

**Common Procedures, Common Problems:
Moving Toward Uniform Electoral Procedures for EP Elections**

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Introduction

What has prevented common European electoral procedures from being used in European Parliament (EP) elections? Ever since direct elections to the EP began in 1979, the issue of the EP's electoral system has been a live one. One reason for the interest in EP electoral procedures is that it is a constitutional matter: Article 190 of the EC Treaty dictates that

The European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States *or in accordance with principles common to all Member States*...The European Parliament shall, after seeking an opinion from the Commission and with the approval of the Council acting unanimously, lay down the regulations and general conditions governing the performance of the duties of its members.

The italicized passage was added to the article for the Amsterdam Treaty. Reform efforts since 1979 have purported to fulfill this requirement with respect to either procedures or to principles. However, I claim here, national level political interests and ideas have impeded the reform process. I will test this argument by examining the manner in which political and ideological factors have played out at critical periods in the history of the directly-elected EP and two member states to prevent the installation of uniform procedures. Results indicate that the issues under consideration during the debates on direct elections legislation have had lasting effects on subsequent efforts to impose uniform electoral procedures. Failure at the supranational level to find consensus on a reform proposal came even in the face of a concerted effort to account for domestic interests. The installation and amendment of EP electoral procedures provide an excellent perspective on how member states' perception of the EU has changed and are a unique and important case of electoral reform.

Institutions: Constraints and Goal-Shaping

Although the consequences of electoral systems on different aspects of political life have been widely analyzed, there has been comparatively little progress made with regard to the how and why particular systems are adopted and subsequently reformed (Bawn 1993; Norris 1995; Dunleavy and Margetts 1995; Remington and Smith 1996; Sakamoto 1999; Boix 1999). Indeed, the difficulties with explaining institutional origins and change have been well-analysed, such explanations generally giving way to ill-founded functionalism (Pierson 2000). The present analysis stands in opposition to functionalism, emphasizing the non-functionalist beginning of institutions and the contingency of change. Given that the EP is unlike other representative assemblies in its position as a supranational institution, traditional studies of domestic actors' policy preferences seem misplaced in analyzing electoral system preferences. Rather, given domestic actors' uncertainty of how an EP electoral system would affect politics on either the supranational or national levels, the always uncertain path that leads from an institutional change to behavioral change to subsequent changes in political life (Katz 1999) and, during the 1970s, the unique situation of having to implement direct EP elections for the first time, it makes more sense to analyze the broader, structural factors that dictated the importance of particular actors, as well as the institutions that empowered and constrained them.

The puzzle of EP electoral system variation can best be explained by the manner in which domestic institutional configurations interact with the supranational level of governance. These dynamics shape actors' strategies and, more importantly for this analysis, their goals (Steinmo and Thelen 1991). Since the EU's importance in the politics of its member states was still emerging during the 1970s, we need to look at the salience of the supranational level of governance at different times to understand why domestic politics took precedence. In

particular, the changing nature of the EP and how it has been perceived by domestic political parties is the key factor in explaining the relative importance of EP electoral systems.

There are three phases in the development of electoral systems in the EP. The first phase runs from the Paris summit of 1974 to the first direct elections in 1979, during which direct EP elections were being debated and, after the Council Act of September 20, 1976, legislated by the member states. During this period, domestic interests took precedence. While the supranational level of governance dictated the broad contours of direct elections, the specificities of how elections would be held were decided independently by each member state. The relative impotence of the EP and the “Eurosclerotic” atmosphere of the late 1970s dictated the importance of domestic actors during this period. The second phase runs from 1979, the year of the first EP elections, to the 1996-97 IGC that resulted in the Treaty of Amsterdam. This period saw a more concerted effort by the EP to seize some semblance of democratic legitimacy (particularly following the “isoglucose” ruling of 1980), along with a greater role in institutional affairs (the power to delay legislation as legitimated by the isoglucose case, Spinelli’s 1984 push for a new treaty on European Union, the TEU’s introduction of the cooperation procedure, co-decision after Maastricht, and so forth). While direct elections were a big step in this effort, uniform electoral rules in the member states were supposed to be still another one (Dinan 1999, 270-271; Corbett 1999). Now, however, the task was passed to the EP whose members were charged with determining precisely what was meant by “uniform electoral procedures.” The Amsterdam Treaty represents the end of the second period both because of the amendment to the Treaty that now allows for “uniform principles,” and because of the Treaty’s reassertion of institutional issues in European politics (Wiener and Neunreither 2000). Thus, the MEPs were the main actors during this period. The third, post-Amsterdam period saw the introduction of

“principles” into the debate, as well as unilateral action by member states to move their domestic electoral systems closer to the supranational norm. During each phase, particular institutions shaped the goals of the actors whose roles were prominent during these three periods.

Domestically, the political party system is the most important institution for explaining member states’ preferences of particular electoral systems for the EP. Given that EP direct elections legislation had to be passed by national parliaments, we need to examine the coalition that forms to pass the law and the coalition’s conductor, the prime minister. This was particularly important during the 1970s for two reasons. First, the supranational level of decision making had not yet become as salient as it would in later years. Second, the debates over direct legislation are informative of member state positions on EP electoral systems. It has been shown that MPs see EP elections as indicators of the relevant strength of national parties (Reif and Schmitt, 1980; Van der Eijk, Franklin, and Marsh, 1996).¹ If MPs really treated EP elections in this manner, it would seem more important to MPs that national electoral systems be used, so that the indicators would be reliable. Yet, there is considerable variation among the electoral systems used by member states in the first EP elections in 1979 (see Table 1). Something other than domestic partisan advantage must be dictating elite interests. My analysis of domestic actors will show that the EP’s uncertain relationship to national sovereignty played an important part in shaping MPs’ goals. The idea of electoral system convergence, particularly when diverging from one’s own system was dictated from above, was perceived as a federalist notion, supposedly stripping member states of their ability to control their own democratic destinies. Yet, during the 1970s, the EP’s formal powers were nearly insignificant, so the extent to which common electoral procedures would affect politics was oblique to say the least.

¹ The extent to which political parties have become weak or marginalized in EU politics is by no means clear and, indeed the entire question may be somewhat misguided. For further discussion, see Katz and Mair (1995); Mair (1995); Ladrech (1999).

