

The electoral threshold in the Belgian regional elections: the best way to fight fragmentation?

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In many proportional representation (PR) systems, a legal electoral threshold has been implemented. Such a threshold reserves the allocation of seats to those parties which reach a minimum number of votes or a percentage of the votes. Since 2004, a legal threshold of five per cent has been introduced for the Belgian regional elections, following the introduction two years earlier of the same mechanism for the federal elections. The main reason behind this electoral reform – in a country which has been quite stable on this regard – was to prevent the further fragmentation of the political spectrum. This paper aims at testing this claim on empirical grounds. Two regional elections – 2004 and 2009 – can be surveyed in order to measure the effects of the electoral threshold. It is particularly relevant to study the impact of the electoral threshold in the regional elections because there are several discrepancies between the Regions in terms of the size of the districts, the fragmentation of the party system and the electorates. These differences may indeed influence the potential effects of the legal threshold.

Since Duverger's seminal work, electoral rules are known to influence the party system through their impact on the electoral outcomes, on the one hand, and on the electoral behaviour of both parties and voters, on the other hand. Two effects, which have been much further developed by the subsequent literature and are now widely accepted, are at stake here: the *mechanical* and the *psychological*. While the former refers to the *objective* mechanism of under-representation of some – usually the smaller – parties which may potentially lead to their disappearance because of the electoral laws, the latter implies the more *subjective* mechanism which can play at the level of both voters and party elites. Thus, in order to measure the impact of the legal five per cent threshold on the fragmentation, this paper tests the mechanical and the psychological effects for the Belgian regional elections of 2004 and 2009 (as well as for the federal elections of 2003, 2007 and 2010 for a within comparison).

1. Introduction

In many proportional representation (PR) systems, a legal electoral threshold has been introduced (Martin, 2000). Such a threshold reserves the allocation of seats to those parties which reach a minimum number of votes or a percentage of the votes. To fight fragmentation is usually the main reason put forward in order to justify the existence of such a threshold (Cox, 1997; Pilet, 2007b; Pilet, 2007a). On the one hand, it is claimed to help reduce the effective number of parties and therefore minimize the risks of instability. On the other hand, it can also restrain the emergence of new parties. Although it is a common feature of electoral systems around the world, one can legitimately wonder whether the effects of such a legal threshold may lead to an undemocratic situation, or at least to an unreasonably disproportional allocation of seats. It is therefore useful – because of the lack of empirical research with a few exceptions (Hooghe et al., 2006) – to assess systematically the electoral and political effects

of the electoral threshold and thus answer the question whether it is the best way to fight fragmentation. To do so, studying the case of Belgium, a much fragmented political system (Deschouwer, 2009; Verjans, 2009), is particularly illuminating because, although it has experienced PR for more than a century, it has only recently introduced a legal threshold for both the federal and the regional elections. Thus, five general elections – three federal (2003, 2007 and 2010) and two regional (2004 and 2009) – in a period of seven years can be surveyed in order to measure the effects of the electoral threshold. In this paper, we focus more on the regional elections but looking at the federal elections is also interesting for a comparative purpose.

Since Duverger's seminal work (Duverger, 1951), which however has been much refined since then (Rae, 1971; Bogdanor and Butler, 1983; Blais and Carty, 1991; Mair, 1997; Taagepera, 1998; Farrell, 2001; Norris, 2004; Hooghe et al., 2006), electoral rules are known to influence the party system through their impact on the electoral outcomes, on the one hand, and on the electoral behaviour of both parties and voters, on the other hand. Two effects, which have been much further developed by the subsequent literature and are now widely accepted (Taagepera and Shugart, 1989, 65), are at stake here: the mechanical effect and the psychological effect. While the former refers to the *objective* mechanism of under-representation of some – usually the smaller – parties which may potentially lead to their disappearance because of the electoral laws (Cox, 1997), the latter implies the more *subjective* mechanism which can play at the level of both voters and party elites (Blais and Carty, 1991).

The introduction of a legal electoral threshold in any electoral system results from the will and the strategies of some political actors at one point in time. In order to measure the impact of such a threshold on a fragmented electoral system, this article tests the mechanical and the psychological effects over the regional – and the federal – Belgian elections.

2. The introduction of a five per cent legal electoral threshold in Belgium

Before the 2002 electoral reform, the Belgian electoral system had been quite stable, despite some smaller albeit not insignificant changes (Hooghe and Deschouwer, forthcoming 2011), since 1899 when the country moved from a system of plurality voting to a system of proportional representation – without any *legal* threshold. The change was pushed forward by a rainbow coalition made of six parties – two liberal, two socialist and two ecologist – in the wake of the 1999 election and the major electoral defeat of the Christian Democrats (Swyngedouw, 2002). The electoral reform came out the government's will to bring the citizens back in – the political process and in particular the electoral. Specifically, the second-tier division – the so-called apparentment – at the level of the province was highly criticised as being too complex and unpredictable not only for voters but also for parties (Hooghe et al., 2006, 357; Pilet, 2007b), even though it did rarely affect the allocation of seats (Vander Weyden, 2001b). Moreover, the – increasing – fragmentation of the party system was a major source of concern: in 1999, six parties were needed to form a governing coalition, which required, since the division of the formerly national parties in 1960's-1970's and the introduction of the linguistic parity (Reuchamps, 2007), an agreement between parties from both communities. The fear of a further fragmentation rose again in 2001 when the Flemish nationalist party, *Volkspartij* (People's Union), split up into two parties the *Nieuwe Vlaamse Alliantie* (New Flemish Alliance, N-VA) and SPIRIT which stands for *Sociaal* (social), *Progressief* (progressive), *Internationaal* (international), *Regionalistisch* (regional), *Integraal-democratisch* (completely democratic), *Toekomstgericht* (future oriented)

(Deschouwer, 2004; van Haute and Pilet, 2006). The spectre of instability loomed wide in such a fragmented context (Verjans, 2009).

