

# Party encroachment on the executive and legislative branch in the Belgian polity

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## I. Introduction

The grip of political parties of central government actors (cabinet, parliament, the bureaucracy, judiciary) in Belgium was most striking in the 1970s and 1980s. In this period Belgium, like Italy, constitutes a very strong case of *partitocracy*. Yet, while the Italian *partitocrazia* collapsed brusquely in the early 1990s, the Belgian *particratie*<sup>1</sup> underwent a number of gradual modifications (some imposed by external factors, others were the product of genuine voluntarist autocorrections), which prevented the complete collapse of the *partitocratic* system and to some degree restored the governability of the country.

In this article, we will present for each sector of central government first the main features as they were under full *partitocratic* rule during the 1970s and 1980s; second, we will indicate which corrections were introduced, that reduced the (negative consequences of) the grip of political parties on central government actors, structures and processes. Finally, we will discuss the problem of the public debt and policy inertia.

A large number of features of the Belgian executive and legislative system stem from the features of the party system which is characterised by extreme fragmentation (see the contribution of Deschouwer in this issue). While electoral competition between parties on the left-right and denominational conflict dimensions has become more centripetal, competition on the linguistic-regional cleavage line has become increasingly centrifugal, a type of party system which Sartori labels "polarised pluralism", with hardly any party in the centre of the ethno-linguistic divide, and most parties drifting away from this centre. The negative repercussions of such a party system for the executive/legislative system are most noticeable during the process of government formation, the internal organisation and functioning of the cabinet, the role of parliament and individual MPs, and the working of the bureaucracy.

## II. Government formation

The growing number of potential coalition parties, the increasing complexity of matters to be dealt with, and the growing opposition between regions and communities, has made the process of government formation increasingly difficult in

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1 For an analysis of the main features of party government in Belgium, see DE WINTER (1981, 1989).

the 1968-1992 period. This is especially true where the question of which parties will constitute a coalition and which policy the coalition will pursue is concerned.<sup>2</sup>

### A. *The composition of coalitions*

The growing fragmentation of the party system increased the number of parties needed to constitute winning majorities. While until 1968 usually the government included two parties and exceptionally even a single party<sup>3</sup> the splitting of the traditional parties into two independent parties evidently doubled the number of coalition members. In addition, the growing saliency of the institutional cleavages led to the formation of several surplus governments that controlled a two-third majority in both chambers, required to reform the constitution. This necessitated the inclusion of one or two "surplus" parties. Hence, while the average number of "parties in government" in the 1950-1968 period, i.e. before the splitting of the traditional parties, was only 1.6 (10 governments), the 19 governments in the 1968-1995 period included on the average 4.5 parties.<sup>4</sup>

Yet, in spite of the fact that the number of *regierungsfähige* parties has increased dramatically, and the number of possible minimum winning coalitions rose exponentially, in practice coalition formation in terms of party composition is less chaotic as one might expect it to be (Ström, Budge & Laver, 1994). First, except for the 1954-1958 period, the christian-democratic parties have always been included in the coalition. Not only have the christian-democrats been in power since 1958. In addition, given the fact that they were the pivotal as well as the largest party family, they constituted the main coalition builder, that could usually freely choose between liberals and socialists as coalition partners.<sup>5</sup> Therefore, since 1958, only once (and only for one year) the Prime Minister was not a christian-democrat. This continuous presence in government of the CVP-PSC also explains the high degree of policy stability in the post-war period(infra).

### B. *Long duration of formation of process*

The growing number of *coalitionsfähige* parties has rendered the formation process much more complex and also more crucial to the functioning of central government. In fact, Belgium has become the European record holder in terms of the duration of government formation. In the 1968-1990 period it took on the average 78 days to build a government after general elections (two days more than the Netherlands, while Italy comes fourth with 52 days)(De Winter, 1995).

2 For a detailed analysis of government formation, see DE WINTER, FROGNIER & RIHOUX (1996) and DE WINTER, TIMMERMANS & DUMONT (1997).

3 Due to specific circumstances of the first years after the liberation some oversized coalitions were formed.

4 Figures calculated on data of WOLDENDORP, BUDGE & KEMAN (1993) and updated with own data for the post-1988 period, excluding the present Dehaene II four-party government.

5 Occasionally, when two thirds majorities were required in order to reform the constitution, a tripartite coalition between all the traditional parties (1973-1974, 1980), or a bipartite coalition with one or more regionalist parties would be formed (1974-1980, 1988-1991).

The impact of the fragmentation of the party system is clear: in the period before the splitting of the traditional parties, the process consumed less than half the time it took afterwards (1946-1965: 31 days; 1968-1995: 74 days).<sup>6</sup> Also the number of "informateurs", "negotiators" and "formateurs" per formation has grown.<sup>7</sup>

The spectacular increase in the time necessary to form a government is due to the difficulties the growing number of *regierungsfähige* parties have to arrive at an mutually acceptable compromise on policies, and not on the question of who gets which ministerial portfolio, a question which is usually dealt with in a couple of days.

### C. Centrality of the policy agreement

The increasing number of autonomous veto players involved in the process of government formation has considerably reduced the rewards of government participation in terms of offices and policies. Parties can claim less ministerial portfolios, patronage resources, and policies favourable to their electorates and clientelles than before. The decline of the rewards of office made government participation more hazardous, and the risks of some partner "shirking" on the others more likely. This increased the need for contracts *ex ante*, i.e. for clear, encompassing and enforceable agreements on policy as well as on patronage rewards, and for means that allow for monitoring and enforcing these contracts *ex post*.<sup>8</sup>

Hence, since the beginning of the 1970s, coalition parties started to draft elaborate and lengthy agreements (usually over 100 pages), in which most policy fields are covered in detail. These governmental agreements grew in length and became more detailed and encompassing more and more different policy fields, at least until 1992.<sup>9</sup> Yet, this practice of the drafting, the publication and approval of these agreements by the respective party conferences of the new majority parties dates from 1965 only. Until the mid 1970s, these agreements only counted about ten pages and tended to be rather vague. Until then, the governmental declaration before the two Chambers before the vote of investiture constituted the prime policy contract between the coalition parties (Neels, 1975).

6 Governments that controlled a two-third majority in parliament take 27 more days to emerge than those that control only a normal majority. The pearson correlation coefficient between the duration of the formation of a government and the number of parties included in the coalition equals 0.59 (LISSOIR, 1995).

7 In the 1950-1966 period, it took on the average 1.9 "informateurs", "negotiators" and "formateurs" to form a government, while in the 1968-1992 period, it took on the average 2.4 (calculated on data of LISSOIR, 1995, p.74).

8 For a discussion of shirking, *ex ante* and *ex post* monitoring, see STROM (1995)

9 The 1992 Dehaene I government broke with this tradition and started on the basis of a very limited and rather vague document. The reason for this change is that the main parties, after their disastrous results at the election of 1991, could not come to an agreement on several important policy areas, in particular on institutional reform. Hence the government legitimated this new procedure by considering itself as an 'emergency government', not capable of following the regular procedures. Hence, the agreement of this "emergency" government counted only 10 pages. However, the current Dehaene II government has drafted again a more substantial agreement.

Through designing these government agreements, supporting parties manage to define in detail what kind of policies the government and individual ministers should elaborate, when these should be implemented, and what kind of policies or problems should not be tackled due to lack of consensus. Ministers and party presidents often refer to the governmental agreement (called 'the bible') in order to defend a specific policy measure, or attack a measure taken by a minister which is not conform to the agreement. Breaches of the governmental agreement are considered a very serious matter, and are at the heart of intracoalition conflict and government resignation.

Another factor that increased the complexity of the formation process of national governments is coalition building processes at the level of the region and community. Up until now, the process of the formation of regional coalitions started at the same moment as when the national coalitions were built, i.e. after general elections which also reconstitute the regional and community legislatures.<sup>10</sup>

#### *D. Role of party actors in formation*

Top party leaders are the main actors in the formation process, the parliamentary leaders *as such* are not involved at all.<sup>11</sup> The government (in-)formateur talks with party teams which are usually composed of the party president, and two top party leaders, often candidate for the office of vice-PM or another major cabinet post. In order to solve technical problems, subcommittees are created, presided by a trustee of the formateur and composed of party technicians, often members of the party research centre. They report back to the formateur and their respective party presidents, who will meet again to solve the remaining points of disagreement.

In nearly all parties, the government composition and policy agreement has to be approved by the national congress, the supreme decision-making body of each party, which formally makes binding decisions for all party members. These congresses are constituted of representatives of the rank-and-file level, selected at the level of the communal or constituency party organisation. In practice, all party top and mid level party elites are amongst those selected.