Table 1: Electoral Systems used by the Member States in the 1979 EP Elections

<u>Country</u>	<u>Voting System</u>	<u>Formula/ Regional constituencies?</u>	<u>Change from traditional system?</u>
Belgium	PR	d'Hondt/yes	no
Denmark	PR	d'Hondt/no	yes: highest remainder
Germany	PR	d'Hondt/yes	yes: mixed system
France	PR	d'Hondt/no	yes: double-ballot majority system
Ireland	PR	STV/yes	no
Italy	PR	Highest Remainder + Hare quota/yes	yes: H.R. + Imperiali quota
Luxembourg	PR	Hagenbach- Bischoff/no	yes: cumulation abandoned
Netherlands	PR	1 st round: Hare quota 2 nd round: d'Hondt/no	yes: use of d'Hondt, irrespective of the number of seats
UK:			
Great Britain	plurality	first-past-the-post	no
Northern Ireland	PR	STV/no	yes: plurality

From the perspective of the EP, establishing uniform electoral procedures was important for a number of reasons. On one hand, it would prevent there from being an imbalance of representation in the EP. It would also give the EP a rare opportunity to legislate on a matter of institutional change; such legislation must be passed by the EP and approved by the Council, before being enacted domestically by each member state. A more nuanced reading would be that, without uniform procedures, it would be more difficult for a European identity, a common *demos*, from taking shape. If we consider suffrage to be constitutive of citizenship *and* we believe that a closer union of peoples (even a European citizenship) is a goal, then there ought to be universally applicable rules for how votes are treated in each member state.² However, we must be careful to distinguish between MEP goals between the different periods of electoral system development. Before 1979, MEPs were national MPs who were more concerned with installing direct elections than with uniformity of procedures. Hence, Patjin's 1975 report (upon

² For sophisticated discussions of civic identity in the EU and multi-level citizenship, see Weiler et. al. (1995) and Cohen (1999).

which the Council Act establishing direct elections was based) specified the use of national procedures for the first direct elections; uniformity could wait.³ After 1979, however, uniformity became more important as directly elected MEPs began to take on an identity separate from that of their appointed predecessors.

Another important problem for reformers, particularly at the supranational level, was determining what uniform procedures are supposed to be and, after Amsterdam, how they differ from principles. Procedures, it would seem, refer to the mechanics of elections, rather than to the norms to which the mechanics must adhere; procedures presuppose principles. Uniform procedures suggest substantive change in the specific mechanics of elections. But uniform principles, it seems, would give more power to the member states in deciding on the specificities. This power could be quite substantial, considering that, for example, proportionality as a principle could be used as a basis to evaluate any electoral system (Grofman and Lijphart 1984; Lijphart 1994; Katz 1997). It is this very factor that made the inclusion of the “common principles” clause in the Amsterdam Treaty so appealing: it was thought that consensus on “principles” would be easier to achieve than on the more substantively binding “procedures.” But, in the end, the only proposal that refers to “principles,” the one based on a 1998 report by Georgios Anastassopoulos, does not clearly distinguish between “uniform procedures” and “uniform principles.” The *idea* of uniform principles seems to carry normative strength, even if there is little substance in its application.

I will use this institution-based framework for explaining the persistent diversity in European electoral systems. In each period of the chronology that I described earlier, I will show how the relevant actors (political parties or MEPs), pursuing interests shaped by their

³ This was not the first proposal for direct EP elections, but it was the first one that separated uniformity from direct elections.

institutional context, decided the rules to be used for EP elections. The installation of legal constraints to establishing uniform procedures during the first period is particularly important, since they basically formalized the ideational positions held by domestic elites during that time and have continued to impede electoral reform. This analysis shows both the ideological power of the supranational project on domestic choice of electoral institutions and how this choice had lasting consequences on attempts to implement reform. And, on a methodological note, this paper exhibits the usefulness of the historical institutionalist approach in explaining electoral reform, an approach that, to my knowledge, has yet to be used for this purpose. As Pierson (2000) has noted, genuinely historical analysis is an appropriate research strategy for explaining institutional change, and this project demonstrates the viability of the paradigm.

Space does not permit detailed description of the politics of electoral reform in each member state; a case study approach will be used instead. Table 1, above, displays the electoral systems at the time of the 1979 elections. While three countries refused to deviate from their national systems, only Britain stands apart in its use of a plurality, rather than PR electoral system. Of the countries that did change systems, the most radical change came in France, from a majoritarian to a proportional system. These two cases, then, should prove an interesting test for the usefulness (explanatory power) of my framework: while there is deviance regarding electoral systems, both countries have a history of skepticism regarding supranational governance, particularly competitive party systems, and exceptionally long histories of representative democracy.

1974-1979: Direct Elections Legislation: Setting Constraints

The UK: Electoral Systems and Sovereignty

From the outset, the desire to use PR in EP elections and similarly reform the House of Commons electoral system has been a primary element of the Liberal (and then the Liberal Democratic) agenda in the UK.⁴ The Liberals, led by David Steel, argued that every other EEC country (except France) allots seats according to PR; the Liberals had received about 19% of the vote in the 1974 election which they felt entitled them to more than the 2 EP seats they were given (and many more than the 2 Westminster seats they had won). The Liberals' complaint that the first-past-the-post (FPTP) electoral system unfairly misrepresents the amount of support that the party receives from the voters is the crux of their decades-long struggle to bring PR to the UK. This interest was a bargaining point for the party in negotiating its alliance with Labour in 1977. Why were the Liberals so adamant about PR for the EP which, at the time, was a nearly powerless institution? The party was most likely looking to the future and the hope, not just of electoral rewards in the EP, but for additional pressure for electoral reform at Westminster.

The ruling Labour party was split on the issue of whether or not to have direct elections altogether. There was much debate both in the cabinet and the House of Commons on whether the UK's June referendum on remaining in the EC was inseparable from a commitment to direct elections. Furthermore, the UK, bent as it was on using its FPTP system, insisted that an amendment to the EC Treaty would be necessary because of the discrepancies between the not-so-"uniform procedures" among the Member States. Such a Treaty amendment would require the amendment to be written and ratified, while individual countries would still have to work out their own electoral arrangements before national legislation could be passed. For all these reasons, it was thought that Britain was single-handedly preventing the EC from meeting its self-imposed deadline for direct elections. Home secretary Roy Jenkins asserted that if the UK

⁴ Except where noted, information about the British route to direct elections and beyond is from Boivin 1976; Cook and Francis 1980; Huber 1981; Mair 1994; Norris 1995; Butler and Westlake 2000; and Corbett et. al. 2000.

dragged its feet with direct elections legislation, “it would give credence to ‘the undesirable concept of a two-tier community’.” (*The Economist*, 3 April 1976). At the European Council’s December 1975 meeting in Rome, the UK disputed the agreement to hold elections by the previously agreed date (May of 1978) on the grounds of that date leaving insufficient time to draw up appropriate constituencies. Such “appropriateness” hinged on two problems: the possibility of vast under-representation of Scotland and Wales, and the Liberals’ slim chances of winning seats given a FPTP electoral system (*The Economist*, 31 January 1976).

The European Council Act of 20 September 1976 secured direct elections on the basis of existing national electoral systems, the allowance of a “dual mandate” (that is, allowing national MPs to be MEPs), a 5 year term limit for MEPs, and a recommendation that uniform electoral procedures be used to elect MEPs in future elections. Nine days after the Council Act, Labour’s left-wing dominated national executive committee (NEC) rejected the EC’s agreement for direct elections. The committee’s chief spokesman, Ian Mikardo, objected to direct elections on a number of grounds, relating both to partisan interest—elections would be slanted toward the Tories because of their tradition in supporting a united Europe—and national, ideological concerns—direct elections would likely empower the EP and thus reduce Westminster’s accountability, EP-national parliament conflict could empower the non-elected Commission, “the 81 seats allocated to Britain were not enough,” the common electoral programmes for parties in different countries would lead to coalition politics and possibly European political parties within the UK, and the need for large constituencies would lead to increased demand for a PR electoral system. Prime Minister Callaghan was criticized for signing the direct elections proposal, but he and his allies basically ignored the NEC’s views (*The Economist*, 2 October 1976). And still, there was the well-founded fear there was not enough time to decide on the

important procedural questions including the allocation of seats among the different parts of the UK and what kind of electoral system to use.

