

DANIELE PASQUINUCCI

**TOWARDS AN HISTORICAL
APPROACH TO THE
EUROPEAN ELECTIONS**

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Up to now, European elections have been studied mostly by political scientists, who have focused their attention on the six elections that took place between 1979 and 2004. They have often examined the elections singularly, and have only very briefly diachronically compared them, aiming to produce analytical and interpretative models through which regular election data and behaviours – capable of becoming objects of generalizations and theorizations – could be “systematized”.

It is in the field of political sciences that the best-known and most successful expression used to describe European elections was born. “*Second order elections*” was coined in 1980 – after the first direct elections in 1979 – by Hermann Schmitt e Karlheinz Reif¹. Especially Reif, a political scientist at the University of Mannheim, has been one of the first scholars to concentrate his studies on this subject. He is one of the founders of the “European Electoral Studies” group, which has produced studies and researches, and collected data, also cooperating with the EEC institutions².

Such definition aimed also to provide a conceptual frame through which analysing the dynamics of European

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¹ See Karlheinz Reif, Hermann Schmitt, *Nine Second Order Elections: a Conceptual Framework for the Analysis of European Elections Results*, in «European Journal of Political Research», a. VIII, 1980, pp. 3-44.

² See «Eurobarometro», n. 22, December 1984, p. 60.

elections. In brief, it started from the fact that the EC system was, in those days, subordinated to the will of the member states (that is to say, it was a subsystem of nation-states). Then, through verifying the permanent centrality of the national political arenas, it devalued the elections to the European Parliament as just one simple episode in the domestic competition among the political parties. An episode with no effect on the distribution of power inside the various national institutions³.

This model found, and still finds, a powerful support to its validity in the phenomenon of abstention, that throughout the years has become a characteristic feature of European elections, rightly seen by some as quite worrying. The poor participation not only did seem to confirm the low level of importance of these new elections, but also constituted one of those “regularities” – that is, constant data – necessary to the elaboration of any general explicative category.

It is then quite obvious how this interpretative key – that, as we said, until not long ago was ruling in the field of European elections studies – had some relevant methodological consequences which contributed, in some way, to state its validity also for the European elections that took place after 1979. Since the point of reference remained the national political arena, notwithstanding the European Community and its development, although slow, a comprehensive analysis – a real “European” one – of the different election phases was evidently useless; examining the single elections in every member state was enough. And since European elections were only seen through the frame of the competition among national political parties, and therefore from the domestic political situation of every member state, taking into consideration the hypothesis that

³ K. Reif, H. Schmitt, *Nine Second Order Elections*. And more on this, see Luciano Bardi e Piero Ignazi, *Il Parlamento europeo*, Bologna, Il Mulino, 1999, p. 51: «[European Parliament elections] are fifteen single national elections in which national delegations to an international institution are elected, and they are not the elections of representatives to a single super-national assembly».

the autonomy of European elections could, with time, be strengthened to the point of turning them into the object of a specific historical analysis, not just a quantitative but also a qualitative one (for example, through a historical study of the European election campaigns, and we will see more of this later on), was regarded as a useless perspective. Finally, the focus was set on those elements that appeared repeatedly. The simple quantitative datum that appeared most constantly in the various national scenarios was the low percentage of voters. A factor that gave the opportunity to confirm the validity of the adopted model, and reaffirmed the scarce importance of these “second-order elections”.

Whatever the opinion may be on the methodology and interpretations that led the researches we have just mentioned, they nevertheless and doubtless deserve all the praise that is always due to “pioneering studies”. Firstly, because they have opened the way to the study of a new phenomenon. Secondly, because they have provided impulse and ideas. And finally – and this is a fundamental element in the field of elections studies – because they have given contribution to a huge and very precious work, made of researches and publications of data and statistics. The first researchers on European elections were, then, political scientists, because political scientists have the knowledge and methodology necessary to the analysis of those political and social dynamics more deeply connected with contemporaneity.

Now, after almost 30 years since the first European elections, we can possibly try a diachronic approach; and therefore a real historical analysis, also in order to verify the possibility of new interpretative lines, more articulate than those used until now. This does not mean, and it is important to state it very clearly, that we aim to oppose Clio to other disciplines in order to affirm its supremacy, or to affirm the exclusiveness of some particular study fields. Since for a historical research, 30 years might be too short a time to be analysed, the contamination with other scientific disciplines does not become just useful, but absolutely necessary in order to solve some problems. Moreover, it is well-

known that the analysis of electoral behaviour is one of those subjects which need, or even better require, disciplinary integration, where history, sociology, statistics, political sciences and even social psychology constantly meet. Finally, the history of European vote is part of the history of the building of the Community, and an interdisciplinary approach is compulsory for all those who want to study the process of European integration in its historical evolution.

If then, in this case, an interdisciplinary approach is easy and even necessary, it is also very important, in our opinion, that in order to start a historical analysis, the interpretative criterion for European elections should be characterized by a strong link to the first studies on the subject. The Schmitt-Reif model was explicitly put under discussion in a collective study on the June 1999 European elections. André-Paul Frogner, one of the authors of the project, criticized Schmitt and Reif's model, denying their assumption that European elections are of "no significance", or that they obtain their significance only from the functioning of single national elections⁴. As a matter of fact, European elections have their own logic, dynamics and structure. Such evolution is also due to a process which has notably increased the European dimensions of the election debate, thanks to the changes in the political representation of the European integration process, less and less articulated by the right/left dyad, and progressively more connoted by the confrontation between increasing integration on one side, and defence of national sovereignty, on the other⁵.

We believe that this new view should be applied to all European elections, not just to the 1999 ones. The fundamental question is not that of denying *a priori* the scarce "Europeanization" of European vote, but, on the contrary,

⁴ André-Paul Frogner, *Identité et participation électorale: pour une approche européenne des élections européennes*, in *Le vote des quinze. Les élections européennes du 13 juin 1999*, Paris, Presses de Sciences Po, 2000, pp. 93-94. See also Daniele Pasquinucci and Luca Verzichelli, *Elezioni europee e classe politica nazionale 1979-2004*, Bologna, Il Mulino, 2004.

⁵ Bruno Cautrès, Richard Sinnott, *Les cultures politiques de l'intégration européenne: les attitudes vis-à-vis de l'Europe*, in *Le vote des quinze*, cit.

putting such datum under new verification by means of a new method of analysis (and also, through a larger number of documentary sources of wider origin than those used until now). In order to achieve this, an effective historical analysis needs to start from a comprehensive concept of European elections. That is to say, they must be globally approached, whatever the object of attention may be: election campaigns, voters' behaviour, vote mechanisms, the choice of the elites, the role of institutions, and the analysis of the results. The national side of these single objects will become the counterpoint of a European reading. A counterpoint necessary – for example, in order to tell the differences inside the European Community/Union – but not priority, or central. Still according to this new approach, since we assume the uniformity of the different phases of European elections, the choices of candidates in Portugal, Denmark, or Germany will not be singularly taken into exam, but the comprehensive evolution of the selection methodology of the electoral offer will be put under verification in a historical perspective. The single election campaigns will not be reconstructed just in national terms, but starting from the consideration (sometimes forgotten, perhaps since it is an obvious one) that every five years, in a huge part of the European territory, political parties and movements present their political positions and candidates to the citizens: always in the same period, with the same object (the elections of the members of the European Parliament), sometimes with forms of connection, often supporting common programs and manifestos⁶.

A very visible risk is to make an abstract or intellectualistic choice, and turn European elections into an exclusively supranational phenomenon. But this would happen if we ignored the importance, often crucial, of national interests in the choices made by political parties, or the differences –

⁶ On the increasing importance of European elections, see, for example, Julie Smith, *Citizen's Europe? The European Elections and the Role of the European Parliament*, London, The Royal Institute of International Affairs, 1994.

sometimes substantial – that exist or existed between European elections mechanisms and procedures in the single member states (for example regarding election systems)⁷. However – keeping in mind these realistic elements – it is now time to begin from a new starting point⁸, moving from the unifying value and tendency of European elections, and placing into this context also those elements still resisting to the “Europeanization” process.

This is not, of course, a neutral choice, since it implies a particular idea not only of European elections, but also, more generally, of the whole integration process. However, such interpretation is not based on “ideological” reasons, or on a teleological view. As we refuse the idea of a “communitarian” convocation of all the European past – as if there existed some sort of historical predestination towards unity⁹ – so we do not believe that European elections should necessarily become, for that same fate, what national elections represent in federal states.

