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## The Evidence of Being Present: Guarantees of Representation and the Belgian Example

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### Abstract

The present article takes a look at the recent Anglo-American literature that investigates why and how the structural marginalization of certain social identities in political institutions undercuts democracy.<sup>1</sup> Searching for a theoretically well-grounded argument that can meet the criticism generally addressed at 'descriptive representation', this literature wants to clear the way for the representation of specific social identities. Although the authors in question suggest mechanisms to enhance representativeness, they rarely plead for mechanisms that would guarantee representation of specific social identities. This article analyses the idea of 'guaranteed' legislative representation. I attempt to clarify what should or could be understood by guarantees of representation. The example of Belgium shows that what is argued for in the Anglo-American literature has already been put into practice for some time. The article concludes with a discussion of the possible impact of the Belgian case on the Anglo-American literature mentioned.

### 1 Introduction

Since the beginning of the nineties, a growing body of mainly Anglo-American literature has developed that concentrates on the issue of representation. The shared concern of these authors is the lack of representativeness of our (parliamentary) institutions when comparing the social characteristics of those present in the political institutions to those of the population at large. They all focus on the issues of why and how the structural marginalization in or exclusion from political institutions of certain social identities<sup>2</sup> undercuts democracy. Further, they present mechanisms for the enhancement of the representativeness of political institutions. What the authors rarely do is plead for mechanisms that will firmly guarantee the representation of specific social identities. They mainly defend strategies to enhance the organization of structurally marginalized social identities and their participation in the process of political representation. As they are all scholars concerned with democracy, the constant feedback between practice and theory – the attempts to analyse

and explain the deficiencies apparent in our modern democracies, the search for innovative practice and their link back to theory in a need for justification – makes their work so interesting. At the same time this connection between theory and commitment seems to make the literature vulnerable, given the dilemmas inherent to the fact that practice and theory often follow different logics and have divergent priorities. Practice can live with exceptions and compromises, which are unacceptable from the theoretical point of view, because of the need for consistency. In this case the need for theoretical consistency seems to leave too little room to defend a guaranteed political representation of specific social identities. This caution stems, to some extent, from the Anglo-American authors' concern about essentialist 'group representation' or the fact that one cannot or should not consider (some of) the social identities concerned (for example, women) as a group in the strictest sense.

There are, however, numerous countries in which the political representation of specific social identities is guaranteed in one way or another. In this present article we will take a closer look at the idea of 'guaranteeing' representation, focusing on parliamentary representation. Taking a look at the literature that argues for enhanced representativeness, I will consider in particular the concrete mechanisms suggested to achieve that. Using some examples, I will focus on the notion of guarantees of representation, trying to clarify what we should or could understand by such guarantees. I will then consider Belgian society, analysing the various existing guarantees of representation and trying to show how and why the notion of what is argued for in the Anglo-American literature has already been practiced for some time. To conclude, I will examine how a proper understanding of the Belgian case could have an impact on the Anglo-American literature mentioned.

### 2 For a theory of political representation based on social identity...

One of the main criticisms addressed at modern political institutions is their lacking degree of representativeness. Political institutions have always been biased with respect to their social composition. Over the past few years the bias in terms of sex (and sexual orientation), ethnic or racial background, age, etcetera, has received increasing attention. Leaving aside the vast literature dealing with empirical research on the degree to which electoral and party systems facilitate or hinder the access of women and minorities to politics, this article will focus on four authors who deal with the questions of why and how the representation of until now marginalized social identities can be increased: Young (1990), Kymlicka (1995), Phillips (1995) and Williams (1998).

As was mentioned in the introduction, the shared concern of these authors

is the lack of representativeness of our (parliamentary) institutions when comparing the social characteristics of those present in political institutions with those of the population at large. Focusing on the issue of why and how the structural marginalization in or exclusion of certain social identities from political institutions undercuts democracy, their work searches for a theoretically well-grounded argument that meets the criticism addressed at 'descriptive representation' and clears the way for the representation of specific social identities. Before turning to the focus of this article, let us have a quick look at that aspect of their work, i.e., their suggestions on how to enhance group representation or what Williams calls 'self-representation', a term that, in my opinion, reflects the issue debated very well.

Young (1990) argues that existing electoral and legislative processes are unrepresentative because they fail to reflect the diversity of the population at large. The base of this unrepresentativeness is the universal notion of citizenship and the claim that it allows for the inclusion and participation of all: Young states that the abstract universality of citizenship leads in fact to just the opposite. The problem lies in the supposition that a general impartial view of a common good should or does transcend particular interests. The definition of citizenship in an abstract universal way hinders the inclusion and participation of all for two reasons. First, it excludes the views of those who do not conform to the majority. Second, the same formal treatment creates inequalities and causes them to persist. Young argues that 'true' universality can only be achieved through group differentiated citizenship rights. By explicitly recognizing and taking differences into account, it should be possible to overcome the unrepresentativeness of our present institutions. Groups that have been marginalized or oppressed should be enabled to speak from their point of view and interests.

Kymlicka (1995) also directs his argument against the universal notion of citizenship, but focuses on the lack of attention paid to the cultural backgrounds and surroundings of citizens. Being a member of a particular culture is more important than is generally recognized and admitted in liberal democracies. He argues that cultural membership is an important primary good underlying our choices. Individuals use and need their cultural context in order to be able to make optimal choices. In a homogenous society this context of choice is equally available to all. In a heterogeneous society minorities do not have their cultural context at their disposal to the same degree as the majority. In order to provide each citizen in a heterogeneous society with an equal amount of cultural context and therefore enable them to make optimal choices, this context has to be protected as a distinct source of political rights. Kymlicka underlines that the existing individual rights available in liberal democracies are insufficient and have to be complemented by minority rights.

