Civil society and substantive democracy: governance and the state of law in Belgium

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Governance and international development co-operation

Governance and the role of civil society in achieving good governance have received much attention in mainstream development thinking in the 1990s. Power and politics are thus introduced into the discussion.

The good-governance agenda follows an earlier focus on the state as economic actor. Just as governments were formerly advised to allow more space for private economic actors, they are now supposed to allow more players on to the scene in which power is wielded. Room must be given to citizens to organise themselves independently and to influence politics and government policies. Where it was not yet in place, the strong advice was to introduce 'democracy' with a multi-party system and elections as its most prominent manifestations.

Governance and civil society have also entered the humanitarian sector. The post-conflict reconstruction agenda has expanded from the rehabilitation of physical and social infrastructure to, ambitiously, the (re)construction of viable societies with power-sharing politics and an assertive civil society. Elections, as in Cambodia and Mozambique, have often been the culmination and goal of substantial UN peace-support operations. Significantly, the focus of international attention has been mostly on government and the executive, to a much lesser degree on the judiciary, and hardly at all on Parliament as the legislative body.[1]

Democratic institutions and an active civil society are thus seen as important basic frameworks and preconditions to reduce poverty, social

exclusion, and violent civil strife. They form the basic ingredients of the recipes prescribed for post-communist and post-conflict societies.

'Democratisation', however, poses intellectual and pragmatic questions for development activists:

1. It brings into the picture the role of the state as regulator and protector, after an earlier emphasis on the state as producer and service-provider. In the development sphere, this expanded attention has been spearheaded by the campaigns for human rights, for the rights of women, children, and asylum seekers. More recently in the humanitarian field, the proliferation of small arms and the concerns about breaking the cycle of impunity are focusing minds on the state as a source of security and justice.

2. The recent interest in civil society has often centred very much on the promotion and capacity of NGOs. Other forms of social organisation, such as the churches, labour unions, professional associations etc., have received far less attention. One criticism has been that this negates, and may even undermine, more broad-based social activism and people's movements (e.g. Stubbs 1997).

3. Identifying the absence of formal democracy is relatively easy: one-party states, no elections, military rule, open repression are all clear indicators. But the concerns do not stop with the introduction of formal democracy. There are variations in the democratic model: different electoral systems, degrees of decentralisation, and forms of political accountability. Moreover, some democratic glitter does not mean one has struck gold. Has Kenya become a democratic society since multi-party politics were introduced? How substantive is the democracy in Sri Lanka, where there are many parties and regular elections but where there have also been violent insurgencies against the state, by both Tamils and Sinhalese? How democratic was the opposition against Milosevic in Serbia that in late 1996 occupied the streets for weeks but is now silent about the repression of the Kosovars?

How much intellectual understanding do we, as development activists, have about 'democracies'; and how do we practically engage with 'democratisation'? Does development assistance stop with supporting the emergence of a general organisational capacity in civil society, as is the case for many NGOs? Does it involve itself with the structures of formal democracy, as is sometimes the case of bilateral and multilateral donors? Or does it engage with the more complex, legal-political

machinery that turns a social vision into reality, and that determines how substantive a democracy really is?

Elsewhere I have questioned the implicit North-South division in the discourse on conflict, development, and good governance in the European Union (EU) (Van Brabant 1998). EU countries are implicitly seen as democratic and developed. Yet the EU suffers from an appalling democratic deficit, and its ruling institutions oppose a strengthening of the European Parliament. There are also very different 'democratic' practices among its aid-providing member states.

This paper explores some of these questions, taking as an example the crisis of governance in Belgium. What is striking is that the crisis was caused not by social or political issues, but by a perceived dysfunctioning of the institutions of law and order. The paper first reviews the nature of what has been the largest ever popular mobilisation in Belgium and its fundamental weaknesses: organisation, civic education, and the translation of widespread discontent into an agenda that can be politically operationalised. Further analysis shows how the very mechanisms for successful conflict management developed in Belgium have given rise to a political culture that has now come to be seen as the obstacle to better governance. That culture is carried by an exclusive 'political society' whose functioning has frustrated the development of an active civil society, notwithstanding indications that Belgium disposes of much social capital. That raises the fundamental question of what relationship social movements can have with established political parties in furtherance of their aims.

