

On Behalf of Children? The Plural Voting System in Belgium – from 1893 to 1919

by Prof. Dr. Laurent de Briey, Aurélie Héraut and Elise Ottaviani

The voting rights of children have received renewed attention in recent years. One idea being discussed is to allow legal representatives to exercise this right by proxy from the day the child is born until he/she reaches the legal voting age. The concept behind vicariously exercising children's voting rights - *ChiVi*¹ - is supported in the academic literature by political scientist Paul Peterson (1992) and sociologist Stein Ringen (1997). Several publications² have also dealt with the arguments in its favour as well as the objections raised. Recently, there have been attempts to establish *ChiVi* in the political arena, too. In Germany, a bill was introduced to the Bundestag in 2003 by 47 MPs from a range of political parties but it was eventually turned down.

This short article primarily deals with historical examples: a legal system existed in Belgium between 1893 and 1919 which did in fact permit fathers to cast several votes.

In 1893, Belgium opted for 'universal male suffrage tempered by the plural voting system'. The new article 47 of Belgium's Constitution stated that all men had the right to vote, with up to two additional votes being granted to some categories of the population. One additional vote was granted to fathers over 35 years of age who owned accommodation costing at least 5 Belgian francs in taxes, as well as the owners of real estate (worth at least Belgian 2,000 francs) and those who earned at least 1,000 Belgian francs. A third vote was also granted to those who held a university degree or a secondary school certificate. These requirements were relatively restrictive: around 20 percent of the 1.4 million voters had two votes and around 15 percent of them had three votes. In practice - except for the exemption of women - the *ChiVi* and the Belgian plural voting system lead to a similar outcome whereby fathers can in fact vote several times. However, the plural voting system is based on principles which are opposed to those of the *ChiVi*.

Universal suffrage tempered by plural voting is a hybrid system. It originates from a compromise between supporters of universal

suffrage, who were helped along by workers' strikes and conservative circles, concerned with maintaining the privileges that the suffrage granted to the favoured social classes (based on capabilities and on ownership of property/tax assessment).³

Political rights versus civil rights

Supporters of this system also underline the specific nature of political rights in opposition to civil rights. Usually political rights are considered as 'functional rights'. Citizens are not granted these rights in their own interest and for their own satisfaction, rather they have to exercise them 'in the interest of the state' or at least according to their perception of this interest. Citizens exercise, by means of these rights, the functions they have been invested with by the Constitution.⁴ As far as the right to vote is concerned, the functionality of this system consists of one major factor - taking part in the nomination of political authorities.

According to the supporters of the plural voting system suffrage is an important function, so obtaining it requires some abilities and competencies.⁵ This is a justification for giving the most competent people *in society* increased electoral weight. Consequently those with higher levels of education were able to exercise up to three votes each. Real or personal property was seen as proof of a certain financial independence and an ability to administer one's goods. This meant that the owner, by means of the taxes paid, contributed to public finances. This provided legitimate grounds for one to be able to influence the administration of public finances. Moreover, because the right to vote was deemed as a function, it was made compulsory in 1893.

The additional vote granted to the head of the family functions via the same logic. A family is conceived of as a fundamental social reality, which deserves to be represented as such. However, the system was not intended to allow the father to represent his wife and children. As specified by article 47, which describes the additional financial requirements, it is justified through the image of the father as an administrator, who is used

to take into consideration the interests of several people and whose behaviour is honourable.

In the then parliamentary debates, the only explicit mention of children's representation by their parents is an *a contrario* argument against the thesis of equality put forward by supporters of universal suffrage. Catholic deputy Auguste Beernaert conceived that, "if the absolute right to vote could be admitted on grounds of political equality, it should be enforced with all its consequences. Women and children would also have their say. However, the father would exercise the child's right, such as for the civil rights. The father would also exercise the woman's right".⁶

The differences between the Belgian plural voting right and the *ChiVi*

Conversely, the most interesting argument in favour of the *ChiVi* is one which intends to establish a real universal suffrage by making a distinction between the right to vote and the exercise of that right. According to the universality of suffrage, the right to vote should be granted to every citizen from the day of his/her birth. However, suffrage should no longer be assimilated as a function, but as an individual right which should be handled in the same way as civil rights: when a child is unable to exercise his/her right himself/herself, his/her legal representative should exercise it in his/her name.