Phillips (1995) argues, like Young, that our actual systems of legislative

representation are neither representative nor democratic, given the fact that large numbers of social identities are not present in them. Instead of focusing on the concept of citizenship, she concentrates on the concept and activity of representation. She argues that the traditional liberal conception of representation fails because it concentrates on the representation of ideas or interests without considering their interference with the identity of the carrier of these interests. It cannot be assumed that opinions and beliefs, and the interests shaped in that framework, are given objectively, nor do they exist independently of those who carry them. Personal experiences and opinions shape ideas. And interests are not just predetermined, because many of them are formulated within the political process itself. The more clear-cut interests are, the less it matters who defends them. If voters could choose among issues that were precisely defined beforehand it would not matter who the representatives are as long as they defend the voters' interests. If issues have to be shaped or even detected in the process of political decision-making, and if the personal experiences and opinions of the representatives influence this process, then identity plays a role. This explains why it matters who our representatives are. Here Phillips, like Kymlicka, underlines the importance of not only respecting but also explicitly taking into account citizens' social or cultural backgrounds. Phillips (1995: 25) argues that the traditional antagonistic distinction between two concepts of representation, the 'politics of ideas' and the 'politics of identity', i.e., the representation of opinions or beliefs and the representation of social characteristics or identities, is a mistake. It is in a combination of the two concepts, leading to a politics of presence, understanding and respecting the relationship between ideas and identity, that she sees a more democratic – in the sense of fair – system of representation.

Williams (1998) finally focuses most explicitly on the issue of legislative representation. She does not reject the model of liberal democracy as such, and, like Kymlicka, tries to supplement it. Her starting point is that the modern American democracy fails because the historic under-representation of marginalized groups as such is unfair. She argues that a fair representation of historically marginalized groups requires their self-representation in legislative assemblies and she develops the following arguments to overcome the difference-blindness of what she calls the theory of liberal representation. Privileged groups have a limited capacity to represent the interests of marginalized groups because they do not share the same experiences. Therefore, marginalized social identities need to represent their own voice in parliament. This 'voice argument' underlines the need for an effective presence in the political process and not for a mere formal equality as traditionally proclaimed by liberalism (Williams 1998: 147). Marginalized groups are also justified in believing that members of their group are, on average, more apt to be trustworthy representatives. Not only are group members more likely to

understand the needs as defended in the 'voice argument'; they are also more likely to be affected by the rules established, which is, referring to Madison, one of the elements inciting citizens to trust their representatives. In a heterogeneous society, representatives are not necessarily submitted to the rules they establish given the huge range of differences that persist among citizens. Self-representation might increase citizens' trust in their representatives. If they share a social identity, representatives are likely to be submitted to the same rules as those whom they represent (Williams 1998: 172). Williams's 'voice' and 'trust' arguments also underlie Phillips's idea that the presence of representatives with a specific personal experience or social identity is a supplementary guarantee for an adequate representation of interests (Phillips 1995: 43).

Referring to their actual societal context the various authors argue why and how the existing liberal conception of representation has shortcomings. The liberal democratic device 'one person one vote' is not a sufficient condition to put democratic principles into practice. Providing only for formal equality, the liberal concept of representation does not guarantee any substantial equality. The focus may partly be inspired by the authors' Anglo-American background, characterized by a prevalence of electoral systems which inflate the voice of the majority in a much greater way than a system of proportional representation would do. Accepting to a certain degree the system of liberal democracy as such<sup>3</sup>, the authors then target their criticism at the abstract concept of citizenship, at the concept and process of representation or at the lack of concern for social or cultural backgrounds. Whatever their angle of criticism, their arguments are based on the conviction that a link consists between identity and interests. Social identity plays a role in politics, and this imposes the representation or self-representation of all relevant identities. In arguing for a form of representation that better reflects the composition of society, all authors try to intercept the general concern about descriptive representation, such as the establishment and freezing of social identities, the entrenched Balkanization of society, the impossibility to base representatives' accountability on their social identity, and the fact that a guaranteed representation leads to a lack of responsibility on behalf of marginalized groups.<sup>4</sup> Part of the answer to these criticisms is pursued in the status attached to the notion of group or identity. All authors reject an essentialist definition of groups or identities, emphasizing the multiplicity of social identities. Self-representation is required to make those formerly excluded participate in the political process and to enable them to influence and change the political agenda. In this sense self-representation contains an emancipatory aspect: the presence of formerly excluded groups enables the formulation of issues in a way that challenges the existing societal relations. It is precisely this emancipatory aspect – allowing for the evolution of definitions of interests and for societal change – that undercuts an essentialist definition of groups or identities. All authors further

underline the 'contextual' character of a form of presence or self-representation. They do not strive for an overall form of descriptive representation as such. I will return to that point in the next section.

### 3 ... but hesitant to plead for real guarantees of representation

What makes this literature so interesting is that it not only tries to provide a coherent framework for representation based on social identity, but that all authors – be it to different extents – present mechanisms or strategies to correct the actual biases.