Child abuse and the crisis of governance

Politics in Belgium tends to be referred to in three ways. It is wrongly equated with 'Brussels', the seat of the European Commission. It is regularly and more correctly cited as a model of the peaceful transformation of a unitary system into a federal state along ethnic lines. And it has been seen as remarkable for its post-World War II stability. Since mid-1996, however, the country has been experiencing an acute crisis of governance, often expressed in two key phrases: 'the gap between the politician and the citizen' and 'the crisis of confidence in the institutions'.

The immediate cause of this crisis was not the constitution or the economy, but child abuse. In mid-1996, two men, 'D' and an accomplice, were arrested for the abduction, sexual abuse, and murder of several children. Two abducted girls were found alive and four other victims

murdered, while other children remain missing. In March 1997, another man, 'PD', was arrested for similar offences against another girl.

Horrible in themselves, the tragedies generated a crisis of governance for two reasons. First, it quickly became obvious that had it not been for major failings in the institutions of law and order, notably the *gendarmerie* [2] and the judiciary, the perpetrators, who had earlier been convicted for child abuse, could have been stopped much earlier. More problematic, however, were the persistent rumours that at least 'D' was part of an organised criminal network that abducted children for abuse by wealthy paedophiles. Speculation continued that unidentified individuals in elite circles had interfered with the police inquiries in order to protect themselves. Fuelling that suspicion were other recent high-profile cases of terrorist gang murders, a political murder, and corruption scandals in political circles. That none of these cases had apparently been resolved had already given rise to a public perception of a malicious lack of political will. At best, therefore, the institutions of law and order appeared incompetent. At worst, their effective functioning was impeded by criminal elements in the highest circles of power.

Citizen and civil-servant mobilisation

This crisis generated unprecedented levels and forms of citizen mobilisation. The most dramatic occurred in October 1996. The trigger was the decision by the highest judicial authority, following the request of 'D's' defence lawyer, to remove from the case the district attorney whose investigations had finally led to his arrest. The defence had argued that the presence of the district attorney at a thanksgiving dinner, given by the parents of the two girls who had been found alive, cast a doubt of 'partiality' on his inquiry, which violated the rights of his client. Predictably, the high-level acceptance of this argument created public outrage. Factory workers and school children went out on the streets, and blocked motorways and city centres. Harbour workers went on strike, some prisons were on the brink of mutiny, and fire brigades symbolically hosed the court buildings 'clean'. Belgium was brought to a standstill. The commotion culminated in a 'White March' demonstration in the capital, in which over 300,000 people — some 3.5 per cent of the population — participated, the largest mobilisation in Belgian history.

Less attention has been devoted to the no less unprecedented mobilisation of sections of the civil service. During the height of the turmoil, members of the magistracy, normally aloof and distant, not only engaged in

televised debates but, in an *ad hoc* and belated attempt at civic education, went out to address audiences in schools and universities to explain the functioning of the judicial system and, sometimes, to argue their case. A year later, when an official inquiry had confirmed structural problems, but also individual failings in especially the *gendarmerie* and the judiciary, personnel of both these institutions held strikes both to express their sense of demoralisation but also to protest against their colleagues and their institutions being held accountable. The crisis of governance focused on the institutions of law and order more than on the government.

Mobilising for rights and governance: who sets the agenda?

In retrospect, it is possible to see how the agenda, initially carried and defined by ordinary citizens, was gradually taken over by career politicians. It could be argued that, as such, Belgium has shown itself to be a functioning democracy. What raises doubts about this assertion is the crucial role of events, and of the press in enlarging these events, to sustain the momentum for reform.

Between mid-1996 and mid-1997 the mobilisation was essentially driven by some of the parents of missing children. In the years prior to the arrest of 'D', a few small 'self-help' groups had come into being in support of individual afflicted parents. In 1991, a national Support Fund for Abducted and Missing Children had been set up. In the face of perceived indifference and ineffectiveness in the law-and-order institutions, some parents continued various activities in the search for their children: putting up posters, searching certain areas, making inquiries. Importantly, they kept arguing their right to have access to the files on the inquiry into the disappearance of their children, a right seldom granted in Belgium, on the grounds of having to safeguard the 'confidentiality' and 'impartiality' of the inquiry. The discovery of some missing children in August 1996 gave the parents unprecedented media attention. Some of these began to politicise their personal tragedy by publicly criticising the failings of the institutions of law and order. It was again six sets of parents who transformed the spontaneous outrage over the removal of the district attorney into a nascent people's movement. Using the now international media attention, they called for, and defined, the White March 'for truth'.

