperation very problematic due to its extreme claims, thus contributing to the political deadlock. However, on the 6th December 2011 the new federal government benefited of the trust from 89 favourable votes and 54 against.

During the eighteen months of crisis, despite the internal conflicts and international economic and financial crisis, Belgium resisted and survived. The mentioned *Accord institutionnel* appeared to be a long and complex document based on several compromises<sup>349</sup> and it contained several issues related to the reforms of the territorial arrangements, residual powers and some socio-economic measures.<sup>350</sup>

On the 29th March 2012 the Parliament approves a constitutional law that is considered to be a complement to the art.195 of the Constitution.<sup>351</sup> Modification of the Constitution is contained in the mentioned article and appeared to be constraining for any further revision. The procedure for the revision requires the presence of the “special majority” and it does permit the modification of those articles which were declared “open to the modification” during the previous legislature. However, the *Accord institutionnel* of the 11th October 2011 was containing demands of modification of some “closed” articles. Therefore the complementary, transitory, disposition of the art. 195 (12th March 2012) allowed to the Chambers, formed after the elections of the 13th June 2010, to amend a defined list of articles contained in the *Accord institutionnel*.<sup>352</sup>

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The full text is available on [www.lachambre.be/kvvcr/pdf\\_sections/home/FRtexte%20dirrupo.pdf](http://www.lachambre.be/kvvcr/pdf_sections/home/FRtexte%20dirrupo.pdf)

<sup>348</sup> [www.premier.be/sites/all/themes/custom/tcustom/Files/Accord\\_de\\_Gouvernement\\_1er\\_decembre\\_2011.pdf](http://www.premier.be/sites/all/themes/custom/tcustom/Files/Accord_de_Gouvernement_1er_decembre_2011.pdf)

<sup>349</sup> Sciannella, L.G., *La parabola discendente di uno Stato*, cit., p. 14

<sup>350</sup> P. Palsterman, *Les Aspects sociaux de l'accord de réforme institutionnelles du 11 octobre 2011*, in *Courrier hebdomadaire*, 2012, fasc. MMCXXVII- MMCXXVIII,

<sup>351</sup> art.195, Constitution, The federal legislative power has the right to declare a warranted constitutional revision of those matters which it determines. Following such a declaration, the two Chambers are dissolved by full right. Two new Chambers are then convened, in keeping with the terms of Article 46. These Chambers statute, of common accord with the King, on those points submitted for revision. In this case, the Chambers may debate only provided that two-thirds of the members composing each Chamber are present; and no change may be adopted unless voted upon by a two-thirds majority.

<sup>352</sup> <http://www.vocabulairepolitique.be/accord-institutionnel-pour-la-sixieme-reforme-de-letat/>

### 3. The outcome of forty years of Constitutional amendments

After nearly forty years of constitutional amendments and adjustments Belgium became a federal state with strong powers in hand of the local units. If the Belgian case is examined from the theoretical point of view<sup>353</sup> it is possible to prove that the Belgian federalism develops as a process of dissociation of a unitary state. Belgium is a clear example of federalisation by disaggregation. As such, the Belgian experience of federalism is very different from federal systems that emerged from the coming together process or aggregation of formerly independent states. According to Stepan's theory, this Belgian type of federalism is the opposite of what he was asserting as "coming together" process.<sup>354</sup> For Riker, one of the leading scholars of federalism, the only type of federalism in the world, is the one resulted by coming together of different units. He believes that every stable federation, is the product of an agreement whereby formerly sovereign units approve to give up part of their sovereignty in order to merge their resources, to increase their collective security and to achieve other goals, including economic ones.<sup>355</sup>

However, many other federations resulted from different historical and political circumstances. India, Belgium, and Spain were all political systems with unitary aspects. Nevertheless, the political forces agreed that in order to keep the country together the solution was to decentralize power constitutionally and turn the unstable, compromised polities into federations. The Indian Constitution from 1950, the Spanish Constitution from 1978, and the 1993 Belgian Constitution are all federal.

In the Belgian case, the dynamics of the dissociation, after each reform of state, expands the autonomy of each unity and gives more power to every single part of the state. The result is a very intricate asymmetrical arrangement of the state where the debate between the Flemish group in Flanders region and French group in Walloon region continued to be based more on their claims for rights than on the spirit of mutual collaboration.<sup>356</sup> The conflict between the

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<sup>353</sup> Delpérée, F., *La Belgique est un Etat fédéral*, in *Journal des tribunaux*, 1993, pp. 638-639; Verdussen, M., *Il sistema federale*, trad. it. in F. Delpérée, ed., *L'ordinamento federale belga*, Torino, Giappichelli, 1996, pp. 156-157; Delpérée, F., *Le Droit constitutionnel de la Belgique*, Bruxelles, Bruylant, 2000, p. 388 ss.

<sup>354</sup> Stepan, A., *Federalism and Democracy: Beyond the U.S. Model*, *Journal of Democracy* 10 (4), 1999,

<sup>355</sup> Riker, W. H., *Federalism*, in Greenstein, F., and Polsby, N. V., eds., *Handbook of Political Science*, Reading, Mass.: Addison-Wesley, 1975, vol. 5: 93-172

<sup>356</sup> Russo, A.M., *Il federo-regionalismo asimmetrico tra Spagna e Belgio*, in *Integrazione europea e asimmetrie regionali*, op. cit., p. 204.

groups was going along the lines defined by the established cleavages.<sup>357</sup>

The creation of demarcated territorial division and consequently of territorial institutions, might cause the alteration of territorial attachments. This topic, has been analysed by Karl Deutsch<sup>358</sup> in his exam of transactionalism. Generally, it analyses the effect of the new territorial arrangements in relation to the identities: new institutions might cause new matching identities or even can intensify the already existing ones. In this context it is also possible to analyse the existence of multiple and complementary identities. In Belgium there is variety of identities that the population can identify with: all Belgians (or Belgium), the Dutch-speaking/ French-speaking community, with the Flemish/ Walloon/ Brussels Region, with the province of town of origin. The results have shown that especially in the Flemish region the Flemish identity was stronger than Belgian identity. However, in Walloon region, the identification with the Belgium as a nation was stronger than the regional one. After the second Reform of state, from the mid-1980s, Belgian identity gained ground on regional and local identity.<sup>359</sup> Therefore, considering the theory of Karl Deutsch, the formalization of local/regional institutions in Belgium did not produce the deepening of local/regional identities. Nevertheless, the extent of regional nationalism in Belgium has asymmetrical values in that it is more extensively anchored in the Flemish than in the Walloon or Brussels region. For this reason it seems anomalous that nationalist conflict could become relevant in a country where regional nationalism has had rather limited public support. However, political decisions are frequently the result of dynamic minorities with strong inclinations and very strong grievances. Their claims became particularly salient from the 1960s onwards. Consequently, the question can be why these minorities had such an influence in decentralization process and in favour of regional autonomy, whereas most citizens show their preference in maintaining Belgian institutions and identity together.<sup>360</sup>

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<sup>357</sup> Goldoni, M., *Belgio*, Bologna, Il Mulino, 2010, p. 968

<sup>358</sup> Deutsch, K. W., et al., *Political Community and the North Atlantic Area*, Princeton, New Jersey, Princeton University Press, 1968

<sup>359</sup> De Winter, L., *The Volksunie and the dilemma between policy success and electoral survival in Flanders*, in De Winter, L., Türsan, H., eds, *Regionalist Parties in Western Europe*, London, Routledge, 1998; De Winter, L., Frognier, A. P., Billiet, J., *Y a-t-il encore des belges? Vingt ans d'enquêtes sur les identités politiques territoriales*, in Swyngedouw, M., Martinielli, M., eds. *Où va la Belgique? Les soubresauts d'une petite démocratie européenne*, Paris, Editions L'Harmattan, 1998 122-137

<sup>360</sup> Hooghe, L., *Belgium: Hollowing the Center*, in, Amoretti, U. M., Bermeo, N. G., *Federalism and Territorial Cleavages*, Baltimore, Johns Hopkins Press, 2004

The Belgian problem rests in the division of the country into two main units and that sharpens the differences and does not use the shared functions to reconcile them. Therefore the structural mechanisms achieve quite the opposite effect as of what it is expected.<sup>361</sup> The nationalistic, linguistic and cultural frictions were meant to be resolved through a certain degree of institutionalization instead of integrating the differences into the political discourse. According to De Winter, due to the recent financial crisis, consociationalism might not be sufficient or adequate to resolve the Belgian problems

The breakdown in communication between the two sides further decreases the potential for success, since parties are not cohesive, collaboration occurs only among the elites and not the masses. In addition, since there is a considerable outbidding on the Flemish side between the Flemish parties in terms of their radical demands, this cannot lead to an agreement with the Francophones who defend the status quo.<sup>362</sup>

In its general definition, consociationalism is a particular way of combining self-rule (or autonomy) and the power sharing.<sup>363</sup> However, that reasons of a centrifugal incentives are rooted in a consociational system. When the conflict is territorial, which is partially the case of Belgium, these centrifugal features induce elite leaders to empty out the centre of its powers.

The federal arrangement hollowed the central government of its powers and created a multi-layered territorial system. In this arrangement the national demands were each time directed toward more autonomy. The outcome of the reforms of the state is a peculiar federal arrangement that deserves some deeper analysis.

#### **4. Form of government**

Federalism has been depicted by some scholars as the most important institutional tool to inhibit majority rule in territorially divided societies.<sup>364</sup> Arend Lijphart has stressed the role of non-territorial instruments, particularly consociationalism, with its features, as regime type, to

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<sup>361</sup> Peters, B. G. *Consociationalism, Corruption and Chocolate*, West European Politics, Nov 2006, Vol. 29, Issue 5. p. 5.

<sup>362</sup> De Winter, L., *Belgium Towards the Breakdown of a Nation-State in the Heart of Europe?*, op. cit., p. 19.

<sup>363</sup> Elazar, D., *Exploring Federalism*, Tucaloosa, University of Alabama Press, 1987; Lijphart, A., *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-one Countries*, New Haven, Yale University Press, 1984; Lijphart, A., *Power-Sharing in South Africa*, Berkeley, Institute of International Studies, University of California, 1985

<sup>364</sup> Elazar, D., op cit., 1987; Elazar, D., *Federalism and Consociational Regimes*, Publius: The Journal of Federalism, 15, 1985

contain territorial conflict.<sup>365</sup> Non-majoritarianism has been the main attribute of the Belgian political regime from its independence in 1831. Belgium, as it was mentioned, was believed to be an emblematic example of a consociational democracy, where latent instability is reduced by the elite accommodation and techniques of power sharing among segments<sup>366</sup>. The federalism originally established was a “Belgian form” of it enclosed many ambiguities and it was open to different interpretations.<sup>367</sup>

However, Belgium, until 1970, was an example of a territorially centralized unitary state. In response to the conflict among the groups, Belgium changed from one non-majoritarian regime with strong consociational characteristics into another—federalism. Therefore, the existing constitutional design has inherited many non-majoritarian features of the pre-federal period.

The Belgian Constitution of 1830 pictured a strong centralized national government based on the French-Jacobin tradition.<sup>368</sup> The provinces and local authorities were institutionalized by the Constitution, but their powers and actions were subjected to the approval of the central power. The state was initially unilingual, but gradually Dutch language was recognized. Although Flemish was added to French as Belgium’s official language in 1935, the linguistic boundaries between the Dutch and the French continued to plague the Belgian state.<sup>369</sup>

About sixty per cent of the population speaks Dutch, also known as Flemish (Belgium Dutch). Despite the fact that the majority of the population is Flemish, in the early years of its existence Belgian life was disproportionately dominated by French influences.<sup>370</sup>

The classical doctrine states that a Constitution cannot be based on provisional or eternal basis: its duration cannot be determined and it depends on the values on which it was initially based and on the ability of the political and social forces to protect its essential nucleus but also on their capability to adapt it to the changing needs of the community.<sup>371</sup>

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<sup>365</sup> Lijphart, A., *Consociational Democracy*, World Politics 21, 1969; Lorwin, V., *Segmented Pluralism: Ideological Cleavages and Political Cohesion in the Smaller European Democracies*, Comparative Politics 3, 1972

<sup>366</sup> Lijphart, op. cit., 1969; Deschouwer, K., Waiting for the ‘Big One’. The Uncertain Survival of the Belgian Parties and Party Systems, *Res Publica* 38, (2), 1996

<sup>367</sup> Fitzmaurice, J., *The Politics of Belgium. A Unique Federalism*, London, Hurst & Company, 1996, p.145

<sup>368</sup> In Jacobine tradition the state is conceived as “the one and indivisible republic, exercising strong central authority”, in Yanow, D., Peregrine Schwartz, S., *Interpretation and Method, Empirical Research Methods and Interpretative Turn*, New York, M.E. Sharpe, 2006, p.282

<sup>369</sup> Erk, C., Gagnon, A. G., *Constitutional Ambiguity and Federal Trust: Codification of Federalism in Canada, Spain, and Belgium*, 10 *Regional & Federal Studies* 92, 105 (2000).

<sup>370</sup> Beaufays, J. A Dualist Political System?, *Bicommunal Societies And Politics*, Publius, 18, 1988

<sup>371</sup> Martinez T., *Diritto Costituzionale*, Milano, Giuffr , 1986, p.127, citato da Delp r e, F., ed., *L’ordinamento federale belga*, Torino, Giappichelli Editore, 1996, p. 39

However, in case of Belgium the needs of the community were changing continuously and by analysing the events, there is an impression that all demands were correlated and that all of them were of increasing intensity. This distrust has been the driving force behind the continual reorganization and constitutional reform of the Belgian regime.<sup>372</sup>

The amendments to the Constitution and the fulfilment of the 1992 *Accord de la St Michel* brought Belgium to become a federal state and established a new terminology into the Constitution. The ethno-cultural factor was on the basis of the present federal arrangement of Belgium. The recognized autonomy of the federal units has, almost immediately, allowed to different groups to express their political potentials and has initially diminished the conflict among them, but what it did not succeed is to define their political integration. The federalisation was not followed by the reconstruction of the common identity and of the sense of unity. Therefore, the state, in political and institutional terms, became an arena of conflict between Flemish and Walloon political forces. Several societal and state factors influenced an increasing identity fragmentation. It is possible to distinguish a Flemish identity, a Walloon – Belgian identity and pan-Belgian identity shared predominantly by francophones in Brussels.<sup>373</sup> Therefore, the institutionalisation of the cultural and linguistic segmentation did not lead to a balance between unity and diversity. Therefore, the excess of particularism have led to an increasing political and social fragmentation and to the “hollowing out” the centre by giving more power to the federal units.<sup>374</sup>

Belgian federal arrangement is the result of the inner fragmentation caused by the secession.<sup>375</sup> This form of federalism is a *fédéralisme de dissociation*, as it has been already said, and it is also a *fédéralisme de superposition* and a *fédéralisme de confrontation*.<sup>376</sup>

However, after the 1970s reforms, federalism as a possible solution, achieves more acceptance by the population. The adjective federalist, in common language at that time, was attributed a

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<sup>372</sup> Erk, C., Gagnon, A. G., *Constitutional Ambiguity and Federal Trust: Codification of Federalism in Canada, Spain, and Belgium*, 10 *Regional & Federal Studies* 92, 105 (2000).

<sup>373</sup> Karmis, D., Gagnon, A., *Federalism, federation and collective identities in Canada and Belgium: different routes, similar fragmentation*, in Gagnon, A., Tully, J., *Multinational Democracies*, Cambridge, Cambridge University Press, 2001, p.145

<sup>374</sup> Ibidem, p.138

<sup>375</sup> Delpérée, F., “L’aménagement d’une Etat fédéral permet de répondre aux inquiétudes d’une société qui est sans doute écartelée mais qui veut croire encore aux avantages, sinon aux bienfaits d’une existence commune”, in *La nouvelle Constitution belge*, in *Revue Française de Droit Constitutionnel*, 1994, pag.4

<sup>376</sup> Delpérée, F., *Le droit constitutionnel de la Belgique*, Bruxelles, Bruylant, 2000, p.388

person who still believed in a pacific solution of the Belgian case.”<sup>377</sup> With the constitutional amendments in 1993 Belgium became more a unique case than a common federal state. These reforms, in order to accommodate society affected by multidimensional divergences, have produced a multitude of dissimilar units, like regions and communities.

The federal arrangement of state is expressed also through the competencies each unit obtain by the Constitution. The art. 35 specifies that “The federal authority only has competences in the matters that are formally assigned to it by the Constitution and the laws passed by virtue of the Constitution itself. The framework for the Belgian state is best described as a pyramid. At the top are the federal state, the communities, and the regions, and all three are equal from a legal standpoint.”<sup>378</sup> Closer to the local level are provinces and communes, which are also intricately involved in the dissemination of government services and decision-making. The division of powers within the Belgian state is based on a system of exclusive competences, which involves an exhaustive demarcation of issue areas.<sup>379</sup> “The Communities and the Regions, each in its own field of concern, have competences for the other matters, under the conditions and in the terms stipulated by the law.”<sup>380</sup> However, for the deeper comprehension of the distribution of powers it is intended to list the area of competence for each level of government. The competencies are divided between the central government, communities and regions. For a basic division of the powers the table 1 indicates the division between the central government competencies, community competencies and those under the regional jurisdiction. The data is collected from Center for Economic Studies (CES) & Ifo Institute and from Crisp – Centre de Recherche et d’information socio-politiques.

Competencies of each level of government are gathered in the Table 1.

#### **Table 4.2.. Division of powers in Belgium between Central Government, Communities and Regions**

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<sup>377</sup> De Witte, B., *Regioni e regionalismo*, in «Le Regioni», 1984, p.303

<sup>378</sup> The Structure of the Federal State and the Power Levels, [www.portalbelgium.be](http://www.portalbelgium.be), available at [http://www.belgium.be/en/about\\_belgium/government/federale\\_staat/structure/](http://www.belgium.be/en/about_belgium/government/federale_staat/structure/).