As a reaction, the federal government led by Guy Verhofstadt drafted soon after the *Volksunie*'s split-up a proposal to introduce a legal electoral threshold of five per cent, which was quickly followed in April 2002 by a global agreement over a quite large electoral reform – as well as a reform of the institutions which however was never enacted (Vuye and Stangherlin, 2002; Rosoux, 2003). The core of the electoral reform was the enlargement of the districts to the provinces' boundaries – with the exceptions of the Brussels-Halle-Vilvoord and Leuven districts – bringing down the number of electoral districts from twenty to eleven (Blaise et al., 2003). This redistricting was actively supported by the larger ruling parties – the liberal and the socialist parties – which could therefore hope for bigger scores for their best-known politicians, and by the way weaken the Christian Democrats who were traditionally stronger in local districts (Hooghe, 2003). It was also accepted by the two green parties as well as by other smaller parties who favoured provincial districts as a way not only to lower the effective threshold – and therefore obtain a seat more easily – but also to abolish the apparentment which was seen as unpredictable and unbeneficial for them (Pilet, 2007b, 210-211). Finally, all governing parties also hoped the enlargement would increase the professionalisation of politics (Hooghe et al., 2003).

The speed – and the success – of this electoral reform is definitely remarkable (Hooghe and Deschouwer, forthcoming 2011). Its success can be explained by the combination of, on the one hand, low legal barriers – no constitutional reform was needed, thus only a simple majority was required – in a country where such barriers are usually high (Rahat, 2008) and, on the other hand, strategic interests which “lie under the surface” (Pilet, 2007b, 211). Indeed, the reform was presented as a package deal between the ruling parties. First of all, the redistricting was supposed to be neutral on the mathematical allocation of seats (Vander Weyden, 2001a; Pilet, 2007b), which was confirmed by the first election after the reform (Hooghe et al., 2003). Second, the redistricting which was especially pressed by the two smaller coalitions' partners – the green parties – was linked with the introduction of a legal electoral threshold of five per cent at the level of each district (Onclin, 2009). Such a threshold was the compensation demanded by the four bigger ruling parties for the districts' enlargement. Thus, a legal threshold – the apparentment – was replaced by another legal threshold – the five per cent threshold (Geudens, 2004). Following the German example, the bigger parties expected this threshold would not harm their vote shares “since their electoral support is spread quite evenly across the country” (Hooghe and Deschouwer, forthcoming 2011, 19) and above all prevent a further fragmentation of the party system, which could even yield increased vote shares for them since such a threshold is detrimental for smaller parties (Cox, 1997). The green parties, although much smaller than their four other governing partners, also supported the proposal because they expected to maintain their electoral support much above five per cent, which rose in the 1999 election at a all-time high 14.4 per cent of the vote. They were wrong. In the following election, four years later, the Flemish Green Party fell under the five per cent threshold – which they approved – and lost all their seats as we shall see below.

In contrast to the green parties, the other small parties were quite afraid of the consequences of this new threshold. Therefore they filed several actions before the Constitutional Court with mixed results (Brassinne de la Buissière, 2002; Muylle and Van Nieuwenhove, 2002-2003; Vuye et al., 2003; Bouhon, 2008). On the one hand, the Court approved the threshold for eight of the eleven new districts, as well as for the two electoral

colleges – Dutch-speaking and French-speaking – for the Senate’s elections. On the other hand, the Court rejected its introduction in three districts at the centre of the country: Leuven, Brussels-Halle-Vilvoorde and Walloon Brabant – between the latter two, the apparentment remains (Rosoux, 2003, 16). As a reaction to the introduction of the threshold in most districts, SPIRIT, one the heirs of *Volk sunie*, formed a pre-electoral cartel with the Flemish socialist party, while the N-VA went its on way for the 2003 federal elections (Tréfois and Faniel, 2007).

Initially, the introduction of a legal electoral threshold was limited to the federal elections. Yet, after the 2003 elections, the new ruling coalitions – the socialists and the liberals, without the ecologists – decided in 2004 to introduce a threshold for the regional elections, too. Although the reform needed this time a two thirds majority in the two houses of the parliament – except for the elections of the German-speaking Community –, the government did not face any difficulties. Despite the opposition of the smaller parties – the green parties included –, a legal threshold of five per cent was introduced for each of the three Regions and the German-speaking Community (Arcq et al., 2004). In addition to that, the Flemish parliament decided to increase the size of the districts to the provinces’ boundaries, similarly to the federal redistricting. By contrast, the thirteen Walloon districts – for the regional elections – remained unchanged. There, the legal electoral threshold plays twice. In the first-tier division for each district, only the lists with a score above five per cent may participate in the allocation of seats. In the second-tier division at the level of the province, only the lists which have received sixty-six per cent of the electoral divisor and have scored at least five per cent of the votes in the whole province enter the allocation of seats. In Brussels, the electoral threshold is applied at the level of each linguistic group; that is, for instance, a Dutch-speaking list has to get at least five per cent of the votes of the Dutch-speaking linguistic group – bilingual lists may not exist. Furthermore, grouping of two or more lists – within the same linguistic group – is allowed; thus the obligation of five per cent falls on the “groupement” rather than on the individual lists – it’s a kind of apparentment within a single district (Arcq et al., 2004, 23). Finally, an electoral threshold also exists in the unique district for the elections of the German-speaking Community’s parliament.