This March channelled the popular outrage that had started to turn more violent, and transformed it into a set of symbolic and dignified actions. The momentum of the White March led to the spontaneous

creation of some local grassroots activist groups, the 'White Committees', which rapidly expanded when the parents called for this to happen. These Committees continued to organise many local actions and mobilisations, in the same spirit as the White March.

This has been established as the largest social mobilisation in Belgium's history (Walgrave and Rihouz 1997:113). Yet by summer 1997, the movement was running out of steam amid widespread pessimism. Very little impact appeared to have been achieved. Most distressing, however, were the tensions created by its fundamental internal weakness: lack of organisation. Indeed, this major mobilisation of Belgian citizens had happened almost spontaneously, virtually without organisational underpinning. The White Committees came into being in much the same way, functioning more as informal networks than as an organised movement. In January 1997, the six parent groups created the 'White March Foundation', with a national secretariat formed as the interface between the parents and the White Committees. A self-appointed daily committee started running the secretariat. It derived its mandate from the trust of the parents, but had no formal legitimacy in its relationship with the White Committees. When the need arose to create 'regional co-ordinators', the question of whether these would be nominated and mandated by the self-appointed 'national co-ordinators', or bottom-up from the White Committees, highlighted the problem of legitimate leadership. Friction and tension also arose between the original self-help groups based around individual parents and the new 'white movement'. Not until a series of plenary meetings in mid-1997 did the outline of an acceptable decision-making forum take shape, and could questions of strategy, objectives, and organisational structure be constructively addressed. By then, however, differences of opinion between some of the parents had become public, and some of the more outspoken parents had stepped back from an official involvement with the movement.

The second fundamental weakness of the 'white movement' was its lack of clear objectives. An impressive, but problematic, characteristic of the White March was its silence. More than 300,000 people marched in silence, without slogans or demands. Expressive of the widespread unease with the 'state of the nation', the March and the 'white movement' lacked political objectives. Symbolising purity, the demonstrators had no (political) colour; but also no claims.

Virtually simultaneously with the White March came the first reactions of 'political society'. Significantly, the first publicly to admit that the institutions had failed was the King. Constitutionally, the King

of Belgium stands above the institutions and has only moral authority. This he exercised in a timely and constructive manner. But it was the Prime Minister, receiving the parents at the end of the White March, who, in making four concrete promises, defined an agenda that the silent demonstrators had left open: a European Centre for Missing Children — after the American model — located in Belgium; access for victims to the files concerning their case; the depoliticisation of the civil service and the judiciary; and a parliamentary commission of inquiry to investigate the failings of the institutions of law and order.

That parliamentary commission formally started its work a few days after the White March. It was composed of parliamentarians from the governing and opposition parties, and virtually all its hearings were broadcast live on television. Its inquiry revealed structural problems in the institutions of law and order. Crucial appeared to be the multiplicity of structures with policing roles. There is the criminal police force (*recherche*), part of the judiciary and under the authority of the Minister of Justice. But there are also the municipal police and the national *gendarmerie*, responsible for general order, under the authority of the Minister of the Interior. Each can play a role in investigating a crime, but in doing so they should be directed, controlled, and co-ordinated by a district attorney (*juge d'instruction*), who prepares the dossier for the prosecutor's office. In practice, the three forces with policing authority act fairly autonomously with regard to the district attorney, and often do not communicate with each other; at times they even actively compete with each other. The situation is further aggravated by the lack of communication and co-operation between police units and districts attorneys in different administrative zones. The weak supervision and direction provided by district attorneys is partly a result of an overburdened and under-resourced judiciary, a consequence of years of political neglect; but also of a lack of pro-active policies within the judiciary. Finally, the structural problems can be compounded by a lack of professional competence, management experience, and basic motivation and sense of responsibility. This, in turn, is partly the result of a long-standing 'politicisation' of the civil service, whereby nominations and promotions have been more influenced by party-politics than by merit. The report also draws attention to the need for better support for victims and their right to information about the progress of the inquiry, a right formally granted to the defendant.

Through its report, the Parliamentary Commission developed and to a degree re-focused the agenda. At a structural level, it recommended the creation of a unified police force. Some legal reform was suggested, along with a better-resourced judiciary. Crucially, however, a more

independent mechanism of quality control had to be introduced into the judiciary, since its internal mechanisms were clearly failing. The report also identified a number of individuals who had shown unacceptable indifference or incompetence in the inquiries into the missing children, or whose conduct raised even more serious questions about their motives (Chambre des Representants 1997).

