
CHAPTER 3

THE CONSENSUS MODEL OF DEMOCRACY

The majoritarian interpretation of the basic definition of democracy is that it means “government by the *majority* of the people.” It argues that majorities should govern and that minorities should oppose. This view is challenged by the consensus model of democracy. As the Nobel Prize-winning economist Sir Arthur Lewis (1965, 64–65) has forcefully pointed out, majority rule and the government-versus-opposition pattern of politics that it implies may be interpreted as undemocratic because they are principles of exclusion. Lewis states that the primary meaning of democracy is that “all who are affected by a decision should have the chance to participate in making that decision either directly or through chosen representatives.” Its secondary meaning is that “the will of the majority shall prevail.” If this means that winning parties may make all the governmental decisions and that the losers may criticize but not govern, Lewis argues, the two meanings are incompatible: “to exclude the losing groups from participation in decision-making clearly violates the primary meaning of democracy.”

Majoritarians can legitimately respond that, under two conditions, the incompatibility noted by Lewis can be resolved. First,

the exclusion of the minority is mitigated if majorities and minorities alternate in government—that is, if today’s minority can become the majority in the next election instead of being condemned to permanent opposition. This is how the British, New Zealand, and Barbadian two-party systems have usually worked, but there have also been long periods in which one of the major parties was kept out of power: the British Labour party during the thirteen years from 1951 to 1964 and the eighteen years from 1979 to 1997, the British Conservatives for thirteen years from 1997 to 2010, the New Zealand National party for fourteen years from 1935 to 1949, New Zealand Labour for twelve years from 1960 to 1972, and the Democratic Labour party in Barbados for fourteen years from 1994 to 2008.

Even during these extended periods of exclusion from power, one can plausibly argue that democracy and majority rule were not in conflict because of the presence of a second condition: the fact that all three countries are relatively homogeneous societies and that their major parties have usually not been very far apart in their policy outlooks because they have tended to stay close to the political center. A party’s exclusion from power may be undemocratic in terms of the “government *by* the people” criterion, but if its voters’ interests and preferences are reasonably well served by the other party’s policies in government, the system approximates the “government *for* the people” definition of democracy.

In less homogeneous societies neither condition applies. The policies advocated by the principal parties tend to diverge to a greater extent, and the voters’ loyalties are frequently more rigid, reducing the chances that the main parties will alternate in exercising government power. Especially in *plural societies*—societies that are sharply divided along religious, ideological, linguistic, cultural, ethnic, or racial lines into virtually separate subsocieties with their own political parties, interest groups, and media of communication—the flexibility necessary for majoritarian democracy is likely to be absent. Under these conditions, majority rule

is not only undemocratic but also dangerous, because minorities that are continually denied access to power will feel excluded and discriminated against and may lose their allegiance to the regime. For instance, in the plural society of Northern Ireland, divided into a Protestant majority and a Catholic minority, majority rule meant that the Unionist party representing the Protestant majority won all the elections and formed all of the governments between 1921 and 1972. Massive Catholic protests in the late 1960s developed into a Protestant-Catholic civil war that could be kept under control only by British military intervention and the imposition of direct rule from London.

In the most deeply divided societies, like Northern Ireland, majority rule spells majority dictatorship and civil strife rather than democracy. What such societies need is a democratic regime that emphasizes consensus instead of opposition, that includes rather than excludes, and that tries to maximize the size of the ruling majority instead of being satisfied with a bare majority: consensus democracy. Despite their own majoritarian inclinations, successive British cabinets have recognized this need: they have insisted on PR in all elections in Northern Ireland (except those to the House of Commons) and, as a precondition for returning political autonomy to Northern Ireland, on broad Protestant-Catholic power-sharing coalitions. PR and power-sharing were also the key elements in the Good Friday Agreement on the political future of Northern Ireland that was finally reached in 1998. Similarly, Lewis (1965, 51–55, 65–84) strongly recommends PR, inclusive coalitions, and federalism for the plural societies of West Africa. The consensus model is obviously also appropriate for less divided but still heterogeneous countries, and it is a reasonable and workable alternative to the Westminster model even in fairly homogeneous countries.