The question of the electoral system was uncertain. The only party strongly in favor of PR was the Liberals, but the Conservatives were completely opposed (though they solidly backed direct elections). Some of PR's merits had become evident to Labour. PR would prevent the Tories from winning the landslide that the British system would, in conjunction with the size of Euro-constituencies and sparse distribution of opposition voters, likely bring. Plus, since the EP does not form a government, the stable majority usually provided by FPTP would not be needed, a point seized on by PR proponents. And finally, the use of PR would not require as much time to draw constituency boundaries, thus enabling the UK to save face by meeting its May 1978 deadline. The downside to proposing PR was obvious: a direct elections bill that included PR would probably not pass the Commons.

Prime Minister Callaghan was in a difficult position. Since a parliamentary majority in favor of PR could not be formed, Labour was in a tight spot, being unable to push for direct elections without PR because of the new alliance, but being obliged to the rest of the EEC to get direct elections legislation passed on time. The debate over direct elections combined with the reemergence of Britain's electoral system as a contentious issue meant trouble for the already divided Labour party. Since the next British election was due in or before the next autumn, Euroelections before Commons elections would prove disastrous for Labour, because the Tory turnout in Euroelections was sure to be much higher than for Labour; this would likely bolster Tory confidence (and probably turnout as well) for the national election, as the second-order election model suggests. Just the same, given that most governments tend to be unpopular in the

middle of their office terms, if Euroelections followed national elections, the opponent of the national winner would likely do quite well in Strasbourg.⁵

In the end, direct elections could not be rushed; Britain opted in the middle of December for its own national electoral system, defying the Lib-Lab pact. The unusual bill called for both FPTP and PR along with this restrictive clause:

‘if after the passing of this Act, the House of Commons by resolution so directs...Assembly elections shall be held and conducted...under the simple majority system (for Great Britain) and the single transferable vote system (for Northern Ireland).’ Thus the House of Commons could vote in favour of [PR], but would at the same time retain later the right to substitute [FPTP]. By this device, the Government had given a free vote to its Cabinet members and the parliamentary party, as agreed upon in the Lib-Lab pact (Huber 1981, 160).

Prolonged debate over the bill’s third reading and the subsequent vote for FPTP prevented direct elections from taking place on time. The UK’s Boundary Commission was unable to publish even a provisional report for district lines until the summer of 1978, and a completed version of the boundaries was not ready until November 23 because of problems involved in translating the document into Welsh. The final debate over the bill also produced an amendment stipulating that subsequent treaties that increased the EP’s power would have to be cleared by Parliament.

The June 1979 EP elections saw only a 33% turnout in the UK, and the Liberals’ worst nightmare was realized: they garnered 13.1% of the vote for the Liberals’ transnational group, the ELDR (which included the French Giscardians), but didn’t win a single seat (*The Economist*, 16 June 1979). The ELDR won only 40 of the 410 EP seats, but they also made a number of shrewd moves in Strasbourg to win additional power. The first president of the elected Parliament, Simone Veil, was a Liberal and, most importantly for this analysis, two successive

⁵ The British government publicly argued that the decision on the date of direct elections should actually wait until April of 1978 in order to go together with the Copenhagen summit at which a declaration of democratic principles was to be announced, a thinly veiled excuse.

Belgian Liberals were appointed to head the EP's Political Affairs Committee (PAC): Jean Rey and, following Rey's retirement, Andre Damseaux. Before Rey left, he appointed Jean Seitlinger (EPP, France) rapporteur on the electoral reform issue.

France: Une et indivisible or Des régions?

Direct elections to the EP were as divisive in France as they were in the UK, but the nature and outcome of the French decision on PR were different.⁶ The relationship between the powers of national institutions and the powers of European institutions is an old problem for the French. Jean-Louis Burban writes that this conflict is between the *minimalistes* and the *maximalistes*, between those who want to reinforce the institutions before European elections and those who would rather wait until after the elections.⁷ The *maximalistes* denounced such “mythes” as the economically unified Europe, political unification, and the “*Europe negative*,” that is, the teleological end of the federalist project. They believed direct EP elections by universal suffrage should be the precursor to augmenting the EP's powers, because they would increase the EP's power and democratic legitimacy and invigorate the Commission and the Council to be more responsible in the tripartite power structure. This contingent also believes that the double mandate must be eliminated since it was causing absenteeism from the EP.⁸ The *minimalistes*, on the other hand, believed that direct elections prior to increasing the EP's powers would be a wet firecracker and would not allow for the rise of a people's Europe.⁹ The *minimalistes* supported the idea of the double mandate in order to assure an organic and

⁶ Except where noted, information about the French route to direct elections and beyond is from Burban 1977; Bibes et al 1979; Carstairs 1980; Cook and Francis 1980; Huber 1981; Ross and Jenson 1994.

⁷ “*Entre ceux qui sont pour un renforcement des institutions comme préalable aux élections européennes et ceux qui tiennent pour l'élection immédiate*” (Burban: 385).

⁸ This contingent also believes that the Euroelections “*doivent être l'occasion de mettre fin au « scandale » du cumul des mandats de parlementaire national et de parlementaire européen, qui explique entre autre l'absentéisme*” (Burban: 401).

⁹ “*un pétard mouillé, et non l'irrésistible ascension de l'Europe des peuples*” (Burban: 389).

sociological link between national parliaments and the EP.¹⁰ From this perspective, the *maximalistes* were seen as dangerously zealous on the question of democracy to the point that they were willing to sacrifice French sovereignty. Finally, there were some “*sceptiques*” who believed that the dispute between the two groups was not important, because it was the wrong argument. Rather, the more important question was whether or not parliamentary democracy would be a proper reasonable setup for a democratic Europe. The question of whether or not a change in the structure of the EP would increase its powers haunted the French case of direct elections and all subsequent EP electoral reforms.