Responsibility for the follow-up of these findings lay with the Ministers of Justice and of the Interior. In the following year, these came under increasing criticism, especially from some of the parents. The discussions about the reform of the police and the judiciary appeared to be bogged down in party-politicking. Even more embitterment was created by the fact that none of those individuals singled out for their professional failings had been sanctioned. Some had taken early retirement, a few had been suspended, while others had just been advised to take 'a step aside' voluntarily. This only fuelled the public perception of lack of accountability for politicians and the senior civil service.

Eventually a 'breakthrough' was triggered by a most unexpected occurrence. In April 1998 'D', Belgium's 'number one criminal', while being taken by two *gendarmes* from prison to the court-house in order to consult the files on his case — a right denied to the parents of the missing children — managed to escape for a few hours. Sensing the public mood, the Ministers of Justice and of the Interior immediately resigned and were followed, after some pressure, by the commander of the *gendarmerie*. Within days, the governing and most opposition parties suddenly reached agreement on the reform of the police and the judiciary. Problematically, the reforms are now more driven by rapid responses to a political crisis, while there had been ample time to base them on an in-depth management review (see Glidewell 1998).

By mid-1998 then, there was a European Centre for Missing Children, there had been a Parliamentary Inquiry, there was a new law giving victims access to the files, and reform of the institutions could start. The questions of individual responsibilities and of the depoliticisation of the civil service remained pending. By mid-1998 too, the agenda was no longer being carried by the 'white movement' but by the mainstream political parties. That shift was further underlined by the fact that some of the parents had established a formal distance between themselves and the 'white movement' which they helped to initiate; they publicly expressed their support for the Green Party, because of its perceived alternative vision and political integrity. At the same time, the most vocally critical parent started a new 'white party'.

Maintaining momentum: the role of events and of the press

The White March and the 'white movement' were essentially an expression of unease, distrust, and protest against the continual failings of the relevant institutions in Belgium. Without effective organisational underpinning or clear objectives, however, it remained a reactive mobilisation, unable to choose its own timing and themes (Walgrave and Rihoux 1997:55).

The political institutions, notably the executive, showed themselves capable of identifying concrete objectives, but as far as substantive measures and changes were required, they appeared obstructed by party-political positioning and procedural inertia. Time and again, momentum in this established democracy had to be obtained from dramatic events. First came the discovery of some missing and murdered children, followed by their funerals. Then came the decision to remove the successful district attorney from the case. Subsequently, momentum was re-generated by the discovery of another murdered child. Later followed public 'revelations' about sadistic and satanic networks of paedophiles in elite circles, from young women who had undoubtedly suffered abuse but whose stories appeared ultimately to be the product of troubled minds. Finally, there was the temporary escape of 'D'. Repeatedly, events recreated the sense of crisis that provided what seemed to be the only effective incentive for reform.

Yet there would not have been that degree of popular mobilisation and public pressure had it not been for the media. The media substituted for a virtually non-existent organisation in mobilising the population for the White March. In the first six months of the crisis, the media generally took the side of the parents and, through their support, partially helped to create the 'white movement'. The Parliamentary Commission would not have had the same appeal without the high media attention. Significantly, its report is not readily accessible to the general public. Its substance is mostly disseminated in press reports and in books written by journalists.

In the early days, the media took on the role of the channel *par excellence* of the new, mobilised, citizen. Some media workers explicitly saw themselves as part of the school of 'civil' or 'public journalism' (Merritt 1995), according to which the role of the media is not to mirror society but to mobilise civil society and so become a major instrument of participative democracy. The risks are that, poorly practised, this

becomes a journalism of emotions rather than of facts, and that the media catch on to a topic for marketing rather than for political purposes (Grevisse 1997). Certainly as of mid-1997, parts of the written press began to carry sharper criticism of the more vocal parents and of the Parliamentary Commission. By and large, the media played a crucial role in civil mobilisation, but failed in civic education.

Civic education: the rights of children and the state of law

In so far as the events in Belgium have given rise to the claim that a 'new citizen' has come into being, the public debate is interesting as much for what it focused upon as for what it ignored.