Since the 1970s, no party conference has ever rejected a coalition agreement. The usually large consensus on government agreement is not only due to the attractiveness of the policies the new government promises to implement, or the brilliance of the defence of the party negotiators of the deal they struck.<sup>12</sup> It is also due to the fact that a large number of conference participants have - directly or indirectly - an interest in having their party in power. First, most top party lea-

10 Yet, since 1988, the process of formation of regional coalitions has gained a certain degree of autonomy. Since then, they are usually concluded before the ones at the national level. They have started to complicate and to slow down the formation of national governments.

11 While during this process, the party executive is kept regularly informed of the progress made, the party at large and the parliamentary party will get formally involved only after the policy negotiations have been concluded.

12 Yet, more recently, outspoken rebellions of considerable minorities have occurred sporadically. The 1988 agreement was rejected by more than a third of the participants at the PS and PSC conferences. In 1992, the CVP conference approved the agreement by only 62%.

ders are promoted to the cabinet, a position every normal MP aspires. Second, MPs are supportive of the government as participation facilitates the success of their individual and collective constituency service. Third, the party intelligentsia is awarded with positions in the ministerial cabinets and with promotions into the highly politicised public sector. Fourth, the intraparty factions do not only find a government favourable to their demands, but often can nominate the ministers relevant to their interest, and appoint trustees in the relevant cabinets and ministerial administrations. Finally, most constituency party organisations can have some of their administrative personnel be paid by the state by 'parking' them in the ministerial cabinets. Hence, it comes as no surprise that party congresses usually approve governmental participation by overwhelming majorities, as most congress participants personally benefit from participation.

### *E. Nomination of ministers*

Once the party conferences have approved the coalition agreement, the party presidents negotiate over the departments and competences ministers and secretaries of state of their party will obtain in the new government. Finally, they nominate the persons who will occupy these positions. This nomination does not have to be approved by other party instances (like the executive or congress).<sup>13</sup>

### *F. Other matters decided during the formation process*

In Belgium also other matters are decided in the formation process:

- the size of the government in terms of number of ministers and secretaries of state (*infra*);
- its hierarchical structure (i.e. the relations between the PM, vice-PMs, and the autonomy of secretaries of state vis-à-vis the regular ministers competent in their sector);
- the cabinet's methods of co-ordination (the composition of standing cabinet committees);
- distribution of patronage (until recently, agreements were reached on the division of public jobs between the coalition parties (*infra*));
- coalition building at other levels;
- the division of parliamentary leadership positions (since the end of the 1960s the position of Speaker of the Chambers is included, and "weighs" as much as a regular ministerial portfolio);

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<sup>13</sup> Yet, party presidents are evidently not entirely free in nominating those they personally prefer. Former ministers will demand to be nominated again, ministers representing strong constituency parties or intraparty factions will demand ministerial representation, ministerial appointments have to be spread in a fair way over the provinces and constituency parties, the sexes, and between Representatives and Senators. In addition, the degree of freedom of a party president depends strongly on his authority within his party. This authority depends on party culture, as well as on his personality and background. For the constraints on the nomination power of party presidents in Belgium, see DE WINTER, FROGNIER & RIHOUX (1996).

- the role of parliament in the decision-making process; <sup>14</sup>
- and finally, in some cases, also the duration of the coalition <sup>15</sup>.

### *G. Confirmation by parliamentary actors*

The parliamentary groups are only involved at the very end of the government formation process, during the investiture debate. Since the coalition programme and configuration are approved by the general congress of the respective coalition parties before the government seeks the investiture by Parliament, a negative vote by majority MPs would openly defy the decisions of the party's supreme decision-making body. Thus, during the investiture debate, it does occur that majority MPs criticise some governmental intentions as contained in its programme. But seldom do they dare to follow this up with a negative vote. <sup>16</sup>

To conclude, the process of government formation has become the most crucial political process in Belgium as far as public policies are concerned. The growing complexity of this process has strongly jeopardised the policy making role of the legislative and executive system.

## **III. The impact of parties on the structure and functioning of the executive**

### *A. Cabinet size*

The increase in the number of parties constituting a coalition has expanded the size of the government. In the 1950-1966 period, the average number of ministers (excluding secretaries of state) was 17.9, in the 1968-1981 period it rose to 23.5. However in the 1981-1991 period it fell back to 17.8 ministers <sup>17</sup>. However, the reduction of the cabinet size in the 1981-1991 period was compensated by an increase in secretaries of state: in the first period, governments counted on the average only two secretaries of state, in the following period, the average rose to 7.1, while in the most recent period, it rose to 8.2.

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<sup>14</sup> Some coalition agreements stipulate that some delicate policy issues (like abortion or institutional reform) will be left to parliament to decide autonomously, without government initiatives or interference. In other issues, the cabinet sometimes reserves itself the right of initiative and orders Parliament not to touch upon the matter until the government has introduced its policy proposal as a bill. The most recent agreements conclude with a clause stating that all other policy initiatives not mentioned in the agreement, are subject to the rule of consensus between coalition parties in the cabinet as well as in the parliamentary arena.

<sup>15</sup> During the formation of the Tindemans IV government (1977), the leaders of the five coalition parties decided to maintain this particular coalition for a period of two legislative terms, i.e. eight years, as many of the constitutional reforms included in the coalition agreement could only be implemented by the next parliament (the constitution can only be modified with regard to those articles that the preceding parliament declared subject to modification).

<sup>16</sup> HOLVOET (1980) showed that discipline on votes of investiture is very high (2.23 percent of dissident votes in the House for the 1946-1979 period).

<sup>17</sup> Data drawn from WOLDENDORP, BUDGE & KEMAN (1993).

Yet, also here one can notice a major self-imposed correction at the beginning of the 1990s. While in 1988 the Martens VIII government still counted 18 ministers and 13 secretaries of state, the Dehaene I government (1992-1995) counted only 15 ministers plus one secretary of state. The Dehaene II (1995-) government counts the same number of ministers, but with two secretaries of state.

This increase of the cabinet size in the 1970s and 1980s is due first to the creation of ministerial portfolios competent for one region or community only (like Education, Culture and Regional Development), portfolios that were part of the central government until 1981. Second, the higher number of parties in the coalition also inflates the number of positions, as more ministrables in each party have to be satisfied. Third, more parties also makes it more difficult to respect the rule of proportionality which governs the distribution of portfolios between coalition parties in Belgium (Schofield & Laver, 1990). Hence, in order to fine-tune the proportional distribution more and more secretaries of state were added to the office cake to be divided amongst more and more coalition partners.

### B. *Decreasing cabinet collegiality and collectiveness*

The increasing number of ministers has made the principle of collegial and collective cabinet decision-making more difficult.<sup>18</sup> First, a hierarchisation of government positions occurred in the 1970s and 1980s. Since then, we find amongst the regular cabinet members basically three categories: first there is the Prime Minister, who is sometimes also in charge of a small policy department (like recruitment of the Civil Service). Second, there are the vice-prime ministers, usually equal to the number of supporting parties.<sup>19</sup> They are in charge of a large department but also serve as the leader in cabinet of the ministers of their party, and constitute with the other vice-PMs and the PM the so-called *Kerncabinet*. These vice-PMs are supported in their cabinet leadership role by a special *cabinet ministériel*, of about seventy personal collaborators, whose main tasks is to follow the decisions prepared by other ministers and safeguard the party's interest.<sup>20</sup> Third, there are the regular ministers, who head a specific department, for which they also can rely on a ministerial cabinet. Finally there are the secretaries of state, who only participate in cabinet meetings when issues related to their competence are on the agenda. In addition, they often work under the responsibility of a regular minister, in charge of a large department, whereby the secretary of state is responsible for only one sector of that department.

The most important issues, in terms of political delicacy or complexity, are increasingly settled in formal (in the *Kerncabinet*) or informal meetings between the PM and his vice-PMs. Once an agreement is reached between them, the matter is transferred for final approval by the Council of Ministers, in which the matter usually passes with little discussion and even less amendments (Frogner, 1988). Hence, the collegial character of cabinet decision making is formally maintained, but in practice the vice-PMs clearly play a predominant role. However, given the reduction of the size of the Dehaene I & II cabinets, much more mat-

18 For a discussion of collegiality and collectiveness of cabinet decision making, see ANDEWEG (1993).

19 Usually with exclusion of the party which provides for the PM.

20 In addition to this ministerial cabinet for general affairs, they can rely on a cabinet for each ministerial portfolio. Thus, as they often have three cabinets, these vice-PMs often can rely on more than two hundred personal collaborators.



ters are decided within the full cabinet meeting than in the previous decade, and the pre-cooking of decisions by the Kernkabinet has been reduced considerably.