This interpretative hypothesis rather originates on the retrospective observation of facts, which is now possible thanks to a ripe historical experience. These facts speak of a progressive, although still not sufficient, de-nationalization of the election debate. They show the criterion that, on a European level, is becoming the key to the evaluation of European election results, more and more seen as a confrontation among the great European political families (the 1999 elections have been reported by all the medias as the victory of the European People’s Party over the European Socialist Party). Finally, the same facts bear witness now to

⁷ Differences on which insists J. Smith in, *How European are European Elections?*, in John Gaffney (ed. by), *Political Parties and the European Union*, London and New York, Routledge, 1996, p. 276.

⁸ Asked also, for example, in Michael Marsh and Mark Franklin, *The Foundations: Unanswered Questions from the Study of European Elections, 1979-1994*, in Cees van der Eijk and Mark N. Franklin (eds.), *Choosing Europe? The European Electorate and National Politics in the Face of Union*, Ann Arbor, The University of Michigan Press, 1996.

⁹ On these questions, see Antonio Varsori, *La questione europea nella politica italiana (1969-1979)*, in «Studi storici», a. 42, ottobre-dicembre 2001, pp. 953-954.

the slow, yet gradual, increase of the uniformity coefficient of the election system. A proof of which can be found in the decision taken by the UK, for the 1999 European elections, of breaking the taboo of its absolute loyalty to the *first-past-the-post* system, in order to introduce a procedure that, although very complex, draws Great Britain closer to the Continent¹⁰.

The efforts especially made by the European Parliament to introduce uniform election mechanisms allow us to move one step forward in our reflection. Such efforts further clarify that, in order to understand European elections entirely, we should place them into the wider context of European integration and of its historical evolution. Through a uniform electoral system, the European Parliament aims not only to strengthen its political authority and consolidate its democratic legitimacy, but also to reinforce the awareness of being part of a common European society into its citizens¹¹.

On the whole, then, the Parliament's will to stimulate citizens to vote (and this goal goes back to 1979) and to divulgate, through the elections, a greater awareness of the European conscience and citizenship appears very clearly.

1. *Some study lines*

Now we should probably ask ourselves a couple of questions. How are we going to study these measures and

¹⁰ See Roberto Barzanti, *Un sistema elettorale uniforme per il Parlamento europeo: tentativi europei e anomalie italiane*, in «Europa Europe», a. VIII, n. 4, 1999, pp. 143-149.

¹¹ See Gijs de Vries, *La procédure électorale uniforme du Parlement européen: un pas pour rapprocher l'Europe des citoyens*, in «Revue du Marché commun et de l'Union européenne», n. 399, June 1996 and Bruno Riondel, *Affirmation du Parlement européen et émergence d'une identité européenne des années soixante à nos jours*, in Marie-Thérèse Bitsch, Wilfried Loth, Raymond Poidevin, *Institutions européennes et identités européennes*, Bruxelles, Bruylant, 1998, pp. 295-298, that refers, more generally, to the contribution that the direct election of the European Parliament can give to the building of European identity.

proposals? How are they to be linked to the analysis of European elections? Are there studies, also belonging to other fields, which can give us ideas and suggestions, or do we have to start from scratches? A good starting point could be found in the field of historical studies. It consists of the researches on elections done by French historians and political scientists about the period following the introduction of the universal vote in 1848, and, on the same trail, of the studies of the Italians, who have worked in particular on the history of elections in the Age of Liberalism. Again, in this case, we would evidently work with methodological and interpretative paradigms that were elaborated for political/social realities very different from those we are now studying, but paradigms that could still be very useful for an analysis of European elections.

We shall start from a preliminary consideration, on which the French historians especially insisted: elections do not work independently from the actions put into effect in order to encourage the people to vote. It will be important, then, to analyse with greater attention those actions elaborated by the EEC/EU institutions to make European elections known to European citizens (for example, the “Information Programs on European elections” promoted by the EP in 1984, based essentially on a set of common publications prepared in Luxembourg in the official EEC languages, or, still in the same year, the short movie on the EP distributed in all the ten members of the Community). But also those devised by the national governments (in 1979, the Dutch Foreign Ministry created a “National Committee for the preparation of the first direct elections of the EP”¹²). And the multiple and various information and pressing activities for the electors that were done by federalist and Europeanist movements¹³.

¹² Walter J.P. Kok, Isaac Lipschits and Philip Van Praag Jr., *The Netherlands*, in Karlheinz Reif (ed. by), *Ten European Elections*, Aldershot, Gower, 1985, p. 158.

¹³ See, for example, Umberto Morelli, *Il Movimento federalista europeo sopranazionale e l'Unione europea dei federalisti*, in Ariane Landuyt and Daniela

This is another form of political *apprentissage*, just like those used in France and Italy in the 19th Century in order to teach democracy to the French and the Italians, turning them, also by means of stimulating them to exercise their voting right, into real “national” citizens¹⁴. Such apprenticeship, in the case of European elections, is used to help the citizens, through making them exercise their voting right, assimilate a “European conscience”, and from a certain moment on, it also contributes to give reality to the shape of “European citizenship”¹⁵.

In both cases, although for different reasons, in different contexts and beyond any chance of comparison, the invitation/stimulus to vote has had to face a strong phenomenon of abstention (in the last European elections, only 45,6% of the electors actually voted).

Nevertheless, although it is impossible to compare these phenomena, we can borrow the tools used by those historians and political scientists who already studied the “electoral fact”, its functioning, and the so-called, “vote-culture”. In recent times, to make just one example, many scholars have studied election campaigns as not just one fundamental part of the elections¹⁶, but as one of the main phases through which citizens become part of the national political system. However, as someone has specified¹⁷, election campaigns – at the same level of development of the

Preda (eds.), *I movimenti per l'unità europea (1970-1986)*, Bologna, Il Mulino, 2000, vol. II, pp. 713-717.

¹⁴ See Alain Garrigou, *Le vote et la vertu. Comment les français sont devenus électeurs*, Paris, Presses de la Fondation Nationale de Sciences Politiques, 1992, p. 199.

¹⁵ In particular, starting from the Maastricht Treaty, that, it is well-known, has established the “European citizenship”.

¹⁶ René Remond, *L'apport des historiens aux études électorales*, in Daniel Gaxie (sous la direction de), *Explication du vote. Un bilan des études électorales en France*, Paris, Presses de la Fondation Nationale de Sciences Politiques, 1989, p. 199.

¹⁷ Serge Noiret, *Le campagne elettorali dell'Italia liberale*, in Pier Luigi Ballini (a cura di), *Idee di rappresentanza e sistemi elettorali in Italia tra otto e Novecento*, Venezia, Istituto veneto di Scienze, Lettere ed Arti, 1997, pp. 423-424.

political/party system, as it is our case – are an issue that cannot be contained in chronological, spatial or geographical schemes. They, in fact, continuously reproduce moments that assume an almost “institutionalized” character in the political-electoral process¹⁸. The possibility of identifying “internal times” valid for all European election campaigns (which, thanks to the previously mentioned studies, we can identify, for European elections, in appointment and proclamation of the candidates, various pre-election activities organized by the parties and political movements, and election results and vote analysis) provides a sort of interpretative frame that makes a comprehensive analysis of European elections, capable of go beyond a strictly national perspective, easier to attempt.

A historical analysis of European election campaigns will allow us to collect more information on the political parties’ propaganda and the themes they use in the pre-election phases. This will offer us the chance to give more articulated judgements than those that have appeared until now: generally centred on the missed “Europeanization” of the pre-election debate¹⁹.

In order to end this introductory analysis, it may be useful to summarize briefly the characteristics necessary to a historical research on European elections that aims to be innovative and to offer new interpretative cues. First, a “global” approach to European elections will be needed, although it is important not to forget the importance of national influences and traditions. Then, an open attitude towards “contamination” with other disciplines, and a greater variety of sources. Finally, the capacity of taking advantage from what has already been written, especially at a methodological level.

Let us now see, in brief, how we could apply some of the hypothesis mentioned above to a historical analysis of three fundamental phases of European elections, that is to

¹⁸ *Ibidem*, p. 423.

¹⁹ See M. Marsh and M. Franklin, *The Foundations: Unanswered Questions from the Study of European Elections*, pp. 27-28.

say the process of elaborating a uniform procedure, election campaigns and the analysis of the election results.