The examples I use to illustrate the consensus model are Switzerland, Belgium, and the European Union—all multiethnic entities. Switzerland is the best example: with one exception it approximates the pure model perfectly. Belgium also provides a good

example, especially after it formally became a federal state in 1993; I therefore pay particular attention to the pattern of Belgian politics in the most recent period. The European Union (EU) is a supranational organization—more than just an international organization—but it is not, or not yet, a sovereign state. Because of the EU's intermediate status, analysts of the European Union disagree on whether to study it as an international organization or an incipient federal state, but the latter approach is increasingly common (Hix 1994, 2005). This is also my approach: if the EU is regarded as a federal state, its institutions are remarkably close to the consensus model of democracy. I discuss the Swiss and Belgian prototypes first and in tandem with each other and then turn to the EU example.

THE CONSENSUS MODEL IN SWITZERLAND AND BELGIUM

The consensus model of democracy may be described in terms of ten elements that stand in sharp contrast to each of the ten majoritarian characteristics of the Westminster model. Instead of concentrating power in the hands of the majority, the consensus model tries to share, disperse, and restrain power in a variety of ways.

1. *Executive power-sharing in broad coalition cabinets.* In contrast to the Westminster model's tendency to concentrate executive power in one-party and bare-majority cabinets, the consensus principle is to let all or most of the important parties share executive power in a broad coalition. The Swiss seven-member national executive, the Federal Council, offers an excellent example of such a broad coalition: until 2003, the three large parties—Social Democrats, Radical Democrats, and Christian Democrats—each of which held about one-fourth of the seats in the lower house of the legislature during the post-World War II era, and the Swiss People's party (SPP), with about one-eighth of the seats, shared the seven executive positions proportionally according to the so-called magic formula of 2:2:2:1, established in 1959. After the 2003 election, in which the SPP became the largest party, it

was given an additional seat at the expense of the Christian Democrats. The broad coalition was interrupted in 2007 when SPP leader Christoph Blocher, who had been a member of the Federal Council since 2003, was not reelected by parliament, and a different SPP member, who was not the party's nominee, was elected in his place. The SPP declared that it was no longer represented by its two council members and that it would become an opposition party. However, the broad coalition and the magic formula were restored in January 2009 (Church and Vatter 2009). An additional informal power-sharing rule is that the linguistic groups be represented in rough proportion to their sizes: four or five German-speakers, one or two French-speakers, and frequently an Italian-speaker.

The Belgian constitution offers an example of a formal requirement that the executive include representatives of the large linguistic groups. For many years, it had already been the custom to form cabinets with approximately equal numbers of ministers representing the Dutch-speaking majority and the French-speaking minority. This became a formal rule in 1970, and the new federal constitution again stipulates that "with the possible exception of the Prime Minister, the Council of Ministers [cabinet] includes as many French-speaking members as Dutch-speaking members" (Alen and Ergec 1994). Such a rule does not apply to the partisan composition of the cabinet, but there have been only about four years of one-party rule in the postwar era, and since 1980 all cabinets have been coalitions of between four and six parties.

2. *Executive-legislative balance of power.* The Swiss political system is neither parliamentary nor presidential. The relationship between the executive Federal Council and the legislatures is explained by Swiss political scientist Jürg Steiner (1974, 43) as follows: "The members of the council are elected individually for a fixed term of four years, and, according to the Constitution, the legislature cannot stage a vote of no confidence during that period. If a government proposal is defeated by Parliament, it is not necessary for either the member sponsoring this proposal or

the Federal Council as a body to resign.” This formal separation of powers has made both the executive and the legislature more independent, and their relationship is much more balanced than cabinet-parliament relationships in the British, New Zealand, and Barbadian cases in which the cabinet is clearly dominant. The Swiss Federal Council is powerful but not supreme.

Belgium has a parliamentary form of government with a cabinet dependent on the confidence of the legislature, as in the three prototypes of the Westminster model. However, Belgian cabinets, largely because they are often broad and uncohesive coalitions, are not at all as dominant as their Westminster counterparts, and they tend to have a genuine give-and-take relationship with parliament. The fact that Belgian cabinets are often short-lived attests to their relatively weak position: from 1980 to 2010, for instance, there were nine cabinets consisting of different multi-party coalitions—with an average cabinet life of only about three years.