Partisan divisions over direct EP elections cross-cut the standard ideological cleavages. The Gaullists, the only party in France whose EP members abstained from discussions over the Council Act of 20 September 1976, were adamantly opposed to direct elections. Former prime minister Michel Debré claimed that an elected EP “EP would be dangerously supranational, leading to inevitable conflict with national governments” (*The Economist*, 10 January 1976), as well as being unconstitutional. MEPs, it was thought, would not be content with the power they possessed but would continually seek more strength, such that France would lose still more of its independence to another supranational institution. Such legislation would require a constitutional amendment which would require a referendum to precede a decision regarding direct elections. The Gaullists demanded uniform electoral procedures, the proportional distribution of seats by population among the member states, a common election day, and an assurance that EP powers would not be augmented before direct elections would be seriously

¹⁰ “*un lien organique et sociologique entre Parlements nationaux et Parlement européen*” (Burban: 401).

considered. Prime Minister Chirac's position was milder, but still problematic: agreement to direct elections provided the EP's powers were not increased.¹¹

François Mitterrand's Socialists (PS) agreed to back Giscard d'Estaing on the condition that, instead of using the traditional French electoral system for Euroelections, PR be used instead. The PS was chiefly interested in maintaining the left's common program, which included a commitment to direct EP elections and PR, to secure domestic electoral gains. The Georges Marchais-led PCF was initially in favor of direct elections but, by 1977, its position had changed. The PCF objected to direct elections on the ground that such elections would threaten national sovereignty and push a capitalist Europe even further toward the common market under the control of the Germans and the Americans. Like the Gaullists, the PCF took the *minimaliste* position that EP powers should be restricted and, should direct elections be necessary, a PR electoral system. *Fédéralisme* was a professed fear of the PCF and the Gaullists. Most of Giscard d'Estaing's Republicans supported the president, but many believed that instead of an elected EP, the EEC should have a European "Sénat" modeled after the French Senate.

The question of the electoral system was a tricky one. While the British system underrepresented third parties, the French system was known to overrepresent the Republicans, so support for a different electoral system was not hard to find. The French have had more extensive experience with different kinds of electoral systems than any other liberal democracy (Cole and Campbell 1989), so using PR did not seem as threatening as it did to the British. The president was willing to allow PR to appease the PS, but the problem of districting was divisive. While most centrists preferred regional voting, neither the Gaullists nor Giscard d'Estaing

¹¹ "Oui aux élections directes, mais à condition qu'elles ne s'accompagnent pas d'un accroissement des pouvoirs du Parlement européen" (Burban: 384).

approved of it. Such a setup would be a breach of the concept of France, *une et indivisible*, as it would result in the election of Bretons, Corsicans, and so forth, as opposed to Frenchmen.

The president's first victory came on the penultimate day of 1976: the constitutional council handed down a decision certifying the legality of direct EP elections, as long as legislation did not provide for regionally based voting or threaten national sovereignty. However, as part of the decision, the council included a definition of national sovereignty that ensured that any formal increase in the EP's power would, in fact, require a constitutional amendment. This was a success for both the Gaullists and the president, since they both argued against regional constituencies. The council's decision thus ensured that list-based PR could only be used in conjunction with a single, nationally-based constituency. Legally, then, Giscard d'Estaing was on solid ground to discuss EP elections, although this decision continues to affect the reform issue today, as I will explain later.

The next barricade was breached in April of 1977 when the PCF came out in favor of direct elections. Marchais said that the Communists would support such legislation as long as it included a promise that no new powers would be given to the EP, a promise that cost nothing for Giscard d'Estaing to make since the constitutional council had already made it for him. But why did Marchais suddenly throw his support behind direct elections? There are two possible reasons. First, he did not want to remain in disagreement with the PS; the left's common programme was being renegotiated at this time and its agreement on PR extended back to 1973. Second, "the bell-weather Italian Communists have always been for direct elections" ("France's Communists are learning to love Europe, maybe," *The Economist*, April 23, 1977).

With a week to go before ratification talks were to begin in June, however, Jacques Chirac created a stir again. He announced that the Gaullists would not accept the direct elections

legislation and, in fact, demanded a renegotiation of the Council Act. Debré's *minimalisme* had apparently had its effects on the Gaullist camp which was now split on the direct elections question. Chirac could not afford for his party to be divided when a national election was around the corner, so postponing the issue seemed like the best tactic.

President Giscard d'Estaing, however, had other plans. He instructed Prime Minister Raymond Barre to invoke Article 49 of the French constitution which converted ratification into a vote of confidence: the RPR could choose to either censure the Cabinet and bring down the government, or allow the legislation. The Gaullists would have been ill-advised to challenge the government on an issue that was marginal in the eyes of the electorate: the Direct Elections Act was ratified on 21 June 1977. An electoral procedures bill, including PR with a national constituency, was passed a week later, thus committing the French to direct elections in 1979.

As in Britain, domestic political and ideological concerns were evident in France. Party politics certainly played a role in securing an electoral law, as the need for leftist solidarity and the parliamentary showdown with the Gaullists makes evident. But there were also considerations relating to national sovereignty and the related principle of indivisibility of the Republic that inspired a legal constraint: the 30 December 1976 decision that barred introducing the European norm of regional constituencies. The continuing salience of these issues into the 1990s impeded recent reform efforts, just as they support the claim that actors not only might make institutional choices on the basis of what is appropriate as much as by what is effective (Pierson 2000, 478), but that it is often uncertain as to what the most effective choice might be.

1979-1992: Supranational Proposals for Uniform Procedures

Following the 1979 elections, the question of uniform electoral procedures passed to the supranational level of decision-making. Three problems dominated these efforts. First, it was up

to the EP to decide just what “uniform procedures” meant, and the Council had to approve the decision before member states could enact it. Second, timeliness was an issue: each proposal argued for legislation to be passed in time for the subsequent EP election, but debates over the proposals in both the EP and the Council prevented deadlines from being met. And finally, the same institutional and ideational factors that haunted domestic decisions regarding direct elections and the electoral system ensured that the Council would reject those proposals that conflicted with national interests.

Uniformity

Each proposal that came before the EP put forth a different idea of procedural uniformity. Table 1 shows the provisions of each proposal between 1982 and 1998. The d’Hondt highest average formula, the most popular PR formula among liberal democracies (Lijphart 1994), was most often chosen by the EP, but the most important common element among the proposals was that PR was taken for granted. List PR was generally preferred, although the joint proposal by the Political Affairs Committee (PAC) and Committee on Legal Affairs (CLA) called for the Irish, single transferable vote (STV) system. Perhaps, however, the most interesting aspect of these proposals is the number of factors that were optional, left to the discretion of the member states. The de Gucht proposal actually embraced an idea of uniformity so broad that Council President Lamassoure declared that it was not specific enough. On the opposite end of the spectrum, the PAC-CLA proposal was so narrow, and required all member states other than Ireland to amend their electoral formulas, that it stood little chance of being adopted.

Another important element of uniformity was the fact that the idea of uniform principles was codified in the Amsterdam Treaty. On September 30, 1997, the Committee on Institutional

Table 1: EP Proposals for Uniform Electoral Procedures/Principles

Rapporteur	Formula	Apportionment	Magnitude	Preferential Voting	Threshold
Seitlinger ₁ (1982)	D'Hondt	Regional	3-15	Optional	Optional
Bocklet (1985)	D'Hondt	Regional or national	3-15 or member state total	Optional	Optional, 5% max
PAC-CLA ₂ (1986)	STV	Regional	5-15	Mandatory	Optional
De Gucht ₃ (1992)	Optional	Optional	Optional	Optional	Optional, 3%-5% max
Anastassopolous ₄ (1998)	D'Hondt	Regional	Optional	Optional	Optional, 5% max

1. Also provided for alterations in apportionment and magnitude due to ethnic or geographic factors mentioned in the member state's constitution, suffrage for all member state citizens regardless of the state where they reside, the right of nationals to stand for candidacy regardless of their place of residence, and the right of nationals from one state to stand for election in another provided they have resided there for at least 5 years.
2. Apportionment and magnitude provisions would be mandatory only for member states with at least 6 seats.
3. Also provided for incompatibility and stipulated that member states using FPTP would be required to allot 1/3 of the total seats "in such a way as to ensure that the distribution of all the seats of this Member State corresponds to the proportions of the total votes cast" and that Member States must bear all costs for holding elections and appropriately inform the electorate of the EP political forces' activities, principles, and objectives.
4. Regional apportionment would only be mandatory for member states with populations exceeding 20 million. Also provided for incompatibility, 10% of the total EP seats to be decided by list-based PR in "a single constituency comprising the territory of the European Union Member States" beginning in 2009, and special arrangements to take account of a member state's regional characteristics as long as the "principle of proportionality" is not violated.