<sup>379</sup> Erk, C., Gagnon, A. G., *Constitutional Ambiguity and Federal Trust: Codification of Federalism in Canada, Spain, and Belgium*, 10 Regional & Federal Studies 92 (107) 2000

<sup>380</sup> art.35, The Belgian Constitution



CENTRAL GOVERNMENT COMPETENCIES	COMMUNITY COMPETENCIES	REGIONAL COMPETENCIES (the Flemish Region, the Brussels-Capital Region and the Walloon Region)
<ul style="list-style-type: none"> <li>-external relations (except for those devolved to the regions) including EU policy</li> <li>- defence</li> <li>-the Gendarmerie</li> <li>-justice</li> <li>-social security and pensions</li> <li>-public health</li> <li>-public debt</li> <li>- public services administration</li> <li>- monetary policy</li> <li>- State-owned companies (such as Belgian Railways, the Post Office),</li> <li>-Econom. and Monetary Union</li> <li>- the federal scientific and cultural institutions</li> <li>-residual powers</li> </ul>	<p><b>Education:</b></p> <ul style="list-style-type: none"> <li>-school-leaving age</li> <li>-minimum condition for having qualifications</li> <li>-pensions of teaching staff</li> </ul> <p><b>Cultural policy</b></p> <p><b>Personalisable matters</b></p> <ul style="list-style-type: none"> <li>-basic legislation on health care</li> <li>-basic legislation on the CPAS, handicapped, on rehabilitation of prisoners, youth policy</li> </ul>	<ul style="list-style-type: none"> <li>- economy,</li> <li>- employment,</li> <li>- agriculture,</li> <li>- water policy</li> <li>- housing</li> <li>- public works</li> <li>- energy,</li> <li>- transport (except Belgian Railways)</li> <li>- environment,</li> <li>- town and country planning,</li> <li>- nature conservation</li> <li>- credit</li> <li>- foreign trade,</li> <li>- supervision of the provinces, communes and inter-communal utility companies.</li> </ul> <p>They also have powers relating to scientific research and international relations in those fields.</p>

Source: Portal Belgium.be, cesifo-group.de - Center for Economic Studies (CES) & Ifo Institute; crisp.be

Broadly speaking, the powers of the federal state encompass everything connected with the

public interest. The federal government manages the “public finances, the army, the judicial system, social security, [and] foreign affairs, as well as substantial parts of public health and home affairs.”<sup>381</sup> In addition, the federal government maintains control over civil, commercial, and criminal law, while the regions and communes handle public law issues, such as education, environment, and culture.<sup>382</sup>

The Belgian federation has five components: Flemish community, French community, German community, Brussels region and Walloon region. In political terms, it has only two and a half components: the Flemish community, the Walloon region and the Brussels region that has slightly less political weight. Only the central government, the regions and communities have legislative powers. The provinces and municipalities have no such power and they are subordinated authorities.<sup>383</sup>

Given their different levels of political weight, the Belgian federation can be depicted as an asymmetrical structure.<sup>384</sup> However, the asymmetry in Belgium cannot be assimilated to some other examples of asymmetry (like in Spain or UK). The francophone part of Belgium is divided between the Walloon region and French community. Walloon and francophone population of Brussels speak the same language indeed, but they do not share the same identity. On the other side, in Flanders, The Flemish region coincide with the Flemish community and the two units (territorial and cultural) form one unique entity, sharing common institutions.<sup>385</sup> Therefore, it is possible to conclude that in the Walloon region the “regional” logic has triumphed, while in Flanders the sense of community has prevailed.

Belgian intricate structure is composed of a complex network of intergovernmental relations. Local governments are interlinked through an intricate net of collaborative agreements. The main institution of this executive network is the Deliberation Committee for the Government and the Executives (*Overlegorgaan* or *Comité de concertation*). This twelve-member committee conforms to the double parity rule and reflects the composition of the population: it is constituted by an equal number of federal and community/regional representatives, and an equal

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<sup>381</sup> About Belgium – The Federal Government's powers, portalbelgium.be, available at [http://www.belgium.be/en/about\\_belgium/government/](http://www.belgium.be/en/about_belgium/government/)

<sup>382</sup> Maillet, C., Research Guide to Belgian Law, GLOBALEX, available at <http://www.nyulawglobal.org/globalex/belgium1.htm>.

<sup>383</sup> Dossiers du CRISP, no. 30 (1989), section 1, p.2

<sup>384</sup> Witte, E., *Belgian Federalism: Towards Complexity and Assymetry*, West Europeam Politics, 15 (4), 1992

<sup>385</sup> Swenden, W., *Belgium and the Crisis of Governability, 2007-2011, Rebooting Territorial Pluralism*, in Basta, K., McGarry, J., Simeon, R., *Territorial Pluralism: Managing Difference in Multinational States*, Vancouver, UBC Press, 2015, p. 201

number of Flemish and Francophones. This administrative system also synchronizes the international relations of subnational authorities.<sup>386</sup> The essential element is the cooperation agreement in the Interministerial Conference for External Affairs concluded by the federal government, the three regional and the three community governments. It orders the composition of the Belgian representation in the EU Council of Ministers and decision rules concerning negotiation strategy and voting in the absence of agreement among the governments from Belgium.

However, regions and communities are entirely competent in relation to the international cooperation within the range of their competencies. In this context it is important to mention that in case the matter is under the regional or communal jurisdiction, the local government has the power to conclude treaties as well.<sup>387</sup>

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<sup>386</sup> Hooghe, L., *Belgian Federalism and the European Community*, In Jones, B., Keating, M., eds. *Regions in the European Community*, Oxford, Clarendon Press, 135-165, 1995

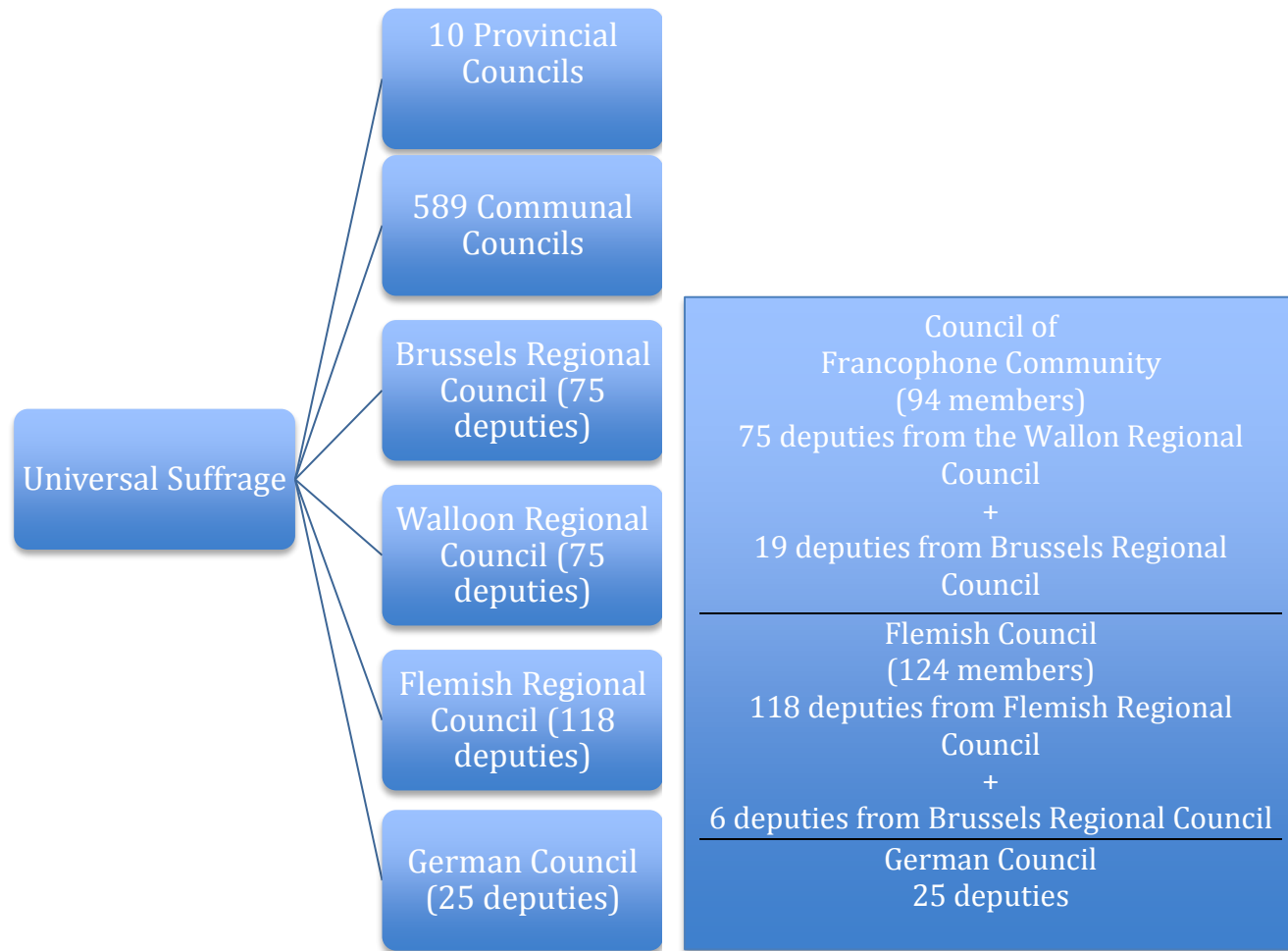
<sup>387</sup> Hooghe, L., op. cit., 2004, p. 76

**Table 4.3. Administrative division of Belgium**

Level	Institutions				
Federal	Federal Government (House of Representatives & Senate)				
Communities			Joint Community Commissions		
	German Community	French Community	French Community Commission	Dutch Community Commission	Flemish Community and Region
Regions		Wallon Region (French Language)	Bruxelles Region (Bilingual)		Flemish Region
Provinces (10)	Namur, Hainaut, Luxembourg	Liège,	Brabant	Brabant (split into 2 provinces)	Antwerp, Limburg, W. Flanders, E. Flanders
Municipalities (589)	Unilingual (French) communes and communes a facilités	19 Bruxelles communes			Unilingual (NL) communes and communes a facilités

Source: Adapted from J. Fitzmaurice, The Politics of Belgium, London, Hurst & Company, 1996

**Figure 4.1 Regional/National Political Institutions in Belgium**



Source: table adapted from Downs, W., Coalition Government. Subnational Style. Multiparty Politics in Europe's Regional Parliaments, The Ohio State University, 1998

## 5. Political Parties in Belgium

Political parties “are much more than purely political organizations. They are the political expression of a subcultural network of organizations. ... At the same time, the parties are the structures that organize the seeking of consensus at the level of the political elites. It is actually the parties’ elites that must be ‘prudent leaders’ in order to prevent the subcultural divisions (which they themselves organize and mobilize) from becoming the source of centrifugal conflicts. The political agreements then also have to be implemented, and therefore the parties need a firm control over the parliament and over the public administration. ...[therefore] a consociational democracy tends to be a partitocracy.”<sup>388</sup> In fact, one of the effects of the application of proportionality and segmental autonomy is the “penetration of the party system into areas of economic and social life elsewhere normally beyond the realm of party politics.”<sup>389</sup> Deschouwer has specified that due to the “high degree of *partyness*” and the “ubiquity of parties throughout the Belgian state and Belgian society”, Belgium can be classified as partitocarcy.<sup>390</sup>

The Belgian party system was based a two-party system in the nineteenth century, opposing the Catholics and Liberals essentially on the matter of the religious neutrality of the bourgeois state. After the emergence on the political scene of the Socialist party at the end of the same century and the consciousness raising of the socio-economic left–right cleavage, the Belgian party system became an evident example of a “two and a half party” type until 1965.<sup>391</sup> According to Blondel<sup>392</sup> by which the definition of the “two and a half party system” was introduced, the party systems composed by two parties that obtain nearly 90 per cent of preferences, was a two and a half party system. In Belgium even if the third party was gaining ground on the political scene, Belgium was

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<sup>388</sup> Deschouwer, K., *Waiting for the ‘Big One’. The Uncertain Survival of the Belgian Parties and Party Systems*, Res Publica 38, 2, 1996, pag. 296; However, the reference is to Giuseppe Maranini, who coined term “partitocracy” while expressing his criticisms of the party system in post-war Italy. Maranini, G., *Governo parlamentare e partitocrazia*, Editrice Universitaria, Firenze, 1950

<sup>389</sup> Luther, K. R., *Comparative Analysis of Parties and Systems*, in Deschouwer, K., ed., *Party Elites in Divided Societies: Political Parties in Consociational Democracy*, London, Routledge, 2005, p.13

<sup>390</sup> Deschouwer, K., *Comparative Analysis of Parties and Systems*, in Deschouwer, K., ed., *Party Elites in Divided Societies: Political Parties in Consociational Democracy*, London, Routledge, 2005, p.99

<sup>391</sup> Brans, M., De Winter, L., Swenden, W., *The Politics of Belgium: Institutions and Policy under Bipolar and Centrifugal Federalism*, West European Politics, London, Routledge, 2013, p. 72

<sup>392</sup> Blondel, J., *Party Systems and Patterns of Government in Western Democracies*, Canadian Journal of Political Science, Revue canadienne de science politique, Vol. 1 (2), Jun., 1968

not the case of the genuine three party system. However, according to Bolndel's theory, the three party system is essentially unstable form of party system and therefore transitional. The three party system emerged in Belgium only after 1965. According to the Blondel's foreseen transitional kind of the existing system, the Belgian party system turned promptly into a moderate multiparty system and eventually became a clear case of the extreme multipartitism.<sup>393</sup> Until 1965 the three parties, Christian Democrats (*Parti Social Chré'tien-Christelijke Volkspartij*, Christian Peoples Party-Social Christian Party, PSC-CVP), Socialists (*Parti Socialiste Belge-Belgische Socialistische Partij*, Belgian Socialist Party, PSB-BSP) and Liberals (*Parti Libé'ral-Liberale Partij*, Liberal Party, PL-LP) governed in turns and with different combinations of alliances.<sup>394</sup> Afterwards, the evolution of the Belgian polity took directions from its unitary and stable period until the mid-1960s to the present situation of high fragmentation of the party system and centrifugal tendencies of the political parties.

After 1965 and during 1970s, the number of parties represented in Parliament increased significantly and reached 14 units in 1981. The level of party system fragmentation continuously increased until 1999. During the seventies, the nationalist conflict in Belgium has been influenced by the territorial/linguistic division. The three nationalist movements demanded more devolution of powers and federalist arrangement of the country. The party system split up into two linguistic sections between which there was no electoral competition, although growing ideological divergence. The three major political parties Christian Democrats, Socialist and Liberals, each electorally compromised by a nationalist movement were put under the pressure that resulted in the splitting up. The regionalist parties emerged during the 1960s were the *Volksunie* (People's Union, VU) in Flanders, the *Rassemblement Wallon* (Walloon Rally, RW) in Wallonia, and the *Front De'mocratique des Francophones* (Francophone Democratic Front, FDF) in the Brussels Region. The unitary parties, Christian Democrats, Liberals and Socialists each broke up into two structurally and programmatically autonomous Flemish and French-speaking sections. In 1967, the Christian Democrats split into a Flemish and Francophone party in the wake of a hostile linguistic confrontation around the catholic university of Leuven/Louvain. In 1968 Flemish and Francophone Liberals seceded in relatively peaceful atmosphere. The unitary Socialist Party tried to remain united until 1978, although the two sections achieved *de facto*

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<sup>393</sup> Sartori, op. cit., 1976

<sup>394</sup> De Winter, L., Dumont, P., *Belgium: Party System(s) on the Eve of Disintegration?*, in Broughton, D., Donovan, M., *Changing Party Systems in Western Europe*, London, Pinter, 1999, p.183-206

autonomy in the early seventies. Therefore, on the linguistic cleavage, Belgium has become a clear-cut example of what Sartori labelled polarised pluralism.<sup>395</sup> From that historical moment two distinct party systems were operating: a francophone one and the Flemish one.

Besides the ideological inclinations, in terms of territorial and linguistic orientation, Belgium has one of the most fragmented party systems of any modern democracy. This is not due to changes in the electoral system, but to the emergence of ethno-regionalist, local, parties. However, this is the result of the increasing salience of the ethno-linguistic cleavage, which prevailed over the class cleavage and over the State-Church cleavage.

In fact, the rise of the latter put the traditional parties under such pressure that they also split along linguistic lines.

The Flemish nationalists exercised high levels of pressure on Flemish Christian Democrats and Socialists, which eventually included federalism into their party programs during the eighties. On the other side, the cleavage positioned the Socialist and Liberal parties against the Christian Democrats. From the 1960s onward, this cleavage lost weight and by the turn of the century its relevance for structuring voting behaviour was seriously restricted. In the meantime, two of the three traditionally cross-cutting cleavages have lost salience for a significant part of the electorate.

It is the Flemish party system that mainly showed the high level of fragmentation at the federal level. In 1999 the number of parties of the Flemish linguistic group represented in the Chamber was 5.2, while the French linguistic group had only 3.8.

The parties compete only in districts of the linguistic groups they belong to: Flemish parties compete for votes in their territory and do not present any lists in the Walloon districts. The same dynamics occurs in Walloon districts. Only in the Brussels–Halle–Vilvoorde area (Brussels and periphery) these two party systems intersect, and Flemish as well as Walloon parties compete on the same territory. The distribution of the Belgian party system into two regional party systems additionally reinforced the centrifugal inclinations in the Belgian polity.

The splitting up of the national parties and emergence of nationalistic parties brought to the political scene some new actors. The Volksunie (VU) in Flanders, deprived from its primary issue, suffered from the defection of more extreme elements: in 1978, a breakaway group, the Vlaams

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<sup>395</sup> Sartori, *op. cit.* 1976, p. 131-216



Blok, entered parliament on a separatist and traditionalist platform. In the 1980s, some elements moved the party to the radical right, espousing, in addition to separatism, an anti-immigrant stance, Euro-scepticism, and support for traditionalist values. Its support jumped from 3 percent of the Flemish vote in 1987 to 10.4 per cent in 1991 and 15.5 per cent in 1999.

In the Walloon region, a similar evolution occurred. In the 1980s, the nationalist The Walloon Rally (French: Rassemblement Wallon; RW) is a regionalist political party, active in Walloon region since 1968. It became almost completely absorbed by the Francophone socialists (PS) when the PS endorsed a radical federalist program for economic autonomy. The nationalists in Wallonia obtained less than 2 per cent of the regional vote in the elections of 1991, and they have disappeared since.

Finally, the Brussels-based Francophone Democratic Federalists (French: Fédéralistes Démocrates Francophones, FDF) is a regionalist and liberal political party in Belgium, which at its peak of consensus in the 1970s obtained more than 35 per cent of Brussels votes, saw its support decrease to 12 per cent by 1991. In the 1990s, the party merged with the local Liberal party.

The left–right confrontation is still the most significant for electoral behaviour in Wallonia, while in Flanders the Flemish autonomy remained the most pronounced of the traditional Belgian cleavages existing. However, the competition between the two regional sections is not based on polarization in religious and socio-economic terms, but mostly it is centred on linguistic cleavage between the two groups.<sup>396</sup> Therefore, the Flemish parties programs are based on the defence of Flemish claims, while the francophone parties programs defend francophone/Walloon interests. However, from the ideological perspective the territorial division have presented different results. The Catholic segment with the Christian Democratic Party as its political player has always been much resilient and consolidated in the Dutch-speaking part of the country. Therefore, Christian democracy has always been powerful in Flanders. In 1961 the CVP-PSC had 50.3% of consensus in Flanders and 31% in Wallonia, while the Socialist Party's consensus was 46% in Wallonia and only 29.6% in Flanders. That means that a grand coalition of the two most important parties was always to some extent also a grand coalition of the two major language groups.<sup>397</sup>

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<sup>396</sup> Ibidem, p. 76

<sup>397</sup> Brans, M., De Winter, L., Swenden, W., *The Politics of Belgium: Institutions and Policy under Bipolar and Centrifugal Federalism*, London, Routledge, 2013, p. 39

The split of the Belgian parties into two unilingual parties reinforced the separation process. The autonomous Flemish Christian Democrats and francophone Socialists were the leading forces of their regions. Government instability has been very high during the 1960s and 1970s, with an average cabinet duration of 16 months between 1965 and 1981. However, the lack of coordination between Flemish- and French-speaking parties further reinforced the predispositions towards further segmentation of the two polities.