3. *Multiparty system.* Both Switzerland and Belgium have multi-party systems without any party that comes close to majority status. In the 2007 elections to the Swiss National Council, twelve parties won seats, but the bulk of these seats—167 out of 200—were captured by the four major parties on the Federal Council. Switzerland may therefore be said to have a four-party system.

Until the late 1960s, Belgium was characterized by a three-party system consisting of two large parties—Christian Democrats and Socialists—and the medium-sized Liberals. Since then, however, these major parties have split along linguistic lines, and several new linguistic parties have attained prominence. In addition, two Green parties, Dutch-speaking and French-speaking, have emerged in recent years. About a dozen parties have usually been able to win seats in the Chamber of Representatives, and eleven of these have been important enough to be included in one or more cabinets. Belgium clearly has “one of the most fragmented party systems of any modern democracy” (Swenden, Brans, and De Winter 2009, 8).

The emergence of multiparty systems in Switzerland and Belgium can be explained in terms of two factors. The first is that the two countries are plural societies, divided along several lines of cleavage: religion, class, and language. A contrast between Switzerland and Belgium is that linguistic differences have had only a minor impact on the Swiss party system, while they have become the major differentiator for the Belgian parties. The Swiss People's party used to be mainly strong among Protestant farmers, but it has extended its appeal, and gained a great deal of electoral support, as a right-wing populist and anti-immigrant party. This description fits one of the small Flemish-nationalist parties in Belgium, too (Pauwels 2011). Both countries also have small but significant Green parties.

4. *Proportional representation.* The second explanation for the emergence of multiparty systems in Switzerland and Belgium is that their proportional electoral systems have not inhibited the translation of societal cleavages into party-system cleavages. In contrast with the plurality method, which tends to overrepresent large parties and to underrepresent small parties, the basic aim of proportional representation is to divide the parliamentary seats among the parties in proportion to the votes they receive. The lower houses of both legislatures are elected by PR.

5. *Interest group corporatism.* There is some disagreement among experts on corporatism about the degree of corporatism in Switzerland and Belgium, mainly because the labor unions in these two countries tend to be less well organized and less influential than business. The disagreement can be resolved, however, by distinguishing between two variants of corporatism: social corporatism in which the labor unions predominate and liberal corporatism in which business association are the stronger force. Peter J. Katzenstein (1985, 105, 130) uses Switzerland and Belgium as two exemplars of the latter, and he concludes that Switzerland "most clearly typifies the traits characteristic of liberal corporatism." Both countries clearly show the three general elements of corporatism: tripartite concertation, relatively few and

relatively large interest groups, and the prominence of peak associations. Gerhard Lehmbuch (1993, 52) writes that “the strength of Swiss peak associations is remarkable, and it is generally acknowledged that the cohesion of Swiss interest associations is superior to that of Swiss political parties.” Moreover, Klaus Armingeon (1997) argues that, although the extent and effectiveness of corporatism in many European countries has been declining in the 1990s, it continues to be strong in Switzerland. Belgian tripartite cooperation began with the Social Pact concluded in 1944, and its corporatist system “has not fundamentally changed” since then (Deschouwer 2009, 193).

6. *Federal and decentralized government.* Switzerland is a federal state in which power is divided between the central government and the government of twenty cantons and six so-called half-cantons, produced by splits in three formerly united cantons. The half-cantons have only one instead of two representatives in the Swiss federal chamber, the Council of States, and they carry only half the weight of the regular cantons in the voting on constitutional amendments; in most other respects, however, their status is equal to that of the full cantons. Switzerland is also one of the world’s most decentralized states.

Belgium was a unitary and centralized state for a long time, but from 1970 on it gradually moved in the direction of both decentralization and federalism; in 1993, it formally became a federal state. The form of federalism adopted by Belgium is a “unique federalism” (Fitzmaurice 1996) and one of “Byzantine complexity” (McRae 1997, 289), because it consists of three geographically defined regions—Flanders, Wallonia, and the bilingual capital of Brussels—and three nongeographically defined cultural communities—the large Flemish and French communities and the much smaller German-speaking community. The main reason for the construction of this two-layer system was that the bilingual area of Brussels has a large majority of French-speakers but is surrounded by Dutch-speaking Flanders. There is a considerable overlap between regions and communities, but they do

not match exactly. Each has its own legislature and executive, except that in Flanders the government of the Flemish community also serves as the government of the Flemish region.