Young (1990: 184) suggests three mechanisms to enhance the representation of marginalized groups. There is the need for a provision of public resources with the double aim to support the self-organization of group members and to enable a group to develop and analyse policy proposals. Furthermore, the enhanced representation of marginalized groups requires the guarantee that their points of view are considered and respected by decision-makers. Finally, marginalized groups should be able to veto issues that affect them directly.

Kymlicka (1995: 26-33) distinguishes three forms of group-differentiated rights. First, there are the self-government rights: rights that lead to a form of self-determination through political autonomy or territorial jurisdiction. Next, he distinguishes polyethnic rights. They include specific means of public funding but also exemptions from laws and other measures thus enabling the expression of cultural particularities. He finally cites special representation rights, focusing on the electoral system and the party selection mechanisms, such as opening political parties to a broader range of social identities or introducing a system of proportional representation. Kymlicka underlines that a system of proportional representation in itself is not a sufficient alternative to group representation, given the fact that it does not create enough possibilities for minorities.<sup>5</sup> On the other hand, he rejects mechanisms such as quota or reserved seats, referring to the general criticism addressed at forms of descriptive representation. Special representation rights can be temporary or lasting. In the first case they are meant to correct a former discriminating or disadvantaging position, in the second case they fit mainly into a framework of self-government. Kymlicka argues that special representation rights and more generally a form of group representation are not contradictory to certain prevailing mechanisms of representation. The drawing of constituency boundaries or the forming of parliamentary assemblies comprising an equal number of seats for all sub-national geographic entities irrespective of the size of the population, are also measures to assure the representation of specific groups. Nonetheless, the concrete solutions meant to protect the cultural citizenship

of minorities cannot be dealt with in a general way and the problems have to be considered case by case. In more recent work Kymlicka (1998) is in principle less hesitant when it comes to guaranteed representation in the case of Canada, but still remains vague on when and how to achieve it.

On the whole, Phillips (1995) remains rather vague about the concrete possibilities to enhance representativeness, hiding behind the argument that the options available depend on the social identity requiring presence. Quota are unacceptable for Afro-Americans just as affirmative gerrymandering is impossible when it comes to representation in terms of gender. However, she underlines that the use of gender quota and race-conscious districting are current examples of the fact that a politics of presence is feasible. Whereas gender quota leads to 'safe selecting', race-conscious districting leads to 'safe seats'. Phillips is aware of the criticism generally addressed at safe seats, which is the risk of less political participation and involvement, but emphasizes that racial quota have a specific historic connotation which makes them less acceptable than gender quota. Besides, it is much easier to identify women as a social identity requiring quota than it would be to identify racial identities (Phillips 1995: 94-99). Furthermore, she thinks that a system of proportional representation is a mere symbolic solution, especially in the case of numerical minorities. Finally, Phillips (1995:14-16) mentions the model of consociational democracy, but states that it is less preoccupied with the fairness of political presence than with its necessity for reasons of stability. Consociation(alism) mainly deals with the accommodation between political elites and not with democracy itself. Furthermore, the model only conceives political parties as possible actors, which is not a feasible solution for all cases requiring or desiring presence (e.g., women).

Williams (1998: 205-221) is the most explicit and concrete of the four authors when it comes to mechanisms implying self-representation. This could partly stem from the fact that all her work concentrates on the issue of legislative representation. She discusses the options of race-conscious districting, plurality multimember districts or at-large systems, systems of proportional representation, reserved seats, intra-party quota and the model of consociational democracy.

Although race-conscious districting might enhance representativeness in terms of reflecting the social composition of society, Williams pleads against this mechanism for it does injustice to the principle of individual autonomy, leaving it to the public authorities to define a citizen's identity. Another weak point is the fact that race-conscious districting only works in the case of geographically-concentrated groups. A further weak point is that race-conscious districts are treated as single-member district systems. Huge numbers of votes are wasted or, as mentioned before, safe districts might decrease the degree of political dedication.

Plurality multimember districts or at-large systems only appeal to Williams when deep social cleavages exist and political instability is a real concern. In all other cases a system of proportional representation should be preferred because historically marginalized social identities, such as women and minorities, tend to have better representation in such systems. As well as the fact that general concerns – such as the possible instability of systems of proportional or semi-proportional representation – do not prove to be decisive in practice, the usual objections to descriptive or group based representation do not apply either. However, proportional representation is what Williams calls a 'procedural solution', and as such may not counterbalance the structural barriers preventing an adequate self-representation of marginalized groups. The advantage of such a procedural mechanism is that it leaves citizens more individual autonomy to define their identity than result-oriented mechanisms such as race-conscious districting.

Reserved seats are another result-oriented mechanism of self-representation leading to a fairer system of representation. Williams rejects both of the major criticisms of a system of reserved seats. The criticism that reserved seats reduce individual autonomy simply does not stand up to scrutiny because the systems applying the mechanism enable citizens to choose their social identity. The second criticism concerns the issue of Balkanization. Here Williams argues that one has to recognize that a system of reserved seats is more an answer to existing cleavages than a manner to initiate and provoke the segmentation of the population.<sup>6</sup> Nonetheless, a system of reserved seats seems only acceptable and adequate if there is no other option to provide for the self-representation of minorities. Intra-party quota is another result-oriented mechanism, but the lack of accountability of the incumbents to those whom they represent makes Williams reject the option.<sup>7</sup>

Finally, she cites Lijphart's model of consociational democracy. Referring to Phillips (1991), Williams shares the latter's concern for a consolidation of social cleavages and for the lack of mechanisms defining who should be the legitimate actors to be admitted to the game. She adds two further points of criticism. First, a consociationalist model only works in systems with few cleavages, where minorities are strong enough to counter the majority and where the various groups are internally homogenous. Second, it leaves no room for citizens to define their individual social identity.