Both Flemish and French linguistic community have formal jurisdiction in cultural and educational issue in the Brussels region. For regional elections in the capital parties have to declare their linguistic affiliation. Members of the Brussels regional parliament elected according to the francophone or Flemish party list will then respectively join the parliament of the Walloon and Flanders regions at the federal community parliaments.<sup>398</sup> The status of the electoral district Brussels-Halle-Vilvoorde (BHV) has been an especially disputed matter, causing political consultations that have brought to the sixth round of state reforms.

An appropriate organization for the three levels of administrative (territorial) structure of the Belgian state (the level of language communities, the level of territorial regions and the level of electoral constituencies) was a particularly difficult process. As the outcome of the long procedure consequently is an arrangement of the different levels consisting of monolingual electoral circles that enable group representatives to gather votes from their own language constituencies. However, the only exception to this rule remains the electoral district of Brussels-Halle-Vilvoorde (BHV), which by covering the bilingual Brussels and the Dutch-speaking Halle-Vilvoorde allows Francophone parties to stand for election and gather votes across the language border, but prevents the Dutch-speaking parties from doing the same.

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<sup>398</sup> Jacobs, D., *Multinational and polyethnic politics entwined; minority representation in the region of Brussels-Capital*, Journal of Ethnic and Minority Studies, vol. 26 (2), 2000, p. 289-304

### List of the main political parties in Belgium

N-VA: Nieuw-Vlaamse Alliantie

PS Parti Socialiste

MR: Mouvement Réformateur

CD&V Christen-Democratisch & Vlaams

Open Vld : Open Vlaamse liberalen en democraten : Socialistische partij anders

sp.a Socialistische partij anders

Ecolo-Groen Ecologistes Confédérés pour l'organisation de luttes originales Groen

cdH Centre démocrate Humaniste

VB Vlaams Belang

PTB-GO! : Parti du Travail de Belgique - Gauche d'Ouverture

FDF: Fédéralistes démocrates Francophones

PP: Parti Populaire

**Table 4.4. Composition of the Belgian Senate, February 2015**

Political Party	Flemish linguistic group	French linguistic group	German community	Total
N-VA	12	-	-	<b>12</b>
PS	-	9	-	<b>9</b>
MR	-	8	1	<b>9</b>
CD&V	8	-	-	<b>8</b>
Ecolo – Groen	3	3	-	<b>6</b>
Open Vid	5	-	-	<b>5</b>
sp.a	5	-	-	<b>5</b>
cdH	-	4	-	<b>4</b>
Vlaams Belang	2	-	-	<b>2</b>
Total	<b>35</b>	<b>24</b>	<b>1</b>	<b>60</b>

Source: Belgium, Senate <http://www.senate.be>

**Table 4.5. Composition of the Belgian Chambre of Representatives, October 2014**

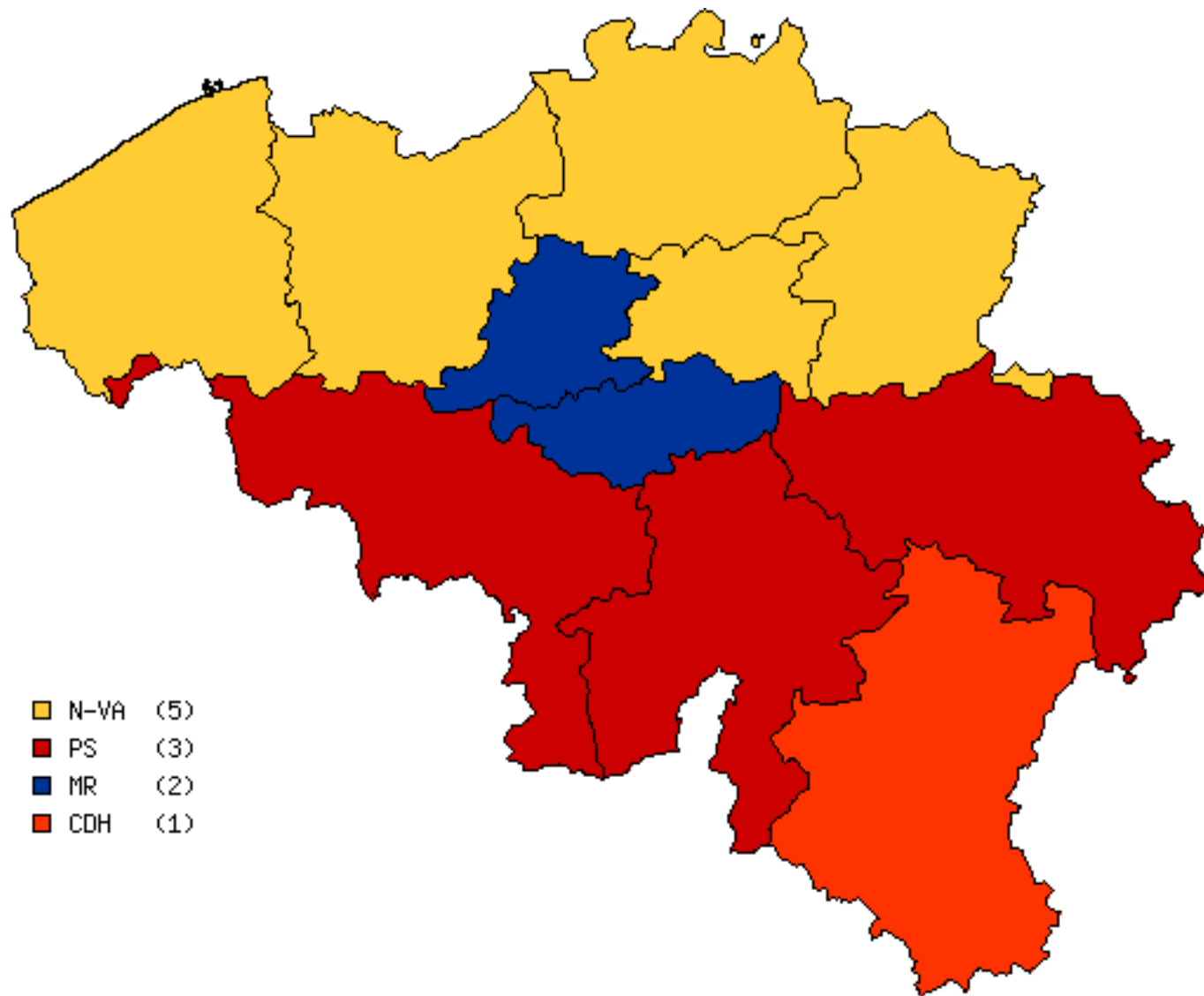
Political Party	Flemish linguistic group	French linguistic group	German community	Total
N-VA	33	-	-	<b>33</b>
PS	-	23	-	<b>23</b>
MR	-	19	1	<b>20</b>
CD&V	18	-	-	<b>18</b>
Ecolo – Groen	6	6	-	<b>12</b>
Open Vld	14	-	-	<b>14</b>
sp.a	13	-	-	<b>13</b>
cdH	-	9	-	<b>9</b>
Vlaams Belang	3	-	-	<b>3</b>
FDF	-	2		<b>2</b>
PP	-	1		<b>1</b>
PTB – GO!	-	2		<b>2</b>
Total	<b>87</b>	<b>62</b>	<b>1</b>	<b>150</b>

Source: Chambre of Representatives, <http://www.lachambre.be>

**Table 4.6: June 13th, 2010 Chamber of Representatives Election Results - Belgium Totals**

Registered Electors	7,767,552		
Voters	6,929,855	89.2%	
Blank and Invalid Votes	402,488	5.8%	
Valid Votes	6,527,367	94.2%	
<b>Party</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>
New Flemish Alliance (N-VA)	1,135,617	17.4	27
Socialist Party (PS)	894,543	13.7	26
Reform Movement (MR)	605,617	9.3	18
Christian Democratic & Flemish (CD&V)	707,986	10.8	17
Socialist Party. Different (sp.a)	602,867	9.2	13
Open VLD (Flemish Liberals and Democrats)	563,873	8.6	13
Flemish Interest (VB)	506,697	7.8	12
Humanist Democratic Center (CDH)	360,441	5.5	9
Ecolo	313,047	4.8	8
Green!	285,989	4.4	5
List Dedecker	150,577	2.3	1
Popular Party (PP)	84,005	1.3	1
Workers' Party of Belgium (PVDA/PTB)	101,088	1.5	0
National Front (FN)	33,591	0.5	0
Others	181,429	2.8	0

Figure 4.2. May 13th, 2010 Chamber of Representatives Election Map: Majority Party by Canton



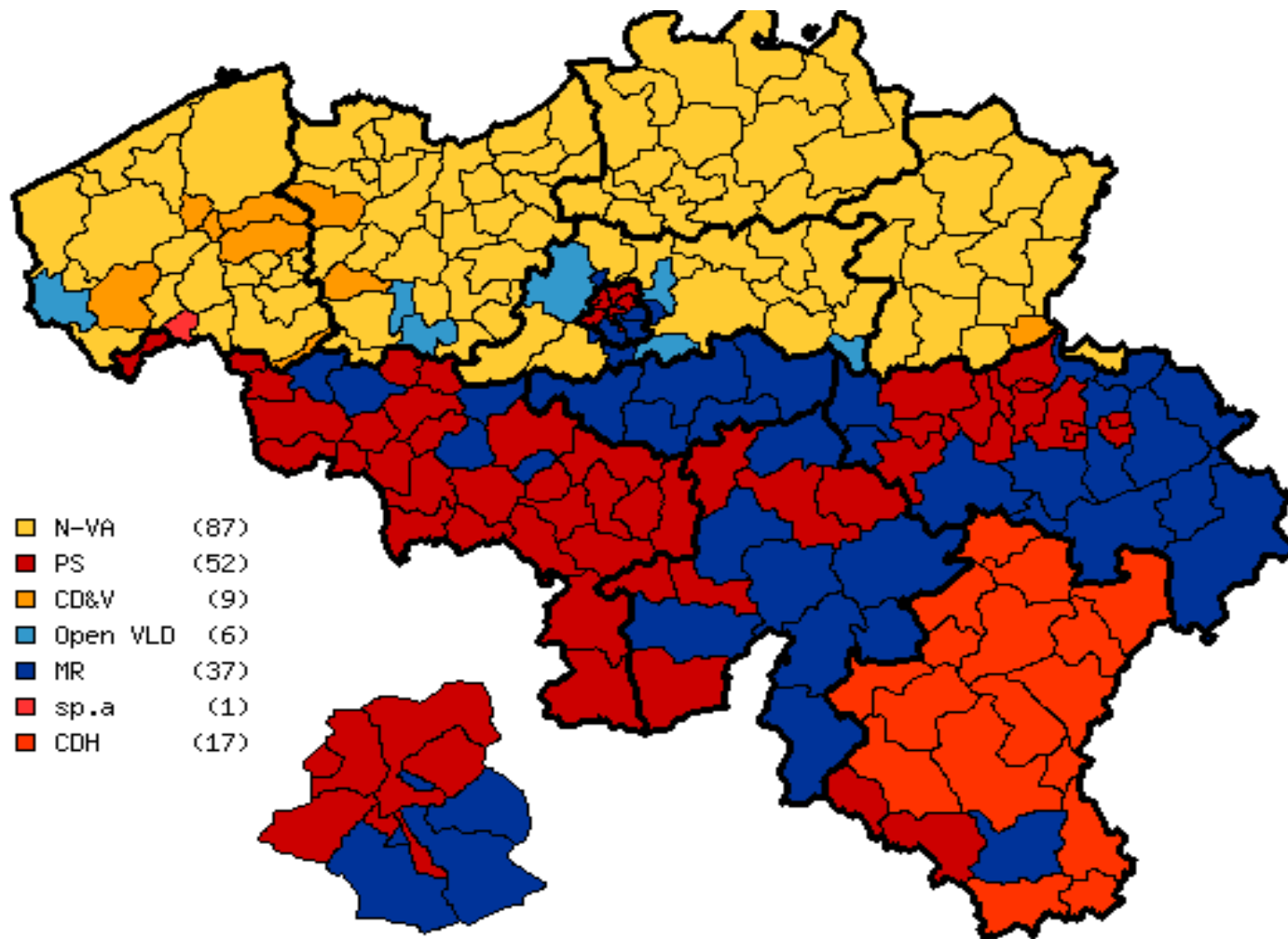
Source: electionsources.org, Spain 2010

**Table 4.7: May 25th, 2014 Chamber of Representatives Election Results - Belgium Totals**

Registered Electors		8,008,776	
Voters		7,157,498	89.4%
Blank and Invalid Votes		412,951	5.8%
Valid Votes		6,744,547	94.2%
Party	Votes	%	Seats
New Flemish Alliance (N-VA)	1,366,397	20.3	33
Socialist Party (PS)	787,058	11.7	23
Reform Movement (MR)	650,260	9.6	20
Christian Democratic & Flemish (CD&V)	783,040	11.6	18
Open VLD (Flemish Liberals and Democrats)	659,571	9.8	14
Socialist Party. Different (sp.a)	595,466	8.8	13
Humanist Democratic Center (CDH)	336,184	5.0	9
Green	358,947	5.3	6
Ecolo	222,524	3.3	6
Flemish Interest (VB)	247,738	3.7	3
Workers' Party of Belgium (PVDA/PTB)	251,276	3.7	2
Francophone Democratic Federalists (FDF)	121,384	1.8	2
Popular Party (PP)	102,581	1.5	1
List Dedecker	28,414	0.4	0
Others	233,707	3.5	0

Source: electionsources.org

Figure 4.3: May 25th, 2014 Chamber of Representatives Election Map: Majority Party by Canton



Source: electionsources.or



Recent changes in the electoral system (number of districts, their dimension, the introduction of the threshold and suppression of second tier apportionment) resulted in a significant net gain of disproportionality. The following table gathers some values and indices that can show the degree of change. The values included here are: the least squares index (Gallagher's index), which displays the disproportionality between the distributions of votes and allocation of seats, the effective number of parties at the electoral level (ENEP) and the effective number of parties at the legislative level (ENPP).<sup>399</sup>

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<sup>399</sup> The indices are delineated in Laakso M., Taagepera, R., *Effective number of parties: a measure with application to West Europe*, Comparative Political Studies 12 (1), 1979, pp. 3-27; Gallagher, M., *Proportionality, disproportionality and electoral systems*, Electoral Studies 10 (1), 1991, pp. 33-51; Gallagher, M., Mitchell, P., (eds), *The Politics of Electoral Systems*, Oxford and New York, Oxford University Press, 2008

**Table 4.8. Disproportionality between the distributions of votes and allocation of seats, the effective number of parties at the electoral level, the effective number of parties at the legislative level<sup>400</sup>**

	Gallagher's Index (least square index)	ENEP (effective number of parties at the electoral level)	ENPP (effective number of parties at the legislative level)	Number of seats
1946	3.04	3.21	2.91	202
1949	4.89	3.25	2.75	212
1950	3.23	2.71	2.49	212
1954	3.61	2.97	2.63	212
1958	3.37	2.71	2.45	212
1961	4.12	3.08	2.69	212
1965	2.45	3.97	3.59	212
1968	3.50	5.31	4.97	212
1971	2.42	5.87	5.45	212
1974	1.93	6.13	5.76	212
1977	2.52	5.69	5.24	212
1978	2.81	7.50	6.80	212
1981	4.17	9.01	7.62	212
1985	3.31	8.15	7.00	212
1987	3.24	8.14	7.13	212
1991	3.49	9.81	8.41	212
1995	3.04	9.47	8.03	150
1999	2.99	10.28	9.05	150
2003	5.16	8.84	7.03	150

<sup>400</sup> Gallagher, M., 2014. Election indices dataset at the web page of Department of Political Science, Trinity College Dublin, [http://www.tcd.ie/Political\\_Science/staff/michael\\_gallagher/ElSystems/index.php](http://www.tcd.ie/Political_Science/staff/michael_gallagher/ElSystems/index.php)

2007	3.37	9.04	7.91	150
2010	3.77	10.04	8.42	150
2014	4.60	9.62	7.82	150

**Table 4.9. Evolution of electoral preferences in Flemish Region**

<b>Flemish Region</b>						
	<b>1961</b>	<b>1968</b>	<b>1971</b>	<b>1981</b>	<b>1991</b>	<b>1999</b>
Christian Democratic Party	50.9	39.1	37.8	32.3	27.0	22.1
Socialist Party	29.7	25.7	24.2	20.6	19.6	15
Liberal Party	11.6	16.2	16.3	21.1	19.1	22.0
Nationalists	6.0	16.9	18.8	16.0	9.4	10.2(a)
Greens				3.9	11.9	11.6
Extreme right				1.8	10.4	15.5

- a) The value includes 0.9% of the Union del Francophones, a party defending the interests of French speaking population in the Flemish region

**Table 4.10. Evolution of electoral preferences in Flemish Region**

<b>Wallon Region</b>						
	<b>1961</b>	<b>1968</b>	<b>1971</b>	<b>1981</b>	<b>1991</b>	<b>1999</b>
Christian Democratic Party	30.5	20.9	20.5	19.6	22.5	17.1
Socialist Party	47.0	34.5	34.4	36.2	39.2	29.6
Liberal Party	11.7	26.7	17.7	21.7	19.8	24.7
Nationalists	0.2	10.5	20.9	7.1	1.2	-
Greens				6.1	13.5	18.2
Extreme right				-	2.4	4.0
Communist Party	6.3	6.9	5.8	4.2	0.3	-

## 6. Factors that influenced stability and instability of Belgium

Roeder emphasizes the consociational system's role in deepening the ethnic divide through the system's reification of ethnicity. "Belgian power-sharing was most stable as long as ethnicity was not elevated above other group rights and institutional weapons did not concentrate in ethnic foci."<sup>401</sup> Roeder asserts that if the power-sharing system is grounded on ethnic divides, the system has little potential to be long-lasting. He argues that while class or religious cleavages in Belgium have a tendency to be cross-cutting and consequently more integrative, the language laws 1962 reinforced the already existing cleavages and marked a fix border, which made integration unachievable. "The transformation of Belgium's multiple-majority democracy of the 1970s into an ethnic power-sharing arrangement has made Belgium less stable... the rights of ethnic groups have come to trump the rights of other groups and, particularly since the adoption of the 1994 Constitution, the Regional Councils have come to concentrate more institutional

<sup>401</sup> Roeder, P. G., Rothchild, D. S., op. cit., p. 66

weapons in their hands."<sup>402</sup> The importance given to the ethnic differences through the 1962 language laws and the continuous reforms since the 1970s that increasingly devolved power to each ethnic group, Belgium has started a process of division that seemed irreversible. According to Roeder and to the process occurred in Belgium, the consociational model cause fragmentation of the state, empowers secessionist claims and therefore intensifies ethnic conflict.