Throughout, the crisis has been more about the state of law than about the rights of the child. Child abuse has only been a secondary theme, and then only in the context of the non-related paedophile. In October 1996, some 25 per cent of the population signed a petition demanding more severe punishment for convicted paedophiles. Belgian social-service institutions already have a fairly developed awareness of child abuse, and there exist a number of services specifically for children. The recent nomination of an Ombudsperson for Children strengthens this network. The public debate about paedophilia and child pornography, however, never really extended 'inwards' to include incest, nor 'outwards' to sex tourism and international trafficking in children and women. Inasmuch as the child stood central in the public debate, the key issue was the need for the law-and-order forces actively to respond to 'unusual disappearances' rather than shrugging them off as yet another case of a child 'running off for a few days'.

Mostly, the spotlight was on the functioning of the institutions of law and order. The ineffectiveness of the various police forces appeared essentially a matter of organisation, management, and competence. The debates about the judiciary, however, raised far more fundamental questions.

Only briefly, following the decision to remove the district attorney from the case, did the public debate touch upon the philosophy of law. At its heart was the discussion about a formalistic or a substantive approach to law. The formalists kept repeating the theory of the state of law: independence of the judiciary, the need for procedures to ensure consistency and impartiality, the protection of the right of the defendant, and the respect for the letter of the law and for a verdict.

Underlying this position is a positivistic philosophy that equates legal reasoning with formal logic. In that view, the removal of the district attorney from the case represented a situation in which the application of a sound principle unfortunately went against public opinion. The formalists strongly resented the public hearings of the Parliamentary Commission as a formally deficient 'trial in the court of the press'. The substantivists, by contrast, accept that the law does not exist outside and above society and must adapt to changes in that society. They concede that the application of the law always involves interpretation and judgement, so that argument and debate are an inherent aspect of doing justice. Procedures are necessary rules of the game, but if procedures take precedence over judgement, they can impede justice. The application of the law is, therefore, legitimately open to debate (see Perelman 1978: part II).

The challenge for a legal system is to avoid being led by public opinion, while also being sensitive to the society in which it is embedded. There is a widespread perception in Belgium that justice is often obstructed by defence lawyers, who skilfully play procedural games to delay a case until it legally expires, or to have it dismissed on procedural grounds: 'Justice delayed is justice denied' and 'justice must not only be done, it must also be seen to be done'. The problem is not only in Rwanda (Vandeginste 1997), but also in Belgium. The Belgian, like most Western legal systems, focuses heavily on the defendant, to the point of neglecting the rights of the victims. That may lead to an increasing loss of confidence.

Hardly touched upon, but no less important, was the question of legislative reform. Unlike the systems in Britain or the USA, for example, the whole Belgian legal system is codified, and derived from the French *Code Napoléon*, with no use of case law. Over the course of the years, new laws may be added, but old and now superfluous laws and procedures are seldom deleted. The result is a bureaucratic and sometimes outdated penal code which maintains many now irrelevant clauses and stipulations that hamper rather than facilitate the course of justice. This is essentially a long-standing failing of the legislative, i.e. parliament.

No less fundamental was the independence of the judiciary. A basic premise of democratic constitutions is the separation of legislative, executive, and judiciary powers. In the 1990s, international development agencies have correctly been emphasising in transitional (post-communist or post-conflict) societies the importance of the

independence of the judiciary. Here, however, the question was: to whom are individual magistrates, and the judiciary as an institution, accountable? What mechanism of quality control exists? The highest judicial authority in Belgium deplored the creation of a supervisory High Council for Justice, which will include a number of experts from outside the magistracy. Their view is that the magistracy must supervise itself. One corporate association of magistrates has resisted the blame cast on colleagues by the Parliamentary Commission as a form of political interference. The counter-argument has been that the long-standing influence of party-politics in the nomination and promotion of magistrates has jeopardised the independence of the judiciary far more, and that there is an urgent need to restore its independence through such de-politicisation.

Finally, the resignation of the Ministers of Justice and of the Interior highlighted the question of political accountability. It contrasted sharply with the on-going bitter demand for the voluntary resignation of a previous Minister of Justice, now a judge in the European Court, who in 1992 had, against advice to the contrary, signed for the release of 'D' from prison, subject to monitoring by a social worker. It has also been argued that the past and the current Prime Minister, as heads of government, who together and for over a decade have neglected the judiciary in favour of the financial and economic agenda of the EU, should be held accountable. That raises the question whether political accountability attaches to a post or to a person; and, if the latter, can someone be held accountable for mistakes made in a public office s/he no longer holds? No less problematic was the call for a high-level magistrate to resign over the escape of 'D'. This was not necessarily because of any sanctionable failing, but because of a need for 'symbolic sacrifices', to restore public confidence. Such cosmetic symbolism, however, does nothing to improve the state of law or the quality of governance.