7. *Strong bicameralism.* The principal justification for instituting a bicameral instead of a unicameral legislature is to give special representation to minorities, including the smaller states in federal systems, in a second chamber or upper house. Two conditions have to be fulfilled if this minority representation is to be meaningful: the upper house has to be elected on a different basis than the lower house, and it must have real power—ideally as much power as the lower house. Both of these conditions are met in the Swiss system: the National Council is the lower house and represents the Swiss people, and the Council of States is the upper or federal chamber representing the cantons, with each canton having two representatives and each half-canton one representative. Hence the small cantons are much more strongly represented in the Council of States than in the National Council. Swiss bicameralism is also symmetrical: the “absolute equality of the two chambers in all matters of legislation” is a sacrosanct rule (Linder 2010, 51).

The two Belgian chambers of parliament—the Chamber of Representatives and the Senate—had virtually equal powers in prefederal Belgium, but they were both proportionally constituted and hence very similar in composition. The new Senate, elected for the first time in 1995, especially represents the two cultural-linguistic groups, but it is still largely proportionally constituted and not designed to provide overrepresentation for the French-speaking and German-speaking minorities. Moreover, only forty of its seventy-one members are popularly elected, and its powers were reduced in comparison with the old Senate; for instance, it no longer has budgetary authority (De Winter and Dumont 2009, 102; Deschouwer 2009, 171–72). Hence the new federal legislature of Belgium exemplifies a relatively weak rather than strong bicameralism.

8. *Constitutional rigidity.* Both Belgium and Switzerland have

a written constitution—a single document containing the basic rules of governance—that can be changed only by special majorities. Amendments to the Swiss constitution require the approval in a referendum of not only a nationwide majority of the voters but also majorities in a majority of the cantons. The half-cantons are given half weight in the canton-by-canton calculation; this means that, for instance, a constitutional amendment can be adopted by 13.5 cantons in favor and 12.5 against. The requirement of majority cantonal approval means that the populations of the smaller cantons and half-cantons, with less than 20 percent of the total Swiss population, can veto constitutional changes.

In Belgium, there are two types of supermajorities. All constitutional amendments require the approval of two-thirds majorities in both houses of the legislature. Moreover, laws pertaining to the organization and powers of the communities and regions have a semiconstitutional status and are even harder to adopt and to amend: in addition to the two-thirds majorities in both houses, they require the approval of majorities within the Dutch-speaking group as well as within the French-speaking group in each of the houses. This rule gives the French-speakers an effective minority veto.

9. *Judicial review.* Switzerland deviates in one respect from the pure consensus model: its supreme court, the Federal Tribunal, does not have the right of judicial review. A popular initiative that tried to introduce it was decisively rejected in a 1939 referendum (Coddington 1961, 112). Parliament seriously considered the creation of a constitutional court as part of the comprehensive judicial reform adopted in 2000 but ultimately decided not to incorporate this proposal in the reform package (Vatter 2008, 22–23).

There was no judicial review in Belgium either until 1984, when the new Court of Arbitration was inaugurated. The court's original main responsibility was the interpretation of the constitutional provisions concerning the separation of powers among the central, community, and regional governments. Its authority

was greatly expanded by the constitutional revision of 1988, and the Court of Arbitration can now be regarded as a “genuine constitutional court” (De Winter and Dumont 2009, 109).

10. *Central bank independence.* Switzerland’s central bank has long been regarded as one of the strongest and most independent central banks, together with the German Bundesbank and the Federal Reserve System in the United States. Its independence, as measured by the Cukierman index, has been a high 0.63 since 1980 (Vatter 2008, 26). In contrast, the National Bank of Belgium was long one of the weakest central banks. However, its autonomy was substantially reinforced in the early 1990s, roughly at the same time as the transition to a federal system, but mainly as a result of the 1992 Maastricht Treaty, which obligated the EU member states to enhance the independence of their central banks. In 1993, its Cukierman score rose from a very low 0.17 to a more respectable 0.41 (Polillo and Guillén 2005).