To sum up, a legal five per cent electoral threshold was introduced for the federal elections (both Chamber and Senate) in 2002 and for the regional elections in 2004, sometimes with minor differences. The electoral system itself appears to be the main reason of the reform. Indeed, the threshold is the response to the increased fragmentation of political spectrum – in 1999, 0.74 for the Walloon Parliament and 0.82 for the Flemish Parliament (see below for the exact formula). Such an absolute measure hides however the real nature of the fragmentation which can be – at the least in the case of Belgium – better be apprehended in terms of the concentration of votes by the – three and traditional – main parties. In fact, the lower this concentration (and thus the higher the fragmentation between significant parties), the more difficult the formation of a coalition. On this regard, with a concentration’s score of 62.3% in 1999 and of 67.7% in 2007, the situation in Flanders is more fragmented than in Wallonia where the concentration’s score was 70.2% in 1999 and 74.5% in 2007. In such a context of increased fragmentation, the legal threshold’s introduction is also the reaction to the emergence of two new parties, following the split of the *Volk sunie*. Moreover, while the extreme right party in Flanders was not threaten, it was sometimes argued that the threshold could be harmful for the French-speaking *Front national* (Vuye et al., 2003). Yet, this analysis minimizes the impact of the effective electoral threshold which can be – much – higher, as we shall see below, than the legal electoral threshold. Therefore, the probability that the *Front national* does not obtain any seats because of the *legal* threshold is quite small,

except in Brussels where the effective threshold is very low. In addition to these reasons, there was also the will to have more transparent political and electoral procedures – especially after the 1999 crisis – in order to improve the trust of the population towards politics. Finally, the introduction of the threshold (pushed forward by the larger parties) came as a compensation for the enlargement of the districts and as a consequence the abolishment of apparentment (strongly favoured by the smaller parties).

3. Data and method

The effects of the legal electoral threshold have to be measured for each district in both federal and regional elections. Our study is based on three federal elections – 2003, 2007 and 2010 – and two regional – 2004 and 2009. On the federal level, Belgians vote separately for the Chamber and the Senate. For the former, there are eleven districts; five Walloon (Hainaut, Namur, Liège, Luxembourg and Walloon Brabant), five Flemish (Antwerp, East-Flanders, Leuven, Limburg and West-Flanders) and one bilingual (Brussels-Hal-Vilvoorde). For the latter, although there are three districts (Flemish, Walloon and Brussels-Hal-Vilvoorde), there are two electoral colleges (the Dutch-speaking and the French-speaking). On the regional level, there are some discrepancies between the entities. The elections for the Flemish Region are based on districts drawn on the provinces' limits. The Walloon parliament is elected on the basis of thirteen districts. The Brussels and the German-speaking MP's are elected from a single district; the former is divided into two linguistic groups, however. Finally, the French-speaking Community MP's are not directly elected but chosen by the Brussels and the Walloon parliaments (Reuchamps and Onclin, 2009).

Moreover, even if the five per cent threshold is applicable in most electoral districts, its effects should only be studied where it has a *possible effect*. First, the electoral threshold has no effect on the non-directly elected parliaments; therefore it has a possible effect neither on the Parliament of the French-speaking Community nor on the election of the 31 Community or co-opted Senators – but well on the election of the 40 directly elected Senators. Second, as we mentioned above, the Constitutional Court cancelled the legal threshold in three federal districts – Brussels-Hal-Vilvoorde, Leuven and Walloon Brabant. Third, the legal five per cent electoral threshold may only have a possible effect in districts where the *legal* threshold is higher than the *natural* electoral threshold. In broad terms, an *electoral threshold* can be defined as “the vote share that is necessary to win a seat” (Gallagher, 1992, 485). Whereas a *legal threshold* (LT) is fixed by a juridical norm, the *theoretical natural threshold* (th.NT) depends on the number of seats available in a district (N). It is equal to 100 divided by the number of seats in the district: $th.NT = 100 / N$. However, this view is purely theoretical. Indeed, the natural threshold varies not only with the number of seats but also with the distribution of the votes between the different lists (Bouhon, 2008). Therefore, the *effective natural threshold* (ef.NT) can only be measured after the election; it varies for each district. Table 1 shows the districts where the legal threshold has a potential effect; that is to say the districts where the districts where the effective natural threshold is lower than five per cent.

Table 1 Districts where the legal threshold has a potential effect

District	Seats	Federal elections					Difference
		th.NT	LT	Difference	ef.NT (2010)	LT	
Antwerp	24	4,16%	5,00%	-0,84	3,67%	5,00%	-1,33
East-Flanders	20	5,00%	5,00%	0	4,11%	5,00%	-0,89
Hainaut	19	5,26%	5,00%	0,26	4,38%	5,00%	-0,62

Regional elections							
District	Seats	th.NT	LT	Difference	ef.NT (2009)	LT	Difference
Flemish electoral constituency (Senate)	25	4,00%	5,00%	-1	3,33%	5,00%	-1,67
Antwerp	33	3,03%	5,00%	-1,97	2,71%	5,00%	-2,29
East-Flanders	27	3,70%	5,00%	-1,3	3,13%	5,00%	-1,87
West-Flanders	22	4,54%	5,00%	-0,46	3,95%	5,00%	1,05
Flemish Brabant	20	5,00%	5,00%	0	3,91%	5,00%	-1,09
French-speaking group (Brussels Parliament)	72	1,38%	5,00%	-3,62	1,24%	5,00%	-3,76
German-speaking Community	25	4,00%	5,00%	-1	3,58%	5,00%	-1,42

It appears that the legal threshold has a potential effect in – only – seven districts. But, considering the effective natural threshold, this number rises to ten districts. Moreover, the potential effect is relatively higher at the regional level than at the federal. In most cases, the legal threshold just exceeds the natural threshold, except in the French-speaking group of the Brussels Parliament where for the 2009 elections the legal threshold increased by 3,76% the threshold necessary to obtain a seat within this group. On this basis, our first objective is to measure the potential mechanical effects of the five per cent electoral threshold. Here, our aim is twofold.