Affairs was authorized to draw up a report for a proposal for an electoral procedure, for the first time specifically incorporating common principles. In On May 26, 1998, the Committee adopted the motion for a resolution, and on July 15, 1998, the EP adopted the resolution with the intention of reforms being implemented for the 2004 elections. The draft Act was finalized by the EP in November of 1999 in a form quite different from Anastassopoulos' report, and there are still disputes being worked out in the Council to this day, such as the British and Irish refusal of adhering to the incompatibility principle.

The Anastassopoulos proposal bears many resemblances to previous reform proposals, but it is the differences that make it striking. Most notable is the Eurolist: a provision for ten percent of total EP seats to be decided by list-based PR in “a single constituency comprising the territory of the European Union Member States” beginning in 2009, and the allowance for special arrangements to take account of a Member State’s regional characteristics as long as the “principle of proportional representation” is not violated. The version of his proposal currently being discussed by the Council, it should be noted, is actually quite different from the original proposal: the draft Act has cut out the Eurolist proposal and, due to French and Spanish resistance, the regional list requirement has been scrapped as well.¹² The only other hint in the draft Act that “principles” rather than “procedures” are being considered here is in the claim that the Act is supposed to enable MEPs to be elected “in accordance with principles common to all the Member States.” Otherwise, these provisions seem to refer to procedures.

The Explanatory Statement, on the other hand, shows a profound interest in determining what “common principles” might mean. Anastassopoulos believes that such principles do *not* include voting entitlement, the way in which a vote is exercised (optional or compulsory), eligibility for election or incompatibilities,¹³ and provisions concerning “the conduct of election campaigns;” these powers should remain with the Member States. However, the rapporteur cites two common principles: the principle of proportionality, and the “close relationship” principle.

The principle of proportionality is the idea that a uniform system “should take account, overall, of the vote cast throughout the territory of the Member States so as to enable the full

¹² Some discussion of the French objection to regional constituencies has already come up, and the most recent domestic proposal along these lines will be discussed later in this paper.

¹³ The rapporteur does note, however, that Article 6 of the Council’s Act of 20 September, 1976 states that Community level offices are incompatible with the office of MEP and allows for each Member State to lay down national level incompatibility rules as well. Article 7(2) also stipulates that Member States shall govern their own electoral procedures pending the enforcement of a uniform electoral procedure.

range of views within the member States to be taken into consideration and represented.”

Politically, proportional voting “represents a useful compromise between justice and efficiency, given the political composition of the Council and the Commission.” This refers to the tendency of the political majority within these two institutions to reflect the one that emerges following EP elections. However, it is also noted that such a system is politically justifiable only “until there is a proper European government in place, operating on the basis of a majority system, and also a European opposition.” Like de Gucht, Anastassopoulos is looking forward to a federal EU.

The “close relationship principle” is that which must be implemented in order to strengthen “the links between the electorate and its representatives.” Anastassopoulos notes the importance of this by referring to the EP’s responsibility to “‘Europeanize’ issues.” It is further suggested that “an electoral system which will mobilize the maximum number of voters” is necessary since “if citizens do not vote, or vote only for national political reasons relating to each Member State, such elections will have no effect on the legitimacy of the Union.” So, an electoral system must establish a “close relationship” by facilitating the “Europeanizing” of issues, increasing voter turnout, and establishing more European, transnational parties.¹⁴

While the inclusion of the phrase “common principles” seems to be a significant addition to the Treaty, there is little evidence that the debate changed significantly. The draft Act based on the de Gucht report states that MEPs “should be elected in accordance with a uniform electoral procedure based on the *principle* of proportional representation,” before continuing to adopt a series of “principles” among which “a system of proportional representation” is among them. It seems strange that de Gucht would use the word “principle” when, at the time, procedures were being discussed, not principles. It is particularly strange that, in de Gucht’s

¹⁴ The need for a transnational party system is most clearly advanced in a report by Dimitris Tsastos (PE 218.741, Resolution A4-0342/96).

1991 interim proposal, the word “principle” never appears; there is reference only to procedures. Anastassopoulos differentiates between principles and procedures in the explanatory statement, but in the motion for resolution and final draft act, the difference between the two is muddled. In his explanatory statement, he claims that de Gucht’s desire for basic features was a precursor to the idea of “common principles.” Considering that the motion makes reference to the “principle of proportional representation” twice and claims that de Gucht’s 1993 resolution “did not explicitly propose a uniform electoral system but merely general guidelines,” it seems that the debate may be over whether or not PR is a principle or a procedure. But, whatever PR is, there is consensus on its desirability. Given the difficulty of convincing member states to give up nationally-recognized procedures, it should not be surprising that PR’s substantive importance seems to lie not in its expected electoral benefits, but in its popularity on the continent.

Timing

EP rapporteurs were all careful to include a timetable in their proposals. Generally, proposals and subsequent draft acts called for the upcoming EP elections to be based on the would-be uniform procedures. Proposals were discarded when it became evident that Council agreement would not be attained. On an institutional issue so fundamental to the EP’s makeup and perceived democratic legitimacy, the Council would not consider a proposal whose time had lapsed, such that MEPs who had voted in favor of a particular proposal were no longer in office.

We can see how timing played an important role in preventing Seitlinger’s ideas from being implemented. The Council of Ministers set up a working group to discuss the draft Act based on his report in May of 1982, but by the time the group made its report to the Council in December of that year, consensus on the main points of the act had not been reached. The problem was that those countries that did not use a list system in their national elections (the

UK and Ireland) objected to the provision of list-PR. Seitlinger took a tour of the capital cities of each EC member in a vain attempt to instill a sense of urgency in the idea of uniform electoral procedures (*The Economist*, 30 October 1982). In May of 1983, the Council gave up, merely issuing an official recognition of the importance of the issue and a plea for Member States to fulfill the promises made in Article 5 of the Seitlinger report regarding the voting rights of nationals. The failure of Seitlinger's report and the months of discussion before and after its presentation halted the drive toward uniform procedures for the next two years.