Looking at all the mechanisms suggested to enhance representativeness one could say that Young does not explicitly consider a guaranteed legislative representation of marginalized groups. And Phillips (1995: 116) rightly underlines that not all of Kymlicka's special representation rights focus on self-representation of various social identities within one context. Instead, they target forms of self-government and political autonomy. The mechanisms and strategies cited and discussed by Phillips and Williams all enter the framework

of legislative representation.

Considering the mechanisms suggested by Phillips and Williams one can see that they partly neglect to address the question of how different strategies relate to each other. Consociational democracy, an option they both discuss, is actually a model of which legislative representation is only one aspect. Plurality multimember districts, at-large systems, systems of proportional or semi-proportional representation are all electoral systems. And the model of consociational democracy is actually characterized by the fact that its electoral system is one of proportional representation. Finally, strategies such as the redrawing of constituency boundaries, intra-party quota and reserved seats can be applied in order to complete or compensate a specific electoral system. Whereas the redrawing of constituency boundaries makes most sense – in terms of enhancing representativeness through self-representation – in single-member district plurality systems, the application of intra-party quota can be an efficient mechanism in a system of party list proportional representation.

However, as a side note, both authors mention a criterion to distinguish between various strategies. It concerns the moment of the political process at which the strategy intervenes and, subsequently, its potential impact. Williams (1998: 220) distinguishes between measures that are procedural and those that are result-oriented. Electoral systems belong to the first category, whereas all the other mechanisms suggested are result-oriented. Phillips, discussing the differences between gender quota and race-conscious districting, makes a similar distinction. As mentioned before, she conceives the first as a form of safe selecting and the second as a form of safe seats. In other words, whereas the second mechanism concerns the outcome, the first one only guarantees presence within the selecting process but not in the legislative representation. As Williams, Phillips considers race-conscious districting to be a result-oriented mechanism and not a procedural one. To a certain extent both authors are right. Theoretically, race-conscious districting does not necessarily influence the result, whereas reserved seats does. In practice, however, race-conscious districting is generally undertaken in order to increase the representation of certain social identities. Even if formally no result is guaranteed the outcome is relatively sure. This point will be discussed further in the next section.

Even if all authors stress the importance of the political recognition and presence of formerly marginalized social identities, not all of them base their argument on concrete examples of such mechanisms. Williams actually develops her arguments for self-representation using the cases of the struggle for women's suffrage and of the representation of Afro-Americans in the United States. Phillips deals with the issue of gender quota at a theoretical level, discussing various arguments developed in order to defend the need for more women in politics. The only concrete mechanism of presence studied is the

issue of race-conscious districting. Further mechanisms of fair representation are cited only as a side note, such as the reserved seats for the Maori population in New Zealand.

Even more interesting than the fact that not all authors consider concrete examples of such mechanisms, is the fact that they do not all plead for a system guaranteeing the presence of marginalized identities. Williams, considering the situation in the United States, finally opts for a system of proportional representation, for the reasons already mentioned. Phillips (1995: 109) is more hesitant, considering that the introduction of a system of proportional representation in the United States is rather unlikely. She does argue for gender quota, however, this mechanism does not guarantee the presence of women in legislative representation. As mentioned before, she underlines the contextual character of mechanisms enabling a politics of presence. On the whole, result-oriented mechanisms guaranteeing an enhanced self-representation of structurally marginalized groups mainly serve to underpin the argumentation that group representation or self-representation is feasible. What these authors share in a first instance is the concern to develop a theoretical framework allowing for the presence of structurally marginalized groups, thereby overcoming the traditional criticism addressed at any form of descriptive representation.

#### 4 Conceptualizing guarantees of representation

If presence or self-representation is considered to be important, the next step is to know how to achieve it. The authors formulate suggestions on how to enhance the representativeness of political institutions, though as mentioned before, they rarely plead for real guarantees of representation. In terms of improving the representative character of parliamentary assemblies, a proportional system with party lists is often considered to provide the most adequate solution. However, this system does not imply an automatic representation of the broad range of social identities in its parliamentary assemblies, particularly when society is a complex entity with structural minorities. But the problem of non- or under-representation does not only apply to numerical minorities (Rule & Zimmerman 1994:). All over the world, mechanisms are applied in order to respect social identities by guaranteeing political representation. Two often cited examples have already been mentioned: the race-conscious districting applied in the United States in order to enhance the representation of Afro-American and Hispanic citizens, and the (currently) five seats reserved for the Maori in New Zealand. Other examples of reserved seats in parliamentary assemblies, with or without separate electoral roles, are: 15% of the seats for scheduled casts and tribes in India (Suri 1994); reserved seats for the

various ethnic groups in Lebanon and the non-geographic districts to protect minorities in Zimbabwe (Lijphart 1986); the guaranteed legislative representation through minimum quota for the major ethnic groups in Fiji and in Trinidad (Safran 1994). In the European context, an example is the Danish minority that has a seat reserved in the regional parliament of Schleswig-Holstein (Lijphart 1986).