First, we calculate for each of the five elections the number of seats a party could have obtained in the absence of a legal threshold and we compare these results with the actual elections outcomes. In addition, we can also test the potential *increase* of the deficit of proportionality because of the threshold – i.e. the disproportional of the system. Indeed, the principle of the proportional representation is that the share of seats awarded to any party (S) should be equal to the share of the votes it has won (V), so that $S/V = 1$ – considering such an ideal type of proportional system is never reached in reality (Rae, 1971, 28). Our first hypothesis (H₁) is pretty straight forward: the introduction of a legal threshold will increase the deficit of proportionality, so that: $S(b) / V(b) < S(a) / V(a) \leq 1$ ¹.

Second, the study of the mechanical effect enables us to determine the threshold's effects on the fractionalization of the seat shares (F.s). This measure seems quite important because the fear of a further fragmentation was one of the main goals of the 2002 electoral reform. In order to measure the fractionalization of the seat shares, it is not sufficient to calculate the number of parties represented at the different parliaments. Indeed, the relative equality of party shares, whatever their number, is also an integral part of the concept (Rae, 1971, 54); therefore: $F.s = 1 - (S_1^2 + S_2^2 + \dots + S_n^2)^2$. We can formulate the hypothesis (H₂) that the introduction of the legal threshold will reduce the fragmentation of the seat shares, so that: $F.s(b) < F.s(a)$.

The study of the mechanical effects has to be completed by the measure of the potential psychological effects on both elites (number of lists and alliances) and voters

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- 1 Where S is equal to the total of the share of seats reached by each by all the parties ($S = S_1 + S_2 + \dots + S_n$). And where V is equal to the total of the share of votes reached by all the parties ($V = V_1 + V_2 + \dots + V_n$). (a) represents the result without the legal threshold and (b) with the legal threshold.
 - 2 Where S equals to the seat share get by the different parties.

(strategic vote and wasted vote). The threshold's impact on the former may be measured in two ways. On the one hand, we calculate first the correlation between the number of parties that participate in an election – i.e. the number of lists – and the number of seats available in a district – i.e. the natural electoral threshold. Then, we measure the evolution of the number of lists after the introduction of the legal threshold of five per cent. On this basis, the common hypothesis states (H₃): the number of lists – and maybe the number of parties on the long run – decreases when a legal threshold is introduced in an electoral system (Blais and Carty, 1991, 87). In addition, we can formulate the hypothesis (H₄) that the average number of lists decreases as a consequence of the legal threshold and this decline is stronger in the districts where the legal threshold has a potential effect rather than where it has not. On the other hand, through a qualitative and quantitative approach, we study the alliance strategies between the different parties that face the elections. Indeed, party elites may form electoral cartels or alliances in order to maximize their chances to obtain the most seats as possible (Boix, 1999, 609; Hooghe et al., 2006). While small parties may want to form an alliance in order to overtake the electoral threshold, bigger parties may want to increase their political strength, especially in a d'Hondt – highest average formula – system which favours biggest parties (Rae, 1971, 31). According to Boix, “the higher the entry barrier (or threshold) set by the electoral law, the more extensive strategic behavior will be” (Boix, 1999, 609). On this basis, we can surmise that number of cartels or alliances increases in an electoral system where a legal threshold has been introduced (H₅).

Voters may also be influenced by a change in the electoral system. Several scholars have endeavoured to study the electoral rules' psychological effects on voters (Shively, 1970; Cain, 1978; Blais and Carty, 1991). Yet, all of them concluded to a limited impact of electoral rules on voters' strategies. Nonetheless, it is still useful to determine whether there is a – limited – impact of the legal electoral threshold on Belgian voters. To do so, we measure the correlation between the – level of the – electoral threshold in a district and the tendency of voters to choose for smaller parties. Indeed, to avoid wasting their vote on hopeless parties, voters may choose for another party albeit lower in their preference ordering (Boix, 1999). Adapting the model of Shively, we formulate the hypothesis (H₆) that in districts where the likelihood that a certain party would obtain (at least) one seat was relatively low, this party votes share should increase less (in relative terms), or decrease more, than in other districts (Shively, 1970, 117). In order to determine whether a party would get a seat in a district, we divide the party's score in this particular district at the previous election by the number of votes it was necessary to reach in order to obtain a seat – i.e. the effective electoral threshold. If a correlation is found, we will be able to gauge whether the legal threshold of five per cent has had a psychological effect on voters or not.

4. Findings

Over the five elections at stake here, mechanical effects of the legal electoral threshold occurred only in two elections (Table 2). In the 2003 federal elections, the threshold cost the Flemish green party, Agalev, three seats and the N-VA lost two seats because of this new barrier (Swyngedouw, 2004). In the 2009 regional elections, two seats were allocated differently as a consequence of the legal threshold of five per cent – both in the French-speaking group of the Brussels district. The mechanical effects of the legal threshold are thus quite limited. Nevertheless, in the recent history of the five per cent threshold, several parties have come near the loss of one or more seats. In the regional elections of 2004, the *Front national* got 5.42% of the votes within the French-speaking group in Brussels and obtained four seats which it would not have received – none of them – should it have scored 4.99% or

less. Thus, this 0.42% difference saved the *Front national* four seats, and thus all the financial means which come along. In 2009, for election of the Brussels Parliament, with a score of 4.99%, the N-VA should not have obtained a seat because of the threshold. However, thanks to the mechanism of grouping the lists – which brought together all the Dutch-speaking parties but the *Lijst Dedecker* and the *Vlaams Belang* – it received one seat.