In an effort to give the Council sufficient time to consider a proposal (with the hope of instituting new electoral procedures for the 1989 elections), Reinhold Bocklet (EPP, Germany) was appointed not long after the 1984 elections and had a proposal ready for committee discussion early in 1985. The drawback to this speedy approach, however, was that it did not give adequate time for PAC to discuss the proposal. The result was that PAC's adoption of the report on 28 February 1985 was indecisive: 16 votes in favor, 8 against, and 13 abstentions. The votes were also split within the party groups, the Socialists being split three ways. Furthermore, there was opposition to this proposal from the EP's Committee on Legal Affairs (CLA) which demanded genuine uniformity of procedures. The Bocklet report was then discussed by the proposed PAC-CLA working group which was chaired by Bocklet himself. By the end of the working group's first meeting (March to July 1986), a number of basic electoral principles were agreed upon: thresholds would not be allowed, there would be a compromise between list-based PR and constituency-based voting for individual candidates: the Hare system of PR would be used, the working party believing it to be less complicated than d'Hondt.¹⁵ The proposal was supported by a wide majority of the working group by December, 1986. Unfortunately, by the

¹⁵ The Hare system is better known as the single transferable vote (STV) method of PR. It has been used in Ireland since 1922 and, with variations, in Malta as well.

time consensus was achieved, the working party had run out of time. The EP could not be expected to both pass the document and move it on to the Council for a unanimous decision, particularly while the Council was busy dealing with Spanish and Portuguese accession. Majority support of MEPs would certainly not be possible in time for the 1989 elections, considering the sweeping change to STV that was being proposed. While timing may not be central to the PAC-CLA failure, the episode does demonstrate the EP's concern with the need for sufficient time for the EP and the Council to discuss proposals.

When Karel De Gucht was appointed rapporteur after the 1989 elections, the need for a broad consensus was acknowledged and dealt with from the outset. The importance of electoral reform had been reinforced recently by German unification, which required reworking the rules for German representation in the EP. So, the preparation of the report was a three year operation, characterized by the creation of an informal working party (involving the chairman of the Committee on Institutional Affairs, De Gucht, and a representative from each political group) and lengthy negotiations. These discussions revealed the deep divisions between MEPs on the definition of uniformity; the proposal eventually presented to the Council was rejected on account of its generality.

Domestic Institutions

Finally, it must be reemphasized, the makeup and fate of each EP proposal was colored by the domestic institutions and interests mentioned earlier. The Seitlinger proposal, for example, was originally modeled after the German electoral system not just to secure German backing, but also because some sympathetic Tories advised British Liberals that this system was the only one that "might conceivably be approved by the British House of Commons," currently under the control of Margaret Thatcher's party (*The Economist*, 10 October 1981). As it turned

out, however, while the Bundestag system was popular with European Democratic Group members of PAC, it did not appeal as much to the Christian Democratic members, and the Liberals themselves preferred a more proportional system. The version of the Seitlinger report that was passed, of course, called for a list PR system, that being one of the only things on which a majority of MEPs could agree. After a year of discussion, the Council could not form a unanimous agreement on the proposal: as Rey had feared, Britain was the holdout.

Meanwhile, in France, PR was hardly a debatable point and voting rights had not yet become controversial, but “regional constituencies...go against the constitutional principle of the indivisibility of the Republic.”¹⁶ During his tour of the European capitals, Seitlinger, a French Giscardian MEP, found difficulty convincing the same countrymen who stood in the way of direct elections: the Communists and the majority of the Gaullists. President Mitterrand was hoping to support Seitlinger but was bound both by the December 30 decision and by Marchais’ opposition. Mitterrand could not afford to split the ruling left-wing coalition, and the voting in the 1984 EP elections was bound to be a “quasi-plebiscite” for his government, while the new, far right National Front was sure to cut into the left’s EP majority (*The New York Times*, 11 June 1984). So, Seitlinger left Paris without a promise for support.

The British Liberals were also making their presence known during the discussions over the Bocklet proposals. The widespread feeling in the EP was that they were too broad, but there was also a need to act quickly, “in order to help the Spaniards and the Portuguese and to put pressure on the British” to keep up with the rest of Europe (*The Economist*, 4 May 1985). The idea behind the Bocklet report had been to give the Council plenty of time to reach a unanimous decision but, of course, the problem of forming an EP majority was the result of rushing EP

¹⁶ “*le cadre de circonscriptions régionales...heurte le principe constitutionnel de l’indivisibilité de la République*” (Avril and Gicquel 1983: 142-143).

deliberations. An effort was made by the Liberals (along with the Italian Communists, the Greens, and the Socialists without the British Labour members) to introduce amendments to the Bocklet report which, it was thought, would allow it to be approved more quickly, leaving only the majority of British MEPs and the French Communists in opposition. Again, however, these attempts failed, and the subsequently proposed genuine procedural uniformity was also rejected.

Karel de Gucht was well aware of the likelihood of a British veto when he was appointed rapporteur. Hence, his original proposal was only for a step-by-step approach to uniform principles. By the time this initial report was approved by the EP, however, Paddy Ashdown's Liberal Democrats were threatening to sue the EP if it neglected to push for PR by the 1994 elections. In the Commons, the Plant Committee presented a report in July of 1991 that recommended modifying Britain's electoral rules toward either the alternative vote or the additional member electoral system. Labour made it known that, if the party won the next national election, the Plant Committee report would become the basis for discussing electoral reform more seriously for Westminster. The wheels were slowly turning for reform, but by the end of 1992, Prime Minister John Major was adamant: "our tradition in this country," he was quoted as saying, "is to maintain a direct relationship between the elected member and an individual constituency and that tends to argue for the 'first past the post' system. I don't myself imagine that we are likely to change that." (*The Financial Times*, 22 December 1992). The final de Gucht proposal of 1993 caused an even bigger stir. De Gucht joined the Liberals in threatening to take the UK to the ECJ in Luxembourg if the UK continued to hold out (*The Herald*, 11 March 1993). But, despite De Gucht's concessions to draw Britain into the PR fold, the UK was committed to its own system.

In France, the De Gucht proposals also ran into trouble, but they did so on an issue that was not unique to the French. This time, the problem was with that original proposal stipulated a threshold of 5% for party lists to win seats. The French Greens protested loudly, along with the British Greens and Liberals. A compromise was reached in which De Gucht amended the interim proposal to allow Member States to adjust their threshold between 3% and 5%. This was all the French needed to approve the subsequent proposal, although the British, as noted above, continued to stall.

These reform proposals demonstrate the difficulty in coordinating the supranational decision-making process with the anticipated interests of the member states. The UK's intransigence was a constant barrier, despite rising intra-EC pressure. In the meantime, the Liberals were the only force in the UK that pushed hard for PR; their sympathizers in the EP could only do so much to support their case. Meanwhile, these reform proposals have very little bearing on France which already made the appropriate move toward uniformity by adopting PR during the 1970s. The other supranational difficulty related to Article 138: how should "uniformity" be interpreted? While the rapporteurs had different opinions on this question, it was implicitly understood that the looser interpretation would be most likely to win the day; hence, the hostility to the PAC-CLA's 1986 proposal.