Finally, the position of the PM vis-à-vis the members of his cabinet has become less powerful in comparison with the 1950s and 1960s. More than ever he is a *primus inter pares*, who can only govern with the consensus of his vice-PMs. Therefore, the most influential PMs are those that most actively and rapidly can generate consensus between the representatives of the coalition parties in and outside the cabinet.

### C. Modes of party interference in cabinet decision-making

#### 1. Ministerial cabinets

The Belgian government system is characterised by large ministerial staffs. Statistics reveal a permanent increase from 1966 to 1988.<sup>21</sup> Yet, the most recent governments have tried to reduce this inflation.

In the traditional parties, most of the cabinet members are appointed by the party organisation, even at the superior cabinet level, including the *chef de cabinet* who is the main collaborator of the minister. Ministers can usually only appoint themselves a small number of collaborators at the superior level, but have more leeway for the lower levels. The party leadership has thus its men of confidence in the immediate entourage of the ministers, serving as a channel of relay, information and control.

The members of the ministerial cabinet spend a considerable time on following government's conduct of business at the level of the Council of ministers and in the cabinet committees of which the minister is member. They prepare the minister's interventions in these meetings as well as in parliament. Evidently, they also prepare with particular care the minister's own projects, which often require numerous consultations with the administration and with other ministerial cabinets. These consultations can be formally organised, for instance in inter-cabinet groups, or informally. Sometimes the *chefs de cabinet* or other superior level collaborators can replace the minister in certain cabinet committees.

Yet, all the cabinet members do not participate in governmental work. An important part, especially those at lower levels, exercises clientelist functions with regard to the minister's electoral constituency. Another group of superior level collaborators work directly for the party, scrutinising decision-making in policy fields where the party does not have a minister or secretary of state of his own. Parties also drop in the ministerial cabinets MPs who were not reelected, or young politicians in order to acquire some political or governmental apprenticeship. Cabinet members recruited amongst the civil service use their passage through a ministerial cabinet as a way to ensure their promotion in the civil service (*infra*).

21 For the whole of ministers, the number of collaborators at the superior level (i.e. at the level of university educated civil servants) grew from 205 in 1966 to 589 in 1988. Per minister, it grew from nine to eleven, with a peak of 13 in 1980. To this one has to add cabinet collaborators at lower levels. In 1973, there were 330 cabinet members at the superior level, and 1658 in total. In 1988, 488 and 2525 respectively, an increase clearly above the increase of the number of ministers.



## 2. *Other intraparty modes*

In all Belgian parties, by now nearly all ministers attend regularly the weekly meeting of their party executive. In addition, in all parties ministers and secretaries of state have a meeting with the chairman of the party (who by definition is not member of the cabinet) the day before the cabinet session. During these intraparty meetings, the agenda of the cabinet is carefully scrutinised, and the positions to be defended by the ministers the following day in the cabinet are defined. In all parties, these meetings with the president and some top party leaders<sup>22</sup> exert a more important influence on the positions of ministers than meetings with the executive. The importance of these meetings depends on the power of party leader outside government vis-à-vis the party's ministers.

Finally, apart from these regular and formal types of contacts, informal and ad hoc contacts are important as well. For instance, when important issues or new facts are unexpectedly evoked during the cabinet meeting, the cabinet meeting is sometimes suspended in order to allow ministers to phone their party leader for advice, or the matter is put on the agenda of the next meeting, so that there is ample time for consulting party headquarters.<sup>23</sup>

## 3. *Interparty mode*

Supporting parties also influence cabinet decision-making through direct formal and informal contacts between leaders of the parties outside government (and outside the parliamentary arena) during which decisions are reached which are binding for cabinet members. Some crucial denominational and linguistic conflicts have been solved by way of such party summits. Agreements reached at these summits are presented as political pacts, not amendable by the cabinet nor by the parliamentary majority. The role on the interparty mode became extremely visible and important during the negotiations in the seventies with regard to the federalisation issue. In this policy area the cabinet was a lame duck, and most important decisions were taken by the party presidents outside the cabinet.<sup>24</sup> Yet, in the 1981-1988 period (and to a lesser extent in the period after 1988), most parties have preferred to appoint their real leaders as vice-PMs. Thus, in that period, the cabinet became again the most prominent arena in which policy compromises between parties were made.

22 In some parties, these meetings are attended by the leaders of the parliamentary groups in the House and the Senate, the national party secretary, the head of the party research centre, etc.

23 Hence, it comes as no surprise that according to a reputational survey amongst Belgian decision-makers, some party presidents emerge amongst the most important decision-makers (but after the PM) in a large variety of policy domains (DEWACHTER & DAS, 1991).

24 During the Tindemans IV government, party leaders (the so-called 'junta of the party presidents') had often come to the aid of the cabinet, each time a blockage between ministers occurred while trying to further the implementation of the governmental agreement on institutional reform.

#### 4. *Parliamentary mode*

Through the parliamentary mode, parties influence cabinet policy through the direct and indirect contacts of cabinet members with the parliamentary parties as a collective actor, and with individual parliamentary leaders and backbenchers of the majority party or parties (De Winter, 1993). In Belgium, this mode is only of relevance for the CVP. Ministers do not only attend carefully parliamentary group meetings and inform the backbenchers of their policy plans. Ministers policies and concessions towards the coalition parties are sometimes challenged. In addition, crises of the party's confidence in the cabinet more often stem from the parliamentary group than from the party executive.

#### D. *Cabinet conflictuality and stability*

As far as cabinet stability is concerned, with 36 governments in the 1944-May 1995 period, or an average duration of 1.4 months, Belgium comes close to the Italian "pathological" case. Yet one should not overestimate the degree of governmental instability. In the 51 years of 36 post-war governments, about half of that period (26 years) was governed by only seven governments: four (nearly) completed the regular four years, two called for anticipated elections during the fourth year intending to reinforcing the parliamentary strength of the reigning coalition), and one government lasted nearly three years. The low overall stability is caused by a large number (15) of governments that lasted less than six months. Often this short life-span was due to an ill-conceived departure (like the two attempts at forming a minority government of the 1940s), the imminent enlargement of the coalition, and some attempts to resurrect virtually dead coalitions.

Governmental instability also fluctuates strongly over time. During the period of post-war reconstruction and the settlement of war-related issues (which was terminated by the settlement of the King's Question), governments were extremely unstable (9 governments in 6 years). In the following period August 1950-June 1968), one finds a period of moderate stability (8 governments in 18 years). The splitting of the traditional parties, the inclusion of regionalist parties in governmental coalitions and the primacy of regional/community problems on the political agenda<sup>25</sup> provoked high levels of governmental instability in the 1968-1981 period (13 governments in 13 years).

Yet, the higher stability of Belgian governments in the most recent period (1981-1995) (4 governments in 14 years<sup>26</sup>) must be seen not as a consequence of a fading of (regional) conflicts, but rather as a consequence of the drastically increased complexity of the formation process. As regional/community conflicts have become increasingly salient and more difficult to solve, the formation of a government has become such a difficult enterprise, that parties that support the government have become less eager to provoke a governmental crisis. In addition, since the formation of asymmetrical majorities (a national government supported by a different coalition in the North than in the South) or asymmetries between the national and regional coalitions are more likely to occur, no party can be sure to be included in a new coalition.

<sup>25</sup> Analyses of intra-cabinet conflicts indicate that governments that tried to proceed with institutional reform were also the most conflictual cabinets (EECKHAUT, 1990).

<sup>26</sup> If one excludes the Martens VII and IX governments, which were very short-lived attempts at reviving a coalition that had collapsed over a communautarian issue.

## *E. Parties and executive patronage*

### **1. Government jobs: recruitment and promotions**

Nearly a quarter of the working population is employed in the public sector.<sup>27</sup> With regard to normal jobs within the national administration, recruitment is organised by the Permanent Recruitment Secretariat, on the basis of exams. At that level, no or little patronage is possible. Political patronage is made possible by circumventing these normal provisions, through a variety of mechanisms, like the abuse of the rule which allows for the exceptional nomination of outside candidates of unique value to the civil service, the recruitment of temporary personnel or personnel for newly created departmental services (both types do not fall under the normal recruitment requirements), and finally the 'regularisation' of temporary personnel.