Table 2 Mechanical effects of the legal threshold (elections of 2003, 2004, 2007, 2009 and 2010)

District	Score	Effective natural threshold	Legal threshold	Seats to be obtained without legal threshold	Election	Difference
<i>Groen!</i> (before Agalev) (federal elections of 2003)						
Antwerp	4,50%	3,44%	5%	1	0	-1
East-Flanders	4,52%	4,19%	5%	1	0	-1
Dutch-speaking group (Senate)	4%	3,40%	5%	1	0	-1
N-VA (federal elections of 2003)						
Antwerp	4,40%	3,44%	5%	1	0	-1
Dutch-speaking group (Senate)	4,90%	3,40%	5%	1	0	-1
FN (regional elections of 2009)						
French-speaking group (Brussels Parliament)	1,91%	1,24%	5%	1	0	-1
ProBruxsel (regional elections of 2009)						
French-speaking group (Brussels Parliament)	1,67%	1,24%	5%	1	0	-1

Our first hypothesis (H_1) tests whether the introduction of the threshold amplifies the deficit of proportionality or not. Without the legal threshold, the Gallagher's index – $\sqrt{[(1/2)(V_i^2 - S_i^2)]}$ – shows that the deficit of proportionality is not very high in Belgium – it is even quite good in comparison to other countries (Farrell, 2001). However, the impact of the electoral threshold on the index is quite limited. In 2003, the deficit of proportionality went from 4.68 to 5.09 for the Chamber and from 2.54 to 4.33 for the Senate. In the other instance of mechanical effects – the 2009 election in the French-speaking group in Brussels –, the index evolved slightly from 3.78 to 4.16. Thus, even when mechanical effects occur, the proportionality of the electoral system remains good; the legal threshold has not affected the Belgian system's degree of proportionality.

Next to the degree of proportionality is the question of the fragmentation. The electoral threshold was introduced to prevent a further fragmentation of the political spectrum. Our second hypothesis (H_2) verifies whether its introduction has met the expectations of its proponents in terms of a reduction of the seat shares' fractionalization (F.s). The fractionalization has slightly decreased after the introduction of the threshold, but after three federal elections the level of fractionalization is back to its previous level (Table 3a). Basically the same trends are to be found in the elections of the Walloon Parliament and the Flemish Parliament. In Brussels and in the German-speaking community, there fragmentation has slightly increased in ten years (Table 3b).

Table 3a Evolution of the fragmentation in the federal elections

	1999	2003	2007	2010
Chamber	0,9	0,86	0,88	0,88

Senate	0,89	0,87	0,87	0,87
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Table 3b Evolution of the fragmentation in the regional elections

	1999	2004	2009
Walloon Parliament	0,74	0,69	0,72
Flemish Parliament	0,82	0,77	0,84
Brussels Parliament	0,79	0,81	0,82
German-speaking Community Parliament	0,76	0,79	0,81

The mechanical effects of the legal threshold are indeed limited. Its effects are bigger – albeit still small – in districts where the magnitude is high. Thus, the higher a district’s magnitude, the more likely the mechanical effects in this district. In Belgium, it is the case of the French-speaking linguistic group in the Brussels regional elections as well as in the Dutch-speaking college in the Senate elections and the large Flemish districts of Antwerp and East Flanders. The existence of the *natural effective* threshold explains the limited impact of the five per cent threshold: in most districts, there is a natural threshold that is higher than five per cent. Corollary, the introduction of a legal threshold basically did not affect the (dis)proportionality of the electoral system because the mechanical effects are limited and, when they occurred, they occurred in districts where the deficit of proportionality was lower than average, due to their high magnitude. Linked to the mechanical effects, the fractionalization of seats has slightly decreased. In sum, the legal threshold did not have much impact on the fragmentation.

Nevertheless as Hooghe, Maddens and Noppe have shown (Hooghe et al., 2006), the legal electoral threshold is not only a story of seats but also a story of money. Indeed, the five per cent threshold cost Agalev and the N-VA respectively three and two seats in the 2003 federal elections. As a consequence these two parties were not eligible anymore to the annual federal subsidy allowed to parties which have at least one directly elected representative in both the Chamber and the Senate; since then, the criterion has become one directly elected representative in one of the two chambers (Weekers et al., 2009). Altogether, the two parties lost in 2003 more than one million euros. Thus, although the threshold has limited mechanical effects, it may have dramatic consequences on party finance, especially in a country where parties rely heavily on state funding which is allocated according to the number of seats rather than the number of votes (van Biezen, 2003). The threshold’s mechanical effects and their potential financial consequences may influence its psychological effects to which we turn now.

As a reaction to the introduction of a legal threshold (and thus its potential mechanical effects), psychological effects may occur at the level of both the electorate and the parties. It is often assumed that voters as well as party elites will adapt their behaviours to a new electoral rule. Because the latter are directly concerned by the introduction of the electoral threshold, bigger psychological effects might be expected on the party system and on the parties themselves (H_3 , H_4 and H_5) than on the voters (H_6). Indeed, soon after the legal threshold was introduced in Belgium, small parties which were the main targets of the reform faced difficult strategic choices. That was particularly the case for the two heirs of the *Volksunie*; in 1999 that party which was not split yet scored 8.2%. For the 2003 elections, it was therefore predicted the two new parties would not be able to meet the five per cent threshold. The two parties adopted opposite strategies, however. Spirit formed an electoral cartel with the Flemish socialist party, while the N-VA decided to go on its own – in order to hold on its radical nationalist discourse (Hooghe et al., 2006). Since the green parties, Agalev

and Ecolo, voted the reform and on the basis of their previous electoral results, they did not expect to be harmed by the new threshold. Nevertheless, as the study of the mechanical effects has showed, Agalev and the N-VA were hardly hit by the five per cent threshold which cost them their representation in Parliament.