Recent Reforms: 1998-present

Britain: PR at last

By the time the Anastassopoulos proposal was made, electoral reform in Britain had begun to appear inexorable: both domestic party politics *and* international pressure were pushing against the status quo. At the end of 1994 and again in July of 1996, the Germans threw down a gauntlet to Britain, singling out the British refusal to reform its electoral system as an obstacle to

a genuinely European democracy and EP legitimacy. At the end of 1996, Ashdown and Blair renewed their parties' alliance over commitment to a series of constitutional reforms among which PR for Euroelections was at the top of the list. In January of 1997, Tory MP Hugh Dykes broke ranks, claiming that he was willing to discuss electoral reform with the newly reunited Liberals and Labour, a maneuver that, Ashdown was quick to note, demonstrated John Major's misreading of both the public's wishes and his party's wishes (*Press Association Newsfile*, 6 January 1997). In the UK's May 1997 national election, Labour won a 180-seat majority over the Tories, sweeping Tony Blair into power. Less than a week after Blair took office, Lord Plant pressed Blair to make good on his promise to the Liberals to implement electoral reform for the EP (*The Herald*, 10 May 1997). With Labour's sizeable Westminster majority, Blair could probably have done without the Liberals' backing. But, in an effort to maintain the symbolic "end of tribal politics," Blair made an effort to keep on good terms with his allies. This alliance, however, hinged on the same old issue: electoral reform. For the time being, reform of the Westminster electoral system was on the back burner. Rather, there were now signs that the government would not agree to PR for Euroelections. Home Secretary Jack Straw opposed PR for British elections, and he and his allies claimed that there was insufficient time for a PR system to be operational by the 1999 elections. However, the Liberals had not forgotten his (or his predecessors') commitment to electoral reform and, on July 17, 1997, the government announced that reform legislation would be introduced in the coming autumn. Straw claimed that "time will be found for legislation this session which will allow the next European elections to be held using a system of PR" (*The Scotsman*, 18 July 1997). Five days later, Blair set up a Lib-Lab cabinet committee to concentrate on the reform specifics, and he appointed Lord Jenkins to head a commission for discussing Westminster reform.

The closeness of the Lib-Lab alliance was politically savvy for both parties. Blair could defend his policies against the Tories by showing how much agreement there was for Labour's issues, backed up as they would be by the Liberals. Preserving the alliance would also be useful in the case of a hung Parliament, since Labour would then require third party support to remain in power. And the Liberals had plenty to gain from the alliance as well. Apart from the promise of the long-sought electoral reform, "all the constituencies which the Lib Dems could hope to gain in future general elections are Tory-held, and the key to winning them would be tactical Labour voting for the Lib Dem candidate" (*The Economist*, 26 July 1997).

In March of 1998, legislation for closed list PR passed the Commons and, in the 1999 EP elections, the British Liberal Democrats were vindicated. They won 12.7% of the vote and received 10 seats in return. Although this was less than 2% of the EP's 626 seats, the Liberals were finally obtaining seats in proportion to the percentage of votes they received. The Liberals' transnational list won 51 seats, the third highest total, and the 10 UK seats were the most won by a single country's participants on that list. Meanwhile, support for Labour plunged. Blair's party won only 29 seats compared to the Tories' 36, but the real story was in the vote totals: 28% of the vote for Labour, 35.8% for the Conservatives. Seat shares were in proportion to vote shares, just as the new electoral rules dictated, and votes were cast for parties, not for candidates. Just as past governments had feared, the mid-term slump hit the governing party; in fact, the governing socialists were all hit hard: the Party of European Socialists (PES) won only 180 seats compared to the European People's Party's (EPP) 233. Perhaps the most interesting aspect of the election for the British case is the election turnout. Despite all the surveys that reformers and commentators flaunted that displayed the public's desire for PR, turnout plunged from 36.4% in 1994 to an abysmal 24.4% in 1999. Surely the new electoral system was only a part of the story:

the only countries whose EP election turnout did not fall were Spain, Portugal, Belgium, and Ireland. Germany, Finland, and Austria all saw turnout plunge more than 15%. So, although it has been shown that PR increases turnout somewhat (Blais and Carty 1990), this is a case in point that there is more to explaining electoral turnout than the electoral system.

France: Non to regional constituencies, Oui to incompatibility

In France, the issue of electoral reform had been quiet until 1998.¹⁷ On June 10, 1998, the Minister of the Interior, Jean-Pierre Chevènement, presented a bill before the National Assembly aiming to modify the 7 July 1977 direct elections law. Specifically, Chevènement sought to introduce regional constituencies to replace the single, national one for two reasons: to establish a stronger link between MEPs and voters and to allow for regional differences in the distribution of party support.¹⁸ By redrawing France as eight separate, multi-member districts for EP elections, he states, equitable representation of diverse political interests can be instituted without privileging “*une représentation géographique.*” So, the bill divides France into seven main regions of between 6 and 16 members along with a 3-member over-seas (*l’outre-mer*) constituency, and it also provides for the manner in which lists are to be drawn by the parties in each district.¹⁹ This would accomplish three things: strengthen the elector-elected link, better represent the political currents, and move toward uniform principles for EU elections in accordance with the specifications of the soon-to-be adopted Anastassopoulos report.²⁰ This bill became the source of some intense debate among the members of the 74-member constitutional

¹⁷ Except where noted, my discussion of the recent reform proposals in France are from the Chevènement, Dolez, and Roman documents noted in the bibliography.

¹⁸ In the text of the bill, Chevènement writes that “*le lien entre l’électeur et l’élu se trouve excessivement distendu,*” because “*l’anonymat des listes nationales*” discourages voting. He also claims that the current proportional system “*ne garantit pas une représentation de notre pays dans sa diversité géographique.*”

¹⁹ This bill also made some provisions for the duration of political radio and television commercials as well as deposits made by the list candidates. I have excluded these details of the bill to focus on the question of electoral system reform.

²⁰ In Chevènement’s words: “*rapprocher les élus des électeurs,*” “*représenter les courants politiques,*” and “*aller vers les principes communs à tous les Etats de l’Union européen.*”

law commission along a number of different dimensions. However, commission members demanded a series of amendments.

As described in a report presented by Marc Dolez before the Assembly, the proposed bill had come in response to Lionel Jospin's desire, as proclaimed in June of 1997, for the modernization of political life.²¹ Insofar as this desire involved the EP, Dolez writes, the French recipe for PR had been good twenty years earlier, but subsequent events like the increase in EP powers, European enlargement, and the growing discrepancy between the public's awareness of the EP and the EP's powers transcended the electoral system such that the electoral system no longer fulfilled its purpose and required change. After showing how the powers of the EP have increased out of proportion with the public's indifference over the past two decades, Dolez suggests that the low turnout is partially because the EP always seems distant and very complicated to people. This is partly a function of geography; not only is Brussels far away, but the national constituency used in EP elections prevents many Frenchmen from being represented since, for example, more than 40% of MEPs come from the Paris region, a phenomenon he calls "*parisianiste*." Chevènement's bill tries to remedy these defects to improve the EP's image and secure citizens' support.²²

The National Assembly's Commission of Constitutional Laws met on July 1 to discuss the proposals.²³ Some of the critiques of the bill were legal in nature: after all, the constitutional council's decision of December 30, 1976 was still in effect. Catherine Tasca insisted that parity be assured on party lists (which was agreed to by Chevènement). Other Commission members raised the fear that the proposed reform would cause "*une atomization de la représentation*," and

²¹ Dolez: "*une modernization de notre vie politique*." Dolez's report was presented 10 July 1998, 5 days before the EP approved the Anastassopoulos report.