Belgian parties exert an even stronger influence on the promotion process in the public sector. Until the end of the 1980s, the promotion of university trained civil servants was strongly controlled by the majority parties. Two types of interparty negotiations govern the distribution of promotions between coalition parties. First, the distribution of top positions in the civil service (director and secretary general) are decided by the cabinet itself, whereby evidently a candidate's support by a coalition party is taken into full consideration. Second, for the lower ranks of university trained civil servants, an unofficial interparty committee was established in the seventies, chaired by a collaborator of the PM.<sup>28</sup> Each coalition party has one representative in this committee. This committee was installed to prevent ministers to nominate their own protégés, without taking protégés of other coalition parties or candidates supported by other politicians of their own party into consideration. Hence, where political patronage of central government resources before the 1970s remained controlled by individual politicians, since then patronage has become controlled by central party offices.

The committee meets regularly, often twice a month, depending on the number of promotions to be decided upon. For each position, the committee considers the candidates for promotion, and the support each candidate has from a coalition party. In principle, each coalition party can make nominations in proportion to its parliamentary strength. When no candidate is backed by any party, the committee nominates the candidate proposed by the board of directors of the ministerial department. In order to prepare the meetings of this committee, parties have installed intraparty nomination committees, in which the value of candidates supported by party leaders, MPs and other patrons are compared, and whereby a decision is reached on which candidate the party will eventually support for a specific post. Depending on the party, these intraparty nomination com-

27 The public employment sector included in 1990 85.979 civil servants in national, regional and community administrations, 85.411 in the special corps (army, judiciary), 266.334 persons employed in public and other subsidised education networks, 185.217 civil servants at the local and provincial levels, and finally 180.000 in "public interest organisations" (public enterprises and services).

28 Since the federalisation of the national civil service, similar committees have been set up to monitor the patronage of the promotions of civil service of the regional and community level.

mittees consist of party president, prominent ministers and their cabinets, factions, constituency parties, MPs and other brokers.<sup>29</sup>

Moreover, the grip of parties on the Belgian society does not end there. Also the recruitment and promotion of judges is nearly completely determined by party patronage.<sup>30</sup> In the media sector, the promotion of the personnel of the public radio and television companies are subject to similar party influence.<sup>31</sup> Finally, it comes to no surprise that in most other sectors in which parties are influential, like public education, public, semi-public and quasi-autonomous enterprises and services, local government, etc., parties (together with trade unions) interfere with the recruitment and promotion of personnel, at different levels (ranging from the janitor in a public kindergarten to the chairman of the board of directors of SABENA).<sup>32</sup>

Hence, political patronage of recruitment and promotions in the public sector is a very widespread phenomenon in Belgium. All traditional parties participate in job patronage. However, as Liberals and Socialists are not always in power (contrary to the Christian-democrats), they try to effectuate a catch-up operation, which should compensate for the fact that these parties have not been able to nominate their clientele for the years they were in opposition.<sup>33</sup> Hence, at the moment of the coalition talks, parties usually agree upon the quotas of nominations and promotions each party has a right to effectuate and the extent of the catch-up.<sup>34</sup>

29 Provincial councillors and deputies, mayors, aldermen and members of the local council, all engage in service activities towards individual citizens. In terms of numbers of clients and jobs involved, patronage at the local and provincial level probably exceeds the one on the national level.

30 Since the Martens VIII government (1988), the minister of Justice has launched concrete proposals for reducing partisan interference.

31 Given the pillarised nature of Belgian society, most newspapers are affiliated to a specific pillar, and until the mid seventies, a majority of the leading positions in these newspapers were occupied by trustees of the party or of its pillar organisations. DE WINTER (1981) calculated that in the 1945-1975 period, the number of party politicians who occupied a leading position in a newspaper (members of the board of governors, directors and chief editors), fell from 34.4% to 13.9%. In the same period the representation of leading figures of the pillars rose to 20.8%. However, since the end of the 1970s, the ties between party and the newspapers of their pillar have weakened considerably.

32 The probably most fertile job patronage fields are not situated any more at the level of the national administrations, but that of the regional and community administration. Since 1981, these levels have been building up their own administrations, which were often created from scratch, which allowed for massive circumvention of the normal statutory recruitment proceedings. The constitutional reforms of 1988 and 1993 have and will give rise to another wave of patronage recruitment into the newly created or expanded administrations.

33 The need for this seems real, as for instance data for 1990 indicates that six out of ten higher civil servants belong to the Christian-democratic ticket (TEGENBOS, 1990). However, the figures published by DE WINTER (1981), HONDEGHEM (1990) and TEGENBOS (1988) suggest that Liberal and Socialist parties do not manage to recuperate a lot of the lost ground, and that the quotas agreed upon correspond closely to the parties' parliamentary strength.

34 For instance, in the Martens VIII government, of the jobs attributed to the Flemish parties, the CVP obtained 47%, the SP 35% and the VU 18%. The distribution between the francophone parties was as follows: PS 68%, PSC 32%. For quota's used in previous governments, see DE WINTER (1981), HONDEGHEM (1990).

## 2. Government contracts and pork barrel legislation

Governments contracts are to some extent subject to political patronage. Political actors (party leaders, ministers, trade union and employers leaders) can and do lobby for different companies competing for a government contract. It is however difficult to assess which actors are involved most in this allocation process, as one clearly enters into the sphere of political corruption and illegal party finance. In fact, it is usually only with regard to corruption dossiers that one learns to what extent political and other actors have been lobbying and have been rewarded for this. Yet, it is very difficult to judge to what extent the revealed facts are common practice, or rather exceptional.<sup>35</sup> De Winter's (1992) survey of amongst Belgian MPs indicates that MPs are quite active in procuring collective benefits to their constituency, and therefore that pork barrel legislation is an important patronage commodity.<sup>36</sup>

The prominence of pork barrel activities of the Belgian MP is related to the 'non-rational' way in which public expenditures are allocated in Belgium. Given the ongoing conflicts between the different regions and cultural communities, departmental spending is carefully distributed over the regions and communities, so that each unit receives public investments according to its size. Hence, many projects are allocated to constituencies which normally, in terms of socio-economic cost/benefit calculations, would not be able to attract such investments. As the decisions on the allocation of public investments are largely based on political criteria, rather than on socio-economic cost/benefit calculations, politicians in Belgium have a larger pork barrel market to manipulate than in many other countries.

## 3. Other forms and sectors of party patronage

De Winter's (1992) analysis of the content of MPs' constituency case work also reveals that apart from the patronage products mentioned above, several other public service products and services are subject to political patronage. Apart from public jobs, the second most important sector relates to income problems, generally to obtaining a (or a higher) social security transfer (like pensions, child allowances, etc.). Problems of professional army men and draftees are also impor-

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35 A former party treasurer of the CVP declared that during an election campaign, he would visit companies that had been obtaining contracts of the government in the last term, and asked contributions of them in proportion to the size of the contracts involved. As a compensation for his "taxation", he offered each entrepreneur an interview with a minister of his choice (ACKAERT & DE WINTER, 1984).

36 With regard to the policy sectors in which MPs seem to be most effective to attract pork barrel legislation, the survey indicates that a large majority of MPs managed to attract governmental subsidies for communication and transport infrastructure works (like roads, ports, rail, and telephone connections) and attract governmental and private investments stimulating the economic development and employment in their constituency. Other collective constituency services include the provision of infrastructure relating to the educational, health, cultural and sport sector, solving urbanisation, housing & environmental problems.

tant.<sup>37</sup> Then one finds four sectors of about equal importance: education, culture and leisure (which basically concern problems of obtaining scholarships), taxes (problems of tax declaration, evasions and overtaxing), transport and communication (getting rapid telephone connections, car license plates and road repairs), and family problems (divorce, juvenile delinquency, adoption). The least important sector is related to problems with the police and justice (annulment of traffic fines<sup>38</sup>, immigration, legal support, prisoners).

Hence, as far as the executive branch is concerned, one can conclude that in Belgium parties have not only occupied the state in terms of nomination of government personnel, ranging from the cabinet until the lowest public servant, in terms of the definition policies to be pursued, but also that through direct monitoring and the politicisation of government bureaucracy, the implementation of these decisions and the allocation of government outputs heavily depends on partisan criteria.

#### IV. The role of parliament in the Belgian partitocracy

As parliaments in the Western world are reputed to be in decline (Loewenberg, 1971), one can expect this to be particularly true in a partitocracy.

##### A. Main structural weaknesses of the Belgian Parliament

#### 1. Congruent, isomorphic and symmetrical bicameralism

Until May 21, 1995, the Belgian Parliament consisted of the House and the Senate, which were not only isomorphic in structural terms, but also basically performed the same functions (De Winter, 1996). This type of bicameralism is ineffective especially with regard to lawmaking. Under this system, legislative proposals can be introduced by Representatives as well as Senators, each in their respective Chamber. In order to become law, a bill has to go through a large number of stages in each chamber. Any modification by one chamber have to be confirmed by the "other" Chamber. Hence, bills are often shifted back and forth between Chambers. This process continues until both Chambers have adopted and voted the same version of the bill. Hence, under the old system there were no rules that allow stopping the navette. Yet, after the 1993 constitutional reforms, the Belgian parliament will shift into the direction of "strong" bicameralism, with

<sup>37</sup> The cabinet of the Ministry of Defence received annually about 25.000 recommendations of politicians with regard to the placement of a draftee in the barracks close to his home. This represented about two thirds of the annual number of draftees.