2. The uniform electoral procedure

Studying the ways in which the electoral procedure becomes uniform shows how important reconstructing the historical process is, in order to understand the circumstances concerning European elections and to comprehend completely their progressing establishment in the European political competition. As we diachronically analyse the attempts of defining common procedures, it clearly appears how the gradual harmonising of the game rules is not just a value in itself, but represents also an interesting key, useful to verify both the increasing level of autonomy and the full acknowledgement of the legitimacy of European elections. Autonomy, in our case, consists of the widespread perception, by the main actors of the election competition (institutional subjects, parties, political movements, candidates, electors and medias), of the independency of European elections in comparison with the various national elections. Regarding legitimacy, it could seem obvious, but we must not forget that – from certain points of view – still at the end of the Seventies such characteristic was often denied.

Since the Convention for European elections, presented by the working group presided by Fernand Dehousse in February 1960 and, after many discussions, approved in the following May by the European Parliamentary Assembly²⁰, “uniform” has been realistically clarified not to mean «identical»²¹. Moreover, the project fixed a transitory phase that

²⁰ See Assemblée parlementaire européenne, *Débats*, Session de mai 1960, the 10th, 11th and 16th May sessions.

²¹ See the text of the in Historical Archives of the European Union (HAEU), Fond Fernand Dehousse: «L'expression [uniform procedure] désigne clairement une loi électorale qui soit fondamentalement la même dans les six pays. C'est le sens de la disposition et c'est aussi la solution que le Groupe de Travail a considéré comme la meilleure. Le Groupe de Travail est toutefois tombé d'accord sur le fait que la notion d'uniformité

would give the states the chance to adopt «la loi électorale qui leur convient le mieux» still with the obligation «qu'elle soit conforme aux principes généraux du traité et que les liens entre les parlements nationaux et les parlements européens soient maintenus»²². Notwithstanding all the caution the group had taken, the Convention (that would organically rule the carrying out of the European elections) was left aside, together with the direct election of the European Parliament. In this way, a wound was made to the Rome Treaty, that in its n° 138 article bestowed to the Assembly the task of formulating «projects aiming to make the direct universal vote possible» and to the Council the right to decide – with unanimous deliberation – «the dispositions that the member states will be recommended to take, in conformity with their constitutional norms, respectively». Soon, the responsibility for the non-respect of the n° 138 article was attributed to the Council, where France, for a long time, would leave open the question of European vote²³. The French position had some occasional supporters²⁴, but

n'est pas synonyme de celle d'identité» (p. 19). On this theme, see also Guido van den Berghe, *What is a "uniform procedure"?*, in AA.VV., *The European Parliament towards a uniform procedure for direct elections*, Florence, European University Institute, 1981, p. 11.

²² See the speech of the President of the Political Affairs and Institutional Committee in Assemblée parlementaire européenne, *Débats*, Session de mai 1960, séance du mardi 10 mai 1960, p. 20.

²³ During the meeting of the Foreign Ministers of the Western European Union that took place in Bonn in May 1961, the *Projet de rapport de la Commission d'études aux Chefs d'Etat ou de Gouvernement* was approved, in which it was declared: «Cinq délégation estiment d'autre part qu'il serait possible que les Chefs d'Etat ou de Gouvernement prissent dès maintenant la décision d'étudier la suite à donner aux proposition établies par l'Assemblée parlementaire européenne en ce qui concerne l'élection de cette Assemblée au suffrage universel direct. La délégation française considère que le moment n'est pas encore venu d'entrer dans cette voie» (HAEU, Ministère des Affaires étrangères français, 13.31).

²⁴ See the speech of Attilio Piccioni, current President of the EEC Council and of the CEEA, in Parlement européen, *Débats. Compte rendu in extenso des séances, Session 1962-1963*, séance du mercredi 21 novembre 1962, p. 132: «Quant à l'élection du Parlement au suffrage universel, il me semble que l'on peut tout ou moins dire que, pour des raisons diver-

found its real ally, naturally, in right to veto. In March 1969, the Council's negligence forced the Juridical Committee of the European Parliament, on the ground of n° 175 article of the Treaty, to strongly urge the Council to face the question of the direct election, under penalty of an appeal to the Court of Justice²⁵. Because of the French obstructionism, some EEC countries took into consideration the idea of promulgating a national act in order to organize the European vote²⁶.

Notwithstanding all this pressure, the direct election of the EP had to wait until the Paris Meeting in 1974 in order to obtain the approval of all member states. Consequentially, also the question of the common election rules was again taken into consideration. In the new convention project presented by the Dutch Socialist Schelto Patijn and approved by the EP on 14th January 1975²⁷, a low profile solution was adopted, with a level of uniformity even lower than that suggested in Dehousse's project. The result was the 20th September 1976 Council Act, which established a series of general criteria for the first elections (length and incompatibility of the office, recurrence of the elections, number of seats for member state, etc.), and then appointed to the Parliament the task to solve the question of the uniform procedure through the elaboration of "*a project*" (whereas n° 21 article of the ECSC Treaty and n° 138 article of the EEC Treaty spoke of *projects*). Before such procedure would come into effect, the various phases of

ses qui ne sont pas toutes à négliger, elle ne revêt apparemment pas une actualité pressante».

²⁵ «Gazzetta Ufficiale delle Comunità europee» (GUCE), *Discussioni del Parlamento europeo. Sessione 1969-1970. Resoconto stenografico delle sedute*, Wednesday 12th March 1969 session. Also because of the complaints of the European MPs, in the 11th December 1969 session, the Dutch President in turn of the Council, De Koster, declared that the Council «was making an analysis in depth of the project elaborated in 1960 by the EP».

²⁶ GUCE, *Discussioni del Parlamento europeo. Sessione 1969-1970. Resoconto stenografico delle sedute*, Thursday 11th December 1969 session.

²⁷ GUCE, *Discussioni del Parlamento europeo. Sessione 1974-1975. Resoconto stenografico delle sedute*, Tuesday 14th January 1975 session.

the elections would be regulated in every member state by their own national norms²⁸. The most widely shared opinion on the subject, although opposed by some²⁹, was that by 1984, European voters should be able to vote with a system of common rules in order to exalt the supranational meaning of the elections.

The Council Act gave way to a double process. The nine member states would have, firstly, to ratify the Council's decision – and therefore accept the principle of the direct election of the EP – and then promulgate an act for the 1979 European elections. At the EC level, on the contrary, a debate should have started on defining the most similar election rules among the various member states to be ready for the 1984 elections.

As a matter of fact, both levels, national and supranational, were linked to each other, as it can be seen through the Act ratification process. There were some problems in the UK, Belgium, Denmark and France³⁰. In the case of France, the problem can be seen as paradigmatic of the resistance in accepting the very principle of European elections. The Gaullists, together with the Communists, doubted of the constitutionality of the Act, that they interpreted as an attack to national sovereignty and independence, and they asked to renegotiate it in order to guarantee the limitations to the powers of the European Parliament elected with universal voting. Among the most tenacious enemies of the Council Act, there was Michel Debré, ex-Prime Minister and leader of the orthodox wing of the

²⁸ The Act can be consulted also at the following internet address: <http://europa.eu.int/abc/obj/treaties/it/ittoc117.htm>.

²⁹ In fact, although Patijn's 1975 report indicated the necessity of elaborating a uniform procedure «au plus tard en 1980», on the occasion of the signing of the Act on 20th September 1976, neither the President of the Council, nor the President of the European Parliament referred to a precise deadline (see Yvon Quintin, *Vers une procédure électorale uniforme. Essai d'explication d'un échec*, in «Revue du Marché commun», n. 267, mai 1983, p. 269).

³⁰ See Mark Hagger, *Towards a Comparison of Nine Legislative Processes*, in Valentine Herman e Mark Hagger (eds.), *The Legislation of Direct Elections to the European Parliament*, Aldershot, Gower, 1980, p. 264-266.

Gaullists, who had always been very critical about European elections³¹, and who considered the hypothesis of a uniform electoral procedure (anticipated in the n° 7 article of the Act) as the reflection of the «idée théorique, irréaliste, que l'ensemble des peuples européens constitue une nation dont la règle institutionnelle peut être unique»³².

Because of the strong controversy and the risks connected to the dilatory tactics threatened by the Gaullists, Valéry Giscard d'Estaing, at the time President of the French Republic, decided to ask the Conseil Constitutionnel to evaluate the question. The Conseil's decision, made public on 30th December 1976, only apparently was a victory for the "Europeanists". It acknowledged that the international commitment France had stipulated on the carrying out of European elections was coherent with the *lex fundamentalis* and therefore did not require a process of constitutional revision³³. But at the same time – after having stated that any alteration of the EP competences following the direct elections would have been «without effect in relation to France»³⁴ – it affirmed that the «uniform electoral procedure» could in no way question the principle of indivisibility of the Republic. Such specification was devised to avoid any hypothesis aiming to create trans-national constituencies in borderline areas (a very remote possibility at the time) and especially to avoid a division of the territory into regional constituencies³⁵. In such way, the premises for a compromise on a uniform procedure between the supporters of the majority system with regional representation,

³¹ See Michel Debré, *Français choisissons l'espoir*, Paris, Albin Michel, 1979, pp. 181-214.