In reality, the principle of *ChiVi* came closer to being put into practice in France than in Belgium. Several bills were seriously discussed by the French between World War I and World War II. They aimed at enforcing full universal suffrage through family voting. Of note the National Assembly almost adopted the following bill in 1923, proposed by M.H. Roulleaux-Dugage:

"Article 2: The personal exercise of the right to vote belongs to all French citizens, men and women, who are at least 21 years old.

Article 3: The father exercises the right to vote for himself, for his legitimate, natural or recognized children, male or female."⁷

In actuality, although these voting systems are based on opposite principles, the *ChiVi* suffers from its similarity to the plural voting

system. It produces a reactionary aspect while the *ChiVi* intends to push further the logic of the universality of suffrage. The fact remains that, in practice, it results in an inequality between citizens when it comes to casting votes. This inequality mainly explains why the *ChiVi* has found difficulty gaining support.

Notes

1. Grötzinger 2001.
2. Hinrichs 2002, 2007; and de Briey 2007, among others.
3. See Pilet 2007: 23.
4. Delpérée 2000: 152-155.
5. Chambre des représentants de Belgique, 1892-1893: 797-1176.
6. Chambre des représentants de Belgique, 1892-1893: 797-1176.
7. Toulemon 1933: 125.

References:

Chambre des représentants de Belgique (1893): *Annales parlementaires*, ordinary sessions 1892-1893, sessions from February 28th to April 14th: 797-1176.

de Briey, Laurent, Vanderborgh, Yannick (2001): *Le suffrage universel intégral*. In: *Le Soir* (12 Jan 2001).

de Briey, Laurent (2007): *Droit de vote des enfants par procuration*. In: Bourdeau, Vincent, Merrill, Roberto (dir.), *DicoPo*, Dictionnaire de théorie politique, <http://www.dicopo.org>.

Delpérée, Francis (2000): *Le droit constitutionnel de la Belgique*. Bruxelles: Bruylant.

Deutscher Bundestag (2004): *Plenarprotokoll 15/102*, 1. April 2004. Berlin: 9269 9280.

Deutscher Bundestag (2005): *Plenarprotokoll 15/178*, 2. June 2005. Berlin: 16838 16849.

Grötzinger, Gerd (2001): *Proxy Votes for Children and the Case for Representation, Deliberation, Sustainability: One Size Fits All?* Flensburg: Mimeo.

Hinrichs, Karl (2002): *Is Enfranchising Children a Good Idea?* In: *European Journal of Sociology*. Vol. 43, 35-38.

Hinrichs, Karl (2007): *Faut-il accorder le droit de vote aux enfants?* In: *Revue philosophique de Louvain*. Vol. 105, 42-76.

Moiné, Willy (1970): *Résultat des élections belges entre 1847 et 1914*. Bruxelles: Institut belge de sciences politiques.

Peterson, Paul E. (1992): *An immodest proposal*. In: *Daedalus*, 151-174.

Pilet, Jean-Benoît (2007): *Changer pour gagner? Les réformes des lois électorales en Belgique*. Bruxelles: Editions de l'Université de Bruxelles.

Ringen, Stein (1997): *Citizens, Families, and Reform*. Oxford: Clarendon Press.

Toulemon, André (1933): *Le suffrage familial ou suffrage universel intégral*. Paris: Librairie du Recueil Sirey.

About the authors :

Prof. Dr. Laurent de Briey is assistant professor in philosophy, Faculty of Economics, Social Sciences and Business Administration, University of Namur

Aurélié Héraut is junior researcher in Constitutional Law Research Centre on the State and the Constitution, Catholic University of Louvain

Elise Ottaviani is junior researcher at the Permanent Centre for Citizenship and Participation (Centre Permanent pour la Citoyenneté et la Participation – CPCP)

Corresponding author:

Prof. Dr. Laurent de Briey
Faculty of Economics, Social Sciences and Business Administration
University of Namur
Rempart de la Vierge, 8
5000 Namur
Belgium

E-Mail : laurent.debriey@fundp.ac.be

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New book release

This three-part book explores the situation of young people of today in comparison to their direct predecessors. The first part, *The Financial Situation of the Young Generation in a Generational Comparison*, deals with this generation's financial standing; the second part, *The Rush Hour of Life*, examines their time restrictions. Both are considered from a life-course perspective. The third part, *On the Path to Gerontocracy?*, addresses the demographic shift in favor of the elderly in aging Western democracies.