<sup>38</sup> An internal evaluation of the *Gendarmerie* revealed that 20% of the speed violations files 'get lost'.



incongruent composition and formal powers, the new Senate having lost several of its old competences.<sup>39</sup>

## 2. Poor collective and individual resources

The Belgian parliament is characterised by a lack of institutionally provided resources to individual MPs in terms of space<sup>40</sup>, individual staffing<sup>41</sup>, collective institutional resources<sup>42</sup> and parliamentary party resources<sup>43</sup>.

The poor resources of individual MPs and their parliamentary party in contrast to the relatively well subsidised party research centres add to the MP's dependency on his party organisation. In each party research centre (which is financed mainly by the parliamentary group contributions) specialised policy preparation committees operate. MPs often rely on information provided by their research centre as far as the drafting of bills, amendments, and interpellations are concerned. For most policy sectors, a group of permanent experts and volunteering specialists associated with the party research centre prepare the party's policy proposals in collaboration with the MPs specialised in these fields. Thus MPs are to a large extent dependent on their party's braintrust, in case they do not have alternative resources at their disposal (like support by the research centres of pressure groups).

39 In fact, in the future only the House can invest or dissolve a government, vote the budget and allow the interpellation of ministers. All government bills are introduced in the House. Hence, the House becomes the "political" chamber. Yet, the new Senate remains with the House equally competent for constitutional reforms, "regional and community" matters, ratification of treaties and the organisation of the judiciary. It is exclusively competent for conflicts between the national and regional/community legislatures. Hence, the Senate moves into the direction of a chamber of reflection and meeting place between the federal and regional/community level of government. Only the future can tell to what extent these fundamental constitutional changes will affect functioning of both Chambers and the behaviour of individual MPs.

40 Only a few leading MPs had a personal office in the building. Only in the mid-1980s, the problem of tightness has been solved through the annexation of a spacious adjacent building (now called the "House of the Parliamentarians") that offers each MP a private office and each parliamentary group meeting rooms and secretarial office space.

41 Only in 1981 was each MP allocated funds for employing a full-time helper paid at the level of *clerk*. In most cases, this aid performs only secretarial work (correspondence, filing, individual constituency service), and very few are involved in the preparation of parliamentary work (DE WINTER, 1992). Since May 1995, MPs are also allocated funds for recruiting a full-time collaborator paid at the level of university trained civil servants. In most cases, they have been claimed by the party research centres.

42 The House counts (in 1993) only 475 permanent employees, of which only about a quarter have a university degree. Of the latter only those working for the Service for Studies, Documentation, Statistics and Archives (about three dozens) and the Library of Parliament (a dozen) can provide intellectual assistance to individual MPs. Each permanent committee has just one documentalist who can provide committee members with documentation. Until a few years ago, none of House bodies and the information they provide were computerised. Thus, there are no means for assessment of policies or prediction of the effects of proposed policies.

43 The secretariats of the parliamentary groups are not very well staffed either and usually only comprise a secretary and a typist, and in most cases only perform secretarial tasks.



## B. *The functioning of Parliament and the role of the individual MP*

### 1. Lawmaking

Legislation, the traditional function of the Belgian legislature has - like in most Western parliaments - become redundant as this function is largely usurped by the executive. A large majority of bills approved by the Belgian Parliament were introduced by the government, rather than by individual MPs. Yet, the declining role of Parliament in legislation does not exclude considerable levels of lawmaking activities of individual MPs. In fact, one does not notice a steady decline in the yearly number of private member bills introduced in the House. On the contrary, the number of private member bills per legislative term introduced by House members tends to increase (De Winter, 1996).

Thus the decline of the legislative function of the Belgian Parliament is situated elsewhere. In fact, the success rate of private member bills and amendments is very low, given the high number of bills introduced, while a large majority of bills introduced by the government becomes effective law.<sup>44</sup> Roughly speaking, about nine out of ten of all legislative proposals originate from parliamentary initiative, but of those, only one out of ten becomes bill.<sup>45</sup> The proportion of private member bills in the total amount of approved bills tend to however increase from about less than one out of five in the 1960s to about one out of three in the 1980s.

This lack of success is mainly due to the detailed and extensive governmental agreements reached between the majority parties that pre-define to a large extent the legislation to be initiated by the government and to be enacted by Parliament in the following legislative term. The MPs of the majority parties have very little leeway to amend these proposals, as this would destabilise the delicate agreement reached between governing parties. Thus, in principal, only private member bills which do not cover an area discussed in the governmental programme, and on which members of the coalition parties can agree, have a chance to become law. Secondly, private member bills - also the successful ones - are usually of little importance in terms of policy content and are often introduced for pure clientelist and publicity-seeking reasons (Van Schoor, 1972). Yet, contrary to Italy, the number of *leggi* introduced by individual MPs remains quite low, only a (few) dozen(s) a year. Third, as the majority parties hold most legislative leadership positions and therefore can set the agenda of the general assembly and of the committees, governmental proposals usually get a priority treatment. Fourth, given the increasing complexity and size of the decision-making process and the need for rapid decisions, the executive uses increasingly 'cadre laws', 'task laws', 'royal' and 'ministerial decisions', 'special powers', etc. which

<sup>44</sup> Yet, also many government legislative proposals do not become law, as they get stuck in the parliamentary lawmaking 'pipeline' when a government resigns.

<sup>45</sup> With regard to amendments, the large majority originate from parliamentary initiative. Of those only one out of ten gets accepted, against nine out of ten of the amendments introduced by the government (CLIJSTERS, VAN SCHOOR & MEEUSEN, 1980).

further undermine the law-initiating and lawmaking role of Parliament.<sup>46</sup> In addition, given the consociational nature of the decision-making process in Belgium, politically delicate or extremely controversial matters are often transferred from the parliamentary arena to round table conferences, where special pacts are concluded between party leaders outside Parliament (*supra*). Parliament only ratifies these pacts later on, without any modification. Finally, Parliament's legislative role is by-passed in many socio-economic matters by the agreements reached in the neo-corporatist network between trade unions, employers, agricultural and middle class organisations, and the government.

## 2. Government control

The House of Representatives has also become more active with regard to activities intended to control governmental decisions and intentions, like interpellations and parliamentary questions. Yet, in spite of this increasing activism, the majority's function of government maintenance considerably undermines Parliament's control function. For instance, after an interpellation related to an important policy of a minister or the entire government, members of the opposition usually introduce a motion of non-confidence, while majority members traditionally counter this demand with a motion demanding the 'returning to the pure and simple order of the day'. The latter type of motion has voting precedence on motions of confidence and annuls all other motions. Since one finds for every motion introduced by the opposition an 'order of the day motion' introduced by the majority, a large majority of interpellations do not manage to ask the House for a formal disapproval or sanction of the policy of government or the minister involved, or a formal expression about the attention the government should give to a matter and the course of the action to be taken. Thus, majority members are not obliged to express themselves on the political problem raised during the interpellation, a face-saving device in case the government or a minister has failed to satisfy the House with his reply, especially when the interpellation was held by a member of a majority party. A formal disapproval would nearly automatically lead to the resignation of the government. Thus, interpellations remain "more bark than bite" and can not order a minister of the government to alter its policies.

The use of parliamentary questions has also steadily increased. Yet, many questions are only a means of information, inspired by mere electoral and publicity-seeking motives. Often, the introducing MP is aiming less at clarification of an issue than at obtaining a written proof that he has taken to heart a matter raised by his constituents or client pressure and action groups. In addition, many ministers fail to give a prompt reply to written questions. Finally, the minister's answer to oral and urgent questions is not followed by a debate, which limits their utility for controlling government.

With regard to budget control, governmental budget proposals - until the 1989 reforms - were often introduced at the last moment, and rushed through the Chambers by the government and its majority. In many cases, most of the money

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46 In the 1960-1985 period, the Belgian Parliament issued 4.000 laws, while the government issued 40.000 'royal decisions' and 12.000 'ministerial decisions'. In the 1926-1986 period, the government ruled with special powers for about 15% of the time (ALEN, 1986).

was already spent before the budget was approved. The control by the parliamentary auditing office covers only the regularity and legality of governmental expenditures, and does not consider their efficacy and necessity. The critical yearly reports of this office to the Parliament usually only cover abnormalities concerning expenditures effectuated several years earlier. Hence, often the minister politically responsible for eventual abuses is not in office any more and therefore not sanctionable. Hence, these reports rarely serve as a source of inspiration for control activities for MPs.