These pre-electoral strategies reveal deeper psychological effects of the legal threshold on elites' behaviours. To capture them, we measure first the correlation between the effective electoral threshold in a district and the number of parties in competition within this particular district – i.e. the number of lists. Our hypothesis (H_3) is: the higher the effective threshold, the more likely a lower number of lists. Indeed, the reactions of the small parties to the implementation of the threshold demonstrate that elites are prone to adapt their strategies. We calculate the correlation between the average number of lists – for each of the five elections – and the effective electoral threshold (Table 4). It is important here to distinguish the Walloon districts from the Flemish districts because the party systems and therefore the lists are quite different.

Table 4 Correlation between the average number of lists and the effective electoral threshold

Election	Year	r (Walloon Districts)	r (Flemish Districts)
Federal	2003	-0,95	-0,66
	2007	-0,91	0,13
	2010	-0,83	-0,73
Regional	2004	-0,76	-0,55
	2009	-0,79	0,17

In the Walloon districts, it appears that there are strong correlations between the number of lists and the district magnitude – and consequently, the level of the effective threshold. However, these correlations are stronger for the federal elections than for the regional. This – quite small, however – difference can be explained by the survival of the apparentment mechanism in the thirteen Walloon districts for the regional elections, which renders the level of the electoral threshold less predicable in these districts (Leutgäb and Pukelsheim, 2009). On the Flemish side, correlations do not appear to be neither as strong, nor as stable than in the Walloon side. This finding can be explained by the smaller variations of the threshold's level between Flemish districts. Whereas the theoretical threshold for the federal elections only varies from 5% to 14.28% in the Flemish side in the latter, it varies from 5.26% to 21% in the Walloon districts. The difference is even more significant in the regional elections where the difference between theoretical thresholds amounts to 42.31% in Wallonia, versus 1.25% in Flanders. Therefore, the likelihood to obtain a seat is quite the same across Flemish district and does not urge political elites to adopt strategic behaviours.

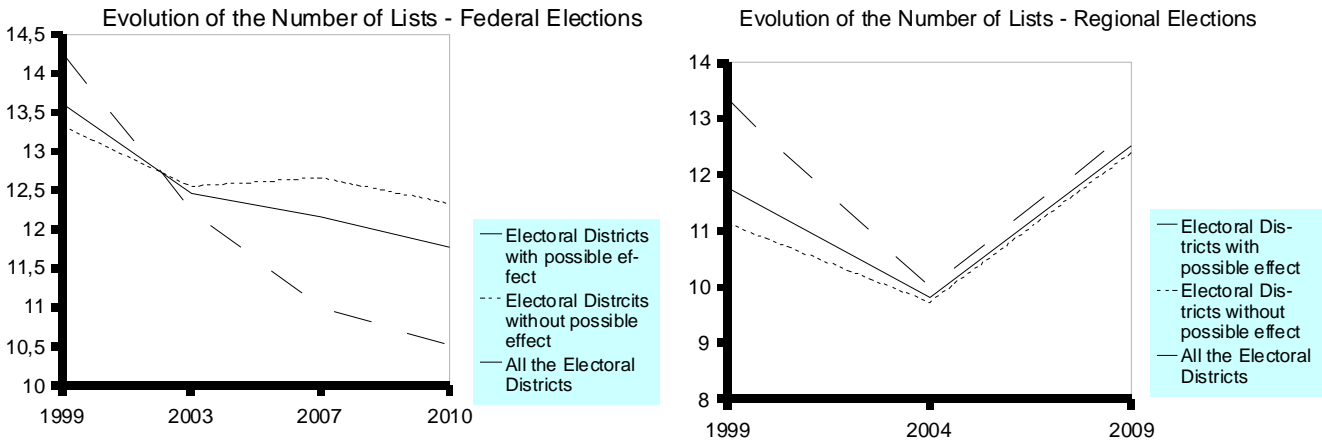
The district magnitude has an impact on elites' strategies. In fact, the number of lists tends to diminish in the districts where the effective electoral threshold is low(er) and to increase where the effective electoral threshold is high(er). The main reason behind this phenomenon is that smaller parties do not run election in districts where their likelihood to get a seat is low. Blais came to a similar conclusion in single-member plurality elections (Blais, 2002). Indeed, party elites devote fewer resources in districts with a smaller magnitude (Coffé et al., 2007, 147). Furthermore, we observe that such a psychological effect on elites exists only if the change of electoral laws has a significant impact. That is the reason why we found a correlation between the number of lists and the effective threshold only in Wallonia where there is a large difference between the districts' effective thresholds.

The test of the previous hypothesis confirmed the existence of a psychological effect of electoral thresholds' level on party elites. The next hypothesis (H₄) goes one step further: the – indirect – measure of the legal threshold on elites' strategies. Should this threshold has – had – an impact, the average number of lists would have dropped after its introduction. Moreover, this decline should be stronger in districts where the legal threshold has a potential effect than where it has none.

Table 5 Average number of lists before and after the introduction of the legal threshold

Districts (federal and regional)	Before the legal threshold (1999)	After the legal threshold (2003-2010)
All districts	12,47	11,63
Districts with a possible effect	13,7	11,3
Districts without a possible effect	11,96	11,75

Table 5 shows that the average number of lists per district has decreased after the introduction of the five per cent threshold. However, this decline is quite limited (from 12.47 to 11.63). Yet, this decrease is bigger – more than two lists – in districts where the five per cent threshold has a possible effect, whereas the average number of lists remains nearly unchanged in districts without a possible effect. This phenomenon happens because small political parties are discouraged from participating in elections since they are unlikely to obtain any seats (Cox, 1997; Gschwend and Hooghe, 2008). It should be emphasised that this phenomenon of pre-electoral coalitions does not explain this difference since, as we shall see below, such cartels or alliance are indeed formed in order to present a list in each district, regardless of the legal threshold's possible impact.