A noticeable weakness of the 'white movement' was its inability clearly to articulate a perspective and a position on these fundamental issues of a well-functioning democracy. Legal-aid or child-rights organisations did not play any significant role in the 'white movement' or help it to clarify its arguments and its demands. The vagueness and the confusion in the debate over these issues illustrated the absence of any real civic education as part of mainstream schooling, even about the basic premises and institutions of one's own society, let alone about variants in other countries that share a generally democratic framework. That these

issues are confidently discussed only by some lawyers and political scientists is itself an indication of a 'democratic deficit'.

Democracy and social capital

Especially since the publication of *Making Democracy Work* (Putnam 1993), 'social capital' has become a key concept in social-development theory, notably in the thinking about governance and the role of civil society. In essence, social capital refers to the presence of multiple networks of civic engagement that, through upholding norms and generating trust, facilitate co-operation for mutual benefit. Putnam's thesis is that where there is a strong civic tradition, expressed for example by a vibrant associational life, high newspaper readership, and forms of political participation, those in power will be more responsive and accountable to citizens, and more ready to seek pragmatic compromise with political opponents.

As such, Belgium appears to have an abundance of social capital. There is plenty of associational life, fairly high news consumption, and obligatory voting. Moreover, compromise has been the hallmark of what are inevitably coalition governments with seldom fewer than four partners. And yet, in Belgium it appears to be precisely these characteristics that obstruct good governance. This has to be understood in the light of the existing political culture.

Since the nineteenth century, Belgium has been vulnerable to three structural conflicts. First, the potential conflict from the existence of three major worldviews: catholic, socialist, and liberal. The potential flash-point was education. Second, the potential conflict between organised labour and capital. Finally, the communal tension between Flemish and Walloons. The high degree of associational life allows for a rapid mobilisation and acute confrontation on any of these break-points.

The stability of Belgium is the result of successful conflict-management. First, all three major break-points were contained through pacts, the 'socio-economic pact' (1944), the 'school pact' (1958), and the 'communal pact' that inaugurated a gradual transformation from a unitary to a federal state (1971). Simultaneously, a political culture for effective conflict-management was developed, the major tools of which were proportional representation, 'particracy', and compromise.

Proportional representation rather than majority rule ensures that no major segment of society is excluded from power. Particracy indicates that the political parties have come to dominate the web of associations

and social services that can cover a Belgian from cradle to grave. The catholic, socialist, and liberal blocks have developed associational 'cloaks' for their own members, in what has been called a system of 'confessional apartheid' (Stouthuysen 1997: 54). Particracy thus means that the political parties have come to behave as the monopoly expression of political will. This, mixed with proportionality, has given rise to 'proportional distribution'. In other words, public resources — from civil-service positions, subsidies, representation on boards and committees to literary prizes — get shared out 'proportionally' by the political parties to their constituents, not always on the basis of merit. Finally, coalition politics inevitably requires much negotiation to reach pragmatic compromises. Particracy alongside compromise politics, however, has resulted in party-politicking. Often, the purpose of a deal between the admitted interest groups is to manage conflict and to maintain the balance of power, not to solve the problem. Governance then becomes a question of political power-games without concern for managerial effectiveness.

Much of the political wheeling and dealing is highly discreet, not to say secretive, and removed from public scrutiny. Over the years, this 'sofa politics' (Huyse 1973: 28) has created a shadowy political society, an elite which with its technocrats, civil servants, and selected interest groups is more pervasive in its influence than the visible, elected, politicians, and whose actions and transactions are not transparent. The citizen inevitably gets frustrated, distrustful, and apathetic. Belgium was thus a stable but also an elitist democracy.

The system was tolerated as long as the public resources that were distributed through political clientelism generated pay-offs and benefits to enough people. But the need for fiscal rectitude and leaner government since the mid-1970s meant that there were fewer spoils to be had. Over time, citizens became more critical of a political culture that for decades had avoided many conflicts but not fundamentally resolved many problems.