THE CONSENSUS MODEL IN THE EUROPEAN UNION

The principal institutions of the European Union do not fit the classification into executive, legislative, judicial, and monetary organs as easily as those of the five sovereign states discussed so far. This is especially true for the European Council (not to be confused with the Council of the European Union, described below), which consists of the heads of government of the twenty-seven member states—“the most prominent political leaders in Europe” (Crepaz and Steiner 2011, 287)—meeting at least twice a year. It is the most powerful EU institution, and most of the major steps in the development of the European Community and, since 1993, the EU have been initiated by the Council. Its presidency used to rotate every six months among its members, but the 2007 Lisbon Treaty created a permanent president of the European Council—also called president of the European Union—elected for two and a half years. The first president, elected in 2009, was former Belgian prime minister Herman Van Rompuy. Of the other institutions, the European Commission serves as the executive of

the EU and can be compared to a cabinet; the European Parliament is the lower house of the legislature; and the Council of the European Union can be regarded as the upper house. The responsibilities of the European Court of Justice and the European Central Bank are clear from their names.

1. *Executive power-sharing in broad coalition cabinets.* The European Commission consists of twenty-seven members, each with a specific ministerial responsibility, appointed by the governments of the member states. Because all twenty-seven nations that belong to the EU are represented on it, the Commission is a broad and permanent international coalition. In practice, the Commission is also a coalition that unites the left, center, and right of the political spectrum in Europe.

2. *Executive-legislative balance of power.* After each five-yearly parliamentary election, the new European Commission must be approved by a vote in the European Parliament. Parliament also has the power to dismiss the Commission, but only by a two-thirds majority. Parliament has strong budgetary powers, and its other legislative powers were enhanced by the 2007 Lisbon Treaty; for 95 percent of European legislation, the Parliament has become an equal colegislator with the more powerful Council of the European Union—composed of ministers from the governments of the twenty-seven member states. George Tsebelis and Jeannette Money (1997, 180) call the Council “the European equivalent of [an] upper house.” The Council is also clearly the strongest of the three institutions. Overall, therefore, the Commission is much more like the equal partner in the consensus model than the dominant cabinet in the Westminster model.

3. *Multiparty system.* The 736-member European Parliament had seven officially recognized parties (comprising the minimum of 25 members from seven countries required for recognition) after the 2009 elections. The largest of these was the European People’s party (mainly Christian Democrats), with 36 percent of the seats in Parliament—far short of a parliamentary majority. The next largest was the Socialist party with 25 percent, followed

by the Liberals with almost 12 percent of the seats. None of the other parties held more than 10 percent of the seats. The political fragmentation is even greater than appears from the multiparty pattern because the parties in the European Parliament are considerably less cohesive and disciplined than the parties in the national parliaments. The partisan composition of the “upper house,” the Council of the European Union, changes as the cabinets of the member countries change, and it also depends on the subject matter being discussed, which determines which particular minister will attend a particular session. For instance, if farm policies are on the Council’s agenda, the national ministers of agriculture are likely to attend. In practice, however, the Council is also a multiparty body.

4. *Proportional representation.* The European Parliament has been directly elected since 1979. It is supposed to be elected in each country according to a uniform electoral system, but the member countries have not been able to agree on such a system. Nevertheless, the prevalent method is some variant of PR, and PR is used in all of the member countries, including, since 1999, Great Britain. Nevertheless, the overrepresentation of the small states and underrepresentation of the large states in the European Parliament result in a significant degree of disproportionality. At the extremes, Germany has ninety-six and Malta six representatives, even though Germany’s population is about two hundred times larger than Malta’s. In this respect, the European Parliament combines in one legislative chamber the principles of proportional representation and of equal national representation that, for instance, in Switzerland are embodied in two separate houses of the legislature.