³² François d'Orcival et Michel Chamard, *La bombe de l'article 7*, in «Valeurs actuelles», 16-22 avril 1979.

³³ Vincent Coussirat-Coustère, *Le Conseil Constitutionnel et l'élection au suffrage universel direct de l'Assemblée européenne*, in «Annuaire français de droit international», XXII, 1976, p. 815.

³⁴ Robert Kovar and Denys Simon, *Some reflections on the Decision of the French Constitutional Council of December 30, 1976*, in «Common Market Law Review», vol. 14, n. 4, November 1977, p. 560.

³⁵ *Ibidem*, pp. 539-540.

on one side, and those of the proportional representation, on the other, disappeared³⁶.

From the decision of the Conseil derived a “nationalistic” electoral act, whose first article stated that «the method of electing the French representatives to the Assembly of the European Communities, as laid down in this act, may only be altered by virtue of a further act»³⁷.

With such a beginning, it is not surprising that the uniform electoral procedure has become, in time, a *vexata quaestio*. However, before reconstructing the windings of its path, we need to make some preliminary considerations. It is important to stress that the uniform procedure is far from being accomplished. There are many reasons for this, and among the most frequently forgotten ones, there is the fact that the various national electoral procedures in force before European elections were not abstract concepts of electoral engineering but the result of particular historical-political, social and cultural conditions. And again, the defence and strengthening of those rules, in opposition to the will to uniform, did not burst only from *national* particularistic interests (for example, the interests of governments or political parties), but had their reason in the electorate’s familiarity with certain election mechanisms (familiarity that, besides, encourages participation to the elections). Changing well-known election rules, practices and habits in order to mix them into a uniform procedure was not, and is not, an easy task. The EP was aware of how complex this would be, as it can be seen in the comprehensive survey on election systems in force in the EEC done in 1975 by the General Office for Research and Documentation³⁸.

Such task became even more difficult, due to the fact that, for a long time, there was no coherent institutional

³⁶ L. Bardi, *The Harmonisation of European Electoral Law*, in S. Noiret (ed.), *Political Strategies and Electoral Reforms: Origins of Voting System in 19th and 20th Centuries*, Baden-Baden, Nomos Verlag, 1990, p. 510.

³⁷ Quoted in Valentine Herman and Juliet Lodge, *Direct Elections: Outcomes and Prospects*, in *The Legislation of Direct Elections to the European Parliament*, cit., p. 251.

³⁸ HAEU, Bocklet Report (BR), 74.

project capable of linking European elections to an increase of the EP powers³⁹.

There are, of course, also other reasons for the failed introduction of a common procedure. However, the question that we should now ask is whether ascertaining such failure and identifying its reasons is enough to reinforce the thesis that European elections completely miss autonomy compared to national ones. From a historical point of view, the answer is negative. As a matter of fact, a diachronic reconstruction shows an increase – although non-linear – of the *potential incisiveness* of the proposals made to finally reach a uniform procedure: such evolution, in itself, proves an increasing legitimacy (in the sense we have indicated above) of European elections and of the measures adopted in order to make them really “supranational”.

Let us then see, in brief, the main phases of this process. After the first European elections, the EEC Political Committee was authorized to prepare a report on the uniform electoral procedure, based on the works done by an *ad hoc* sub-committee. Until June 1980, the Committee was presided by Jean Rey, and Jean Seitlinger, French member of the European People’s party Group, was *rapporteur*. Compared to Patijn’s project, the sub-committee had, at the beginning, wider goals, because it aimed to «adopter un système électoral vraiment commun, et non pas seulement des orientations générales dont les différents systèmes nationaux devraient s’inspirer»⁴⁰. Nevertheless, in the first meeting, Rey tried to convince the members of the sub-committee to adopt a “minimalistic” approach, aspiring to affirm two basic principles: to have European elections with a proportional system, and to obtain the voting right for every citizen of the Community. This approach would have made «obtain a first legislation that could be adopted and applied in time», whereas adopting a “maximum pro-

³⁹ L. Bardi, *The Harmonisation of European Electoral Law*, cit., pp. 515 and following ones.

⁴⁰ Klaus Poehle, *Note à l’attention de M. H.-J. Opitz, Secrétaire général*, Luxembourg, le 9 février 1982, in HA EU, BR 87.

gram” (as required by other members of the sub-committee⁴¹) had to deal with the opposition of the national states to substantially change their electoral procedures within a short period of time⁴².

The majority of the sub-committee chose to follow the line (theoretically more ambitious) indicated by Seitlinger, who was convinced that too modest a proposal «was open to challenge in the European Court of Justice, on the grounds that it lacked sufficient element of uniformity»⁴³.

However, even if it had won, Jean Rey’s understatement would not have been sufficient, since the British representatives immediately made it clear that one of the two principles defended by the Belgian Liberal representative, that is to say, the proportional system, had not many chances to pass Britain’s opposition:

Lord Douro was doubtful if his group would accept, and almost certainly the House of Commons would not accept a national list whose members represented the whole country rather than constituencies (...).

Mr Fergusson said that there was considerable support in the UK for some kind of PR, but apprehension existed in the two major parties as regards its use in *national elections*⁴⁴.

The lobbying work done by the National Committee for Electoral Reform (an inter-party committee born in the Seventies to coordinate the various British organizations in

⁴¹ See *Meeting of the Sub-Committee on the Uniform Electoral Procedure*, 27 November 1979, in HA EU, BR 88.

⁴² Parlamento europeo, Commissione politica, *Nota dell'on. Rey Presidente della Sottocommissione "Progetto di procedura elettorale uniforme"*, 22 maggio 1980, PE 65.385.

⁴³ See David Millar, *A Uniform Electoral Procedure for European Elections*, in «Electoral Studies», vol. 9, n. 1, 1990, p. 38.

⁴⁴ D. Millar, *Note for the attention of Mr John P.S. Taylor; Director General Political Committee. Meeting of Sub-Committee on Uniform Electoral Procedure*, 18 December 1979, in AHCE, BR 88.

favour of the electoral reform⁴⁵) and by the British Liberal Party turned out to be in vain because of the predictable opposition of the British Tories and Whigs⁴⁶. At the 1979 European elections, the British Liberal Party had been badly hurt by the *first-past-the-post* system in force in the UK: although it had gained 13,1% of the votes, it had not obtained even one seat in the European Parliament. Such unbalanced situation modified the composition of the European Parliament, and Gaston Thorn, candidate President to the EP, protested and affirmed that the EP should «promote a more democratic electoral system than the current British one that has deprived the Liberals of representation in the Parliament, notwithstanding the 13,1% of votes they got in the UK»⁴⁷. Five years later, Simone Veil and Roy Jenkins thought of appealing to the Supreme Court in order to force the UK to adopt the proportional representation. The fact that in the 1984 European elections the alliance between the British Social democrats and the Liberals had obtained 19,5% of the votes but not a single seat in the EP «has cheated not only the voters of Britain but the voters of Europe as well»⁴⁸.

Just like the European elections results in the UK were not a question that concerned the British only, so Salinger's work found enemies not only in the British parties. After his report had been approved by the European Parliament on 10th March 1982, Salinger travelled to nine of the ten capital cities of the EEC, and, after having recorded many objections, he got to the conclusion that «qu'il y a un manque de la volonté politique pour adopter et réaliser les pro-

⁴⁵ See the letter from Richard Holme (Director of the National Committee for Electoral Reform) a H.-J. Opitz in data 9 February 1981, in HA EU, BR 99.

⁴⁶ See the letter from Richard Holme to Jean Seitlinger on 18th November 1980, in HAEU, BR 99.

⁴⁷ See *Per la presidenza si parla di Thorn*, in «Avvenire», 15^h June 1979.

⁴⁸ *Jenkins PR plea backed in Europe*, in «The Times», 26th July 1984.

propositions du Parlement européen du 10 mars 1982»⁴⁹. Even inside the EP there were doubts: the Socialist group, for example, believed it necessary to renounce to the introduction of the direct elections for 1984, «especially since it is right to doubt that such a system, even if it were decided by the European Parliament, it should be approved by the Council, and then ratified by the national parliaments». The Socialists in the EP recommended rather «the adoption of a frame-act that unifies other questions concerning the electoral law (for example, minimum age for the passive and active electorate, voting right for the citizens of the Community independently from their domicile, etc.)»⁵⁰.

