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Some Reflections based on the Portuguese Case"**

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CITIZEN PARTICIPATION IN THE
EUROPEAN PARLIAMENT ELECTIONS:
some reflections based on the Portuguese case

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Abstract: The electoral behaviour of Portuguese citizens is marked by a major difference, concerning the turnout rates, between elections for the various national political bodies and elections for the European Parliament. Portugal has one of the lowest voting turnout in Parliament elections for the European Union. Paradoxically, opinion surveys indicate that the Portuguese are among the peoples who most support the European construction process.

This text seeks understand the reasons for the behaviour of Portuguese voters. Motives approached include citizens' degree of identification with the EU political system, public perception of how the system works and dominant trends in the reform of ways to represent States and citizens in European Union institutions.

In democratic political systems, elections are the vital moment underlying the people's exercise of power, through their choice of representatives granted a mandate to govern.

Representative democracy is a relative newcomer to Portugal, yet it has nevertheless been able to achieve the major goal of democracies by defining a political system that allows existence of a notable political alternation in the country's government. Despite the possible imperfections in the Portuguese constitutional system, it is certain that, in little more than two decades of democracy, citizens have several times used the opportunity of parliamentary elections to replace governments that had stopped representing the prevailing mood in the country.¹

A result of Portugal's joining the European Community in 1986 was that the Portuguese also began voting, along with their European fellow citizens, in elections for the European Parliament. However, in spite of the fact that Portugal may be a paradigmatic case

of success from the perspective of membership of new States in the European Union, the Portuguese attitude toward the European Union's political system seems to be one of great distance. This is demonstrated by citizens' evident indifference to participation in European elections.

With the Portuguese case as departure point, I shall throughout this text seek to understand possible reasons underlying electoral behaviour that is so different in terms of people's participation. The attitude of distance concerning European elections may, in my opinion, be explainable in light of the degree of identification of citizens with the political institutions of the European Union, so I will thus try to explore some aspects inherent to the functioning of democracies in the context of the Union's political system.

In Section I, I will seek to provide a generic overview of Portuguese electoral participation in the different types of elections in which they have been called to participate since joining the European Community. In Section II, I will go over elements central to the functioning of democratic systems, such as the degree of citizens' identity with political power and its institutions; popular perception of the workings of the democratic system and the usefulness of participation in elections; and the importance of a system of political representation that may combine elements of majority representation with the tutelage of diversity and protection of the minorities' vital interests.

¹ A. Lijphart, *Electoral Systems and Party Systems. A Study of Twenty-Seven Democracies, 1945-1990*, (Oxford: OUP 1994), p.3.

I- The participation of Portuguese citizens in elections

Portugal's first-ever free elections by direct and universal suffrage took place in 1975, in the wake of the politico-military movement that toppled the authoritarian regime. The Portuguese then elected a Constitutional Assembly, which approved the Constitution of the democratic State in 1976. The country has since been governed by a system of division of powers, in which the main national political bodies are chosen by democratic elections. Thus, and under terms of the Portuguese Constitution, citizens elect the President of the Republic, the Parliament (*'Assembleia da República'*, which electoral results determines the formation of the government) and the bodies of local power.

Another type of election entered the scene when Portugal joined the European Community in 1986: elections for the European Parliament. Portugal's first such ballot was held in 1987 in the middle of the respective term. From 1989 onwards, Portugal integrated the normal cycle of European elections, which take place during the same time period in all Member-States of the European Union.

I shall concentrate now on Portuguese citizens' manifest degree of interest or disinterest in the different elections in which they have been called to participate since Portugal joined the European Community. My attention will particularly focus on voting turnout and to that effect I will try to identify the outstanding features of Portuguese citizens' behaviour in elections.

Comparative analysis of the different tables showing the Portuguese turnout rates allows us to draw a number of brief conclusions. The first is the increase of low voting turnout. Indeed, and studying only the period after 1986, when Portugal joined the European Community, there is a notable decrease in the participation of Portuguese citizens in the different types of elections (see Tables I, II and III).

In the elections for the main national sovereign bodies – the President and Parliament – there was a drop of about 10 percentage points in the respective elections (see Tables I and II). In municipal elections, there has not been such a drop in turnout rates, because there was already a low voting turnout at the time of the accession in the European Community and has remained relatively stable since then (see Table III).

PARLIAMENTARY ELECTIONS²
(Assembleia da República)

TABLE I

| YEAR | VOTERS | NONVOTERS |
|-------------|---------------|------------------|
| 1987 | 72.64% | 27.36% |
| 1991 | 68.18% | 31.82% |
| 1995 | 67.14% | 32.86% |
| 1999 | 61.84% | 38.16% |

PRESIDENTIAL ELECTIONS³
(Presidente da República)

TABLE II

| YEAR | VOTERS | NONVOTERS |
|-----------------------------|---------------|------------------|
| 1986 (1 st turn) | 75.62% | 24.38% |
| 1986 (2 nd turn) | 78.23% | 21.77% |
| 1991 (single turn) | 61.99% | 38.01% |
| 1996 (single turn) | 66.37% | 33.63% |

MUNICIPAL ELECTIONS⁴
(Autarquias Locais)

TABLE III

| YEAR | VOTERS | NONVOTERS |
|-------------|---------------|------------------|
| 1989 | 60.91% | 39.09% |
| 1993 | 63.40% | 36.60% |
| 1997 | 60.10% | 39.90% |

² Source: Comissão Nacional de Eleições (National Election Authority), see <http://eleicoes.cne.pt>

³ Source: Comissão Nacional de Eleições (National Election Authority).