A closer look to the evolution of the number of lists shows different dynamics. First, both at the federal and at the regional level, the number of lists has been decreasing more in districts where the legal threshold has a possible effect than where it has not. Second, the two graphs demonstrate a direct and strong decline, following the introduction of the legal threshold. In the very short-term, the number of lists has dropped substantially. However, after a first cycle of elections with a legal threshold, the regional landscapes took a different path than the federal. Whereas the decline continues – steadily in districts with a possible effect – for the former, the number of lists is almost back to its 1999 level in the regional elections. A learning process may explain this evolution: parties may learn from the short-

term effects of electoral reform (Johnston and Pattie, 2002; Norris, 2004, 4). This would explicate the difference between federal districts with a possible effect and federal districts without – where the decline in the number of parties has much slowed down. Yet, paradoxically in the regional district – French-speaking group of the Brussels elections – where the difference between the effective threshold and the legal threshold is the greatest the number of lists has risen. Therefore sociological explanations are also needed to illuminate the potential effects of the legal threshold. In Brussels as well as in the other regions of the country, new parties have emerged on the political scene to fill in gaps in the political representation. For instance, ProBruxsel and Musulmans.be have ran in recent elections; the former has a programme in favour of Brussels as a region next to Flanders and Wallonia and the latter is a Muslim-oriented platform. Finally, the slow down of the decline is also the consequence of the evolving pre-electoral coalitions business, to which we turn now.

The decline of number of lists is both a direct and an indirect result of the five per cent threshold's psychological effects on political elites. Direct, as we have just noted, since leaders of – smaller – parties may decide not to present a list in districts where they stand little chance to win a seat. Indirect, as we shall see, because party elites may want to avoid the potentially harmful effects of the threshold by forming pre-electoral coalitions. Indeed, political actors adopt different strategies depending on some institutional constraints. As reminded by Gschwend and Hooghe, « all electoral systems disadvantage small parties and favour large parties when it comes to the translation of votes into seats » (Gschwend and Hooghe, 2008, 557). The main condition for the creation of a cartel or an alliance lies with a win-win requirement for both partners. The smaller partner is willing to join a larger party in order to make sure it meets the legal threshold, while the larger party is prone to form a cartel – even though it has to water down its own programme – in order to increase its votes share (Pilet, 2007b) and to become the first party. The status of “first party” is quite important in Belgian politics since such a party will lead the negotiations to form the ruling coalitions – which will usually be led by one of its prominent member. Our last hypothesis (H₅) about the psychological effects on party elites concerns the number of pre-electoral coalitions – namely cartels; intuitively one can assume that the number of such electoral alliances increases as a consequence of the introduction of the legal electoral threshold of five per cent.

Three coalitions quickly emerged in the Flemish party system as a consequence of the introduction of the legal threshold (Tréfois and Faniel, 2007; Gschwend and Hooghe, 2008). We already mentioned the first electoral coalition: the cartel SP.a-Spirit. This association was quite successful. The cartel won 23 of the 88 Flemish seats in the 2003 federal elections and Spirit sent one minister to the federal government. In the beginning of 2004, the neo-liberal party Vivant concluded a coalition with the Liberals (VLD). On its own, this – very – small party got only one seat at the 1999 regional elections and none at the 2003 federal elections. The five per cent threshold seemed a too high barrier and it was therefore unlikely for Vivant to get a seat at the 2004 regional elections. Finally, after having experienced the harmful effects of the electoral threshold in 2003, the N-VA agreed with the Christian-Democrats (CD&V) to introduce a common list for the 2004 regional elections. This decision was rewarded by the voters: the cartel came first from the ballots. Altogether CD&V and N-VA secured 35 representatives (out of 124) and the N-VA joined the ruling coalition with an important portfolio – Administrative Affairs, Foreign Policy, Media and Tourism.

Yet, five elections after the implementation of the threshold, none of these cartels exist anymore. Two of these coalitions split up a few years later and one let to a single party. On the one hand, Vivant merged with the VLD in 2007 in order to form the new party Open Vld. On the other hand, both CD&V/N-VA and Sp.a/Spirit cartels split up. As Hooghe and

Deschouwer note “[r]econciling two different party platforms [...] proved not to be easy” (Hooghe and Deschouwer, forthcoming 2011, 21). Despite their landslide victory in the 2007 federal elections, the tensions within the cartel CD&V–N-VA came to the front in the political turmoil that followed the 2007 elections (Sinardet, 2008). The radical stance of the nationalist party on the linguistic and institutional issues made impossible for the N-VA to continue their coalition with the CD&V. Indeed, the N-VA’s refusal to support the project of State reform called to the end of the cartel in September 2008. Nevertheless, on its own, the N-VA got 13.06% of the votes in the regional elections of 2009 and one year later, in the federal elections, it became the first party of the country. Almost simultaneously, the SP.a-Spirit coalition also dissolved. The latter felt unrepresented within the coalition, contrary to the N-VA in its own cartel. In December 2009, the small left-wing party Spirit – which had become *Sociale Liberale Partij* (SLP) – merged with the ecologist party Groen!. Indeed, with a score of 1.1% in the 2009 regional elections, the SLP could not expect to obtain any representative at all.