One could be led to think that the multiple negative reactions had their origin from the advance character of Salinger's resolution. On the contrary, the resolution was altogether weak, with contradictory elements⁵¹, and most of all – contrary to the first intentions of the French MP – it did not at all established a real common procedure. It is true, the resolution designed the proportional scrutiny, but a very high level of discretion was left to the member states, for example about the width of the constituencies, the conditions for elections alliances at a national level, the requirements for the presentation of the lists, and the determination of a minimum electoral threshold⁵².

⁴⁹ *Rapport de M. Jean Seitlinger, Rapporteur pour une procédure électorale uniforme pour l'élection directe du Parlement européen*, 11 février 1983, in AHCE, BR 21.

⁵⁰ Letter by Ernst Glinne, MP, President of the Socialist Group to Mariano Rumor, MP, President of the Political Committee, no date, attached to Parlamento europeo, Commissione politica, *Comunicazione ai Membri*, 16 giugno 1981, PE 73.743. See HAEU, Archivio Pier Virgilio Dastoli (PVD), file 22.

⁵¹ In particular, on the question of active and passive vote granted by a member state to the *ressortissants* resident in another member state, see Y. Quintin, *Vers une procédure électorale uniforme*, cit., p. 271.

⁵² Parlement européen, Documents de séance 1981-1982, *Rapport relatif à un projet de procédure électorale uniforme pour l'élection des membres du Parlement européen*, Rapporteur M. Jean Seitlinger, 10 février 1982, PE 64.569/A/def. 1.

After the European Parliament had adopted it in March 1982, Salinger's resolution also found a stop in the Council's opposition⁵³. We must however point out that some of the principles stated in the resolution were adopted by the electoral legislation of the member states⁵⁴. For example, in Belgium⁵⁵ the voting right was granted to all the citizens of the Community who had their residence in that country.

However, the question of the uniform electoral procedure was entrusted to the Parliament elected in 1984, and the following September the Political Affairs Committee appointed Reinhold Bocklet (German member of the European People's Party) as speaker on the uniform electoral procedure. Bocklet gave a very fast rhythm to the works of the Committee, and succeeded in completing his task by January 1985. His intention was to give the Council the largest possible amount of time before the 1989 European elections⁵⁶. The speed with which the project was elaborated did not however come from a high level of agreement inside the Committee. And again, the disagreement among the members of the Committee had nothing to do with a particularly advanced level of Bocklet's project. As a matter of fact, also this resolution – just like Salinger's – had a very low level of uniformity. It chose the proportional electoral system and D'Hondt system for the counting of the votes. The member states were allowed many exceptions, believing that only the counting procedures and

⁵³ D. Millar, *A Uniform Electoral Procedure*, cit., p. 40.

⁵⁴ See Parlamento europeo, Direzione generale della ricerca e della documentazione, *Leggi elettorali nazionali per le elezioni europee del 1984*, 14 giugno 1984, PE 90.698. For the 1984 elections, only France, the UK, Germany and Holland left the election act untouched: see D. Millar, *European Elections Procedures*, in J. Lodge (ed.), *Direct Elections to the European Parliament 1984*, London, MacMillan, 1986, p. 41.

⁵⁵ See Parlamento europeo, Direzione generale della ricerca e della documentazione, *Leggi elettorali nazionali per le elezioni europee del 1984*, 14 giugno 1984, PE 90.698. In February 1984, in Belgium the incompatibility of the national MP office and the European MP office was also stated (see *Belgique: la chasse aux cumuls est ouverte*, in «La Libre Belgique», 22 février 1984).

⁵⁶ D. Millar, *A Uniform Electoral Procedure*, cit., p. 41.

the dispositions about the active and passive electorate should be considered “fundamental elements” of a uniform procedure⁵⁷. Nevertheless, as we have already anticipated, the political groups represented in the Committee opposed many features of the resolution. The European Democratic Group was divided on the question of proportional representation. The Liberal Group still considered Rey’s “minimalist” formulation a valid one, expressed in the formula “PR and universal voting rights”. Finally, the Socialist Group simply had no line:

Some members [of the Socialist Group] want a more uniform, wider proposal than the Bocklet one. Many British, Danes and Greeks are against the principle of a uniform procedure⁵⁸.

Another problem for Bocklet’s project came from the attitude of the EP Legal Affairs Committee, that on the eve of the Political Committee vote, presented its opinion on the project of uniform procedure that was under construction (*rapporteur* was the Italian Roberto Barzanti, member of the Communist and Allied Group)⁵⁹. The opinion, approved with 15 votes in favour and 3 abstentions, implicitly criticized the “low profile” adopted by Bocklet, stating that an electoral procedure could be said to be really “uniform” only when «it ensures a substantial degree of similarity between the principle elements which make up the system (...). It is necessary to oppose any system which allows excessive scope for derogations»⁶⁰. More generally, the docu-

⁵⁷ Ines Casciaro, *L’elezione del parlamento europeo: i dodici sistemi elettorali attuali ed i progetti per un sistema elettorale uniforme*, in «Quaderni dell’Osservatorio elettorale», n. 4, luglio-dicembre 1990, pp. 68-71.

⁵⁸ D. Millar, *Note for Mr K. Poebke, Director*, Luxembourg, 25 January 1985, in HAEU, BR 3.

⁵⁹ The EP Regulation, approved in May 1983 (Attachment V) appointed to the Political Committee the competence for elaborating the project for a uniform election procedure, while the Committee on Legal affairs and Citizen’s Rights was to give its opinion on it.

⁶⁰ *Opinion of the Committee on Legal affairs and Citizen’s Rights*, PE 94.927/A/fin., in HAEU, BR 117.

ment fixed much more ambitious goals than those assimilated by the Political Committee⁶¹.

In the Political Committee, Bocklet's resolution obtained a very disappointing result: 16 votes in favour, 8 against and 13 abstentions. The EPP group members, the Gaullists and some Socialists voted in favour. Almost all the British members and many of the Left voted against, whereas among the Communists and the Liberals abstentions prevailed⁶².

With these conditions, the hypothesis of going through a plenary parliamentary debate and vote was nonsense. The idea was then to reach a consensus through a modified version of the text. For this, in March 1986, the presidents of the EP political groups decided to constitute a working group made of representatives of all the groups. In a first round of meetings between March and July 1986, the group arrived at an advanced agreement on some fundamental principles on which it would be possible to found the project⁶³. In particular, this new attempt aimed to: i) reach an advanced level of uniformity, ii) identify a "fair compromise" between a proportional system with lists and a uninominal constituency system, so as to make the European Parliament faithfully reflect the multiple national, regional and ideological currents present inside the Community. The regulation power of the member states was maintained only on the distribution of the constituencies and on the admission of candidates of new parties and electoral groups. The fundamental territorial unit of the electoral system would be the multi-member constituency (regional constituency)

⁶¹ After the document mentioned above, see also Ines Casciaro, *L'elezione del parlamento europeo*, cit., pp. 71-75.

⁶² D. Millar, *A Uniform Electoral Procedure*, cit., p. 42.

⁶³ The agreement was reached also thanks to a decision of the European Court of Justice, taken after an appeal of the French Greens and of the European Right concerning the funding to the European Parliament for the election campaigns: see Fulco Lanchester, *Parlamento europeo: il progetto di procedura elettorale uniforme*, in «Quaderni costituzionali», a. VII, n. 1, aprile 1987, pp. 152-154, and Richard Corbett, Francis Jacobs and Michael Shackleton, *The European Parliament*, London, John Harper, 2000, p. 20.

in order to guarantee a link between the electors and their MP. Moreover, the compulsory preferential vote was introduced and the minimum percentage threshold was excluded⁶⁴. Between October and December of the same year, the Committee worked on the details of the project, making substantial variations at articles n° 4, 5 and 6 of Bocklet's resolution voted by the Political Committee⁶⁵, and in April 1987, the work was done at last⁶⁶.

Although it had limitations and incoherencies⁶⁷, and although it did not guarantee a completely European dimension to the vote to the European Parliament, the new version of Bocklet's resolution was «a great step forward towards the supranationalisation of European elections»⁶⁸. It established, among other things: i) the obligation for those member states with more than 6 representatives to the European Parliament to divide their national territory in constituencies in which 5 to 15 representatives would be elected⁶⁹, ii) the modalities of presentation of the candidates, that had to be on a regional list basis, iii) the adoption of the Hare-Niemayer method for counting the votes (the one used in the Federal Germany), without the application of the minimum electoral threshold principle.