²² Dolez: "*pour valoriser le Parlement européen aux yeux de nos concitoyens et susciter leur adhésion à cette institution*."

²³ Summaries of the Commission's debates are included in Dolez's report.

that the entire reform proposal was a political maneuver by the smaller, regional French parties in an attempt to gain power.²⁴ The question of the double mandate, concerning which another bill was pending, was also a problem for some Commission members. Finally, Jean-Pierre Michel dismissed the idea of electoral reform completely, taking the *sceptique* position that the disinterest of the citizens has less to do with the method of election than with the EP's technocratic character. With some exceptions, it was generally agreed that the proposed reform would be in keeping with the "uniform electoral principles" that had been introduced in the EP.²⁵ In the end, while Chevènement was willing to compromise to win over some committee members, the National Assembly was never convinced, as the legal matter was not overcome.

The second issue, the double mandate with which many critics of Chevènement's bill were so concerned, has a more successful history. This bill passed its first reading in the National Assembly in May of 1998 and was written into law on 8 March 2000. Support for incompatibility was obviously much greater, but why? The bill, also drawn up by Chevènement, called for incompatibility between the office of MEP and, not just the national MP, but those of the mayor, regional councilor, and many other national and regional offices. Many of the same reasons for introducing regional constituencies were offered for such a change: the modernization of political life, a rapprochement between electors and elected, transparency of decision-making, fitting in with the rest of Europe,²⁶ and a reduction of the technocratic character of elected leaders. But this was also a legal matter: on December 30, 1985, a law had been passed in France that declared that a parliamentary mandate could not be held in conjunction

²⁴ Chevènement denied this accusation, pointing out that the bill was being submitted over a year before the next EP elections were to be held.

²⁵ Dolez: "*plus satisfaisant que celui actuellement en vigueur, parce qu'elle permettait de rapprocher la situation française de celle de la plupart des pays européens.*"

²⁶ Actually, while it was noted that France was unique in allowing so many mandates to be held simultaneously, each of the other Member States have fairly diverse rules on this issue (van den Berghe 1981: 196-197).

with more than one other mandate. In this respect, the incompatibility principle was just another step down a path.

The question of how inclusive the double mandate was supposed to be caused problems. For example, the Commission of Constitutional Laws pressured the National Assembly to accept an amendment to make the office of deputy incompatible with the office of the French Bank's Council of Monetary Politics. The National Assembly also wanted to prevent any conflicts of interest that might prevent elected officials from exercising their mandate.²⁷ The Senate objected to many of the Assembly's provisions but eventually gave way on most objections, including allowing for limiting the number of mandates held to two but, until the bill's final reading, refused to restrict holding local office while also being an MEP.

Many members of the Commission of Constitutional Laws found the Senate's dissent troubling. Pierre Albertini noted the unfairness of the Senate's restrictions on the National Assembly that were not extended to the EP.²⁸ Albertini and others questioned the Senate's "archaic" stance on the question of mandate cumulation. But on the question of the MP-MEP double mandate, incompatibility was never disputed. The Anastassopoulos proposal verified the Assembly's position: an MP elected MEP would no longer be allowed to exercise his or her first mandate.

Conclusions

This paper demonstrates the difficulties involved in agreeing to uniform electoral procedures. On the member state level, party politics were definitively important. In Britain, electoral reform was a Liberal Democratic issue from the start while the Conservatives, having

²⁷ Roman: "*l'exercice de certaines fonctions publiques ou privées, afin de préserver les élus de tout conflit d'intérêts et de leur assurer la disponibilité nécessaire à l'exercice normal de leur mandat.*"

²⁸ Roman *pace* Albertini: "*il était anormal que les membres du Parlement européen soient traités plus durement que les membres du Parlement national.*"

nothing to gain from PR, rejected it. The Liberals reaped their dividend in 1999, after the intensification of international pressure on the UK coincided with the electoral interests of the Labour party. The French left likewise pushed for PR in 1977 in order to show solidarity before the upcoming elections, while the new system later gave the National Front an opportunity to make its presence known. Domestic constraints on the passage of a supranational bill were demonstrated by the UK's adherence to FPTP and France's refusal to draw regional constituencies. Meanwhile, political expediency dictated particular definitions of uniformity, as MEPs tried in vain to enforce electoral system convergence. This problem was magnified by another structural difficulty on the EP: time. Reform proposals were made with the intention of instituting reforms for the next elections. Once it became evident that a proposal could not be approved in time, enthusiasm faded. The most recent proposal will likely remain on the table as long as the chances of instituting reforms before the 2004 elections appear significant to the Council.²⁹ The current proposal no longer says much of anything, most of Anastassopoulos' innovations having been scrapped. It will be interesting to see how long France, with Corsican devolution having reasserted its importance, remains opposed to regional constituencies.

Ideas are important here for two reasons. First, ideational factors related to national sovereignty inspired the UK and France to resist legislation of direct EP elections. Whether we consider the UK's tradition of FPTP elections, or the French principle of the indivisibility of the Republic, or the fear from both countries of a powerful EP pushing member states down a federalist path, there is considerable evidence that these concerns framed the political debates. The substantive applicability of the first two concerns to supranational governance is questionable, but they inspired both states to install legal devices to avoid these perceived

²⁹ It's interesting to note that this is one of the few issues on which the EP has the power to initiate legislation and wherein the Commission's role is minimal.

problems, one positive and one negative: the British electoral law's option between PR and its national plurality system, and the French constitutional council's decision of 30 December 1976. These difficulties spilled over into the supranational level. As the discussion of electoral reform demonstrates, no reform proposal was made that did not make some special provision for the UK. Since the Council decision on an EP bill had to be unanimous on this point, appeasing the British was a necessary condition for passing legislation. And there is a second way in which ideas play into this matter: the lingering question of what uniform electoral procedures are, anyway. The rejection of the CLA-PAC proposal is proof positive that strict uniformity was unacceptable for the EP, particularly when the EP requested substantial changes in all but one member state. The more broad the proposal, the more approval it won, but attempts to force convergence on this issue were still so unsuccessful that they required a Treaty revision. And, despite Anastassopoulos' efforts to deal with the difference between the words, as I have shown, there does not appear to be much difference in the actual proposal. How (or whether) political actors will (be able to) circumvent a reform proposal based on "principles" remains to be seen.

This analysis demonstrates the explanatory power of the historical institutionalist approach in explaining institutional change. The emphasis on an institutional context that empowers, constrains, and affects the goals of key actors allows for the development of a particularly appropriate framework for explaining electoral reform in the EU, especially given the novelty of the very institutions under consideration. While other analyses of electoral reform take for granted elites' interest in maintaining the rules that brought them to power, the EP is a different beast altogether. And, while focusing on EP electoral systems provides an interesting perspective on member states' changing perceptions of the EP, by taking institutional context seriously, we can better understand the impetuses and impediments to reform.

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