Six countries have a system of reserved seats for women. Tanzania reserves 13% of the seats for women, Bangladesh 9%, Burkina Faso 6% and Nepal 5% (IPU 1997: 64). Uganda reserves 14% of the seats for women and also applies a fixed quota of seats for young incumbents (Broere 1998). Lastly, Taiwan has a system of reserved seats for women, occupational groups, racial minority groups and overseas Chinese who live outside the country. About 10% of the seats go to women (Chou and Clark 1994: 162). Egypt guaranteed women a minimum number of seats from 1979 to 1986 (Howard-Merriam 1990). In 1962 it had already been stipulated that 50% of the elected seats at every level had to be reserved for peasants and workers, a system that was often applied in Socialist systems.

More recently there has been a trend to apply quota, especially gender quota, to electoral lists. The parties themselves can introduce such a measure, the best-known example being the Scandinavian parties (Sundberg 1995). In other countries gender quota are imposed by law. Argentina has a 30% gender quota defining the distribution of candidates over the list (Jones 1996). Belgium has a 33% gender quota that does not define the spreading of candidates over the lists (Carton 1995). Both Brazil and the Democratic People's Republic of Korea have imposed a 20% gender quota on their parties (IPU 1997). Bolivia, Ecuador and Peru close the list of countries using a quota law (Jones 1998).<sup>8</sup> Italy had a gender quota law for a short time at the beginning of the nineties (Guadagnini 1999). Belgium, therefore, is the only country in the 'First world' that currently applies such a mechanism.

This list of examples is far from exhaustive, but the number of examples cited shows that guaranteeing – or at least facilitating – parliamentary representation to specific social identities is not unusual. Such guarantees concentrate on regional, cultural or ethnic identities, paying special attention to the protection of minorities. The most visible mechanism is to reserve seats. Reserved seats are also applied to guarantee the presence of women in parliament. Such measures can be both a guarantee for a minimum or proportional presence as well as for an overrepresentation of minorities. The strategies to enhance the representation of women only provide for a minimum or threshold presence.

Developing Phillips' and Williams' distinction between safe selection and safe seats or procedural and result-oriented mechanisms, one could distinguish between mechanisms that influence the electoral process and those

that effectively influence the electoral outcome. The former concern the proportion of candidates running for representation, the second concern the proportion of incumbents who are actually representatives (Meier forthcoming).<sup>9</sup> Table 1 gives an arrangement of the various mechanisms suggested by Kymlicka, Phillips and Williams.

Table 1 Guarantees of representation

	Mechanisms facilitating presence	Mechanisms guaranteeing (minimal) presence
Mechanism applied to the electoral process	Mechanisms to enhance the inclusiveness of parties, such as quota applied to electoral lists	Theoretically non-existing
Mechanism applied to the electoral outcome	The features of electoral systems such as proportional representation Changing size and boundaries of circumscriptions	Reserved seats

While mechanisms applied to the electoral process theoretically do not determine the proportion of incumbents, mechanisms applied to the electoral outcome can guarantee a certain numerical presence of specific incumbents in parliament. Mechanisms applied to the electoral process might facilitate the access to representation, but they do not contain a commitment in terms of outcome. In practice, however, and given their aim, mechanisms applied to the electoral process should and do have an impact on the final composition of parliamentary assemblies. A measure such as the Argentinean quota law has indeed increased the proportion of women candidates elected (Jones 1996: 90).

Mechanisms applied to the electoral outcome can guarantee a certain (minimum) result. Reserved seats are such a measure. Other mechanisms influencing the electoral outcome, such as race-conscious districting, only facilitate the presence of incumbents with a specific social identity without formally guaranteeing their presence. Therefore, one should not only distinguish between the moment when mechanisms are to be applied to the process but equally their likely impact: facilitating or guaranteeing presence. It should also be noted that most of these mechanisms are contextual in the sense that their impact very much depends on the institutional and electoral system in which they operate.

#### 4.1 Belgium: a concrete case

Having distinguished the different mechanisms to facilitate or guarantee presence, let us now look at the Belgian case and establish the various existing guarantees of representation.<sup>10</sup> Belgium is a federated system, theoretically comprising three economic regions – Flanders, the Walloon region and the Brussels Capital Region – and three linguistic communities – the Flemish, the French and the German. Next to the federal Lower and Upper House, there are five sub-national parliamentary assemblies. Five because the Flemish economic region and the Flemish linguistic community have merged their institutions. Considering issues of guaranteed representation, there is a fixed ratio of seats for the two major linguistic communities in the federal Upper House, to be allocated through direct election. Forty of the seventy-one seats are directly elected, 25 by the Flemish and 15 by the French-speaking electorate. In Flanders and the Walloon region, voters are automatically registered as either Flemish or French, but in the bilingual area of Brussels voters decide individually whether they will vote for Flemish or French candidates, independent of the language in which their identity card (officially defining their linguistic identity) is issued. The German-speaking minority has one nominated representative.

At the sub-national level, the issue of representation is most salient in the Brussels Capital Region, where the Flemish strive for guarantees of representation. The parliament of the region has a relatively large number of representatives: 75 parliamentarians for a population of less than a million. It was assumed that a proportionally larger number of parliamentarians would facilitate the presence of representatives from the smaller Flemish parties. Furthermore, the number of votes won by the various parties are pooled at the level of the linguistic community to maximize the potential number of seats for the Flemish minority. However, the Flemish do not have any guaranteed form of representation (Mares 1999). An unstable electoral outcome and the overestimation of the electoral potential of the Flemish candidates, made some Flemish politicians relaunch the issue of guarantees for a minimal presence during the discussions about the extension of the voting right to EU (and eventually other non-Belgian) residents. Arguing that the majority of the new electorate would vote for French speaking parties, which would endanger the Flemish representation, some Flemish politicians are unwilling to extend the voting right without guarantees for the Flemish. At the regional level they mainly fear the impact of the electorate of 'new' Belgians, at the local level they also fear the impact of the application of the EU directive enabling EU citizens to vote in local elections in a country of residence which is different from their country of origin. Leaving aside the question to what extent one should link these debates, the aim is to obtain linguistically embedded guarantees of representation.