However, one more time, the governments' obstructionism and the European Parliaments uncertainties prevailed also on this project, and some further amendments

⁶⁴ Reihold Bocklet, *Relazione sui risultati del gruppo di lavoro comune dei gruppi politici "Legge elettorale uniforme" istituito dai presidenti dei gruppi*, 25 febbraio 1987, in HAEU, BR 198.

⁶⁵ The records of the working group meetings are in HAEU, BR 183, 188 e 196.

⁶⁶ Parlamento europeo, Direzione generale degli Studi, *Progetto di procedura elettorale uniforme*, 14 aprile 1987.

⁶⁷ About which, see Fulco Lanchester, *Parlamento europeo: il progetto di procedura elettorale uniforme*, cit., pp. 151-154.

⁶⁸ L. Bardi, *The Harmonisation of European Electoral Law*, cit., p. 520.

⁶⁹ An exception to the minimum number of seats was allowed if some specific geographical or ethnic situations, derived by the constitutional order of a member state, or by this "traditionally acknowledged", required it.

were in vain⁷⁰. France did not like the division of the national territory in constituencies, and the abolishment of the electoral threshold (which was also criticized by Germany). Spain and Portugal's entry into the EEC created some new problems, especially regarding Spanish domestic legislation⁷¹. There still was Britain's traditional hostility, capable now of weakening the motivations of those who, in the European Parliament, were committed to the uniform electoral procedure:

It is fair to say that a major disincentive to the Political Committee, to the representatives of the Political Groups brought together in the Working Group, and to back-bench continental Members of the European Parliament has been the known opposition of Mrs Thatcher to proportional representation in principle. As long as she remains Prime Minister of the UK, the European Parliament knows that there is no chance of PR being introduced in the UK, and therefore no chance of a Community-wide uniform electoral procedure⁷².

Just like for Seitlinger's resolution, the majority of the European Parliament expressed many reserves about Bocklet's project⁷³. Reserves that remained also after the 1989 elections⁷⁴ that took place with national electoral systems.

⁷⁰ In particular, the possibility of appointing seats with a different system than the Hare-Niemayer one was allowed in the case in which those specific situation mentioned in the previous footnote presented themselves (see D. Millar, *A Uniform Electoral Procedure*, p. 42).

⁷¹ About the Spanish difficulties, see Fernando Santaolalla, *Reflexiones sobre la normativa española para las elecciones del Parlamento europeo*, in «Revista de las Cortes Generales», a. 1986, pp. 298 and following ones.

⁷² Letter from David Millar to Andrew Duff, on 13th October 1987, in HAEU, BR 30.

⁷³ See Simone Veil's letter to R. Bocklet on 22nd May 1987 in HAEU, BR 161 and D. Millar's letter to A. Duff mentioned above.

⁷⁴ R. Bocklet, *Bericht über den Stand der Entwicklung eines einheitlichen Wahlverfahrens für die Wahl der Mitglieder des Europäischen Parlaments*, in HAEU, BR 177.

Bocklet's project was abandoned and never adopted by the plenary assembly.

During the Nineties, the question of the electoral procedure was often taken into consideration by the various actors (Parliament, Council, member states), with contradictory results, which can be summarized in two points: the formalization of the passage from the uniformity aim to the "common principles" aim, and, at the same time, some relevant progress towards the harmonisation of the electoral rules.

Karel De Gucht, Flemish Liberal, on behalf of the Institutional Affairs Committee, presented two resolutions to the European Parliament, which were approved on 10th October 1991 and 10th March 1993. The first one established only the "tendencies" of the European Parliament on the uniform procedure, and it came from the necessity to re-define the numbers of representatives attributed to Germany after the reunification in 1990. The second one suggested some general lines (proportional principle, minimum electoral threshold) for European elections, leaving however large discretion to the member states⁷⁵. In this sense, De Gucht's project was certainly a regression compared with Bocklet's second text. If the scarce audacity of the European Parliament aimed to obtain the Council's benevolence in order to make it at last decide on the question of the uniform procedure on the basis of the assembly's projects, such tactics proved definitely wrong. Between the end of 1994 and the beginning of 1995, in fact, the two subsequent Council Presidencies, the German and the French ones, refused to take into consideration the new resolution. In particular, the French presidency, through Alain Lamassoure, declared that the project was «too general and therefore not in conformity with n° 138 article of the Treaty», and that it lacked «sufficient and detailed ele-

⁷⁵ The minimum threshold could move from 3 to 5%. The lists could be presented «either for the entire territory of a member state, or for regions or multi-member constituencies». For every list, a state could fix "one or more preferences".

ments necessary to the Council in order to elaborate on such basis a complete electoral system project capable of application in the fifteen countries of the European Union»⁷⁶.

The paradox is that in the middle of the Nineties, the Council deemed to have no project on which to make a deliberation. Seitlinger's 1982 resolution was now considered obsolete, and when in 1983 it had been examined by the Council it had not obtained the necessary unanimity. Bocklet's project had never been sent to the Council because it had not been approved by the plenary assembly. Finally, De Gucht's resolution was judged as missing the necessary requirements of a uniform electoral procedure project. Such view of the Council, not lacking in arrogance, moved Gijs De Vries (Chairman of the ELDR) to threaten a new appeal to the Court of Justice⁷⁷.

In the meantime, the Maastricht Treaty (1993) had established that «every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State» (art. 8b)⁷⁸. In turn, the following Amsterdam Treaty, after having ascertained the difficulties of reaching a uniform procedure, tried to “institutionalise” a more realistic approach. N° 190 article modified the EEC Treaty n° 138 article, giving the Parliament the choice between formulating

⁷⁶ See the 17th January 1995 EP session. Against Lamassoure's thesis, see A. Duff, *Electoral Reform of the European Parliament. Proposals for a uniform electoral procedure of the European Parliament to the Intergovernmental Conference of the European Union 1996*, London, Federal Trust, 1996, p. 11.

⁷⁷ See *Lettre adressée le 8 mars 1995 par M. De Vries, président du groupe ELDR, à M. Klaus Hänsch, Président du Parlement européen*, PE 188.335/BUR and the annex *Recours en carence du Parlement européen contre le Conseil de l'Union (procédure électorale uniforme pour l'élection des membres du parlement européen)*, Lausanne, le 7 mars 1995, written by Roland Bieber with Isabelle Salomé.

⁷⁸ See Enrique Alvarez Conde y Enrique Arnaldo Alcubilla, *De nuevo sobre al procedimiento electoral uniforme*, in «Revista de Estudios políticos», n. 86, October-December 1984, pp. 56 and following ones.

a project aiming to organize elections ruled by a uniform procedure, or only by “principles common to all member states”. The possibility of a reduced goal could be the first step towards a final renounce to uniformity. However, it was not so. The uniformity of the electoral procedure was re-launched by a very relevant event: the historical decision of the British Labour Government to forsake, for the 1999 European elections, the single member constituency with simple majority system. The new act, promulgated on 14th January 1999 after a lively debate inside the British Parliament, established a proportional representation system based on the scrutiny of blocked regional lists in 11 regions. The mechanism of transformation of the votes into seats is very complex⁷⁹, but it removes the most evident (and most relevant) anomaly existing in the European elections legislation. In this sense, we would not exaggerate if we declared that the prospect of a uniform electoral procedure has never before been so close⁸⁰.

Before this, in 1998, The European Parliament (in conformity with n° 190 article of the Maastricht Treaty) had approved another resolution, this time presented by Georgios Anastassopoulos, Greek member of the EPP, on behalf of the Institutional Affairs Committee, on a project of electoral procedure containing the “*common principles*” for the elections of the EP MPs. The document pointed out that the future enlargement of the Union made a final decision on the problem of the electoral procedure more and more desirable, at least «on the questions that have a large consensus among the member states»⁸¹. It also said that from «the perspective of a European political conscience and of the development of the European political parties, a certain percentage of seats should be divided according to the proportional system inside a single constituency formed

⁷⁹ The Act can be consulted at the following internet address: <http://www.legislation.hmso.gov.uk/acts/acts1999/90001--a.htm#1>.

⁸⁰ R. Barzanti, *art. cit.*, p. 146.