However, Belgium is "not really a combination of territorial and non-territorial devolution... since the language communities have defined and immovable boundaries."<sup>403</sup>

From the Belgian case can be verified that power-sharing institutions lead to governmental ineffectiveness in the long run considering that the government aims to represent all major ethnic groups and therefore it can lead to the proliferation of political parties in both the legislature and the government.<sup>404</sup> This can slow down policy-making and is more likely to produce a deadlock. In addition, "mutual vetoes can be used to begin a game of brinkmanship in which each side threatens to force a deadlock in governmental decision-making until the other side grants further concessions."<sup>405</sup>

In the multinational environment the national groups, as the primary goal, try to protect their own interests. The incorporation of all the segments into central government institutions is important for them in order to defend their privileges, maintain and increase their autonomous powers. However, they do not hesitate to use consociational instruments at their disposal in order to gain more ground in terms of autonomy and in the direction of protection of their own interests. Therefore the mutual veto or, in the specific case of Belgium, the alarm bell, set up for the protection of each group, can become an obstructive tool of the system. The mutual veto, as one of the main protection tools entrenched in the consociational structure, instead of reducing mutual fears, often empowers ethnic groups and causes policy-making deadlocks. Therefore, the mutual veto encourages segments to demand more power and makes them less willing to conciliate, leading frequently to a political gridlock.

Even if it is important for the solidity of the polity, national minorities are generally not willing to abdicate the obtained autonomy for stronger participation in central government.

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<sup>402</sup> Ibid. p. 66-67

<sup>403</sup> Keating M., *Nations without States: The Accommodation of Nationalism in the New State Order*, in, Keating, M., McGarry, J., eds., *Minority Nationalism and Changing International Order*, Oxford University Press, Oxford 2001, pag.35

<sup>404</sup> Ibid., p.39

<sup>405</sup> Ibid., p. 37

Moreover, the stability of the policy depends on the compromise and flexibility of the groups. The compromise is based on the level of the autonomy and the involvement in the central government. The flexibility of the group is, in part, a feature of the compromise and it shows the degree of the concession the group is ready to concede, in order to keep the stability of the policy. Yet the success of consociational democracy can vary according to the kind of the compromise. However, the autonomy of the segments is one of the main goals of the groups and in case the autonomy is under question the level of group flexibility is near to zero. The ideal consociational arrangement should reduce the political autonomy requests among the different segments of society and not to encourage it as a permanent feature of a federal constitution.<sup>406</sup> Nevertheless, it is clear that in Belgium the consociational features have produced the opposite effect.

The case of Belgium, considering in addition its party fragmentation, presents several unfavourable scenarios that consociationalism can produce. The political crisis in Belgium is not due to some factors that the consociational system could not deal with, but it is the consociational system itself that have instigated to the fragmentation of the state, generating the development of autonomist claims.

It consequently became evident that the consociational system instead of moderating ethnic conflict fuel the tensions between the ethnic groups by providing the means for these groups to track the road that leads toward the separation. In view of the fact that Belgium has been classified by Lijphart as a case where consociational features were entirely implemented and which had the most favourable initial conditions, the spontaneous query is: if the system did not encouraged the ethnic conciliation in Belgium, then it is even less likely to do so in other cases where conditions are far less auspicious.

As Belgium used to have all the eight consociational features, they certainly made it the perfect embodiment of the consociational system. Since its first state reform in the 1970s, Belgium had always had a grand coalition, comprising both Flemish and Walloon parties.<sup>407</sup> The proliferation of the parties on both territorial units have caused the arise of a strongly multi-party system.<sup>408</sup> The ministerial positions were equally divided among the Dutch and French speakers (7-7 each)

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<sup>406</sup> Bauböck, R., *Territorial or cultural autonomy for national minorities?*, Österreichische Akademie Der Wissenschaften Forschungsstelle Für Institutionellen Wandel Und Europäische Integration – IWE, Working Paper Series, December 2001

<sup>407</sup> De Winter, L., Dumont, P., *Do Belgian Parties Undermine the Democratic Chain of Delegation*, West European Politics, Vol. 29 (5), 2009 p. 958.

<sup>408</sup> Ibid., p. 958

in the cabinet. The territorial (regions: Wallonia, Flanders, Brussels) and non-territorial (communities: Dutch-, French-, and German-speaking) autonomy of the ethnic groups guarantees that the power is shared with the federal government. Through proportional representation in terms of both the seats in the legislature and the division of functions in the public sector, the representation of all minorities was guaranteed.

However, the political crisis occurred in 2007 was caused by the diverging party politics and future ambitions of the pro-independence and liberal New Flemish Alliance (Flanders) and the pro-unity Socialist Party (Wallonia), which made forming a coalition particularly problematic.

During the years, Belgium has implemented a strong form of territorial pluralism. The incremental method to the territorial pluralism (that has lasted for nearly twenty years) has been caused by some consociational elements contained in political dynamics (mutual veto tool) and also by the fragmentation of its party system. However, this particular form of Belgian federalism contains both secession-inducing and secession-preventing elements.<sup>409</sup> Some of the reasons that can be listed as secession-inducing can be found in: the increasing economic differences between the two regions which are often used and manipulated with political purposes and can interfere with regional identities and with the alteration of citizens' preference toward a higher level of decentralization.

However, the decentralization of powers and the federal design in Belgium created the basis for the deadlock and tension. Nevertheless, the cause of the duration of the political impasse in 2007 can also be found in the wide range of regional powers. While the central government was in a stalemate, the regional politics have continued with its activity. Therefore, the deadlock of the central government, in this case, did not affect the entire political system. The previous governmental deadlocks were shorter although the power sharing was indeed actuated, but the self-government was not incomplete at that time.<sup>410</sup>

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<sup>409</sup> Erk, J., Anderson, L., *The Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Divisions?*, Regional and Federal Studies, 19 (2), 2009

<sup>410</sup> Jans, M.T., *Leveled Domestic Politics: Comparing Institutional Reform and Ethnonational Conflicts in Canada and Belgium (1960-89)*, Res publica, Tijdschrift voor politologie 43 (1), 2001

## Conclusions

Consociationalism, as it has been demonstrated by the case of Belgium, enables and incentives national groups to have more extreme demands, which further reinforces the group. In the case of Belgium, the five subsequent state reforms since 1970 did not bring stability to the country, instead they have been the cause of further reforms that all aimed to satisfy further claims. Therefore, the reforms undertaken with the aim to appease inter-group tensions have led to further social fragmentation.

Belgium has introduced and implemented all the consociational institutions defined by Lijphart that should have turned the country into a stable multinational federation. However, as the increasing number of days of the political stalemate indicates, the conflict at the political level has become longer each time. During the 1978 and 1988 conflicts the Flemish aimed to safeguard their linguistic and cultural distinctiveness, while the Walloons wanted to protect their economy against the Flemish-dominated legislature. The fact that both groups had strong claims and they did not want to renounce on nor moderate those demands it had impeded any political cooperation.

Yet the crisis was even deeper during the two stalemates in 2007 and in 2010 considering completely different directions in which the groups' demands were directed. For instance, the Flemish expressed demands for the complete fiscal autonomy and for the division of the BHV district in order to prevent the process of 'frenchification' around Brussels, while the Francophones, by using their minority veto, have aimed to stop excessive Flemish claims. Apparently, since the power-sharing system could not further gratify the segments with a win-win situation, it was inept to mitigate ethnic conflict.

While during the seventies the parties have been divided between unitarist and regionalist groups, by the eighties unitarism had been disregarded as a possible alternative.

When the right-wing parties, like the New Flemish Alliance assumed even stronger separatist approach, it has become the most popular party in Flanders. Thus, the intensification of the Flemish claims for autonomy and secessionism is related to the implementation of the different



consociational and federal reforms. Each time, it resulted in further decentralization in favour of the regions gratifying their claims for further autonomy, in that way resulting in a paradoxical effect.

Some of the intrinsic features of the consociationalism caused obstructions in terms of political dynamics. Minority veto, used in 1985 on a secondary issue, has eventually become a customary practice and had obstructed, for instance, the resolution of the BHV district issue for a long time (Francophones vetoed the split-up of the BHV district). Although it is meant to be a protective mechanism for minorities, it can also be an obstructive instrument that instead of bringing the parties to an agreement can enable the groups to threaten each other by causing a deadlock until one of the political players does not desist.

The configuration of grand coalitions has equally become problematic in Belgium due to the high fragmentation of parties. In order to reach the necessary majority, several parties have to be included into the executive, decreasing the chances of efficient cooperation. The consociational system itself can cause party fragmentation as it has created, in case of Belgium, a duplicate of each party, divided along the linguistic separation. Territorial autonomy achieved by Flanders and Wallonia has caused the division of the groups along ethnic lines decreasing the integrating potentials of cross-cutting cleavages.

## CHAPTER V

### SPAIN: DEMOCRACY AND ACCOMMODATION OF DIVERSITY

#### 1. Historical overview

The war against Napolen's occupation (*Guerra de la Independencia Española*) has led to the Spanish Constitution proclaimed 1812. The new Constitution has had liberal imprint following the French model and it decreed the idea of national sovereignty and universal male suffrage.<sup>411</sup> The liberals who supported state centralization and established a territorial division in provinces, based on the French model of *départements*, they did not succeed in eradicating some old privileges (fueros)<sup>412</sup> in territories such as Basque Country and Navarre. At the formal level the centralism was established, but in practice localism was still predominating.

The inheritance of the Independence war was a devastated trading network with colonies, loss of the empire and internal wars against "Carlists".<sup>413</sup> The nation-building was weak and disturbed by the existence of strong local cultural identities and institutional particularisms. Industrial development discrepancy between the Catalonia and the Basque Country on one side and the rest of the country on the other, have led to the growth of regionalism in numerous territories.

Ater the Primo de Rivera dictatorship (1923 – 1939), in 1931 the Republic was instituted. One of the first issues that the new regime needed to face was the regional claims issue. The new Constitution proclaimed an integral state and it stipulated the transfer of autonomy to certain

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<sup>411</sup> Del Pino, E., Colino, C., *National and Subnational Democracy In Spain: History, Models And Challenge*, Madrid, Instituto de Políticas y Bienes Públicos Centro de Ciencias Humanas y Sociales Consejo Superior de Investigaciones Científicas, 2010

<sup>412</sup> For instance, "*The term fueros is used in Navarre to refer to civil, political, administrative and economic customs and laws; in other words, to its own legal system and to the exercise of self-government upheld over the course of the centuries. ... The term fueros is used in Navarre to refer to civil, political, administrative and economic customs and laws; in other words, to its own legal system and to the exercise of self-government upheld over the course of the centuries... The Fueros are the result of an agreement upheld with fortitude and dignity between Navarre and the authority that, any given time, holds sovereign power in the nation as a whole. The charter of principles of the monarchy of Navarre .... was set down in writing in "Fueros y Compilaciones". For over a thousand years, Navarre has upheld its system of Fueros, the regimen foral, and has adapted it to the circumstances prevailing at each moment by means of successive treaties or agreements. The Fueros of Navarre are fully valid today as a key element on the road to a future of progress, wellbeing and freedom. Accordingly, the Fueros of Navarre continue to be applicable in the 21st century as a democratic assurance of a common future and for the people of Navarre they will continue to be a guarantee of their collective freedom and new heights of development.*" [www.navarra.es](http://www.navarra.es)

<sup>413</sup> Del Pino, E., Colino, C., op. cit., 2010

regions. Therefore, one of the first documents that was a formal response to the nationalist demands was the Catalan Autonomy Statute of 1931.<sup>414</sup>

During the Franco regime (1939 - 1975), the expression of the Spanish nationalism was prohibited and all the previous autonomies were abolished. After a long period of dictatorship, it was unclear what kind of institutional arrangement Spain would have adopted and how it would have managed the regional/peripheral nationalisms. One of the most intricate questions was the particularly intense national question in Catalonia and the Basque Country.

However, Spain's recent history is proof that democratic consolidation in the post-Franco era was to a certain extent miraculous. The elections of 1977 indicated a move in the direction of democratic consolidation process; they were an example of political pluralism and it can be said that they established the separation from Franco's period. The majority of the political parties acquired moderate and cautious political positions and participated in the process of the ideology of "politics of consensus."<sup>415</sup> All major political parties committed into the formation of a consolidated parliamentary democracy by making move towards the centre and by associating themselves with a stance of moderation and unified commitment to democracy. The Moncloa Pacts were the first authentic example of compromise and agreement to dismantle the Franco regime from the inside out.

After forty years of Franco's regime, the 1978 Constitution delivered a new political structure. It has institutionalized the ideas of democracy and faced the historically unstable matter of regional nationalism.

The 1978 Constitution was a multi-political party agreement that has put together a myriad of different political ideologies and positions. The compromise forged between the Union de Centro Democratico (UCD) and the Partido Socialista Obrero Espanol (PSOE) was of a crucial importance.

However, the purposefully ambiguous language used to define the issue of different nationalities, living within the Spanish borders, have planted the seed of further contrasts. Nonetheless, the Spanish Constitution was approved on 27<sup>th</sup> December 1978.<sup>416</sup>

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<sup>414</sup> Payne, S., *Nationalism, Regionalism and Micronationalism in Spain*, Journal of Contemporary History, Vol. 26 (3/4), 1991

<sup>415</sup> Share, D., *The Making of Spanish Democracy*, New York, Praeger Publishers, 1986, p.62

<sup>416</sup> Share, D., op. cit, 143

In the case of Spain, decentralization and federalisation were the solution to the impulse of the plural society, including groups with differences of language, traditions and history. The new wave of ethno-national political movements has occurred simultaneously with a growing resistance to the centralist model of the unitary state.<sup>417</sup> These dissimilarities eventually influenced the party system as well.

However, Spain is an entity evidently classifiable as a historical unit. This unity cannot be considered as mere aggregation of regions and peoples without any other similarity than their coexistence under the rule of one common monarch or political power. Nevertheless, the social and cultural cohesion of Spain does not eliminate its internal oppositions.

Due to the social cohesion on one side and the internal division on the other, at present the existence of a *dual identity* or *compound nationality* in Spain displays the ambivalent nature of their inner inter-national relations. As Linz has pointed out "Spain ... is a state for all Spaniards, a nation-state for a large part of the Spanish population, and only a state but not a nation for important minorities".<sup>418</sup> Moreover, what is typical for Spain is that its population incorporate both ethno-territorial and state-national identities.

In plural societies individuals are bound to their cultural reference groups that often can be in competition among themselves.<sup>419</sup> The consequence might be a variety of socio-political identities, that often can be shared and overlapping. Therefore, identity indicators are flexible and the degree of their manifestation can also vary depending on contingent circumstances.<sup>420</sup>

Dual identity can be used as a methodological tool in order to measure levels of internal consensus and dissent among the population. The degree of the manifestation of the dual identification can be a significant tool in understanding also the reasons of the demands of political autonomy. As Moreno has stated the more the primordial ethno-territorial identity

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<sup>417</sup> Keating, M., *Nations Against the State: The New Politics of Nationalism in Quebec, Catalonia and Scotland*, London, Macmillan, 1996

<sup>418</sup> Linz, J., *Politics in a Multi-Lingual Society with a Dominant World Language: The case of Spain*, in Savard, J. G., and Vigneault, R., eds., *Les états multilingues: problèmes et solutions*. Québec, Les Presses de l'Université Laval, 1975, p. 423

<sup>419</sup> Barth, F., ed., *Ethnic Groups and Boundaries. The Social Organization of Culture Difference*. Boston, Little, Brown & Co., 1969, p.15

<sup>420</sup> Anderson, B., *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, London, Verso, 1983; Hobsbawm, E., *Nations and Nationalism since 1780: Programme, Myth and Reality*, Cambridge, Cambridge University Press, 1990

prevails upon modern state identity, the higher are the demands for political autonomy.<sup>421</sup> He has also argued that the total absence of the dual identities would lead to the political fracture and it would result with the independence of the ethno-territorial unity.<sup>422</sup> In case where the identification is exclusive, the result can only be an exclusive institutional arrangement.

Due to its different historical paths and different social structure, some regional nationalisms raised and resulted in occasionally violent oppositions to the central government.<sup>423</sup> The antagonism between the central government and regional realities was especially prominent in Catalonia and in the Basque country.

While in the Basque country nationalism was based on the traditional opposition to the bourgeois industrial society, with the emphasis on religion, the *Catalinism* was established more on intellectual basis and less on folkloric elements and it has always been less secessionists as political movement.

However, the Catalan national movement has found more resistance from the centre possibly because it was propounding an alternative vision of Spain while Basque nationalism was always inclined to seek independence. Both nationalisms had in common the vision of a parasitic centre that was in opposition to the vivacious peripheral regions.

The Constitution has been thought to create the basis for the satisfaction of all the nationalities living in Spain and this agreement has been denominated as “café para todos”.<sup>424</sup> With this solution the “founding fathers” of the Spanish Constitution decided to institutionalize all the seventeen autonomous communities instead of responding solely Catalonia’s and Basque Country’s demands.<sup>425</sup>

Considering their perdurable national distinctiveness, both countries opted to immediately undertake the process toward the autonomy. While other regions have had the right to a restricted autonomy for a five-year period, Catalonia, Basque Countries and Galicia could directly opt for the full autonomy.<sup>426</sup> These nations have compelled for institutionalization of their

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<sup>421</sup> Moreno, L., *Ethnoterritorial concurrence in plural societies: the Spanish Comunidades Autónomas*, Instituto de Estudios Sociales Avanzados (CSIC), 1998

<sup>422</sup> Ibidem

<sup>423</sup> Linz, J., *The Party System of Spain: Past and Future*, in Lipset, S. and Rokkan, S., eds., *Party Systems and voter Alignments: Cross-National Perspectives*, New York, Free Press, 1967, p. 209

<sup>424</sup> Fossas, E., *Asimetría y plurinacionalidad en el Estado Autnómico*, in Fossas E- Requejo F, eds., *El debate sobre la acomodación de la diversidad en Canadá, Bélgica y España*, Madrid, Trotta, 1999, pp. 275-301

<sup>425</sup> Guibernau, M., *Catalan Nationalism: Francoism, Transition and Democracy*, London, Routledge, 2004, p.16

<sup>426</sup> Keating, M., *The minority nations of Spain and European integration: a new framework for autonomy*, Journal of Spanish Cultural Studies 1(1), 2000

distinctive status as historical nationalities demanding a more clear definition of the multinational, multilingual and multicultural configuration of the Spanish state.

The important issue in case of Spain is the institutionalization and constitutionalization of the rights of large segments of the population. The question of autonomy, largely discussed in Spain (like elsewhere) during the last four decades have raised problematic issues related to the compatibility of the two political concepts: autonomy and democracy. Autonomy, as a political category, must not always depend on frequently contested notions of culture and history, but it has to focus also on questions of territorial, societal, and state management in a complex context of nowadays society. The standard approaches have been concentrated on issues of sovereignty, independence, devolution and federalism. However, the exam of federal system adopted in Spain merits some attention, while the concept of autonomy explains more carefully the existing power relationships.

**Figure 5.1. Spain and its Autonomous Communities**



Source: mapopen.com

## 2. Constitutional evolution in Spain

By the end of the Franco era, the democratic opposition have supported to some extent peripheral nationalist claims as the response to the nationalist conception of unitary Spain that has accompanied the era of authoritarian regime. The Constitution has not explicitly prescribed a federal settlement of the country, but what was the result of the arrangement was de facto an asymmetrical federal state.