Finally, committees of parliamentary investigation are quite uncommon to Belgian parliamentary life. The rare use of this means of parliamentary control basically results from the attitudes of the majority MPs, who - in solidarity with the government - will not allow an investigation which can embarrass a specific minister or the entire government. In fact, in the last hundred years (1880-1988), the House established only nine such committees. Yet, most of them were established during the past two decades.

### 3. Government maintenance

The support of the government has become a permanent duty for majority MPs as far as voting on legislative projects, governmental declarations and votes of confidence is concerned. This follows from the way governments are formed and dissolved in Belgium (*supra*). In Belgium a government - even if it is constitutionally not obliged to - will step down after a defeat on a major bill, whether or not the cabinet has explicitly turned the vote on the bill into a matter of confidence. Therefore, the fact that chance mishaps are more likely to provoke disastrous results, further enhances the need for strict party voting discipline.

From 1995 on, like in Germany and Spain, the type of vote that may not be lost is defined very restrictively. A government may suffer as many defeats as the House of Representatives deals out, as only a constructive motion of censure can bring the government down. As it is often easier to agree upon what one opposes rather than on what one supports, this obligation will make it much more difficult for the House to unseat a government.

Yet, one can wonder whether this reform will reinforce government stability, or enhance the role of parliament. The role of the Belgian parliamentary groups and individual MPs with regard to coalition maintenance collapse is extremely limited. Since 1947, not a single cabinet fell through loss of a confidence vote in Parliament.<sup>47</sup> Usually, the internal governmental cohesion collapses due to interparty and intra-party conflicts and cabinet resigns before giving Parliament a chance to formally register its failure. Hence, majority parliamentary groups do not constitute a menace to the survival of a government. They are docile dogs, that once in a while will bark but not bite. The 1995 reform will make even more difficult for them to bite. But barking will become more easy...

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<sup>47</sup> Of the 36 governments in the post-war period (1944-1995), only two governments resigned after not having obtained a majority in Parliament at their vote of confidence (1946 and 1947). Three governments resigned after general elections, and two minority governments resigned in order to enlarge the coalition. In four cases, the government collapsed due to intra-party conflicts. In all the other cases, interparty conflicts were at the basis of the collapse of a cabinet.

#### 4. Shifting representational roles of MPs

With regard to the representational function of Belgian MPs and their institution, we will discuss only MPs' representational focus and the components of representational behaviour. The representational focus of a legislator comprises the 'represented', the individuals, groups, categories or organisations a legislator believes he represents. Belgian MPs see themselves as representatives of socio-economic and demographic categories and their organisations (like workers, farmers, middle classes, often defined nation wide), of linguistic communities and regions (Walloons, Flemings, Francophones, etc.), of denominational groups (Catholics and freethinkers), and, last but not least, as representatives of their party and their voters at different levels. The diversity of representational foci of Belgian MPs is related to the nature of the party and electoral system, the cleavage system, the pressure group system and the pillarisation of Belgian society. In fact, the traditional parties aggregate, articulate, defend and implement to different degrees the interests of a wider network or organisations of their pillar, which include trade unions, farmer and middle class organisations, socio-cultural organisations, educational and health service networks, press networks, etc. Often MPs hold leadership positions in these pillar organisations or are sponsored by them. Thus, MPs act as representatives not only of their party, but also as spokesmen for the specific interests of adjacent pillar organisations.

Given this diversity, representational behaviour of Belgian MPs in terms of the four components offered by Eulau & Karps (1977) is multi-faceted. With regard to policy responsiveness, which refers to the interaction between the representative and the represented with respect to public policy making, the most important focus of Belgian MPs is clearly the national party, which is illustrated by the high degree of party voting discipline in Parliament. Yet, the relevance of other foci is noticeable if one takes into consideration the content of private members' bills, interpellations and questions. They often relate to problems of specific interest to the constituency, the pressure groups to which they are affiliated and other clienteles MPs seek to satisfy (*supra*).

However, given the high fragmentation of the party system and government coalitions, Belgian MPs encounter increasingly difficulties in playing this role successfully. Given their obligation to adhere to their national party programme, and in case of majority MPs the permanent obligation to obey the stipulations of the coalition agreement, it is not easy to adopt a profile which fits best the programmatic demands of their specific constituencies.

Thus, most MPs try to circumvent this handicap by generating support through non-policy representational behaviour, by increasing their efforts with regard to case work, pork barrel politics and symbolic representation. This also explains the rather levels of parliamentary absenteeism in the Belgian parliament.<sup>48</sup>

As far as case work is concerned, Belgian MPs invest considerable amounts of time (5 hours a week) and effort. This emphasis is on the one hand related to the clientelist political culture in Belgium, and on the other hand the wide variety of services MPs can offer given the infiltration of political parties in most sectors of

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<sup>48</sup> On the average, about a quarter of MPs do not attend the committee meetings of which they are permanent member (JANSSENS, 1972; DRION, 1980; DE WINTER, 1992). As far as attendance when the House was meeting in plenary session is concerned, the average MP is absent nearly four out of ten times (DE WINTER, 1992).

public life (supra). Case work activities are nearly exclusively directed towards constituents, as MPs believe that this activity is the most beneficial for getting preference votes. It also seems that constituents are served well, as MPs manage to resolve about two thirds of the cases they handle (ISPO-PIOP, 1995). This relative high rate of achievement explains the success of case work in Belgium in terms of number of people making use of this system of redress of grievances. The importance of case work in Belgium is in fact related to the lack of other sources of administrative redress and the closed nature of the Belgian public administration.<sup>49</sup> On the other hand, it strengthens the public's opinion that in Belgium citizens cannot obtain their rights through regular administrative channels without the support of a politician, which enforces the illegitimacy and corruption connotation of case work<sup>50</sup>.

Belgian MPs are also very active in terms of allocation responsiveness, which concerns the legislative allocations of public projects which involve benefits and advantages accruing to the constituency as a whole. Not only are these concerns reflected in MPs private member bills, interpellations and questions, behind the scenes, MPs serve vis-à-vis ministers and their administration as promoter, lobbyist and advocate of specific projects, usually beneficial to the electoral constituency. But also other clienteles, like pillar organisations, are served by these "pork barrel" activities. Our survey amongst MPs suggest that they play this representational role rather convincingly (supra) (De Winter, 1992).

Finally, as far as symbolic responsive behaviour is concerned, Belgian MPs spend about half of their working time in the constituency and attend numerous meetings and social gatherings organised by a wide variety of local and constituency organisations, groups and institutions (like chambers of commerce and trade unions, pensioners, cultural, sports, youth or women organisations in and outside the pillar, local government boards, etc.). In addition, they traditionally spend their evenings and weekends inaugurating buildings, festivities, distributing prizes at schools, dedications, *vernissages*, balls, receptions, openings of commercial and cultural initiatives, sports manifestations, fancy fairs, even funerals and weddings. Belgian MPs have ample opportunities to participate in community life, as the distance between the capital and the constituency is for most MPs less than an hour's drive and most MPs tend to go their constituency home every evening. Finally, on the average about two out of three MPs also hold public office (as mayor, alderman or councillor) in their commune, which facilitates their contact

49 Until 1991, public administrations did not have to motivate their decisions, and civil servants were legally obliged to remain silent even in the case of serious mismanagement in their services. In spite of many legislative proposals, Parliament has never approved the installation of a parliamentary ombudsman (ANCIAX, 1990). Departmental ombudsmen in federal ministries do not exist, and the *Conseil d'Etat* can only judge on formal mistakes made in the recruitment and promotion of civil servants. Only since 1988, individuals have access to the *Cour d'Arbitrage* if they feel their equality rights are violated. Since the beginning of the 1990s, some public services and large cities have installed ombudsmen.

50 Some politicians artificially reinforce this opinion by performing imaginary services. In this case, the politician manages to get from a certain administration the list of all the people in his constituency who have applied for a certain public good (like a scholarship, a building subsidy), and upon whose cases the administration has reached a positive decision, but has not communicated this decision yet. In this case, the politician announces to his constituents that thanks to his intervention the administration has arrived at a positive decision, and that he soon will receive formal notice. Hence, in this case, no services have been demanded, or actually performed.

with constituents and strengthens their localist, particularist representational focus.