⁸¹ See the debate that took place on the 14th July 1998 EP session, in GUCE, 1998, n. 4-523.

by the territory of all the member states»⁸². Anastassopoulos's resolution started a long inter-institutional debate that produced the 21st May 2002 Council Project of Decision, that was approved, according to the Assent procedure, by the European Parliament in June 2002 on the basis of a recommendation presented by José María Gil-Robles Gil-Delgado. The next Council's decision, on 25th June and 23rd September 2002, has therefore officially recognized the modifications to the 20th September 1976 Act, among which the introduction of the incompatibility (from 2004) between the European MP's office and the national MP's office⁸³. Although the introduced changes⁸⁴ were much less advanced than those wished by the European Parliament (that had precisely asked for a 10% quota of MPs elected in a single European constituency⁸⁵), a pragmatic approach to the whole question gives us the opportunity to declare that the Council's decision represents «an important step towards establishing the principle of uniform electoral procedures for the EP elections», also capable of influencing «the deliberations in applicant countries as they prepare for their EP elections»⁸⁶.

Now, some brief considerations in order to bring our analysis to a close. It is impossible not to see that from many points of view European MPs continue to be elected with “national” rules. And – as we have repeatedly pointed out – this is a fact with which anyone wishing to assess the

⁸² See Parlamento europeo, Commissione per gli Affari istituzionali, *Relazione sull'elaborazione di un progetto di procedura elettorale contenente principi comuni per l'elezione dei membri del Parlamento europeo*, Relatore Georgios Anastassopoulos, 2 giugno 1998, A4-0212798.

⁸³ Ireland and the UK will benefit from a transition period for the application of such a disposition.

⁸⁴ See GUCE, 21 ottobre 2002, L 283/1.

⁸⁵ On the differences between the two documents, see Parlamento europeo, Commissione per gli Affari istituzionali, *Documento di lavoro*, 18 marzo 2002, PE 313.379.

⁸⁶ See David M. Farrell e Roger Scully, *The Election and Representative Role of MEPs*, [November 2] Draft Paper for the Working Group on Democracy in the EU for the UK Cabinet Office, in http://www.meps.org.uk/mepwebsite/Farrell_Scully_COWG.pdf.

level of Europeanization of the elections to the Strasbourg Parliament as to deal with. But the analysis of the historical process allows us to see the relevant positive steps that have been taken towards “Europeanization”. It is not just a matter of electoral mechanisms becoming more and more similar (although this, of course, remains a central feature), which is anyway well exemplified in the almost general adoption of the proportional system. To this *rapprochement* process, we should, as a matter of fact, add the decreasing conflict rate stimulated by the question of the electoral legislation harmonisation. Naturally, this is partially a consequence of changing “common rules” into “common principles”. However, this does not explain all. As we have already seen, since 1960, as it was declared in Dehousse’s report, uniformity was not to be interpreted in a strict sense. Moreover, no-one can tell whether the integral introduction of “common principles” will or will not be propaedeutic to a complete harmonisation. As a matter of fact, what the various subjects involved in the European elections have progressively acquired is the full *legitimacy* of the projects aiming to change the national rules in favour of “supranational rules” – which, of course, does not mean that there are no more disagreements, sometimes very harsh, on such questions. In this sense, the “French case” is a good example. The fact that in France the adoption of the modifications introduced by the 1976 Council Act, has not, in fact, roused significant conflicts is certainly meaningful⁸⁷. And this has happened also because of an adjustment that had

⁸⁷ These are the words used by Christian Philip (member of the Union pour un Mouvement Populaire), speaker on the report presented at the Assemblée Nationale to approve the modifications introduced in the 20th September 1976 Act: «Alors qu’il n’était dans les années soixante et soixante-dix qu’une assemblée consultative (il ne portait d’ailleurs pas le titre de Parlement mais celui d’Assemblée des Communautés), le Parlement européen a aujourd’hui presque tous les attributs d’une véritable institution parlementaire (pouvoirs budgétaire, législatif et de contrôle). Or, aucun Parlement dans le monde ne voit ses membres élus selon une dizaine de systèmes électoraux différents. Un rapprochement de ces derniers était indispensable». See: <http://www.assemblee-nationale.fr/12/rapports/r0998.asp>.

already been made or was on its way to be made by the French legislators, for example regarding the incompatibilities of the various offices⁸⁸, or the division of the territory in constituencies (established by the 11th April 2003 Act)⁸⁹.

There can be, of course, different opinions on the actual advancement towards a uniform electoral procedure. But evaluations have probably been partially influenced, on one hand, by an excessive confidence in the capacities of the direct elections to the EP to start a virtuous process that should have inevitably taken to a “European” electoral act. And, on the other hand, by a conscious undervaluation of the difficult obstacles that exist on the path towards a common legislation, in order to point out especially the stops on the way that should have led to the uniform procedure. After all, both positions imply an “ideological” reading of European integration, and of the development of its institutions and rules.

3. Election campaigns and results: new perspectives offered by historical studies

According to the predominant reading, the main feature – but we could say, the only feature – of European Parliament election campaigns has been until now their “missed Europeanization”. The pre-electoral debate would only be on domestic affairs matters, and the European questions would be kept on the margins. In the little space we have left, we will try to indicate very schematically the reasons why we believe a more articulated view to be necessary. As we have anticipated, the range of documental sources on which this thesis is based is surprisingly small. In this sense,

⁸⁸ See the 5th April 2000 *Loi organique* on the incompatibilities between electoral offices in <http://www.admnet.com/jo/20000406/INTX9800018L.html>.

⁸⁹ See the report presented at the French Senate by Jacqueline Gourault, on behalf of the Commission des Affaires étrangères, de la défense et des forces armées, attached at the verbal process of 11th June 2003 session, in <http://www.senat.fr/rap/102-348/102-3481.pdf>.

the idea of a *européisation défailante* seems sometimes to spring from an *a priori* acceptance of an established interpretation, more than on an empirical verification done through an analysis of the sources. Mostly, the absence of an arena or forum has been denounced, «in which alternatives were publicised effectively and discussed with the degree of passion common to major debates about political options in the domestic political arena»: from here the citizens' scarce enthusiasm and therefore the high level of abstentions⁹⁰. Some even believe that the only real European election campaigns are those that took place in Denmark, where, for a long time, “Europeanists” and “anti-marketeters”⁹¹ faced each other. As if the only relevant cleavage concerning European elections was the one separating supporters of the integration process from those opposing it⁹². As a matter of fact, in all EP elections, the various EEC/EU political parties have presented political programs and proposed clearly distinct and/or alternative integration models⁹³. An historical research on European election campaigns should then be oriented more by the question “which Europe?” than by an evaluation of the level of adhesion of political parties, movements or candidates to Europeanism.

⁹⁰ J. Lodge, *Invisible, Irrelevant but Insistent? Euro-elections and the European Parliament*, in Id. (ed. by), *The 1999 Elections to the European Parliament*, cit., p. 10. The abstention phenomenon at the European elections should all the same be put into the context of a general decrease of the electoral participation, and it cannot, by itself, question the legitimacy of the European Parliament (see Federico Rampini, *L'impatto delle elezioni europee sul processo di integrazione politica dell'Unione*, in «Europa Europe», a. VIII, n. 5, 1999, pp. 11-12).

⁹¹ See Vernon Bogdanor, *Direct Elections, Representative Democracy and European Integration*, in «Electoral Studies», vol. 8, n. 3, December 1989, pp. 208-209.

⁹² See Kurt Menke, *Germany*, in K.H. Reif, *Ten European Elections*, cit., p. 67.

⁹³ See, among the many examples, Edward Moxon-Browne, *Ireland*, in J. Lodge (ed. by), *The 1999 Elections to the European Parliament*, cit.; Mark Franklin and John Curtice, *Britain: Opening Pandora's Box*, in C. van der Eijk and M. N. Franklin (eds.), *Choosing Europe? The European Electorate and National Politics in the Face of Union*, op. cit.

However, the autonomy of European election campaigns, compared to national ones, springs in many cases from its “technically” different nature, first of all because of the *découplage* of the constituencies applied in some countries. The different electoral geography changes the relationship between the elected and the electors, and forces candidates and parties to adequate their strategies. The necessity of such a re-orientation was rapidly understood in Ireland, Italy and Belgium⁹⁴.