The newly elected Prime Minister, Adolfo Suarez, has started the consensual political process

after the first postauthoritarian legislative elections (June, 1977). The government and the opposition have soon reached the compromise in order to “elaborate a Constitution in collaboration with all the groups represented in the *Cortes*”.<sup>427</sup> The seven-member committee was constituted by the members of the Parliament and comprised three members of the leading party UCD (Union de Centro Democrático), one PSOE member (Partido Socialista Obrero Español), one member of the Communist Party, one representative of the continuist ex-Franquist party AP (Alianza Popular) and one intended to stand for nationalists from Catalonia and the Basque Country. The records of the constitutional process during the 1978 have been of enormous importance for the comprehension of the process through which the Spanish state was transformed.<sup>428</sup>

The most fervently discussed was the “national question” and the ambiguous terms with which the centralist state was turning into a different kind of state. The constitutional articles related to the national question needed to find a solution to the symbolic recognition for the national aspirations and to accommodate such demands from the institutional and juridical point of view. The result was a rather an ambiguous formula.

The Preliminary Part of the Spanish Constitution defines that “national sovereignty belongs to the Spanish people, from whom all State powers emanate.”<sup>429</sup> Therefore, the Spanish people were defined as subject of sovereignty whom “all powers of state organs emanate”. The Section 2 delineates that “The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards.” It follows that “it recognises and guarantees the right to autonomy of the nationalities and regions of which it is composed...”.<sup>430</sup> Consequently, Spain is declared to be the collective subject that is composed by nationalities and regions. In this context, the nationalities and regions appear to be already established as existing subjects before

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<sup>427</sup> Powell, C., *Espana en democracia 1975–2000*. Barcelona: Plaza Janes, 2001, p. 222

<sup>428</sup> The Catalan representative for the communist party, Jordi Solé Tura, has produced a prolific record on the subject (Solé Tura, J., *Los comunistas y la constitucion* (Eurocomunismo, socialismo en libertad), Madrid, Forma, 1978 and *Nacionalidades y nacionalismos en España, autonomías federalismo autodeterminación*, Madrid, Alianza, 1985). The UCD’s delegate, Miguel Herrero De Miñón, has left the record of the constitutional path with *Memorias De Estio*, Madrid, Temas De Hoy 1993 and *Derechos históricos y Constitución*, Taurus, Madrid, 1998. The socialist delegate, Peces-Barba, has presented his own testimony, too (*La elaboracion de la Constitucion de 1978*, Madrid, Centro De Estudios Constitucionales 1988). In the same vein is a volume including essays from all seven of the ‘founding fathers,’ commemorating the 20th anniversary of the Constitution (Cisneros, Herrero De Miñón et al. *20 años después: la Constitución cara al siglo XXI*, Madrid, Taurus, 1998).

<sup>429</sup> Spanish Constitution, Preliminary Part, Section 1, art.2. The text of the Constitution is available on [http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist\\_Normas/Norm/const\\_espa\\_texto\\_ingles\\_0.pdf](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf)

<sup>430</sup> Spanish Constitution, Preliminary Part, Section 2



the constitutive moment, rather than as mere parts of the Spanish nation. At the same way the term “recognize” could also indicate that the “right to self-government” transcends the constitutive moment being already carried out in the past. As Entrena-Cuesta has pointed out “Spain is not a nation, but a state formed by a collection of nations”.<sup>431</sup> However, the article 2., which was one of the most contested during the gestation of the constitutional text, in its final draft contained the term “nationalities” (*nacionalidades*) in order to give respect to the national groups living within the Spanish borders. As Solé-Tura has declared on this point “It is an authentic point of encounter between different conceptions of the Spanish nation... In it, two great notions of Spain merge”.<sup>432</sup> Therefore, the definition of Spain described in the opening part of the Constitution, has put a shade of ambiguity on the delineation of the Spanish state itself. The paradoxal concept of the state was again clearly described by Solé-Tura who later clarified that Spain is “nation of nations”.<sup>433</sup>

The procedures aimed to define institutional forms and scopes of territorial organization of the state are contained in Title VIII. The preliminary draft of Title VIII outlined the procedural mechanisms for the development of something approximating a ‘federal’ system.<sup>434</sup> The model adopted established by the Constitution in 1978 has eventually developed into a continuous process of top down federalization.<sup>435</sup> However, the Spanish Constitution does not contain the word “federal” in any of its provisions. Yet, the art.145 contains the word federation, but it prescribes the prohibition of setting a federation among regions, which actually could be realized in some potentially irredentist regions.

Therefore, the 1978 Constitution was a document containing two different views of Spain, which had traditionally been in opposition to each other. On the one hand, there is the idea of an indivisible Spanish nation-state. On the other, there is the conviction that Spain is composed by diversity of peoples and/or nations. By the Constitution Spain is defined as one single nation. The constitution admits the presence of numerous “historical nationalities” and “regions,” but does not cite any of them in particular. Therefore, the delineation of which regions within Spain are to be considered “historical nationalities” was left open. This incomplete articulation of a federal

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<sup>431</sup> Entrena-Cuesta, R., “Artículo 2”, in Garrido Falla, F.. ed., *Comentarios a la constitucion*, Madrid, Editorial Civitas, 1985, p. 43

<sup>432</sup> Solé-Tura, J., *Nacionalidades y nacionalismos en Espana: autonomias, federalismo, autodeterminacion*, Madrid, Alianza, 1985 p.100

<sup>433</sup> Solé-Tura, J., op. cit., p.101

<sup>434</sup> Moreno, L., *The Federalisation of Spain*, London, Frank Cass, 2001 p.2

<sup>435</sup> Ibidem

system is not unusual of federal or federalizing states.<sup>436</sup> The constitution established two main types of regional autonomy. In practice, the “fast track” autonomy was granted to the “historical nationalities” (Basque Country, Catalonia, and Galicia). The rest of the territories would enjoy a relatively lower level of autonomy, with the option to gain more autonomy after five years time.

Nevertheless, the final result was an extremely confusing and ‘hybrid’ formulation in which the ‘right of nationalities and regions’ to ‘self-government’ would be ‘recognised’ and ‘guaranteed’. At the same time, a more precise description of the territories corresponding into each category is missing altogether. Instead, two alternative procedures for exercising the vaguely defined ‘right to self-government’ have been established. On one hand there was a ‘fast-track’ autonomy, intended to be applied to those territories that had already held referenda on proposals for autonomy during the Second Republic – specifically, the Basque Country, Catalonia, and Galicia. The Basque Country and Catalonia had already been allowed a ‘preautonomous’ status by the government, although the ultimate decision and the legal status of these regions would be derived by the Constitutional text.<sup>437</sup> On the other hand, for the remaining undefined regions, an alternative, ‘slow-lane’ formula was conceived.

In this context it is possible to extract two visions of Spanish nationalism. One is nationalism that originates from the centre, which is the response to the peripheral nationalism. At the same time the peripheral nationalism is a reaction of national groups to the centrist politics of Madrid. The tool of the “two speed autonomies” was used only in order to counterbalance the autonomies given to the historical regions (Catalonia, the Basque Countries and Galicia). The decentralisation aimed to reduce the potential impact of above-mentioned regions.<sup>438</sup>

The final draft of Title VIII would remain silent on several important points. Several matters have not been defined as for example the territorial configuration of these different regions, the scope and content of the ‘right to self-government’, or a possible variation of level and kind of ‘rights’ recognised and guaranteed for ‘nationalities’ as opposed to ‘regions’.<sup>439</sup> Nonetheless, the final version did not clarify the future territorial arrangement of the state. Consequently, the

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<sup>436</sup> Lancaster, T. D., *Complex Self-Identification and Compounded Representation in Federal Systems*, West European Politics 22 (2), 1999

<sup>437</sup> Martinez-Herrera, E., Miley, T. J., *The constitution and the politics of national identity in Spain*, *Nations and Nationalism* 16 (1), 2010

<sup>438</sup> Conversi, D, op. cit. p.126

<sup>439</sup> Powell, C., *Espana en democracia 1975–2000*, Barcelona, Plaza Janes, 2001, p.230

“collective subject” and its nature (it’s source, scope and content of the rights of these alternative subjects existing within in it) have not been determined.

The total percentage of votes in favour of the new Constitution was considerably high (eighty-seven per cent). In Catalonia, sixty-seven per cent population participated and ninety-one voted yes. In the Basque Country, however, only forty-five per cent was the turn out, and sixty-nine per cent registered a yes-vote.

**Table 5.1. Results of the 1978 Constitutional referendum in Spain, Catalonia and the Basque Country**

(% out of total electors)	yes	no	Total voters	Abstention
Spain	59%	7.8%	67.1%	32.9%
Basque Country	69.1% out of total voters	10.5% (23.5% out of total voters)	44.7%	55.3
Catalonia	90.5% out of total voters	3.1% (4.6% out of total voters)	67.4%	32.6%

Source: Congreso de los Diputados and own elaboration

The results of the referendum offer a clear indication that the Constitution at first enjoyed extensive support among the Spanish population.

Another question posed to the Spanish public allows us to learn specifically about preferences regarding the territorial organisation of the State. During the transition to democracy and in its immediate aftermath, Linz and his collaborators at DATA inquired about citizens’ preferences among four different types of organisation. The results they obtained are reproduced in Table 2.

Between 1977 and 1979 the most heated question in Spanish politics concerned the relationship of peripheral nationalism to the unitary Spanish state. In this two-year period the percentage of the population in the Basque Country who opted for autonomism remained unchanged but still embraced almost half of the entire population of the region. On the other side, the pro-independent sentiment doubled in Catalonia in the same period.

**Table 5.2. Percentage of preference of the territorial arrangement in Spain 1977 - 1978**

	Spain %	Catalonia %	Galicia %	Basque country %
Centralism	1977 - 42 1978 - 29	1977 - 23 1978 - 19	1977 - 35 1978 - 34	1977 - 15 1978 - 16
Autonomism	1977 - 42 1978 - 49	1977 - 52 1978 - 44	1977 - 41 1978 - 49	1977 - 46 1978 - 46
Federalism	1977 - 9 1978 - 14	1977 - 17 1978 - 25	1977 - 7 1978 - 10	1977 - 18 1978 - 21
Indipendentism	1977 - 3 1978 - 5	1977 - 5 1978 - 11	1977 - 3 1978 - 3	1977 - 16 1978 - 17

Source: Linz, J., *De la crisis de un Estado unitario al Estado de las Autonomias*, in F. Fernandez Rodriguez, ed., *La Espana de las Autonomias*. Madrid: Instituto de Estudios de Administracion Territorial, 1985 and own elaboration

The quick decrease in support for ‘centralism’ indicated that none of the main statewide parties advocated it.<sup>440</sup> The figures for the Basque Country, Catalonia and Galicia, like those for all of Spain, show that ‘autonomy’ was the most preferred of the four options throughout the period of the transition to democracy.<sup>441</sup>

### **3. The first elections and the stateness issue**

The Constitution has not settled many of fundamental questions regarding the structure of the state, the nature of territorial autonomies and the “rights” of the historical nationalities. The first fault of the Constitutional arrangement possibly can be found in the departing point of the new constitutional structure that has started from the Spain as unitary state organization. Therefore, it is possible to conclude that Spain after Franco’s regime has been established with a stateness

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<sup>440</sup> Linz, J., *De la crisis de un Estado unitario al Estado de las Autonomias*, in F. Fernandez Rodriguez (ed.), *La Espana de las Autonomias*, Madrid, Instituto de Estudios de Administracion Territorial, 1985

<sup>441</sup> Linz, J., Stepan, A., *Political Identities and Electoral Sequences: Spain, the Soviet Union, and Yugoslavia*, Daedalus, Vol. 121 (2), The Exit from Communism (Spring, 1992), The MIT Press

issues.

In similar cases, where a country has a stateness issues it is of crucial importance whether the first elections are state wide or local/regional.<sup>442</sup> In Stepan's and Linz's words "elections, especially "founding elections", help create agendas, actors, organization and most importantly legitimacy and power".<sup>443</sup> That helped go beyond Spain's stateless problem. The first post Franco vote was a referendum to approve a "law for political reform", a law that received 94.2 per cent approval.<sup>444</sup> This law opened the route to a process of clear democratization, not just liberalization.<sup>445</sup>

The first elections in 1977 were an example of political pluralism and have exhibited a great commitment to the political consensus. All major political parties have shown their will to associate themselves with a stance of moderation and a cohesive commitment to democratic values and procedures.

Although the Constitution has left some crucial matters unsolved in Spain, the first elections have probably contributed to the unity of the Spanish state.

If the first elections in Spain had been on the regional basis instead of statewide, the incentives for the formation of nationwide parties and agendas would have been significantly reduced. It is possible to conclude that, in case of the first elections based on regional parties, the state-wide parties and their affiliates would have received fewer votes, and furthermore the issues of the regions, their autonomy and rights would have assumed a much more substantial and disruptive role. More likely the nationalist parties and their affiliates would have been more radical on their demands, their more divisive political positions would have created the path to the route of separation. In this way, the strengthened nationalist parties would have more likely caused difficulties to the already intricate stateness problem in Spain.<sup>446</sup>

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<sup>442</sup> Linz, J., Stepan, A., *Problems of Democratic Transition and Consolidation*, Johns Hopkins University Press, Baltimore, Johns Hopkins University Press, 1996, p.100

<sup>443</sup> Ibidem

<sup>444</sup> The "Law for Political Reform" has been analyzed by Lucas, P., in *La Octava Ley Fundamental*, Madrid, Teconos, 1976; see also Hernandez Gil, A., *El cambio político español y la Constitución*, Editorial Planeta, 1982

<sup>445</sup> It is important to point out briefly the distinction between democratization and liberalization. Liberalization involves several policy and social changes as less censorship of the media, the introduction of legal safeguards and the toleration of political opposition. On the other side, democratization includes liberalization, among other practices, but it is a wider concept and most of all it is specific political concept. Liberalization is mostly referred to the civil society, while democratization concerns civil society and it refers essentially to the political society.

<sup>446</sup> Linz, J., Stepan, A., Gunther, R., in *Democratic Transition and Consolidation in Southern Europe, with Reflections on Latin America and Eastern Europe*, in Gunther, R., Diamandouros, P., Puhle, H., *The Politics of Democratic*

However, the strong commitment to democratization of the statewide parties straightened the legitimacy claims of the central government, helped building links between political society and civil society and supported the relationship between Spain's peripheral nationalism and the central government.<sup>447</sup> Furthermore, all-union elections influenced stateness issues by supporting multiple and complementary identities that have emerged in the new democratic Spain.

#### 4. Federalism in Spain

The unification of different units, like regions, including different national groups into federations, theoretically seemed to be a successful approach of containing pressures for disintegration.<sup>448</sup> However, in practice, in some federations these pressures were difficult or almost impossible to restrain. For this reason, some scholars as Elazar, have been arguing if federal states including different national groups are at risk of violent conflicts.<sup>449</sup> However, as Gagnon has suggested, the success of federal political systems does not stand in the elimination of the political conflict, but in the capability of such system to manage it.<sup>450</sup>

In case of Spain, democracy is embedded in a typical configuration of institutional elements characteristic of the Spanish state organization and culture that have been determined by its particular political history. However, it is still hard task to categorize Spain clearly into a single state tradition model.

According to the 1978 Constitution Spain has been created as unitary state. The objective of a homogeneous Spain has competed with a pluralist vision of *Spanishness* since the beginning of the nineteenth century and both are part of a centuries-long political practice in which centralising attempts clashed with regional resistance. These different points of view have produced contrasting conceptions of the term 'nation', between the time of the first Spanish

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*Consolidation. Southern Europe in Comparative Perspective*, Baltimore, Johns Hopkins University Press, 1995, p.92

<sup>447</sup> For the organization and development of statewide parties see Gunther, R., Sani, G., Shabad, G., *Spain After Franco - The Making Of A Competitive Party System*, Berkeley, University of California Press, 37-177. The results of the 1977 elections p. 38

<sup>448</sup> Forsyth, M., ed., *Federalism and Nationalism*, Leicester, Leicester University Press, 1989

<sup>449</sup> Elazar, D., *International and comparative federalism*, Political Science and Politics, 26 (2), 1993

<sup>450</sup> Gagnon, A., *The political uses of federalism*, in Bruggess, M., Gagnon, A., *Comparative Federalism and Federation, Competing Traditions and Future Directions*, Hemel Hempstead, Harvester Wheatsheaf, 1993

constitutions (1812 and 1837) and the present day. During this time, two different notions of nationhood took shape: the Unitarian vision of the country and the republican federalist idea that found its greatest support in Catalonia.

Among several attempts of the conflict management, Spain has proved to be one of the most positive examples. However, the success can be measured from different political actors' perspectives: political parties, segments of society and external actors. In case of the political elites standpoint, the safeguarding of the state's unity could be an element of success. From the regionalist perspective, the level of autonomy achieved becomes also a unit of measure and in this case, the high degree of self-government is the indicator of successful conflict management. The success of federalism is given by the long-lasting institutionalized system of accommodation. From all of these standpoints Spain has demonstrated to be a successful example of managing the conflict.<sup>451</sup>

However, federalism is a system that is based on continuous process of negotiation and what was successful in one historical moment, might not be suitable once the circumstances change. Therefore, the crisis can replace the success in case of mutation of conditions. Consequently, the success will depend also on the ability or impossibility of adaption to the new circumstances.

Nowadays, Spain is one of the most multinational of all Western democracies. Multinational as term is often used in inappropriate way and it cannot be exchanged with terms as multicultural or multi-ethnic. By multinational it is intended to indicate institutionalised groups, which are politically mobilized and have achieved certain degree of self-government. Multinational implies the organization of national minorities into political territorial units within the state. In most of the seventeen self-governing regions of Spain the nationalist and regionalist parties claim their right to territorial self-determination. Eight of these regions have their own language or languages: Catalan in the Balearic Islands, Catalonia (where there is also a minority language, Aranese), and the Valencian Country; Basque language in the Basque Country and Navarre; Gallego in Galicia; Catalan and Aragonese in Aragon; and Bable in Asturias.<sup>452</sup>

Decentralization has developed from asymmetrical devolution of powers in the direction of a

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<sup>451</sup> Conversi, D., *Autonomous Communities and the ethnic settlement in Spain*, in Ghai, Y., *Autonomy and Ethnicity. Negotiating Competing Claims in Multi-ethnic States*, Cambridge: Cambridge University Press, 2000, pp. 122-144

<sup>452</sup> Alonso, S., *Multinational Democracy and the Consequences of Compounded Representation. The Case of Spain*, Berlin, Wissenschaftszentrum Berlin für Sozialforschung (WZB), Veröffentlichungsreihe der Abteilung Demokratie: Strukturen, Leistungsprofil und Herausforderungen des Schwerpunkts Zivilgesellschaft, Konflikte und Demokratie, August, 2008

cooperative federalism with shared competences. Despite the considerable devolution process, the central Spanish government maintains a relevant concurrent legislative role and its own state-wide implementation network for some policies such as social security, public order, infrastructures, tax collection (with the exception of the Basque Country, Navarre and Catalonia).<sup>453</sup>

Consequently, Spain with all its structures and practices is not clearly classifiable in one of the typologies of democratic countries defined by Lijphart.<sup>454</sup> Majoritarian democracy based on bare-majority principle, two party system, centralized and unitary government concentrates on power as basic principle. On the other side, consensus democracy, is grounded on power sharing dynamics of a broad coalition cabinet, with usually proportional electoral system, multi-party system, government is federal and decentralized and strong bicameralism.

Considering the combinations of institutional features, it becomes very difficult to classify Spain in one of these Lijphart ideal types. However, it is easier to assert that Spanish democracy in its formal arrangements has a combination of majoritarian features in the executive and political parties aspect with a consensual features in the federal-unitary dimension.