This dual process of coalitions-formation and coalitions-dissolution shed light on the evolution of the number of lists. Although the fragmentation went down as a direct and immediate consequence of the legal threshold’s introduction, the number of list rose as soon as the second elections with the five per cent threshold. Cartels seem to be temporary; they reflect short-term interested-based strategies rather than long-term ideological convergences (Onclin, 2009). Yet, the phenomenon of pre-electoral coalitions should not be underestimated. In the Flemish Region, following the introduction of the legal threshold of five per cent, six parties – on a total of nine represented in the Parliament – decided to conclude a coalition. At the height of the cartel period in 2007, these six parties represented more than 70% of the seat share in Flanders. This sizeable phenomenon contrasts with the situation in Wallonia, where no cartel has been formed. This difference can be explained by the fact that the legal threshold of five per cent has very limited – or even not at all – mechanical effects in the Walloon districts both in the federal and regional elections. In sum, there is a – strong – relation between the effects of the legal threshold and the emergence of pre-electoral coalitions, that is to say strategic behaviours of the party elites. To conclude our survey, our last hypothesis verifies the existence of psychological effects on voters.

The existence or not of strategic voting has been lively debated not only in the context of majority systems (Duverger, 1951) but also of proportional systems (Leys, 1959; Sartori, 1976). In the latter, Cox argues there is some strategic voting but it disappears in districts where the magnitude is over than five (Cox, 1997, 10). In the absence of survey data (Hooghe et al., 2006, 362), an indirect measure of the psychological effects on the electorate may be used. Rae and Shively provide such methods to test whether the legal threshold modifies voters’ strategies – i.e. whether voters tend not to choose their preferred party where the threshold is higher and thus the chances for this party to obtain a seat are lower. The former suggests to look at the correlation between votes fragmentation – and not the seats fragmentation, see above – and the electoral threshold (Rae, 1971, 56). The latter proposes to take into account the likelihood of a party to obtain a seat in a district (Shively, 1970).

The formula of the votes fragmentation is a two-step process (Rae, 1971, 56). First, we test whether there is a correlation between the votes fragmentation and the electoral threshold. If so, the next step is to verify whether it drops where the legal threshold has a possible effect. Nonetheless, our calculations reveal there is no correlation. For instance, when we compare the votes fragmentation in the 2009 regional elections between the district of Arlon-Marche-Bastogne where the effective threshold is 33.33% and the district of Liège where the effective

threshold is 7.69%, we find a similar fragmentation of 0.76. The socio-economic context and not the electoral barrier play a greater role in the elections outcomes.

If a straight forward formula does not reveal any psychological effects, a more refined formula might show some signs of strategic voting. The likelihood of a party to obtain a seat in a district may be obtained by dividing the vote share for this party at the previous election by the effective electoral threshold at the previous election. This test may be done for each election and for each party, as long as the same party presents a list in two subsequent elections. Because of the cartels' phenomenon in Flanders, we may calculate the likelihood to obtain a seat for all parties in the Walloon districts for the two regional elections (2004 and 2009) and in the Flemish districts only for Groen!, LDD, Open Vld and VB in the 2010 federal elections. Our findings show that there is almost no correlation either in Flanders or in Wallonia. Indeed, voters of bigger parties do not have to adopt such strategies since their parties are big enough to secure at least one seat. If very few voters of the small parties seem to adopt a strategic behaviour, this ratio is too low to be measured at a global level (the correlation for the FN is -0.08 in 2004 and -0.21 in 2009). Indeed, other factors may influence the electoral behaviour of voters, for instance the presence of a charismatic leader in a district or the incidence of scandals in another district. All in all, there is a very limited impact of the legal electoral threshold on the voters.

6. Conclusion

Belgium has a fairly good proportional electoral system. However, some believe it is too fragmented; that is to say there are too many – small but big enough to catch some representation – parties and too many parties are needed to form a ruling coalition. To reduce or at least prevent further fragmentation, a legal electoral threshold of five per cent – a common practice in Western democracies – was introduced first for the federal elections in 2002 and then for the regional elections in 2004. Since the introduction of the legal threshold, five elections took place. The mechanical effects of the legal threshold have been so far limited. The existence of a usually higher than five per cent effective threshold explains the limited impact of the legal threshold. In fact, only ten constituencies could have experienced mechanical effects. As a result, the proportionality of the electoral system remains unaffected. Thus, the legal threshold of five per cent has not threatened the principle of proportionality in Belgium. On the side of psychological effects, the picture is more nuanced. Whereas the psychological effects on voters were almost inexistent, these effects on party elites were, on the short term, sharper. Indeed, the five elections we looked at have seen a decrease in the average number of lists and an increase in the number of pre-electoral coalitions. Nevertheless, on the long term, pre-electoral coalitions have dissolved and the effective number of parties has started to rise again.

The main objective of the five per cent threshold was to prevent a further fragmentation of the political spectrum, especially in the Flemish districts. Yet, although the fragmentation slightly dropped after its introduction, this index is now almost back to its 1999 level. In fact, five per cent is not a high enough threshold to fight fragmentation in Belgium where several small parties are big enough to avoid the effects of the threshold. Nevertheless, and paradoxically, a higher threshold (or a threshold required for a larger area) would be more likely to impact the fragmentation of the system but simultaneously would – perhaps excessively – impact the proportionality of the system. Above all, despite the existence of the legal threshold, new parties have emerged. The *Lijst Dedecker* was founded in 2007 and obtained 7.6% for its first elections, clearly above the electoral threshold. It has currently lost

much of its appeal, however. In 2010, the newly created *Parti populaire* got one seat in Walloon Brabant – seat it would not have received, should the legal threshold exist in this district, however. Five elections after the introduction of a legal threshold in Belgium, the impact of such a threshold should be nuanced. Several small parties were badly hurt in the short term – and suffered the consequences of a loss of representation in terms of a dramatic reduction of their state funding. While some disappeared – usually through a merger with another party – most of them are still active and some of them are thriving, as the example of the N-VA shows. Larger parties did not really take advantage of the reform and in fact continue to face the same problem of fragmentation, which still characterizes Belgium's political spectrum. Finally, voters, when they are aware of the threshold, tend not think of the legal electoral threshold in the polling booths.

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