Another characteristic feature of European election campaigns is the frequent adoption of new forms of propaganda, certainly due also to the necessity of getting the attention of a tendentially lazy electorate. The direct dialogue with the audience introduced by Jacques Chirac in his public speeches in 1984⁹⁵, the circus with which Katharina Focke, 1984 SPD candidate, visited 31 German cities, mixing politics, culture and circus performances⁹⁶, the train with which, in the same year, the FDP candidates travelled through Germany, Holland, Belgium and Denmark, in conformity with their request to abolish inspections on the borders⁹⁷, the large use of the Internet in Italy in 1999⁹⁸ – plus, of course, all the various forms of trans-national propaganda – are all examples of election campaigns that experiment but also take possession of new technologies⁹⁹, or of

⁹⁴ See Jacques Van Solinge, *Quel enjeu national pour les “européennes”? Le PRL et le PSC, rivaux malgré eux*, in «Le Soir», 6 juin 1984, who also points out the weight of “national” argumentations on the European elections in Belgium.

⁹⁵ Henri Paillard, *Jacques Chirac engage un tour de France du dialogue*, in «Le Figaro», 10 février 1984.

⁹⁶ *Die SPD tritt mit “Katharinas Circus” an*, in «Frankfurter Allgemeine Zeitung», 1st march 1984.

⁹⁷ See Jean Roussel, *L'épreuve du 17 juin en Allemagne fédérale: les libéraux ou les verts?*, in «Le soir», 5 juin 1984.

⁹⁸ Jacques Gerstlé, Holli A. Semetko, Klaus Schoenbach, Marina Villa, *L'Européanisation défaillante des campagnes nationales*, in *Le vote des quinze*, cit., p. 101.

⁹⁹ Ian Murray, *Labour uses high tech to woo Euro votes*, in «The Times», 8th June 1984.

or of propaganda modalities typical of other political-electoral contexts¹⁰⁰.

Finally, the *européisation défailante* formula is certainly effective in order to understand the general datum of the predominance of national political issues in the pre-electoral debate, but it does not take into consideration the influence that the European themes have nevertheless had on the election results. In other words, it would be wrong to believe that the European options supported by the various political subjects have never had any effect on the choices of the electorate, or that the effectiveness of the electoral propaganda has been a constantly marginal factor. A great example is, in this sense, the European elections that took place in the UK in 1984 and 1989. The farmers' protest against the cuttings of the quotas on milk decided by Mrs. Thatcher's government contributed to the poor results obtained by the Tories¹⁰¹. Five years later, a completely wrong election campaign (which seemed to suggest to the Conservative electorate to abstain from voting, therefore favouring the Labours)¹⁰², and the "little Englander approach" chosen by Mrs. Thatcher during the election campaign led to a further decrease in the British electorate's confidence in the Conservative Party¹⁰³.

One last question needs, at least, to be pointed out. One of the argumentations on which the "second order elections" formula is founded consists of the "penalty" character that European elections would have on the Government party (or parties). The "less at stake" dimension of

¹⁰⁰ See, for example, the "American" style of the European election campaign that took place in Italy in 1984, pointed out by Bruno Gianotti, *Il candidato tra le massaie*, in «La Stampa», 12th May 1984.

¹⁰¹ See Richard Norton-Taylor, *Tory farm vote slip*, in «The Guardian», 7th June 1984 e John Hunt, *Tory farmers threaten revenge at the polls for dairy quota cuts*, in «Financial Times», 4th June 1984.

¹⁰² See *Thatcher approved "Brussels" poster*, in «The Independent», 24th June 1989.

¹⁰³ Robin Oakley, *"Little Englander" approach blamed for disaster*, in «The Times», 19th June 1989.

the EP elections¹⁰⁴ would favour a punitive vote, leading the voters (because of the lesser importance of European elections) to a behaviour similar to the one occurring in the American mid-term elections, when the strong mobilization of the opposition to obtain what it had previously lost, the inevitable delusion produced in some *milioux* by the governments policies, the will to press the government parties are factors that often determine the defeat of the majority parties¹⁰⁵. Moreover, in this kind of competition there are more margins for the “protest vote”, and small or new parties have some advantages.

This general interpretation, aiming to stress the lacking autonomy of European elections, is not particularly effective if we analyse the vote to the EP taking into consideration not only quantitative data, but also the wider political context (national and European) and using a diachronic perspective. First, it is difficult to verify the will to punishing the governments in the case of party-coalitions governments. This is in fact a limitation known also to the supporters of the “second order elections” formula¹⁰⁶, and concerning the majority of the EEC/EU countries¹⁰⁷. For example, it is hard to speak of “punishing vote” for those parties supporting the Italian government in the 1979 European elections, since the Communist Party (opposition party *par excellence*) had given his external support until the beginning of that year, due to the serious political-institutional crisis the country was going through¹⁰⁸. The

¹⁰⁴ See K. Reif, H. Schmitt, *Nine Second Order Elections: a Conceptual Framework for the Analysis of European Elections Results*, cit., pp. 9-10.

¹⁰⁵ *Ibidem*.

¹⁰⁶ K. Reif, *Ten second order national elections*, in Id. (ed.), *Ten European Elections*, p. 13.

¹⁰⁷ See Nicole Loeb-Mayer, *Elections européennes et coalitions nationales. Elements de reflexion*, speech given at the EES 3rd International Symposium, November 1984, in AHCE, BR 4, in which she points out how in 1979, in seven out of nine of the EEC countries there were coalition governments, whereas in 1984, after Greece's entry, the ratio had increased to eight to ten.

¹⁰⁸ See Paul Ginsborg, *Storia d'Italia dal dopoguerra a oggi. Società e politica 1943-1988*, Torino, Einaudi, 1989, pp. 469-545.

Italian case, with its long series of coalition governments, is not the only exception to the prevailing interpretation. Quite recently, in Germany, in the occasion of European elections, the votes obtained by the CDU/CSU have been more than those obtained by the SPD¹⁰⁹. In Luxembourg, the five European elections have taken place at the same time of the national ones, and cannot therefore be considered as mid-term tests. But the Italian electorate's behaviour puts also another question: is it really possible to assess the distribution of consensus in terms of punishment (or praise) wherever the vote is strongly ideological and therefore does not conform, in large part, to the pragmatic logic of an evaluation of the government action? After all, if we look at the European elections data between 1979 and 1989 (that is, before the end of the "First Republic" that swept away the traditional parties), we see that the fluctuations of the various parties are quite limited¹¹⁰.

The problem is, again, that with only quantitative data we cannot comprehend electoral phenomena. The 1989 elections are considered paradigmatic of the "punishing" character of European vote. In those elections, in most EEC countries, the government parties lost and the Greens had a great success, and this could be explained as the effect of a "protest vote"¹¹¹. Even if this interpretation was acceptable, we will still need an explanation about why, in many countries of the Community, a large percentage of the electors had expressed their malcontent in a univocal way, giving their consensus in the European elections to the Green candidates, especially. If we admit that the EEC electorate was oriented towards a common object, and if we suppose that the vote to the ecologists could represent a

¹⁰⁹ See William E. Paterson and Simon Green, *Germany*, in J. Lodge (ed. by), *The 1999 Elections to the European Parliament*, pp. 72-73.

¹¹⁰ See the data quoted in Antonio Agosti, *Le elezioni in Italia*, in «Quaderni dell'Osservatorio elettorale», n. 23, luglio-dicembre 1989, p. 186.

¹¹¹ David Buchan, *Making the most of a protest vote*, in «Financial Times», 20th June 1989.

“European” vote¹¹² (although not necessarily “Europeanist”) for the solution of problems, environmental problems, that go beyond the national dimension¹¹³, then we should give a different meaning to the 1989 elections than the mere “punishing” or contestation one towards the *national* governments¹¹⁴.

Contrary to what we could believe, the intention that has inspired this essay was not stating the complete inadequacy of the precedent researches and interpretations, to which, on the contrary, we owe so much from many points of view. It is perhaps inevitable that, while trying to better define new research lines, becomes necessary to clearly mark the distance from what has been written before, and in this sense a contraposition can be more functional than give credits to those who have opened the way to the study of a specific phenomenon. As a matter of fact, many of the subjects we have taken into consideration are still open problems, on which it is necessary to reflect and discuss, on the basis of researches of a certain scope. What we especially wanted to point out is the contribution that the historical method, open to the inter-disciplinary dimension, has to offer in order to deepen our knowledge on the question of European elections and of the various phases that characterize their course.

¹¹² *A green tide does indeed appear to have moved across much of Europe*, J. Curtice, *The 1989 Election: Protest or Green Tide?*, in «Electoral Studies», vol. 8, n. 3, December 1989, p. 227.

¹¹³ In this sense, see the reflection of Jonathon Porrit, *Wooing of the Greens*, in «The Independent», 20th June 1989.

¹¹⁴ See Alain Touraine, *Una politica per i 12*, in «Il Sole-24 ore», 20th June 1989, who identifies in those elections some tendencies common to national electorates.