Considering the existing guarantees of representation at party level, the traditional major parties – the Christian democrats, the socialists and the liberals – have been applying for some time mechanisms that facilitate the representation of the main intermediary organizations belonging to the same political family. The Flemish Christian democrats explicitly take representatives of the intermediary organizations that belong to their pillar into account; the liberals and socialists are also sensitive to representatives of organizations in their pillars (De Winter 1988). The discussion in the media about the preparations for the most recent elections in June 1999 reflected the salience of this issue with respect to the composition of electoral lists. In how far these rules are formalized is another question and worth researching. Although the major parties try to guarantee the representation of the various major intermediary organizations belonging to the same pillar, this is not so much the case with the younger (regional, ecological and right-wing) parties.

Recently, parties have focused on other social identities and pay increasing attention to issues of age, ethnicity and gender when it comes to the composition of electoral lists. Most other parties also show their interest in younger candidates, and much less in senior candidates. For instance, Agalev, the Flemish ecological party, applies a non-formalized one in ten quota for young candidates.

Given the fact that the Belgian nationality is still a prerequisite to stand for elections, the notion of ethnicity only refers to Belgian citizens of foreign origin and not to non-Belgian residents. Some parties pay increasing attention to candidates of foreign origin. The ecological parties on both sides of the linguistic frontier, the Flemish Christian democrats and the French socialists have both openly looked for candidates with non-Belgian roots since the middle of the 1990s. During the local and provincial elections of 1994 and the federal elections of 1995, and especially those of 1999, candidates with foreign roots were encouraged to present themselves. In the beginning these candidates mainly figured at the lower end of the lists, but by the 1999 elections they not only occupied eligible places, they were also prominently visible during the electoral campaign. It is clear that part of this search for candidates with foreign origin is an electoral strategy meant to gain the votes of the new electorate of second and third generation Turkish and Moroccan migrants who are obligated to vote as a result of their Belgian nationality (Martiniello 1998: 121). Part of the thinking behind this strategy is that the electorate identifies with candidates who share (part of) their social identity.

Several parties applied a gender quota before it was overruled by the quota law of 1994, which imposes a gender quota for electoral lists (Meier 1999: 202–203). The law stipulates that a maximum of two-thirds of the candidates on the electoral lists may be of the same sex. Otherwise the lists will not be approved. If a party does not manage to fill up at least one-third of the places

with candidates of the underrepresented sex, it has to leave these places open.<sup>11</sup>

Even if the law is no more than a mechanism facilitating the presence of women in legislative assemblies, it is a mechanism – and the most recently established one – of self-representation. This is demonstrated by the parliamentary debates, or rather the lack of debates, on the law. The exact content of the law was the subject of much discussion, but elsewhere I argue that the firm debates on the law do not question the relevance of self-representation in terms of sex as such (Meier forthcoming). Two levels of debate have to be distinguished. On the one hand there is the debate concerning the aim of the law, i.e., to get more women into politics. On the other hand there is the debate concerning the extent to which the law is an adequate tool to achieve this aim. There was a general consensus on the aim of the law: the need for more women in politics was not a point of debate. The arguments invoked to defend the increased presence of women in politics can be summarized in four points, which correspond to what Degauquier (1994) deduced as the major arguments explaining – and legitimizing – the need for more women in politics. First, there is the democratic argument. Given the fact that women make up half of the population, there is no legitimate reason why representative parliamentary assemblies should be dominated by men. Second, there is the need to represent women's specific interests, given the fact that interests are gendered. Third, more women in politics will lead to a qualitative change in politics and policies. Finally, there is the argument that neglecting half of society's human capital when it comes to politics is an inefficient use of the available human resources. The first three of these arguments are also discussed by Phillips (1995: 62–63).<sup>12</sup> She underlines that not all these arguments justify a gender parity, in the sense of a 50–50 political representation of both sexes. Referring to Kymlicka, the need to represent women's interests only justifies a threshold representation of women. Nonetheless, all three arguments are a thorough theoretical basis for a politics of presence in terms of sex. In the Belgian case all these arguments have been accepted as a sufficient justification for more women in politics. 'More' in the sense of a 50–50 proportional representation or of a threshold representation for the arguments have been used in both cases.<sup>13</sup> Belgian political society recognizes the two sexes, men and women, as important social identities requiring a particular political representation. Most of the debate then evolved around which tool would be the most adequate to reach this aim, a discussion reflecting different conceptions of the role of the state. Even if the gender quota raised a lot of controversy as a tool, political representation as a representation of identities was not questioned (Marques-Peirera 1998: 17).

All this shows that facilitating or guaranteeing presence is a common feature of the Belgian political setting. All formal mechanisms guaranteeing presence concern the linguistic social identity and to date are only applied to the Upper

House. The mechanisms applied to the parliament of the Brussels Capital Region also situate themselves at the level of the electoral outcome, but, despite recent pressure from Flemish politicians, they merely facilitate presence so far. The other rules mentioned situate themselves at the level of the electoral process. As was mentioned above, parties have been paying attention for some time to the representation of various intermediary organizations belonging to their political pillar when it comes to the composition of electoral lists. However, this concern is not necessarily translated into formalized agreements. Recently parties have focussed on female or young candidates or on candidates of a non-Belgian origin, gender being the only social identity for which formal rules have been developed.