However, certain features of Spanish democracy cannot be identified without analysis of the *Estado de las Autonomías*. Political decentralization was introduced with the aim to accommodate nationalist separatism but has become, with time, an end in itself. The federalization of Spain, with the proliferation of sources of representation, has had a number of positive effects on the relationship between nationalism and democracy. These results are positive because they have made the living together of minority nationalism and democracy feasible.

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<sup>453</sup> Del Pino, E., Colino, C., *National and Subnational Democracy In Spain: History, Models And Challenge*, Madrid, Instituto de Políticas y Bienes Públicos Centro de Ciencias Humanas y Sociales Consejo Superior de Investigaciones Científicas, 2010

<sup>454</sup> Lijphart, A. *Democracies. Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, New Haven, London, 1984; Lijphart, A., *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*, New Haven, London, 1999



## 5. Asymmetry in Spain

There are two forms of asymmetrical federalism: one dictated by the different size and demography of the units, the other determined by the different privileges and rights enjoyed by each unit - whether they are territorially or ethnically based.

In Spain, Catalonia, the Basque Country and Galicia, defined as historic communities, have to compete, on the institutional level, with the other regionally based entities, some of which were arbitrarily founded with the new Constitution in 1978. Due to the different historical and institutional path of the regions, the Spanish 'federal' model presents a combination of both asymmetric and symmetric federalism. Asymmetry was the unavoidable result of the growing power acquired by both the Catalan and Basque autonomous governments.

As Will Kymlicka has pointed out, creation of two levels of autonomy or two different segments of "special rights", results with inevitable creation of two classes of citizens.<sup>455</sup> He has also suggested that the asymmetrical dynamics can, in the long run, endanger the social unity of the country.<sup>456</sup>

The acceptance of the territorial arrangement of the country presumes the recognition of the state as a multinational federation. In case where the asymmetrical establishment is accepted by the majority of the population that presupposes that regional claims for more autonomy should not threaten the role of the central government.<sup>457</sup>

Today Spain is both symmetrical and asymmetrical combining unity and diversity within its borders. In this case, asymmetry is conceived as disparity of rights and status among different territorial unities composing the country. The asymmetry is customarily set in the Constitution and de facto evolves through the relations among the units. In Spain the management of the asymmetry is formalized by the intergovernmental relations agreement (IGR).<sup>458</sup> However, the Spanish Constitution did not introduce a federal state, but the creation of autonomous

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<sup>455</sup> Kymlicka, W., *Finding Our Way: Rethinking Ethnocultural Relations in Canada*, Toronto, Oxford University Press, 1998, p.141

<sup>456</sup> Ibidem

<sup>457</sup> Requejo, F., *Zoom Politic: Democracia, Federalisme i Nacionalisme des d'una Catalunya* Europea Barcelona, Proa, 1998

<sup>458</sup> Agranoff, R., *Intergovernmental Relations and the Management of Asymmetry in Federal Spain*, in Agranoff, R., ed. *Accommodating Diversity: Asymmetry in Federal States*. Baden- Baden: Nomos, 1999

communities has resulted with building a federal state.<sup>459</sup> This has led to the formation of “federal state by induction”.<sup>460</sup> In this context, Aja has pointed out that “the features of the autonomous state correspond to the essential features of federal systems, and because of the way the Constitution is employed, the conclusion that can be reached is that the existing structure of power in Spain is equivalent to those of actual federal states.”<sup>461</sup>

The asymmetry in Spain is about balancing the two levels of power, between historic regions and the centre, and intergovernmental relations between the centre and all the regions, as the *Estado de las Autonomías* has established.

The reasons of the asymmetry in Spain are regional and they transcend the Basque and Catalan ethnic nationalism. Few other territorial entities such as Aragon, Asturias, the Balearic Islands, Galicia, Navarre, and Valencia have always had loose connections with the centre. Furthermore, some of them have even experienced certain levels of self-government and/or several immunities during the Habsburg dominance. Historically, Catalonia and the Basque Country have always been considered as wealthy industrial areas, developed among the first ones. The struggle between these two regions and the centre (Madrid) over the free trade issue, have marked the history of the Iberian Peninsula. On the other side, the Castilles, Extremadura and Andalusia have always represented the political centre.<sup>462</sup> This dynamics has produced policefalic structure.

However, Fusi, in his speculation about the regional political dynamics, claims that the nation-state building of Spain is an outcome of an unexpected and growing process of mutation problems within the Spanish society.<sup>463</sup> In this case the centrifugal forces, expressed by industrially developed and culturally different areas, are not seen as a reaction and opposition to the centre. More exactly, the weakness of the centre during the nineteenth century has encouraged locally entrenched identities to institutionalize their distinctiveness. Conflicts grounded on political and economic issues and occurred between the end of the nineteenth and the beginning of the twentieth century, were soon transformed into struggles on regional

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<sup>459</sup> Agranoff, R., *Federal Evolution in Spain*, International Political Science Review 17 (4), October, 1996, p. 385-401.

<sup>460</sup> Moreno, L., *The Federalization of Spain*, London, Frank Cass, 2001

<sup>461</sup> Aja, E., *El Estado Autonómico*, Madrid, Alianza Editorial, 2003, p. 97

<sup>462</sup> Agranoff, R., *Local Governments and Their Intergovernmental Networks in Federalizing Spain*, McGill Queen's University Press, 2010, p.23

<sup>463</sup> Fusi, J. P., *Centre and Periphery 1890-1936: National Integration and Regional Nationalisms Reconsidered*, in Lannon, F., and Preston, P., eds. *Elites and Power in Twentieth Century Spain*, Oxford, Oxford University Press, 1990, p. 34

basis.<sup>464</sup> These struggles have created what Moreno describes as multiple territorial concurrence. “This model relates socio political ethno territorial mobilization to the interplay among Spanish nationalities and regions pursuing political and economic power, as well as to the achievement of legitimization for their institutional development”.<sup>465</sup> The structure described by Moreno reveals the Spanish asymmetry.

With the 1978 Constitution a three-levels system was established. Article 137 allows for the organization of the country into “municipalities, provinces, and autonomous communities.”

The Parliament is to authorize, upon request by groups of provinces or by a single province, a *national* statute of autonomy for each territory. The route to autonomy was made faster for the historic territories (based on their Second Republic statutes and plebiscites) of Catalonia, the Basque Country and Galicia. These three territories and Andalucia (through a special constitutional route) did accede to AC status very quickly, whereas the other territories took a slower and somewhat different route to autonomy. Spain’s fifty provinces are currently divided into seventeen ACs, all of which achieved autonomy by 1983.<sup>466</sup>

Spain’s federal settlement has successively developed by the governing process, following what Friedrich have called a unitary country “federating” by “separating” into a federally organized whole. In addition, federal relations, as he has pointed out, are “fluctuating relations in the very nature of things”.<sup>467</sup> Therefore, the Spanish federal system from the time it was established, have evolved throughout the time as the claims of the Autonomous Communities were arising.

What was *defacto* and *dejure* asymmetrical federal path of Spain asymmetry can be summed up as follows:<sup>468</sup>

- The four historical communities have almost immediately obtained greater power transfers while the other communities were obliged to follow slower route and have obtained some powers only twenty years later. Some powers that usually stay under central government jurisdiction (for example regional police) are only exercised in the historic communities.
- Institutionalization of six official languages: Castilian, Catalan, *Eskaudi* (Basque language),

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<sup>464</sup> Fusi, op. cit., 1990, p.37

<sup>465</sup> Moreno, L., *The Federalization of Spain*, London, Frank Cass, 2001 p.79

<sup>466</sup> Agranoff, R., *Federal Asymmetry And Intergovernmental Relations In Spain*, Asymmetry Series 2005 (17) IIGR, Queen’s University

<sup>467</sup> Friedrich, C. J., *Trends of Federalism in Theory and Practice*. New York, Praeger, 1968, p.7

<sup>468</sup> Agranoff, R., op.cit., 2005

Galician, Valencian, and Majorcan (the latter two derivatives of Catalan).

- . Two ACs, Basque provinces and Navarre were allowed to continue historic financial concessions based on their *fueros*, or immunities.
- . Until 2002, when the last ACs accepted education, health and social services, competencies were uneven among the 17 ACs, with the Basque, Catalan, Andalucian, and Galician governments holding the largest number.
- . The Canaries AC, which is off the coast of Africa, retains all harbour and petroleum taxes, and is exempt from the European Union Value Added Tax (VAT).
- . The government of Catalonia has maintained much greater regulatory and operational control over its financial institutions, collects a fee for oversight, and devotes the funds to economic development.
- . Catalan and Galician legal codes are different from those of other communities, particularly in regard to civil or private law, family legislation, land tenure and land inheritance.
- . The three Basque provinces (sub AC governments) have greater powers, compared to other Spanish provincial governments, particularly regarding their power to collect taxes, finance municipalities, regulate other local governments, and govern their territories.
- Another *defacto* asymmetry is the role played by the Basques and Catalans in foreign affairs. Although foreign policy is an exclusive central competency, both have made extraordinary international moves based on their identity as “nations.”
- Perhaps the most important *defacto* asymmetry comes as the result of the political influence exerted by non-state parties, particularly when they represent the balance of power within AC or central parliaments.
- Some regional political parties (especially from Catalonia and Canaries) have been asked to support central leaderships, in order to be able to form the governments

The competences of the autonomous regions were not distributed equally since the institution of the territorial division. The Constitution specifies 32 exclusive state competencies, such as foreign affairs, defence, the military system, exterior trade, etc. It also comprises, among others, the judiciary power, radio and telecommunications, educational standards, pensions and social security and traffic control. Nevertheless, in practice several powers are shared between central

government and AC regional administrations.<sup>469</sup> For the powers which are of dual nature, and which are shared between the central and regional governments, the state has opted to implement sort of framework laws that regulate the nonexclusive competencies of the ACs in health, education, urban development, and municipal supervision. For instance, the Basic Law on Local Government (LRBRL), proclaimed in 1985 and modified in several occasions, institutes basic local government configuration, specifies services to be provided. Another example is the *Pacto Autonómico* established in 1992, with which the main competencies in health and education, are to be transferred to all 17 ACs.

Intergovernmental relations are also defined by the political party in charge at different levels of governments. Therefore, most of the disputes are political-contingent rather than policy-oriented or institution-structured. That is why bilateral agreement between the central and regional government would be more desirable option to reach political agreements rather than the simultaneous institutionalization of 'shared rule' in the "federal" Senate.<sup>470</sup>

The Constitutional Tribunal (TC) with its decisions have delimited the actions of some ACs, and it have guaranteed the involvement of the central government in issues of constitutional integrity and fundamental rights. The TC advocated the central government's role in basic legislation, in matters of basic rights and in affairs of national interest. On the other side, it supported the ACs rights to "make the final decision" in the matters of regional importance.

The central government has established several intergovernmental organizations to facilitate the transfer of powers process and to promote cooperation. Furthermore, hundreds of *Convenios de Colaboración* (Collaboration Agreements) encompass several arenas such as agriculture, fisheries and fishing, health, social services, labour, culture, and many more. The *Sectoral Conferences* that gather ministers from the central government and AC ministers with the task to deliberate about the matters concerning environment, public works, tourism, culture. Another body established in 2004 in order to facilitate collaboration and coordination is the Conference of AC Presidents, and it is composed by all ACs first ministers.

Besides being designed to include the most possible number of institutional actors in the IGR process, the above-mentioned agreements were created with the aim to avoid bilateral

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<sup>469</sup> Argullol E., Agranoff, R. et al., *Federalismo y Autonomía*, Barcelona, Editorial Ariel, 2004

<sup>470</sup> Moreno, L., *Federal Democracy in Plural Spain*, in Bruggess, M., Gagnon, A., *Federal Democracies*, New York, Routledge, 2010, p. 168

agreements among regions like the Basque Country and Catalans.<sup>471</sup>

## **6. *Estado des Autonomias*: conceptual overview and empirical evidence**

Autonomy has ethimological roots in Greek language (αὐτονομία) and means independent legislation. In certain historical periods it was the synonym for sovereignty. However, it is important to distinguish the autonomy that can be related to the sovereignty and the meaning of autonomy that can be related to the self-government.

Spanish state is composed by regions that have been struggling in order to obtain higher degree of self-government and in some cases even independence. Some academic studies suggested that these inter-national distinctions would disappear by the time and that different cultures would mix and create one common culture.

For instance, functional diffusionism<sup>472</sup> has continuously suggested the idea that internal regional differences within states would disappear with the expansion of liberal democracy principles and industrial capitalism. It was believed that with the increase of political, economic and cultural interaction on large basis, populations of different regions would acquire a new collective identity, which would go beyond their dissimilarities.<sup>473</sup> It was also thought that centre-periphery conflicting dialectic was doomed to decline as society became 'modernised' by achieving social standardisation. Likewise, different cultural identities of ethnic groups would be blended and substituted by class-based clashes or conflicts among different interest groups. Therefore, modernisation would have caused the creation of an all-embracing identity rooted in both cultural and civic axes. However, history has frequently falsified such analyses. The discontinuity and unpredictability of social arrangements have caused the creation of different identities, especially territorial, which can be shared in various degrees.<sup>474</sup>

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<sup>471</sup> Agranoff, op.cit., 2005

<sup>472</sup> Diffusionism, as an anthropological concept, was an attempt to analyse the nature of culture in terms of the origin of culture attributes and their expansion from one society to another. Some forms of diffusionist encompassed the belief that all cultures originated from one culture centre (heliocentric diffusion). Another, the more realistic view is that cultures originated from a limited number of culture centres (culture circles). Finally there is the belief that each society is influenced by other cultures but that the process of diffusion is both contingent and arbitrary (Winthrop, R., *Dictionary of Concepts in Cultural Anthropology*, Westport, Greenwood Press, 1991, pp. 83-84

<sup>473</sup> Deutsch, K., *Nationalism and Social Communication*, New York, M.I.T Press, 1966, p.1

<sup>474</sup> Giddens, A., *Modernity and Post-Modernity: Self and Society in the Late Modern Age*, Cambridge, Polity Press, 1991; Smith, A., *National Identity*, London, Penguin, 1991

Territorial identification in some cases can bring to the high levels of disapproval of the central government and incline toward the autonomy.

In case of Spain, the propensity for autonomy, apart from the Basque Country and Catalonia, was particularly high in Andalusia, Galicia, the Canary Islands and Valencia. An important role was played by the prominent political parties that encouraged autonomy demands. As the historical regions were given certain degree of autonomy, many other territorial entities, which previously were lacking national or territorial specificity, were suddenly claiming or have been already granted certain levels of autonomy. Some territories did not formerly have any experience or tradition of self-government. Therefore, devolution process, that in some cases was artificial, has also caused the establishment of hybrids, as it is the case with Castille and Leon and Castille – La Mancha.<sup>475</sup>

The creation of this new reality of *Comunidades Autónomas* in Spain needed to be adapted to new forms of inter-governmental network, especially at the level of institutional collaboration. This new arrangement has created a sort of federal, power sharing system based on ethno-territorial interactions.

Il *Titulo Preliminar* of the Spanish Constitution establishes that the state is not federal.<sup>476</sup> However, the functioning of the system of shared powers can also greatly depend on the political inclination and will of the party at the government. As for example, the Senate, that is usually the institution of regional representation in federal countries, is not the body that represents such interests.<sup>477</sup>

This progressive building of *Estado de las Autonomías* and the consequent network of relations has caused a system that Moreno has defined as multiple ethno-territorial concurrence.<sup>478</sup> The foundations of Spanish federalisation lie on inter-governmental relations, which are based on social, political and economic matters.<sup>479</sup> *Concurrence* in Moreno's context stands for

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<sup>475</sup> Moreno, L., *Ethnoterritorial concurrence in plural societies: the Spanish Comunidades Autónomas*, Instituto de Estudios Sociales Avanzados (CSIC), Working Paper 98-06

<sup>476</sup> *Titulo Preliminar*, Spanish Constitution

<sup>477</sup> Guibernau, M., Spain, *A federation in the making?*, in Smith, G., *Federalism: The Multiethnic Challenge*, London, New York, Longman, 1995, p.239-256

<sup>478</sup> Moreno, L., *Multiple Ethnoterritorial Concurrence in Spain, Nationalism and Ethnic Politics*, Vol. 1 (1), 1995, pp. 11-32.

<sup>479</sup> Moreno, L., *Federalism: The Spanish Experience*, Pretoria, HRSC, 1997

asymmetry<sup>480</sup>, heterogeneity and plurality, all elements that better describe the Spanish federal arrangement.<sup>481</sup>

Decentralized and federal system of Spain created with the Constitution in 1978 is based on democratic decentralisation of power that was due to the centrifugal pressures expressed by mostly peripheral regions. Therefore, the decentralisation of power involved also other regions that were not demanding any autonomy and this produced an inductive allocation of powers.

Catalonia was one of the regions that experienced a period of autonomy (1931-1938); therefore it was taken as reference for the elaboration of models of autonomy for other regions. The autonomies established subsequently followed the design adopted by the Catalan Generalitat (Catalan Parliament).<sup>482</sup>

Catalonia was one of the regions where the autonomy was introduced and implemented almost immediately. The *Estatut* was approved in 1979 by the referendum in which 61 per cent was the turnout and 88 per cent of preferences were in favour of the Statute of Autonomy. With almost identical numbers the popular referendum gave the same result in the Basque Country that approved its own statute in 1979.<sup>483</sup>

The reason of the creation of Statutes of Autonomy was essentially the differential fact at the basis of the several nationalities living in Spain. The differential fact<sup>484</sup> is one of the pillars of the *Estado de las Autonomías*. The mobilisation patterns were based on the ground of the Galician, Catalan and Basque movements, known as non-Castilian language territories and for their distinctive culture and history. Therefore, in the case of these three regions, as for other Spanish regions at different extent, the differential fact shows the combination of elements that distinguish one national group from another. Consequently, the differential fact is an important element but not straightforwardly quantifiable considering that it is rooted in the ethnicity of each group. The self-awareness of the own differential fact is the engine of the political mobilisation of the

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<sup>480</sup> Asymmetry and heterogeneity, both de jure and de facto, are particular traits in the process of Spanish 'federalisation' (Moreno, op.cit. 1997). On internal national differences and the operationalisation of asymmetrical federalism in Spain, Requejo, F., *Diferencias nacionales y federalismo asimétrico*, Claves de Razón Práctica, no. 59, 1996, pp. 24-37.

<sup>481</sup> According to Karl Popper (1976) a situation of concurrence could be described as an unintended effect of the human actions of the competitors. These aim at having the monopoly with no further competition. But in a situation of concurrence there is no compulsion to eliminate other concurrent actors. Popper, K., 'The Logic of the Social Sciences', in Adorno, T. et al, *The Positivist Dispute in German Sociology*, New York: Harper & Row, 1976, pp. 87-104

<sup>482</sup> Conversi, D., op. cit. p. 129

<sup>483</sup> Conversi, op., cit., 130

<sup>484</sup> Moreno, L.. *The Federalization of Spain*, London, Frank Cass, 2001, p.95



national group. Accordingly, the competition among different national groups within the state has the goal to create an equal access to the power, which is expressed by the achievement of self-government.