### *C. Other sources of party control on MPs*

Candidate selection in most Belgian parties is situated at the level of the constituency party organisation. In all traditional parties - except for the Parti Socialiste - a gradual shift away from the poll procedure, i.e. a selection procedure which involved all party members has occurred in the 1960-1990 period (De Winter, 1980, 1988). In most parties, the process is now in the hands of the local and constituency party activists, while in the CVP it is controlled - also at the constituency level - by the three intra-party factions. Selectors not only have preferences concerning the background characteristics of the candidates they select, they also hold strong expectations with regard to the behaviour their candidates display inside and outside Parliament, and usually have - through deselection - the means to sanction an MP who does not live up their expectations.<sup>51</sup>

Most party statutes stipulate that office holders are elected as candidates of the party, on the basis of the party programme which they have to carry out. Statutory constraints also refer to eligibility criteria and to the intra-legislative behaviour of the candidate once elected, and his rights and duties as MP. In some parties most role descriptions are contained in the national party statutes, while in others they are complemented by parliamentary group statutes. In about all parties, the rule is that MPs have to ask permission from their group or their group leader for the introduction of private member bills or amendments, for holding interpellations, and for supporting a bill sponsored by another party. In some parties, permission is required even for parliamentary questions.

Parliamentary party statutes stipulate that the parliamentary party can explicitly enforce a 'vote of discipline', to which all MPs have to adhere. Breaches of votes of discipline can be, according to the statutes, sanctioned in a variety of ways. However, usually groups are cohesive enough to vote in a disciplined manner without the threat or application of such formal sanctions. Thus voting behaviour of Belgian MPs is nearly exclusively determined by the collective party factor.<sup>52</sup>

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51 The ICSOP-IMSA (1986) survey revealed that 48% of the Belgian MPs believe that an MP must adhere to party discipline if he wants to receive a safe place on the candidate list at the next election.

52 Yet, this does not mean that MPs are constantly coerced to vote and act in ways which differ from their own opinion and policy preferences. Decisions in parliamentary groups are taken more through consensus than by majority votes because the ideological and programmatic beliefs and issue positions of individual MPs closely correspond to those of their parties. Several authors found that the Belgian MPs position themselves on the three traditional conflict dimensions and on specific issues in a way closely corresponding to their parties' positions. See for instance DE BAKKER (1969); FROGNIER (1978); FROGNIER & DIERICKX (1980); DE WINTER (1991b). However, DE RIDDER, PETERSON and WIRTH (1978) revealed that while on the average cleavage and issue positions MPs are consistent with those of their party, within parliamentary groups cleavage and issue positions do vary considerable between individual members. This is not surprising, as many parties explicitly aim at representing parts of the population which are situated at different sides of the conflict dimensions.



Parliamentary groups can also sanction members' attendance of committee and plenary voting sessions. Finally, the parliamentary groups are collectively responsible to the party. In most parties, group leaders have to communicate to the party executive a report on the collective parliamentary activities of the group, and of their individual members, with regard to absenteeism, questions, private member bills, etc. Concerning absenteeism and other abuses, the national party can decide to communicate these to his constituency party and suggest to deselect him.

## *D. Parliamentary reforms*

### **1. The end of symmetrical bicameralism**

Four major constitutional reforms (1970, 1980, 1988, 1993) have transformed Belgium from an unitary state into a genuine federal state. The creation of fully autonomous regional/community executives and legislative assemblies, with specific competences, has had a profound and positive effect on the functioning of the federal executive. By transferring competences to the regions/communities which had become too conflictual and difficult to solve within the national government, decision-making at this level has become potentially less conflictual in regional/community terms.

This long process eventually put an end to the symmetrical and isofunctional bicameralism.<sup>53</sup> The 1993 reforms the Senate into a Chamber of regional representation and reflection. While the new Senate has lost several of its old competences (in the future, only the House can invest or dissolve a government, vote the budget and allow interpellations of ministers), the Senate is with the House equally competent for constitutional reforms, community matters, ratification of treaties and the organisation of the judiciary. Bills adopted by the House will only be transferred to the Senate if 15 senators ask so. Yet, the House has the final word for all bills, also those stemming from senatorial initiative. Hence, the tiresome navette system without stopping rules has finally been abolished.

### **2. Other parliamentary reforms**

First there is the modernisation of the budgetary process. Under the old system, budget bills were often introduced at the last moment, and rushed through the Chambers by the government and its majority. In many cases, most of the money was already spent before the budget was approved. Since the 1989 reforms, a much more strict timing is imposed, which allows for - at least in procedural terms - a more scrupulous budget control. Second, from 1995 on, a position of minister and that of member of the House or the Senate will be incompatible, which should reinforce the principle of separation of powers and increase parliament's autonomy vis-à-vis the executive. Up until then, ministers voted with the majority, and therefore were at the same time party and judge when it con-

<sup>53</sup> The new Senate is composed of 71 members, of whom 40 will be directly elected. The Flemish Council and the Francophone Community Council each delegate ten members, and the Council of the German-speaking Community one. These can be considered as the representatives of the Communities to the federal parliament. The other ten senators will be co-opted by the first two categories of senators.



cerned the evaluation of government initiatives and actions (De Winter, 1991a). Third, in order to reduce the amount of business conducted by the plenary assembly, more and more interpellations and oral questions towards ministers take place within committee meetings, that are gradually opening up to the public.

## V. The role of the bureaucracy in a partitocracy

The impact of political parties on the functioning of the bureaucracy has an quantitative and qualitative element. As far as the size of the bureaucracy is concerned, political parties have contributed directly and indirectly to the very large size of public employment in Belgium. First, most of the historical "pacts" between the main political parties and pillars (like the "Schoolpact" and the "Culture Pact") have boosted public employment in the concerned sectors, as each of the conflicting pillars was given sufficient funding to organise education, culture, health care, etc. within its own pillar, at the expense of the federal government. This practice of solving deep societal conflicts by granting large subsidies to each of the conflicting camps evidently boosted public employment. This for instance explains why the number of secondary school teachers per capita in Belgium is the highest of the twelve EC member-states (Matthijs, 1994). Second, growing electoral volatility and slacking private employment boosted the width and debt of political patronage over government employment. Hence, during the heydays of *particratie*, the proportion of public employment in the overall employment rose spectacularly, from 12.7% in the 1960-67 period to 19.9% in the 1980-1990 period (Matthijs, 1994). This rise in public employment in the 1970s is one of the main causes of the giant public debt (Bohets, 1996). On the other hand, the oversized civil service is not paid well and their salaries have been the first to be frozen when the governments in the 1980s finally tried to control the budgetary crisis.

But the growing grip of parties on the civil service also had some qualitative effects. Political nominations undermine the quality of civil servants. It created career insecurity and discouragement amongst the regularly nominated civil servants, spoiled a good working atmosphere and undermined the creation of *esprit de corps*. Given the politicisation of a large section of the civil service, ministers could not any more rely on the loyalty and political neutrality of their civil servants, and more and more they delegated the functions of policy conception to the ministerial cabinet, which reduced the role of the civil service to one of mere implementation. When a minister newly appointed to head a department that has been controlled for a long time by another party, he and his cabinet tended to work with those civil servants that were of his own political tendency, and often by-pass and shortcut the normal hierarchical channels within the department. This undermined the normal functioning of its services and increased the communication gap between ministers and higher civil servants (De Winter, 1981).

Finally, direct interference with the operation of the civil service rendered obsolete the use of objective cost/benefits analyses for public investments, government subsidies to industries in decline, new social security measures aimed at satisfying old and new needs, etc. All these have contributed to the largest public debt in the European Union (infra).

Yet, also here some auto-corrections have occurred. First, party interference with the promotion of civil servants have been dramatically reduced since the end of the 1980s, at least in central civil services. In fact, the Martens VIII government decided to reduce partisan interference in the promotion of civil servants. In 1988,

still 80% of the promotions were divided between coalition parties. Since 1990, the committee followed in 80% to 85% of the cases the advice given by the board of directors.<sup>54</sup>

Second, more and more civil servants that been by-passed for a promotion by a political appointee bring their case before the Council of State, and often win their case. Hence, governmental parties have become more careful in pushing their protégés in the civil service. In addition, some recent laws oblige public bureaucracies to motivate their decisions and give concerned citizens access to their files in the administration. In theory, this enhanced transparency should reduce the number of political inter- and circumventions with the ways the bureaucracy handles cases of individual citizens and firms.

Finally, steps have been taken at modernising, restructuring and rationalising the civil service. In terms of personnel policies the Dehaene governments aim at a smaller, more flexible and mobile, but better remunerated civil service. Also at the level of the judiciary, several steps have been taken to deal with the problems of gigantic delays, political nomination and lack of training of judges, archaic equipment, overpopulated prisons, victim support, etc.