Before turning to the question of why group-based representation is so easily admitted in Belgium and before returning to the theory, we will look briefly at other quota. The Belgian constitutional and administrative law comprises several examples of quota assuring a minimum and guaranteed representation of sub-groups or minorities. Uyttendaele and Sohler (1995: 250–251) distinguish the following quota on issues of linguistic or territorial and philosophical or ideological identities. First, there are the quota organizing the constitutional powers. There is the required linguistic parity for the federal government, with the exception of the Prime Minister. The government of the Brussels Capital Region has to comprise at least two ministers and one secretary of state of each linguistic group. Second, in the Brussels Capital Region there are measures guaranteeing the representation of Flemish interests at the local political level, although not necessarily through direct representation. Third, there is the linguistic legislation on the contingents of French-speaking, Flemish and bilingual civil servants in the central administrative services. Finally, there is the protection of ideological and philosophical tendencies within the various cultural institutions through a balanced distribution of functions. There are no formal quota established in this last example, but the authors consider that these rules express a kind of logic that also characterizes quota.

Even if all these quota or similar mechanisms are meant to assure a minimum and guaranteed representation of sub-groups or minorities, I do not think that they work as they are supposed to. Thomassen (1991: 26–28), discussing constitutional and other rules guaranteeing the rights of structural minorities, conceives such measures as a spreading and sharing of power. He argues that such quota are not concerned with the link between the electorate and their representatives, but rather with the relation between the representatives and government. Following on this logic, one could distinguish between guarantees of power sharing, meant to spread power, and guarantees of representation, meant to increase representativeness. Whereas guarantees of power sharing concern the link between representatives and government, guarantees of representation deal with the link between the electorate and its representatives.

This does not necessarily involve any real power. Whereas guarantees of power sharing require representation, the opposite is not necessarily true. A minority might be attributed a guaranteed representation in a parliamentary assembly, but this does not involve any real influence on decision-making as long as there is no veto right or guarantee that decisions are taken by consensus. The examples referred to by Uyttendaele and Sohier should not be defined as guarantees of representation. This legislation on territorial and linguistic or ideological and philosophical tendencies concerns mechanisms for guaranteeing an effective share of power, and are, therefore, not taken into account in the present article.<sup>14</sup>

## 5 Conclusion

The search for a theoretically well-grounded argument that clears the way for the representation of specific social identities in recent Anglo-American literature was the starting point of this article. I focused on the mechanisms suggested therein to facilitate or guarantee the self-representation of such social identities. Although this literature suggests mechanisms to enhance representativeness, it rarely pleads for mechanisms guaranteeing representation to specific social identities. I attempted to clarify what we should or could understand by guarantees of representation. Where did all this lead us?

The numerous examples mentioned show that guarantees of representation are not uncommon, although one might argue that they form exceptions to the existing rules concerning political representation. However, the Belgian example shows that a guaranteed representation for a specific social identity need not be an exception. In the case of Belgium we cannot speak of an isolated measure for one specific social identity. The concern for self-representation of various social identities is a basic characteristic of the Belgian system of political representation. It is not only the issue of self-representation as such that is accepted, but also a guaranteed form of self-representation. Why is this? Elsewhere I (Meier forthcoming) argue that this is generally explained by the consociational character of the Belgian society, accepting the existence of various social identities which can only be represented by those who carry the same social identity – or part of it. Political representation in terms of social identity is conceived as a legitimate claim. Furthermore, there is the will to institutionalize such claims. The importance attached to self-representation implies the creation of mechanisms guaranteeing or facilitating representation.

Martiniello (1998:122–123), discussing the recent phenomenon of parliamentarians with foreign roots, underlines that even if the Belgian political system is based on linguistic or cultural, and religious or ideological identities:

(T)here seems to be an implicit consensus to limit the politicisation of ethnicity to the 'original national groups' only and not to accept its extension to immigrant ethnic communities: whereas Flemish and Walloon parties are generally considered normal, the creation of a Moroccan party would entail the resistance of both Flemings and Walloons; whereas the existence of two Christian parties is not seen as a problem, the creation of a Muslim party would be rejected in principle as an attempt to 'balkanise' politics. Clearly, in Belgian politics there are legitimate ethnicities and illegitimate ones (Martiniello 1998:123).

I agree with Martiniello that the existing parties mainly open their doors to politicians with foreign roots for the strategic reason of broadening their electoral basis. He is probably also right to think that the establishment of a Muslim or North African ethnic party is not feasible. But, it does not necessarily follow that there are legitimate and illegitimate ethnicities. It is true that the only attempt to found a party based on 'new' ethnicities, MERCI, that participated in Brussels in the 1994 elections, did not succeed. But former attempts to set up parties for women only failed too (Leijenaar & Van de Velde 1989). And wow, a party representing the elderly at the beginning of the nineties, was never really successful either. If parties based on social identities do not manage to break through, this does not mean that the corresponding social identity as such is considered to be illegitimate. There is a growing attention for representation in terms of ethnicity, sex and age and the reasons for the failure of such parties should be sought elsewhere. One reason might be that such a party reduces representation to this aspect only, whereas the voter conceives his or her social identity in less essentialist terms, without rejecting this social identity as such.