5. *Interest group corporatism.* The EU has not yet developed a full-fledged corporatism, largely because the most important socioeconomic decisions are still made at the national level or subject to national vetoes. As the EU becomes more integrated, the degree of corporatism is bound to increase. In the title of Michael J. Gorges’s book *Euro-Corporatism?* the question mark is deliber-

ate, and Gorges answers the question mainly in the negative for the present situation, but he also sees significant corporatist elements in certain sectors as well as a clear trend toward greater corporatism. One important factor is that the European Commission has long favored a corporatist mode of negotiating with interest groups. For instance, it sponsored a series of tripartite conferences during the 1970s, and although these did not lead to the institutionalization of tripartite bargaining, “the Commission never abandoned its goal of promoting a dialogue between the social partners and of improving their participation in the Community’s decision-making process” (Gorges 1996, 139). Vivien A. Schmidt (2006, 104) describes the current European interest group system as more pluralist than corporatist but also states that “the EU’s societal actors enjoy a pluralism that is more close and cooperative than that of the [highly pluralist] United States.” Similarly, but stated in more positive terms, Gerda Falkner (2006, 223) finds evidence that “corporatist variants of policy networks are not alien to the EU.”

6. *Federal and decentralized government.* Compared with other international organizations, the supranational EU is highly unified and centralized, but compared with national states—even as decentralized a state as Switzerland—the EU is obviously still more “confederal” than federal as well as extremely decentralized.

7. *Strong bicameralism.* The two criteria of strong bicameralism are that the two houses of a legislature be equal in strength and different in composition. The EU’s legislature fits the second criterion without difficulty: the Council has equal representation of the member countries and consists of representatives of the national governments, whereas the Parliament is directly elected by the voters and the national delegations are weighted by population size. In national legislatures, deviations from equal power tend to be to the advantage of the lower house. In the EU it is the other way around: the upper house (Council) used to be considerably more powerful than the lower house (Parliament) and still has somewhat greater legislative power, even after the adoption

of the Lisbon Treaty, noted earlier—not fully in accordance with the consensus model but even less with the majoritarian model.

8. *Constitutional rigidity.* The EU’s “constitution” consists of the founding Treaty of the European Economic Community, signed in Rome in 1957, and a series of both earlier and subsequent treaties. Because these are international treaties, they can be changed only with the consent of all of the signatories. Hence they are extremely rigid. In addition, most important decisions in the Council require unanimity; on less important matters, it has become more common since the 1980s to make decision by “qualified majority voting,” that is, by roughly two-thirds majorities and by means of a weighted voting system (similar to the weighted allocation of seats in the European Parliament).

9. *Judicial review.* A key EU institution is the European Court of Justice. The Court has the right of judicial review and can declare both EU laws and national laws unconstitutional if they violate the various EU treaties. Moreover, the Court’s approach to its judicial tasks has been creative and activist. Alec Stone Sweet (2004, 1) writes that the Court “has no rival as the most effective supranational body in the history of the world, comparing favorably with the most powerful constitutional courts anywhere.”

10. *Central bank independence.* The European Central Bank, which started operating in 1998, was designed to be a highly independent central bank; indeed the *Economist* (November 8, 1997) wrote that “its constitution makes it the most independent central bank in the world.” It is the guardian of the European common currency, the Euro, used by seventeen EU members. Christopher Crowe and Ellen E. Meade (2007) give the bank an independence score of 0.83 on the Cukierman scale—considerably higher than that of any of the national central banks mentioned earlier in this chapter and in Chapter 2.

In the beginning of this chapter, I emphasized that the majoritarian model was incompatible with the needs of deeply divided, plural societies. The EU is clearly such a plural society: “Deep-seated and long-standing national differences, of which language

is only one, have not and will not disappear in Europe” (Kirchner 1994, 263). Hence it is not surprising that the EU’s institutions conform largely to the consensus instead of the majoritarian model (Colomer 2010, 67–72; Hendriks 2010, 76–77). Many observers predict that the EU will eventually become a federal state, especially as a result of the adoption of the Euro. For instance, Martin Feldstein (1997, 60) asserts that the “fundamental long-term effect of adopting a single currency [will] be the creation of a political union, a European federal state with responsibility for a Europe-wide foreign and security policy as well as for what are now domestic economic and social policies.” If and when the EU develops into a sovereign European state, its institutions are likely to change, but it is not likely to stray far from the consensus model, and it is almost certain to take the form of a *federal* United States of Europe.