Spain's seventeen Autonomous Communities (ACs) obtained autonomy, which is constitutionally entrenched. In fact, the main feature of the Spanish "federal" agreement goes along with the federative principle that legitimacy of each autonomous unity is constitutionally guaranteed.<sup>485</sup> Consequently, the Spanish system makes sub-state units accountable for powers and competences that are of their exclusive competence.<sup>486</sup> The regional Parliaments are directly elected by their citizens. According to the parliamentary system adopted by the autonomous territories, regional presidents and governments are politically accountable to regional parliaments. According to the art.151 of the Constitution, the Basque Country, Andalusia, Galicia and Catalonia were the first ones to achieve the autonomy using the special fast track procedure. Remaining regions obtained their set of powers according to the art.143. Therefore, all the communities achieved important autonomy and obtained legislative powers. Besides 17 Autonomous Communities, there are 50 Provinces, 8111 Municipalities and two Autonomous Cities.

One of the main inadequacies, of Spain's characterization as a federal system, underlined by Moreno, is the function of the Senate. As in many federal countries, interrelations and interdependences multiply the administrative and political procedures within the country. Senate should be the House of regional representative. Although its constitutional formulation as 'territorial chamber', the Spanish Upper House mostly reflects the functions of fully-fledged Chamber of Deputies. Its role has been mainly instrumental, giving the parties a second opportunity to discuss on legislative projects.<sup>487</sup>

Even though Spain was transformed into a quasi-federal system, it is not common calling the present system 'federation', considering that there is much uncertainty in regard to the powers attributed to the regions. The following list gives a brief chronological development the development of the present system

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<sup>485</sup> Moreno, J., *Federalisation in Multinational Spain*, in Bruggess, M., Pinder, J., *Multinational Federations*, New York, Routledge, 2007 p.86

<sup>486</sup> Dahl, R., *Federalism and the Democratic Process*, in *Democracy, Identity and Equality*, Oslo, Norwegian University Press, 1986, pp114-126

<sup>487</sup> Moreno, op. cit., 2007, p.137

The chronological evolution of the development of the autonomies can be summed up as follows:

- in 1977 the Catalonia's *Generalitat* was re-established
- 1978 pre-autonomy was granted to 14 regions out of total of 17
- 1979 the Constitutional Court enacted the Organic Law with which aimed to solve the local and central competencies established by the art.161, 162 and 165
- 1979 the Cortes have approved the Catalonia and the Basque Country Autonomous Statutes
- 1981 LOAPA (Law on the Harmonization of the Autonomy Process) was adopted by the Cortes. This Law is one of the agreements that establishes some aspects of the autonomy, specifically restricts the autonomy process (including the requirement of the Cortes' approval of the Autonomous Communities laws).
- 1983 The autonomous status was obtained by Extremadura, Balearic Islands, Madrid, and Castilla and Leon
- 1985 – 2002 Specific powers have been transferred to the Autonomous Communities including the social services, education and health
- 2004 The government announces the reform of the Senate with the aim to reform it into an AC body. In addition, the central government also announced the revision of the Statutes of Autonomy, the creation of a Conference of Autonomous Presidents (as a tool of executive federalism) and the revision of the financing model.

**Table 5.3. The number and types of local authorities by Autonomous Community (2013)**

<b>Autonomous Communities</b>	<b>Municipalities</b>	<b>Provinces</b>	<b>Islands</b>	<b>Sub-municipal units</b>	<b>Mancomunidades</b>	<b>Comarcas</b>	<b>Metropolitan Areas</b>	<b>Other</b>	<b>Total</b>
Andalusia	770	8	0	47	89	0	0	0	<b>914</b>
Aragon	731	3	0	43	62	32	0	0	<b>871</b>
Asturias	78	1	0	39	19	0	0	1	<b>138</b>
Balearic Islands	67	1	4	1	7	0	0	0	<b>80</b>
Basque Country	251	3	0	340	37	7	0	0	<b>638</b>
Canary Islands	88	2	7	0	17	0	0	0	<b>114</b>
Cantabria	102	1	0	524	22	0	0	0	<b>649</b>
Castile & Leon	2.248	9	0	2.233	244	1	0	13	<b>4748</b>
Castille-La Mancha	919	5	0	40	134	0	0	1	<b>1099</b>
Catalonia	946	4	0	58	73	41	2	0	<b>1124</b>

Extremadura	383	2	0	26	73	0	0	0	<b>484</b>
Galicia	315	4	0	9	41	0	0	0	<b>369</b>
Madrid	179	1	0	2	49	0	0	0	<b>231</b>
Murcia	45	1	0	0	8	0	0	0	<b>54</b>
Navarre	272	1	0	352	60	0	0	2	<b>687</b>
Rioja	174	1	0	4	27	0	0	0	<b>206</b>
Valencia	542	3	0	7	61	0	2	0	<b>615</b>
Autonomous Cities	2	0	0	0	0	0	0	0	<b>2</b>
<b>TOTAL</b>	<b>8112</b>	<b>50</b>	<b>11</b>	<b>3725</b>	<b>1023</b>	<b>81</b>	<b>4</b>	<b>17</b>	<b>1302 3</b>

Source: Registro de Entidades Locals 1/01/2013 and own elaboration

Provinces are the result of a 19<sup>th</sup> century territorial division and they encompass inter-municipal councils which parliaments (*diputaciones*) and presidents are indirectly elected. Their task is to cooperate with municipalities guaranteeing the provision of services to the smallest territorial unities.

The Autonomous Communities consist of 17 legislatures with over 1186 regional members of Parliament. Regional prime ministers are usually regional leaders of a statewide party regional branch and this makes them representatives of regional interests at the central government. So far, there have been nearly sixty presidents of which eighty per cent were members of a statewide party.

As for the distribution of powers between the central government and the local ones they can be described as described in the following table.

**Table 5.4 Division of powers in Spain**

Area	Reserved Matters	Exceptions	Devolved Matters	Shared Powers (Catalonian Example)	Executive Powers (Catalonia)
<b>General Reservations</b>	International relations Basic rules of the legal system of public administrations and the status of their officials; the common administrative procedure; legislation on compulsory expropriation; basic legislation on contracts and administrative concessions and the system of liability of all public administrations	Without prejudice to the special features of the self-governing communities' own organisations	Organization of institution of self-government  Changes in municipal boundaries within their territory and functions appertain to the State Administration of local corporations	Development of organising principles of public employment (over the acquisition and loss of civil service status, administrative situation and rights, obligations and incompatibilities of staff in the employ of the public administration bodies).  The right of escheat in urban expropriations within the framework of state legislation.	Compulsory expropriation
	Defence and the armed forces				Security
	Commercial, criminal, penitentiary and	Without prejudice to the necessary specialities in these			Prison affairs

	procedural legislation	fields arising from the peculiar features of the substantive law of self- governing communitie s			
	Civil legislation			In matters of patrimonial responsibility, powers to establish causes that may give rise to liability, in claims brought against the <i>Generalitat</i> , in accordance with the general system of responsibility of all Public Administration bodies.	
	Administratio n of justice				

Source: Stuart, C., *Comparative Political Decentralisation in Europe*, SPICe briefing, July, 2009  
and own elaboration

According to this territorial accommodation, Spain is representing a sport of non-institutionalized federal system. According to its institutional arrangement Spain is not consociational country because it does not enable national groups to have their shares in the national government. However, it combines federal principles of self-rule and power sharing.<sup>488</sup> Spain gives a clear example that a federal system can accommodate and manage internal oppositions.<sup>489</sup> In the case of Spain, the territorial and institutional arrangements are supported by the presence of dual identities spread among the population. Congruence and complementarity are ideal for the federations-like countries.<sup>490</sup> The identities of Spanish nationalities are at different degrees historically or culturally rooted. Nevertheless, they can be preserved and can survive together with a sense of identification with the statewide culture. The markers of group identities can have different intensity and they change considerably according to the contingent circumstances.<sup>491</sup> In 17 Spanish Autonomous Communities the degree of dual identities is express in various extents in different regions. However, it is interesting to understand the sense of identification in those regions (Basque Country, Catalonia, Galicia) that have a strong sense of group belonging and their national identity is deeply rooted and perceived among the population. The extent of the sense of dual identity can be summarized in the following Table 3. The period taken in consideration is between 1979-1982, which was marked by the evolution of the new constitutional arrangement.

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<sup>488</sup> Elazar, D., *Exploring Federalism*, Tuscaloosa, University of Alabama Press, 1987, p.165

<sup>489</sup> Linz, J., *Democracy, multi-nationalism and federalism*, Madrid, CEACS-Institute Juan March, Working Paper n.103, 1997

<sup>490</sup> Stepan, A., *Toward a New Comparative Analysis of Democracy and Federalism: Demos Constraining ad Demos Enabling Federations*, Conference on Federalism, Democracy and Public Policy, Centro de Investiacion y Docencia Economicas, Mexico City, June, 1999

<sup>491</sup> Hobsbawm, E., Ranger, T., *The Invention of Tradition*, Cambridge, Cambridge University Press, 1983, p.248



**Table 5.5. Identifications in historical regions (Basque Country, Catalonia, Galicia)**

Identity	Basque Country		Catalonia		Galicia	
	1979	1982	1979	1982	1979	1982
More Spanish than Regional	4.2	4.5	6.1	8.2	4.5	5.8
As Spanish as Regional	24.2	4.5	33.1	38.3	42.7	48.7
More Regional than Spanish	11.1	16.5	11	16.6	11.1	9.5
Regional only	33.9	42.6	13.7	8.7	23.9	10.9
Spanish only	18.7	8.6	28.7	21.8	16.2	14.3

Source: Centro de Investigaciones Sociológicas – CIS, 1980; Herrera, E. M., Miley, T. J., The constitution and the politics of national identity in Spain, Nations and Nationalism 16 (1), 2010; own elaboration

## 6. Statues of Autonomy and political parties

### A) Regional segmentation of political parties

Among all the Spanish political parties, only few of them have their presence at the national level. They are mainly PSOE, PP and UI. A great number of local parties limit their activity to one or two regions. However, in some of the mostly mobilized regions, from the political point of view, like in the Basque Country and Catalonia, have a great influence on the political activity of the region. Therefore the subject of the inquiry is if the regionalization of Spain has brought to the regionalization of the national electoral politics.

The Cumulative Regional Inequality Index (CRII) proposed by Rose and Urwin.<sup>492</sup> This index measures the influences on the degree of homogeneity of differences in size of territorial units. It is based on percentage of parties' vote distribution by constituencies.<sup>493</sup> It is calculated by subtracting the percentage of votes obtained in one region from the percentage of voters of that same region, adding the absolute values of these differences and dividing the result by 2.<sup>494</sup> In terms of final results the CRII index quantifies if the territorial distribution of voters within a party corresponds the territorial distribution of the electorate as a whole. In case that a party collects most of its preferences in one constituency and hardly few votes in another the CRII index will be high, resulting with the heterogeneous support of that party. The CRII criterion, regardless to the size of the political party, allows the comparison between different parties throughout the time. However, it takes in consideration the size of the in consideration. This is especially important for Spain where the Autonomous Communities are different is size among them.

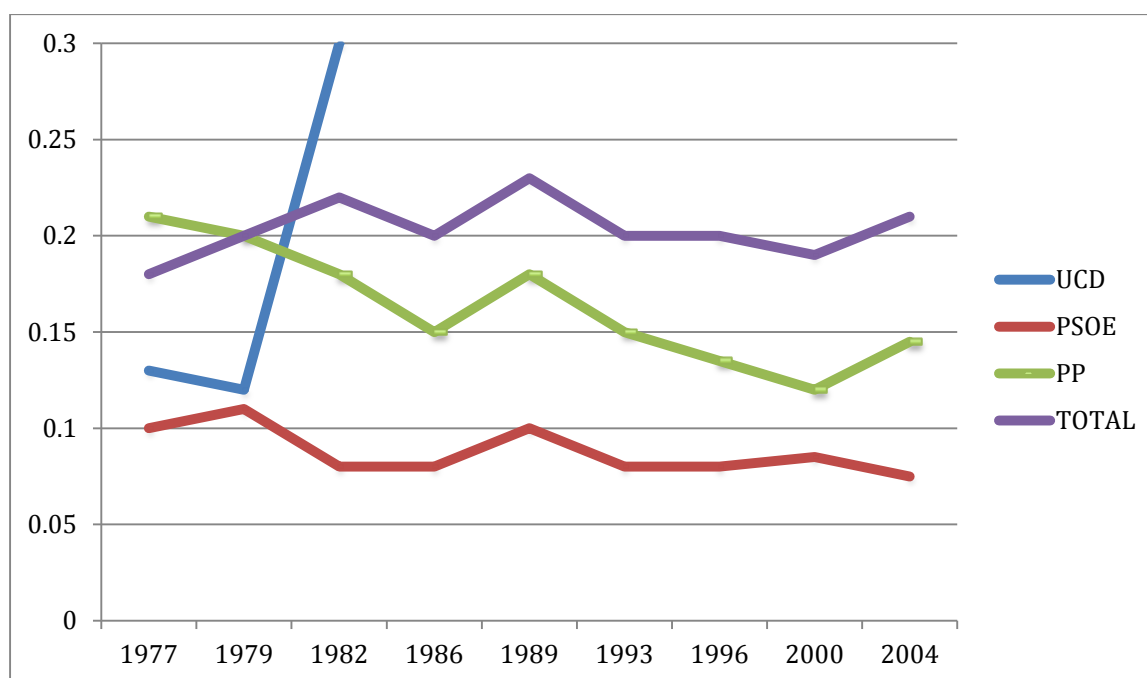
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<sup>492</sup> Rose, R., Urwin, D., *Regional Differentiation and Political Unity in Western Nations*, Contemporary Political Sociology Series, vol. 1 (6-7), London, Sage Publications, 1975

<sup>493</sup> Caramani, D., *The Nationalization of Politics: The Formation of National Electorates and Party Systems in Western Europe*, 2005, p.62

<sup>494</sup> Ibidem, p.63

**Figure 5.2. Territorial heterogeneity of the major statewide parties after the Constitution in 1978 (CRII values) <sup>495</sup>**



From the figure 5,2 it is possible to conclude that the new Conservative Party PP in 1977 started with a heterogeneous result, and then have quickly covered the entire territory in a relatively homogeneous way.

In the post-Franco era the PSOE was a party with a more homogeneous result. The conclusion can thus be that Spain displays some considerable regional variation in its electoral results, but that *this variation is not increasing over time*.

The results related to the UCD depict the decline of the party after 1979. However, this decline did not occur equally in all Communities. Before disappearing from the political scene in 1986, the party obtained relatively good results in Galicia and the Canary Islands, while it was completely absent in Madrid, Catalonia and the Basque Country. <sup>496</sup>

<sup>495</sup> Deschouwer, K., *Towards a Regionalization of Statewide Electoral Trends in Decentralized States? The Cases of Belgium and Spain*, in Swenden, W., Maddens, B., (eds.), *Territorial politics in Western Europe*, London, Palgrave, 2009, p.43

<sup>496</sup> Ibidem

## B) Party System

Several factors contributed to the peaceful democratic transition of Spain. However, the peculiar party system that emerged was the product of few basic elements, which could be mainly summed up in: the beliefs of the electorate, the strategies adopted by the political elites and the institutional arrangement created during the transition.

The social milieu, in which the transition and the new party system have taken place, had played an important role. The societal cleavages that had caused earlier failures of democratic experiments were still of great importance. Class clashes and conflicts between regional nationalist movements and centralist tendencies shaped the new party system in Spain. The configuration of new political forces was a product of perceptions, values, calculation strategies and behaviours of political elites while they attempt to attract electoral support.

Commonly, the societal cleavages channelled into an emergent party system depend on the identity of the societal groups that party leaders seek to mobilize and the issues that they choose to emphasize.<sup>497</sup> In order to understand the emergence of the new alignment it is necessary to understand “to what extent the parties [...] reflect social stratification and cleavages and vice versa,” and “to what extent these cleavages reflect the channelling imprint of a structured party system.”<sup>498</sup>

However, the political elites and their behaviour can influence the outcome of the system and they can bring the system toward the polarization in case they perceive it as a zero sum game.<sup>499</sup> In that case, the system resulted by that dynamics could be polarized and extremely unstable. As Sartori<sup>500</sup> has pointed out, in order to analyse the configuration of the party system, it is necessary to examine its relevant political parties and their relative ideological distance with the aim to deduce the political party format and the relative polarisation of the party system.

In the case of Spain, Aja<sup>501</sup> has analysed that the country has experienced the dominance of two major and one minor statewide party, while the ACs generated several regional

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<sup>497</sup> Gunther, R., Sani, G., Shabad, G., *Spain After Franco: The Making of a Competitive Party System*, Berkeley, Los Angeles, University of California Press, 1986, p.4

<sup>498</sup> Sartori, G., *The Sociology of Parties: A Critical View*, in Stammer, O., *Party Systems, Party Organizations and the Politics of the New Mases*, Committee on Political Sociology of the International Sociological Association, 1968, p.22

<sup>499</sup> Dahl, R., *Reflections on Opposition in Western Democracies, Government and Oppositions*, Volume 1 (1), 1965

<sup>500</sup> Sartori, G., *Parties and Party Systems*, Colchester, ECPR, 2005, p.107-110

<sup>501</sup> Aja, E., *El Estado Autonómico*, Madrid, Alianza Editorial, 2003, chapter 4

nationalist parties.<sup>502</sup> Generally, the existence of regional/local political parties causes the creation of different political centres (and in case of Spain it causes also the creation minority governments), but it also leads to polarization. Precisely, the national party system has evolved to a balanced two-party system, divided between the Centre-Left and Centre-Right blocs. The same type of division was present at the regional level.