An important feature of the existing guarantees of representation might be that they do not establish social identities or reduce social identities to just one feature. The existing guarantees allow for the representation of certain social identities without imposing this feature as the only one on either the electorate or the representatives. The gender quota law wants to facilitate the election of women, however, without limiting women to represent women and men to represent men. The linguistic guarantees of representation still leave a broad choice of ideological or philosophical options to both the electorate and the representatives.

Flexibility is not only found in the notion of social identity to be represented. The mechanisms to guarantee or facilitate self-representation evolve too. In the case of the gender quota, rules existing at the party level were raised to and formalized at the legislative level.

What does a proper understanding of the Belgian case mean for the Anglo-American literature mentioned? The only reply that can be given here is that such guarantees of representation do exist, and to a much larger extent than is reflected in the Anglo-American literature. The doubts about such mecha-

nisms seems to be less necessary than the theory suggests. These doubts might be explained partly by the societal background of these authors. This reveals a paradox. In the first section I mentioned that it might not be a coincidence that the literature concerned with the lack of representativeness of our (parliamentary) institutions, when comparing the social characteristics of those present in the political institutions to those of the population at large, is to a large extent Anglo-American. The focus may partly be inspired by the authors' Anglo-American political and constitutional background, in other words, the outcome of the prevailing electoral system. This same background might partly inhibit these authors from pleading for a thorough self-representation of specific social identities, given the fact that the prevailing notion of citizenship and of the representation of citizens differs from the one dominant in a society like Belgium. Clearly, the Belgian case is but one example, nevertheless, it shows that the Anglo-American literature is caught in its own implicit political and institutional model.

This Anglo-American literature is nevertheless valuable, because even though the authors do not necessarily conceive guarantees of representation as a feasible option, at the same time they do not reject the idea that representation should take social identities into account. Or, as Williams states, it is important not to conflate the theoretical discussion on self-representation with the practical mechanisms needed to put it into practice:

Such confluences lead us to criticise the particular institutional form of group representation, and then to mistake our criticism of the institutions for criticisms of the principle itself. But it is crucial to separate the two steps of an inquiry into group representation, that is, to separate the normative defense from the institutional design that will translate it into practice. That some institutional forms of group representation are not morally acceptable does not mean the concept itself is flawed (Williams 1998: 203).

It would be interesting to study cases of guarantees of representation in more depth, analysing why such guarantees were set up. What were the aims and concerns of the various actors concerned and to what extent does this correspond to the theoretical concerns developed when it comes to the issue of enabling a form of group-based representation?

### Notes

1. The genesis of this article was supported by a Research Fellowship. I am grateful for both the financial support I received from the European Community's Training and Mobility of Researchers Programme and for the excellent logistic support I received during my stay at the European University Institute in Florence.

2. I prefer the term social identities to the term social groups, given that one cannot always speak of a group.

3. Both Kymlicka and Williams explicitly subscribe to the model of liberal democracy. Their aim is to show that a form of group representation or self-representation is compatible with the liberal conception of representation. They try to complement the model in order to increase its representativeness. Young and Phillips are more critical towards the model of a liberal representative democracy. Central to their argumentation is the deliberative or communicative aspect of democracy and the need for an enhanced participation of citizens in this process. More than the others, although Williams also pays attention to this aspect, they follow the current developments of deliberative and communicative democracy.

4. For details, see especially Williams (1998: 5-8; 238-243) and Kymlicka (1998: 114-120).

5. See also Kymlicka (1998: 104-106).

6. The same argument is produced by Kymlicka (1998: 119-120).

7. She argues that the lack of a direct mechanism of accountability mainly applies to systems with a strong party discipline. In that case representatives represent the party's issues rather than the issues of those citizens sharing their social identity (e.g., women). It is interesting to note that Phillips (1998) considers this accountability of parliamentarians towards their party to be an important factor to overcome the lack of accountability in a system of descriptive representation. Identity-based politics are limited in terms of establishing accountability, at least if an essentialist notion of identity is rejected, and it is this aspect that makes Phillips attach special importance to ideas. The notion of accountability has traditionally been, and is best, conceived in the framework of a politics of ideas. Taking the example of gender quota she underlines that both male and female representatives are bound to their political party and to its programme. Gender quota are a good example of the combination of identity and ideas. While gender as a social identity is taken into account, the importance of ideas and the accountability of incumbents through ideas are guaranteed through their party affiliation.

8. These countries are mentioned in Jones (1998) who does not provide any further information on these quota. The 1997 report of the IPU does not cite these countries, but it is not exhaustive.

9. The forthcoming publication formed a first attempt to elaborate the table.

10. The following list of the various mechanisms facilitating or guaranteeing representation in Belgium is an elaboration of Meier (forthcoming).

11. For a record of the genesis of the law see Meier (1999: 203-204).

12. Phillips cites four arguments, but instead of the human resources argument she refers to the argument that more women in politics would fulfil a role model for others. Given the fact that this argument has no direct implications for political representation and democracy, she leaves it aside. The same could be said for the human resources argument mentioned by Degauquier.

13. This brings us back to the point raised in the introduction, that the literature defending issues of group representation is fragile given its need for consistency that seems to be of no concern in daily practice.

14. The quota mentioned here have often been cited as examples to justify the gender quota law meant to increase the representation of women in parliamentary assemblies. However, for the reasons discussed I think that a legitimization based on such a comparison is inadequate.

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