One critique of Putnam is that he overlooked 'political society'. There are forms of elite politics whose networks generate not social capital for the public good but 'political capital' that benefits restricted interest groups (Harris and De Renzio 1997: 926). It is worth remembering that democracy in classical Greece, the cradle of democracy, only extended to an elite of 'citizens'. The strength and persistency of the rumours about high-level 'protection' for 'D' and his associates, whether true or not, indicates the contempt and distrust that the secretive 'old political

culture' of Belgium has generated. The Belgian case also supports another critique of Putnam's thesis. Putnam holds that high levels of civic engagement will stimulate good governance. The concepts of a 'political society' and of a 'political culture' indicate that a reverse influence may also obtain: some forms of political culture stimulate more civic engagement and generalised trust than others. The Belgian political culture essentially generates apathy and disengagement. A strong and active civil society may, therefore, require political society's commitment to efficient and transparent governance (Harris and De Renzio 1997: 927). The difficulty faced by the 'white movement' was that demands that could be achieved within the existing political culture were not enough. The problem was that of the existing political culture itself. But what mechanism can turn an elitist democracy into a more participative one?

Other countries have experienced events comparable to those in Belgium: for instance, the police inefficiencies in the West murders case in the UK, or the popular reactions against the release of convicted child abusers into the community. Yet these have not led to a major crisis of governance. The depth of the crisis in Belgium, and the focus on the functioning of key institutions of governance rather than, for example, on child abuse, can be understood only in the light of the resentment against the 'old political culture' that had been building up for many years. Both Belgium and the UK are considered democracies, but their political cultures differ. In the UK, for example, citizens are socially and politically more active, and appeal more to their MPs to voice their views. British MPs can, therefore, experience stronger tension between having to accept the party-whip and being responsive to their constituents, something virtually non-existent in Belgium. In the UK there is not a tradition of coalition governments, there are more independent regulators and ombudsperson functions, and there is stronger pressure for inquiries to be made public.[3] And the use of case law in the British legal system allows more room for the consideration of arguments than codified law.

Political parties and social movements: towards a new political culture?

Since the late 1960s, new social movements have arisen in Belgium in the context of the old party-political culture. Of the 'internationalist' ones, solidarity with the Third World movement was non-confrontational, whereas that for peace and nuclear disarmament was much more so.

None of these made much impact on the existing political topography. The women's movement and the environmental movement have to a large degree been absorbed by the mainstream political parties. Although there are Green Parties in both Flanders and Wallonia, these are under pressure to demonstrate relevance and competence on all social and economic issues, not just environmental ones.

More explicit mobilisations for more substantive and inclusive democracy have come from the 'March against Racism' (1992 to 1994), in response to electoral gains of the nationalist right, and the 'white movement'. The latter was the first, implicitly more than explicitly, to challenge the dominant political culture and the poor governance that results from it. Simultaneous with the birth of a 'new citizen' is a concomitant demand for a 'new political culture' that would deal competently with substantive issues, over and across the party divide.

In early 1997, a few career politicians from different parties briefly articulated a vision and a manifesto for a 'new political culture' — an initiative that broke down in the first formal inter-party meetings to discuss it. Where the nature of party-politics and the reigning political culture are increasingly perceived as an obstacle rather than a channel for substantive democracy, as in Belgium (and other places too, such as Sri Lanka), a social movement faces a major problem. Elections may alter the balance of power between parties but will not lead to radical changes in the system.

It is these new social movements that have been highlighting values and demands for solidarity, gender equality, sustainable development, and a more participatory democracy. But they face structural difficulties. They are generally characterised by local, grassroots units of organisation. One challenge is, therefore, to realise and sustain popular mobilisation in the absence of strong national and integrated structures, particularly if it cannot count on the support of the media. Another is that of transforming emotion into political demands, an area in which there is a clear need for civic education. Then comes the challenge of translating a popular demand into a political agenda. This requires legal-political expertise and experience with the functioning of government. Here the crucial question becomes: what tactical or strategic relationship will a social movement develop with political parties?[4]

Obviously, then, the democracy and good governance that the Northern powers prescribe to Southern and Eastern governments are not as straightforward and unproblematic as they may appear. And those who are working for 'democratisation' need significant legal-political expertise and tactical and strategic acumen.

Notes

1 Nor is much attention paid to the variable importance given to the referendum in different democracies (see *The Economist*, 21 December 1996).

2 A national police force with a military-style training and organisation.

3 Belgium, on the other hand, has been better at managing the relationship between labour and capital and between the nationalities on its territory.

4 Whether a political party belongs more to the sphere of the state or more to civil society may be a contextual question rather than a definitional one.

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