The Spanish case deserves particular attention considering that the new political parties did not follow the regular path of gradual political development. Their weak organisation, the catch-all approach, and the role of the mass media have been the main tools of the new political forces in Spain.<sup>503</sup> The second reason for interest in the Spanish party system is related to its two-tiered party system that essentially generates several, regional, party systems. In Spain, the existence of the party system at the state level along with numerous regional party systems and interaction among them creates quite dynamic scenario.<sup>504</sup>

Cleavages that have been fundamental in the creation of the Spanish party system(s) can be summarized in: class cleavage and centre-periphery cleavage.<sup>505</sup> While the class cleavage is at the base of the national party system, the regional party system is grounded on the second cleavage (centre – periphery). The centre-periphery divergence has been of fundamental importance in the creation of the local/regional political parties, especially in territories such as the Basque Country and Catalonia.<sup>506</sup>

The establishment of the *Estado des Autonomias* have fostered the territorialisation of the party system by creating new arenas for competition. This process resulted in creation of new nationalist (regional) parties, which number has multiplied rapidly in the last thirty years. The long list includes ninety-five parties (still taking part in elections at the local, regional, or state level). Eighty-seven parties active in the last thirty years have been established after 1977. Distinctive national factors of each region were the basis from which new regional political parties were developing. After 1983 there was a widespread trend of consolidation of regionalist parties.<sup>507</sup>

Some of the parties who played a great role in shaping the new system, had already been

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<sup>502</sup> Pallarés, F., Montero, J. R., Llera, F. J., *Non State-wide Parties in Spain: An Attitudinal Study of Nationalism and Regionalism*, Publius, The Journal of Federalism 27 (4), 1997

<sup>503</sup> Lanza, O., *Spagna: sistema partitico o sistemi partitici?* in Grilli di Cortona, P., Pasquino, *Partiti e sistemi di partito nelle democrazie europee*, Bologna, il Mulino, 2007, p.118

<sup>504</sup> Ibidem, p.118

<sup>505</sup> Ibidem, p.118

<sup>506</sup> Ibidem, p.120

<sup>507</sup> Pallarés, F., *Estado autonómico y sistema de partidos: una aproximación electoral*, Revista de Estudios Políticos 71, 1990

existing: PSOE, PCE and PNV.<sup>508</sup>

However, regardless the high degree of political polarization caused by the existence of numerous political parties, regional politics, in the same way as the national politics, has been controlled by three main state parties: PSOE (Socialist Party – *Partido Socialista Obrero Espanol*), PP (People's Party – *Partido Popular*) and IU (United Left – *Izquierda Unida*). Their dominance has always been accompanied by the strong presence of the regional parties which were locally based in each of Autonomous regions<sup>509</sup> and which would have been playing an important role in the national parliament by giving their support to the Socialist and People's Party minority governments.<sup>510</sup> The parties who mostly contributed to the stability of the minority governments were *Convergencia I Unio* (CiU), *Basque Nationalist Party* (PNV) and *Canary Coalition* (CC).<sup>511</sup>

As for the regional level, the local parties and especially in the Basque Country, Catalonia, Galicia, Canary Islands and Navarre have given the impulse to the creation of distinct party systems. In certain regions, like in the Basque Country (until 2009) and in Catalonia (until 2003), the regional parties have been governing regional parliaments since their institution. On the other side, the state-wide parties have accordingly adapted their activity to the decentralization of the political system and needed to changed their organization and leadership. As it was pointed out by Montero and Linz, parties are organisations that has to adapt to the changing circumstances of the system in which they operate in order to continue their presence on the political scene.<sup>512</sup> The environment in the Spanish case was permeated by both ideology cleavages and centre-periphery cleavages. As Lanza has pointed out, in Spain the ideological dimension (left-right range of values) is not complete and does not provide enough elements for the calculation of the party system performance. These elements can be found more likely in the analysis of the centre-periphery axis that provides more radical positions than the left-right axis.<sup>513</sup>

What emerges from the dynamic Spanish party systems is that it is a multiparty system that presents bipartisan centripetal competition. However, several scholars did not agree on the

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<sup>508</sup> Alonso, S., op. cit, p.8

<sup>509</sup> Loughlin, J. and Hanley, D., eds., *Spanish Political Parties*, Cardiff, Wales University Press, 2006, pag.14

<sup>510</sup> Pallarés, F. and Keating, M., *Multi-level electoral competition: sub-state elections and party systems*, in Hough, D., Jeffery, C., eds., *Devolution and electoral politics*, Manchester, Manchester University Press, 2006, p.102

<sup>511</sup> Montero, A., *The Politics of Decentralization in a Centralized Party System: The Case of Democratic Spain*, *Comparative Politics*, Vol. 38,(1), Oct., 2005

<sup>512</sup> Linz, A., Montero, J. R., *The Party Systems of Spain: Old Cleavages and New Challenges*, Madrid, Juan March Institute, Working Paper n.138, 1999

<sup>513</sup> Lanza, O., op.cit., p.133

definition of the Spanish party system. In the first period of the after-Franco era (1977 – 1979) the Spanish party system was defined as moderate or segmented pluralism.<sup>514</sup> Gunther, Sani and Shabad have defined the Spanish party system (after 1982) as a “two plus party” system even if it does not “appear to be characterized by the moderate degree of polarization typical of other bipolar systems”.<sup>515</sup> It could be also noted that after the 1982 Spain could be described as predominant-party system according to the Sartori’s classification.<sup>516</sup>

**Table.5.6 The effective number of parties at the electoral level, the effective number of parties at the legislative level**

ENEP - the effective number of parties at the electoral level

ENPP - the effective number of parties at the parliamentary or legislative level

	ENEP (Effective number of parties at the electoral level)	ENPP (Effective number of parties at the legislative level)	Number of seats
1977	4.30	2.92	350
1979	4.25	2.81	350
1982	3.19	2.34	350
1986	3.59	2.68	350
1989	4.13	2.85	350
1993	3.52	2.67	350
1996	3.21	2.72	350
2000	3.12	2.48	350
2004	3.00	2.53	350
2008	2.79	2.36	350
2011	3.34	2.60	350

Source: Gallagher, M., Election indices dataset at the web page of Department of Political Science, Trinity College Dublin, 2014, [http://www.tcd.ie/Political\\_Science/staff/michael\\_gallagher/ElSystems/index.php](http://www.tcd.ie/Political_Science/staff/michael_gallagher/ElSystems/index.php)

<sup>514</sup> Linz, J., *Il sistema partitico spagnolo*, Rivista Italiana di Scienza Politica, 3, 1978

<sup>515</sup> Gunther, R., Sani, G., Shabad, G., *Spain After Franco - The Making Of A Competitive Party System*, Berkeley, University of California Press, 1986, p. 418

<sup>516</sup> Sartori, G., *Parties and Party Systems: A Framework for Analysis*, Cambridge, Cambridge University Press, 2005, p.173

### C) Electoral system

Electoral systems are important; they are not just a technical and neutral issue in political science. Indeed they represent a crucial link between the choices of million of voters and democratic representation.

The particular configuration of the party system cannot be explained without taking in consideration its electoral system. The regional reforms were more a result of regionalism than simple regionalization.<sup>517</sup> Spain, despite formally having a proportional system, has many three-member and four member districts having thresholds ranging from 40% to 42.9% (Lijphart, 1984). This makes the Spanish electoral system very disproportional (Lijphart and Grofman, 1984) and perhaps explains its relatively low level of turnout if compared to that of other proportional systems. Indeed, many citizens may not feel encouraged to go to the polls if there are small districts where only few major parties are likely to win seats. As Cox has underlined, thresholds or district magnitude in proportional systems can constrain voters' choices and prompt them to act strategically. This is what happens in Spain where the magnitude of many districts is below 5. Indeed in Cox's analysis, strategic voting imposes an 'upper bound on the effective number of competitors that will appear in equilibrium' (Cox: 193). Also Lijphart has highlighted that electoral systems variables such as electoral formulas (e.g. Sainte-Lague and d'Hont formulas), district magnitude and ballot structure may significantly affect the level of disproportionality of PR systems, that is, they may cause over-representation of large parties and under-representation of medium-sized and small parties.

In Spain the Constitution decrees proportional representation for the general elections. However, the statewide elections are based on provincial constituencies, with a minimum of two deputies per province. In some cases provinces are quite large (such as Madrid and Barcelona) and the electoral results are fairly proportional. However, in smaller constituencies, the statewide parties or parties that have a strong territorial presence are more advantaged.

Regarding the Autonomous Communities, they have the right to decide which form of proportional system to adopt.<sup>518</sup> Nevertheless, the ACs have opted for an electoral system,

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<sup>517</sup> Regionalism "refers to an ideology and political movement that advocates the control of regional affairs by regional populations through setting up regional governments of some kind", while regionalization "consists of policies developed by central governments for regional territories and may involve establishing regional administrations to implement those policies.", Loughlin, J., *Federal and Local Government Institutions*, in Caramani D., *Comparative Politics*, Oxford, Oxford University Press, 2014, p.190

<sup>518</sup> Pallarés, F., Keating, M., *Elections and Systems in Spain, Multi-Level Electoral Competition Regional Elections*



which is essentially identical to the electoral system adopted at the national level. The proportionality at the regional level is even more exact since there are more representatives for each province.<sup>519</sup> The only exception is the Basque Country where, although the difference among the population of the provinces, the number of representatives from each historic territory (three provinces) is the same.

Even more proportionality is observed at the local level. The number of seats and representatives in each municipality gives highly proportional outcomes.<sup>520</sup>

However, according to Caramani, the PR system can influence the number of parties and can have a “reductive effect on the number of parties if the magnitude of constituencies is small, as in Spain.”<sup>521</sup>

Four Autonomous Communities (Andalusia, the Basque Country, Catalonia and Galicia) have the power to set the timing of their elections (within the four-year term), while the remaining thirteen ACs hold their elections on the same day of the statewide elections.

**Table 5.6 LSq in Spain between 1977 - 2011**

Year	1977	1979	1982	1986	1989	1993	1996	2000	2004	2011
LSq	10.05	10.56	8.02	7.19	9.35	7.08	5.36	6.10	4.25	6.93

Source: Gallagher, Michael, 2014. Election indices dataset at [http://www.tcd.ie/Political\\_Science/staff/michael\\_gallagher/ElSystems/index.php](http://www.tcd.ie/Political_Science/staff/michael_gallagher/ElSystems/index.php)

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*and Party Systems In Spain, European Urban and Regional Studies* 10 (3), 2003

<sup>519</sup> Montero, J.R., Llera, F.J. and Torcal, M., *Sistemas electorales en España: una recapitulación*, in *Revista Española de Investigaciones Sociológicas*, 1992

<sup>520</sup> Pallarés, F., Keating, M., op. cit.

<sup>521</sup> Caramani, D., *Comparative Politics*, Oxford, Oxford University Press, 2014, p. 229

**Table 5.7 PR system in Spain**

	Number and years of elections	Electoral formula	District magnitude (a)	Number of districts	Assembly size	Legal threshold (b) N/R/D	Effective threshold (c)
Spain	(5) 1977-1989	D'Hondt	6.73	52	350	3 D	10.2

Source: Lijphart, A., *Electoral Systems and Party Systems. A Study of Twenty-Seven Democracies, 1945 – 1990*, Oxford, Oxford University Press, 1994, p.22

(a) district magnitude refers to an average district magnitude – division of the total number of seats in the legislature by the number of districts;

(b) threshold applied on the national level (N), district level (D), regional level (R)

(c) 3 per cent threshold becomes effective only for districts magnitudes above 24 seats: of 52 districts, only Barcelona and Madrid have greater magnitudes.

#### **D) Political parties and the “nationalisation” of regions**

According to Pascal Dewitt, Spain is the country where the political *regionalism* has developed the most. This process has taken place during the period of democratisation and adaptation to the new Constitution.<sup>522</sup>

As a result of its territorial arrangement, several regional parties have been created in order to give voice to the regional political expression. Regional parties have shown their relevance over the time. They have addressed issues of regional representation,

The Socialists were the initiators of the reform in Andalusia, Aragon, the Canary Islands, and Catalonia, in the last two cases in coalition with the nationalists. The Basque Country is the only case in which the reform process was, almost exclusively, in nationalist hands. It is also the only statute that was rejected by the Spanish parliament for lack of support, given that it had not been agreed upon with any of the two major Spanish parties in the Basque parliament.

The *Partido Popular*, given that the party is, by history and ideology, the party of Spanish nationalism, is the main defender of the idea that Spain as a nation is one and indivisible. However, despite its ideological stance, the regional branches of the *Partido Popular* have defended the definition of the Valencian Country and the Balearic Islands as historical nationalities, it have insisted for the highest level of self-government that can be assumed

<sup>522</sup> Lancaster, T.D., Lewis-Beck, M.S., *Regional Vote Support : the Spanish case*, International Studies Quarterly, 33 (1), 1989, in DeWitte, P., *Les partis régionalistes en Europe. Des acteurs en développement?* Bruxelles, Editions de l'Université de Bruxelles, 2005, p. 57

within the constitution and have succumbed to the rhetoric of nationalism in the preambles of the new Statutes of Autonomy of these two regions. This illustrates how the PP has shown very contradictory policy towards the process of reform of the Statutes of Autonomy. It has supported in Valencia what it has rejected in Catalonia; it has rejected in the Andalusian parliament what it has supported in the Spanish one. This is the consequence of the internal tensions that the party was experiencing as a result of this simultaneous process of political decentralization and contending of a multi-nation state.<sup>523</sup>

The Socialist Party was not free from this tension either, as has been evident by the different approaches that the party in Catalonia and the party in Madrid have maintained with respect to the reform of the Catalan Statute of Autonomy.

The statewide PSOE have always had the ambition to absorb locally based socialist parties, while the Catalan Socialist branch that claimed its own distinctiveness showed the greatest resistance. The division mirrored the cleavage centre-periphery within the socialist family considering that the Catalan social movement put more emphasis on the Catalan issues and claims, while the statewide Socialist party was more concerned with social reforms.<sup>524</sup>

At the statewide level, the general tendency of the state parties is to conciliate with the local parties in case they needed support in regional governments. Occasionally, they also showed to be more motivated to press for increased autonomy, and even to embrace a nationalist rhetoric. This rational approach is of vital importance for the survival of the party at the regional level.<sup>525</sup>

There is one further effect of the institutionalization of the nationalist minorities. Spanish statewide nationalism can be threatened by the strengthening of minority nationalists. Therefore, state parties with a strong Spanish nationalist policy, such as the Popular Party, were radicalizing their discourse against nationalists in the periphery. The outcome is a growing polarization of the political positions defended by Spanish nationalists, on the one extreme, and minority nationalists, on the other.<sup>526</sup> Nevertheless, the dual identity factor, widespread throughout the country, makes it unlikely that undemocratic principles will overcome.

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<sup>523</sup> Alonso, S., op. cit.

<sup>524</sup> Hopkin, J., *Party Matters Devolution And Party Politics In Britain And Spain*, Party Politics, Vol. 15 (2), 2009

<sup>525</sup> Alonso, S., op.cit

<sup>526</sup> Alonso, S., op.cit

**Table 5.8 Performance the main statewide parties at the national and regional level elections from 1982 to 2000**

Spain	AP/PP	UCD/CDS	PSOE	PCE/IU	Regional (non statewide parties) parties
<b>1982</b>	25.6	9.8	47.2	4.0	9.1
<b>1986</b>	25.6	9.1	43.4	4.6	11.4
<b>1989</b>	25.6	7.8	39.3	9.0	12.3
<b>1993</b>	34.6	3.5	38.6	9.5	12.4
<b>1996</b>	38.6	0.0	37.4	10.5	11.2
<b>2000</b>	44.2	0.1	33.9	5.4	12.6

Source: Pallarés, F., Keating, M., Elections and Systems in Spain, Multi-Level Electoral Competition Regional Elections and Party Systems In Spain, *European Urban and Regional Studies* 10 (3), 2003

## 8. Final considerations

As Tully has pointed out the multinational democracy seems to run against the predominant norms of legitimacy for a single-nation democracy and it is believed as irrational or anomalous by both the defenders of the status quo and the proponents of secession”.<sup>527</sup> Linz and Stepan have asserted that “a federal state can be a state nation (Spain and India), or a nation-state (Austria, Germany), but not a multinational state in the sense of being composed of units, each of which considers itself to be a nation-state or aims to be an independent nation-state” therefore “states can be multinational societies, but not multinational states”.<sup>528</sup> However, the numerous minority nationalisms are present in Western democracies and their political movements did not, contrary to the expectations that they would become anachronistic, fade away.

What history has shown is that representative democracies have always brought some positive results in accommodating national groups demands. Most of the democracies, with national groups within their boundaries have recognized them as nations and have accordingly rearranged their institutional design introducing some tools of political

<sup>527</sup> Tully, J., Gagnon, A., eds., *Multinational democracies*, New York, Cambridge University Press, 2001, p. 2

<sup>528</sup> Lins, J., Stepan, A., Yadav, Y., *Crafting State-Nations. India and Other Multinational Democracies*, Baltimore, The Johns Hopkins University Press, 2011, p.11

devolution and granting certain degree of self-government.<sup>529</sup>

The instruments of the representative government and the democratic rule have essentially provided a fertile terrain for minority groups' claims to develop. Devolution of political powers, when implemented, gives the opportunity of political action and representation to the national groups.

One of main characteristics of the democratic society is that is engaged in an incessant process of changing. Schwartzberg has pointed out that "the ability to modify law is a quintessential and attractive democratic trait... a fundamental act of popular sovereignty".<sup>530</sup> This "democratic trait" should give the opportunity to the multinational environment to adapt to the continuously changing circumstances.

What has to be pointed out in Spain is the presence of the dual identities throughout the country. Citizens of Spain, regardless to their territorial/national origin, have multiple national identities. Basically, there are two "national" sentiments that need to be reconciled. Citizens have multiple sources of identification: the regional one, the state one. They can identify themselves with one of them or with both.

In Spain the regional sections of statewide parties are those who defend the most the dual identity of Spanish citizens, according to their regional and statewide presence. Given the definition that Spain is a nation of nations, the dual identity is actually at the basis of the Spanish democracy.

"The border that separates a democracy from an authoritarian system is not the observance of the law. All political systems need to rely on a coercive force and to impose, to demand, the observance of the law in order to survive as political systems. This happens in both democracies and dictatorships.... The ultimate and fundamental boundary that truly separates democratic from totalitarian systems is not so much the observance of the law but the fact that the law is the reflection of the general will, that it is the reflection of the will of the majority."<sup>531</sup> A multinational representative democracy, therefore, is not a democratic way to solve, once and forever, nationalist claims; it is just a democratic way of dealing with them now and in the future. This is one of the features of representative democracies in multinational states: permanent provisionality. The Spanish *Estado de las Autonomías*, should be always a developing process and not a status quo. Tully has underlined that the main characteristic of a free and democratic society is the involvement in continuous process of

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<sup>529</sup> Urwin, D., *Harbinger, fossil or fleabite? Regionalism and the west European Party Mosaic*, in Daalder, H., Mair, P., *Western European party systems*, London, Sage, 1983, p. 221-256

<sup>530</sup> Schwartzberg, M., *Democracy and legal change*, New York, Cambridge University Press, 2007, p. 2

<sup>531</sup> Basque Nationalist Party, *Diario de Sesiones del Congreso de los Diputados*, 1st February 2005, 3142

discussion.<sup>532</sup> Multinational representative democracies cannot adopt a definitive and fixed solution on the matter:

“The language of constitutionalism and struggles for recognition dispose us to presume that there is some definitive and permanent system of rules of mutual recognition, some definitive configuration (...). But this is false. (...) *What is definitive and permanent is the democratic discussion and alteration of the rules over time*”.<sup>533</sup> What the Basque Prime Minister, Juan José Ibarretxe<sup>534</sup>, underlined is exactly this provisionality by saying:

“Do you know what Thomas Jefferson used to say? He said that each generation should approve its own constitution.” The statement put the lights on how, especially in certain countries, the Constitutional arrangement can become anachronistic and unsuitable for the changing circumstances. Therefore, in order to keep up with dynamic society and its variable nature, continuous adaptation by the institutions would be desirable.

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<sup>532</sup> Tully, J., *Introduction*, In *Multinational Democracies*, eds. Gagnon, A., Tully, J., Cambridge, Cambridge University Press, 2001, p 14

<sup>533</sup> *Ibidem*

<sup>534</sup> Ibarretxe, Basque Prime Minister and member of the Basque Nationalist Party, *Diario de Sesiones del Congreso de los Diputados*, 1 February 2005, n.65 p.3133;  
[http://www.congreso.es/public\\_oficiales/L8/CONG/DS/PL/PL\\_065.PDF](http://www.congreso.es/public_oficiales/L8/CONG/DS/PL/PL_065.PDF)

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