## VI. Main problems of governability

### A. *Public debt and budget deficits*

Public debt is currently around 132% of the GNP. The size of this debt increasingly cripples the federal government in budgetary terms. Around 40% of the annual federal budget is allocated to the payments of interests on this debt (currently 39%, with a peak of 44% in 1993).

The payment of the current interests caused by this debt, let alone its repayment, reduces enormously the policy-making capacity of the central government. Given the fact that a large amount of the remaining 60% of the budget is contractually "fixed" (wages for regular civil servants, rents for public buildings, etc.), economies are sought in rejecting projects necessitating new expenditures. Hence, little money is left for policy innovation and the meeting of new needs. Only if the political consequences of inadequate or lack of policy making become menacing, like the breakthrough of the extreme-right at the end of the 1980s, money is made available (like is the case for urban renewal, fight against criminality and illegal immigration, modernisation of the judiciary system). Therefore, the possibility of the central government to meet new societal needs has been severely restricted. In addition, also the capacity for meeting old needs, especially with regard to infrastructure (maintenance of roads & railroad network) and in the social security sector, has gradually gone down.

Given the permanent search for budget cuts and new sources of income, the centre-left Dehaene governments have launched a privatisation programme of public and semi-public enterprises and financial institutions. Given the budgetary pressure the government could not effectuate these privatisations in the best conditions: they did not occur at the most beneficial moments (some too early, some too late); given the time pressure, the negotiation position of the government vis-à-vis interested buyers was weakened; to the outside world the privatisation

54 TEGENBOS (1988, 1991, 1992a, b).

process seemed obscure and confusing; and finally small investors and the Brussels stock exchange did not profit from the process at all as the privatised institutions were bought by a few main holding companies, most of them in foreign hands (De Ruyter, Michielsen & Mortelmans, 1994).

In the end, it does seem that Belgium will meet the Maastricht norm as far as the budget deficit norm of 3% of the GNP is concerned, but that the public debt of maximally 60% of the GNP remains out of reach for the next decades.<sup>55</sup>

### *B. Policy stability*

In spite of rapid growth of government expenditures in the 1960s and 1970s, and the alternation between centre-left and centre-right coalitions, the departmental pattern of expenditures has remained remarkably stable. Analyses of the effect of parties on governmental expenditures in Belgium (De Grauwe, 1984, 1987a, b), reveal first that during the 1960-1983 period growth of governmental spending vis-à-vis GNP was higher under centre-right governments than under centre-left coalitions. Second, when total expenditures are disaggregated into 'functional' expenses (for the 1960-1982 period), one comes to some remarkable findings, especially as far as the ideologically sensitive categories are concerned. For instance, defence spending decreases more under a centre-right government than under a centre-left. Social security, public health and public housing increase less fast under a centre-left government than under a centre-right one. Third, in the 1960-1983 period, under centre-right governments the tax burden increased on the average 3.3% annually, against 2.2% under centre-left ones. Finally deficit spending seems to be more a habit of centre-right governments than of centre-left.

Hence, the main author in the field of research, De Grauwe (1987b, p. 281) concludes that "the evolution of the total governmental expenditures and its composition nearly never reflects the ideological preferences of the consecutive governments" and that "in some partial domains of governmental finances plays a perverse effect". Also the more sophisticated analyses of Keman (1994), examining the link between on the one hand policy preferences expressed in party programmes and electoral manifestos and on the other hand departmental expenditures point to the lack of relationship.

The most plausible explanation for this policy stability can be drawn from the conclusion of Hofferbert and Klingemann (1994) concerning the large impact of pivotal parties on the structure of government expenditures in Germany. The pivotal party in Belgian coalition building is the CVP, the Flemish Christian democrats. They are situated in the centre of the left-right divide, and can usually choose between a coalition with socialists or liberals. Hence, their pivotal power gives them a strong say in the drafting in the governmental programme. Second, the CVP is not only a pivotal party, it is also the largest party. This strength allows it to make additional policy claims. Third, since 1958, they have always been in power, which also adds to the stability of the policies pursued in that period. Fourth, given the party politicisation of the Belgian civil service, the CVP-PSC have also managed to appoint a large number (60%) of christian-democratic civil servants

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<sup>55</sup> In the most optimistic scenario, the public debt would be at 84% of the GNP by the year 2010 (LAMMENS, 1993).

in that period, in spite of the fact that since 1958, the CVP-PSC itself never captured a majority of seats in Parliament.<sup>56</sup>

Evidently, this type of policy stability does not increase the policy credibility of the other *coalitionsfähige* parties, and the overall legitimacy of political parties in Belgium. In fact, Keman (1994, p. 238-239) concludes that "Socialist and Liberal programs are hardly worth reading as predictors of policy", that the Christian democratic electoral programme "is most useful as a signal of upcoming government action", that "general ideological positions, as measured by left-right programmatic trends, are of no value in anticipating general policy directions", and that "elections, or at least the issues talked about at election time by the parties, do not seem to matter".

Therefore, it comes as no surprise that the PIOP-ISPO survey revealed that in 1992 a large majority of Belgian citizens believed that parties and politicians were not responsive to policy preferences of ordinary citizens. In fact, 50.3% of the respondents agreed with the statement "there is no sense in voting; the parties do what they want to do anyway"; 67.6% agreed with the statement "parties are only interested in my vote, not in my opinion", while only 18.1% agreed with the statement "if people like me let the politicians know what we think, then they will take our opinions into account" (ISPO-PIOP, 1995, p. 162-163).

## VII. General conclusion

In this article we argued that in the 1970s and 1980s and as far as central government is concerned (cabinet, parliament, bureaucracy), Belgium constituted - like Italy - a very strong case of *partitocracy*. As far as the executive branch is concerned, parties have not only occupied the state in terms of nomination of government personnel, ranging from the cabinet until the lowest public servant, in terms of the definition policies to be pursued. In addition, through direct monitoring and the politicisation of government bureaucracy, the implementation of these decisions and the allocation of government outputs heavily depends on partisan criteria. One of the main and clearest negative consequences of the deep and wide reach of parties on the Belgian public sector is the explosion of the public debt to an EU record level. As 40% of the annual federal budget is allocated to the payments of interests on this debt, the payment of the current interest caused by this debt, let alone its repayment, reduces enormously the policy making capacity of the central government. The possibility of the central government meet new societal needs, as well to maintain current levels of public service, is severely restricted, and currently forces the government to precipitate the privatisation of public enterprises.

As far as the legislative branch is concerned, while most parliaments in the Western world are in decline, this tends to be particularly true in the Belgian *particratie*. Given the limited policy role of the Belgian parliament and the permanent pressure on majority MPs to support the government unconditionally, most MPs try to circumvent this handicap by generating personal support through non-policy related representational behaviour, by increasing their efforts with regard to case work, pork barrel politics and symbolic representational activities.

<sup>56</sup> Data for 1990 indicates that six out of ten higher civil servants belong to the Christian-democratic ticket (TEGENBOS, 1990).

Still, survey research indicates that a large majority of Belgian citizens believe that parties and politicians are not responsive to the policy preferences of ordinary citizens. This public disaffection with Belgian parties has reached alarming degrees at the end of the 1980s, with the breakthrough of the extreme-right and other protest parties. Yet, while the Italian *partitocrazia* imploded brusquely in the early 1990s, the Belgian *particratie* underwent a number of gradual adaptations, that reduced the (negative consequences of) the grip of political parties on central government and prevented a full collapse of the partitocratic system and restored - to some degree - the governability of the country. Still, even while major corrections have been made, one can wonder whether these are sufficient to cope with the strong outburst of public dissatisfaction with the way parties have run the country in the past decades. The heavy burden of the repayment of the gigantic public debt will remember the population for decades of the excesses of the Belgian partitocracy, and for a long time undermine the legitimacy of the main political parties. Their ultimate chances of survival will eventually depend on the scale of the *mani pulite* operation recently launched by the Belgian judiciary.

### *Abstract*

*The grip of political parties of central government actors (cabinet, parliament, the bureaucracy, judiciary) in Belgium was most striking in the 1970s and 1980s. In this period Belgium, like Italy, constitutes a very strong case of partitocracy. Yet, while the Italian partitocrazia collapsed brusquely in the early 1990s, the Belgian partitocratie underwent a number of gradual modifications (some imposed by external factors, others were the product of genuine voluntarist autocorrections), which prevented the complete collapse of the partitocratic system and to some degree restored the governability of the country.*

*This article presents for each sector of central government first the main features as they were under full partitocratic rule during the 1970s and 1980s. Second, it indicates which corrections were introduced, that reduced the (negative consequences of) the grip of political parties on central government actors, structures and processes. Finally, it discusses the problem of the public debt and policy inertia.*