On the other hand, the maximum figures for abstention from voting in the different types of national elections tend to be close to 40%, with a progressive distancing of citizens manifest during the different election periods. We may present as explanatory reasons for this same phenomenon various justifications, ranging from the generic causes of the so-called crisis of democracy occurring to some degree throughout the western world and especially evident in turnout rates; to phenomena that have to do with aspects of typical electoral engineering, which in the Portuguese case is especially reflected in the electoral system adopted for Parliament⁵, which, as Braga da Cruz refers, is held responsible for the drop in turnout rates due its effect of distancing electors from the elected⁶; as well as aspects related to the weak quality of candidates for public office, which in Portugal tend to occur in municipal elections.

While in elections for national political bodies the voting turnout of Portuguese citizens has tended to be rather homogenous, about 40% of nonvoters on average, in elections for the European Parliament the turnout rates are marked by an entirely distinct behaviour. The abstention from voting rates for European elections have been clearly higher than the average rate verified in the different types of elections for national political bodies, tending towards a figure of about 60% of nonvoters (see Table IV).

The first election for European Parliament in 1987 had a high voting turnout (not unlinked to the fact that the elections took place the same time as elections for the national Parliament). However, the turnout rates dropped sharply in the successive European elections, with nonvoters reaching 64% in 1994 and 60% in 1999⁷.

⁴ Source: Comissão Nacional de Eleições (National Election Authority).

⁵ For analysis of abstention from voting in the legislative elections, J. Aguiar, 'Partidos, eleições, dinâmica política (1975-1991)', *Análise Social*, 125-126 (1994) p. 214.

⁶ M. Braga da Cruz, 'The Development of Portuguese Democracy', in A. Costa Pinto (edited by), *Modern Portugal*, (Palo Alto: SPSS 1998) p.116.

EUROPEAN PARLIAMENT ELECTIONS⁸
(Parlamento Europeu)

TABLE IV

| YEAR | VOTERS | NONVOTERS |
|-------------------|---------------|------------------|
| 1987 ⁹ | 72.64% | 27.36% |
| 1989 | 51.28% | 48.72% |
| 1994 | 35.62% | 64.38% |
| 1999 | 40.29% | 59.71% |

Whence, and in terms of the general trend, the electoral behaviour of Portuguese citizens manifests a growing propensity towards low voting turnouts in the various types of elections in which they are called to participate. There is also an accentuated discrepancy between the turnout rates for national-type elections, with a maximum of about 40% of nonvoters, and voting turnout in elections for the European Parliament, with some 60% of nonvoters.

The question is to try to understand the reasons behind such an accentuated difference in the turnout rates by Portuguese citizens in elections for national bodies and for the European Parliament, to seek to understand why in national elections the abstention from vote rate does not go over 40%, while in European elections it reaches about 60%.

A natural explanation could be found in the hypothetical lack of consensus that the European project would deserve in this country. As Portugal is one of the oldest Nation-States in Europe, the idea of joining a project that aims for the progressive integration of the different European States could cause resistance that would be reflected in low voting turnout in European elections.

⁷ The 1999 elections took place after election rolls were updated, allowing for more rigorous establishment of the real voting turnout.

⁸ Source: Comissão Nacional de Eleições (National Election Authority).

⁹ These elections took place at the same time as elections for the national Parliament.

The European question was never directly put to the vote by Portuguese citizens, i.e., they never pronounced themselves in a referendum on the matter of the country's participation in the European integration process – neither during ratification of the Treaty of Accession to the European Communities, nor during the different modifications to its basic Treaties. Thus, the only available means to study Portuguese opinion on participation in the European Union is through the available opinion surveys.

Curiously, available opinion surveys on Portugal's participation in the European construction process show that the Portuguese largely favor the country's status as a Member-State of the European Union. According to studies developed by the Eurobarometer for 1999, 59% of the Portuguese support the country's participation in the European integration process¹⁰. This data makes Portugal the fifth-ranked European Union State where there is the highest rate of support for national participation in the EU¹¹. Indeed, the average in the 15 Member-States is only 49% of citizens supporting their respective country's participation in the EU.

The broad consensus over the participation of Portugal in the European Union is not even surprising. For the benefits Portugal has reaped via membership in the European Communities in 1986 are well evident throughout the country, due to the profound economic, social and cultural changes that have taken place since then. Otherwise, and still in accordance with studies carried out by the Eurobarometer, Portugal is second among European Union Member-States where citizens most recognize that the country has benefited by being part of the EU. Indeed, 71% of the Portuguese consider that the country has benefited from European integration¹².

¹⁰ See *Eurobarometer – Public Opinion in the European Union*, 51 (1999), pp. 24-26.

¹¹ Behind Ireland (78% in favor), Luxembourg (77%), the Netherlands (73%) and Italy (62%), see *Eurobarometer*, cit., p.25.

¹² Second behind Ireland, where 86% of citizens consider being part of the EU to be beneficial, see *Eurobarometer*, cit., p.28.

The Eurobarometer data is in any case confirmed by the major transformations Portugal has undergone since becoming a member in 1986. The so-called reform of the European Community structural funds in the late 1980s allowed implementation of an economic and social cohesion policy, of which Portugal is one of the main beneficiaries. Over the course of these years, the country has received large amounts of financial resources from the European Union. As a result, Portugal has had the opportunity to foster huge transformations of its road infrastructures, improve its school system, increase its companies' competitiveness and achieve a certain degree of progress in social policies. A consequence of this massive transfer of financial funds was that Portugal progressed from an economic situation characterized by a Gross Domestic Product (GDP) that was only 54.4% of the European Community average in 1986 to the current situation where Portugal's GDP is about 75% of the European Union average¹³. This is notable progress of about 20 percentage points in the period since membership.

We are thus faced with a rather paradoxical situation: a people who clearly support the participation of their country in the process of European construction, who are aware that this participation has been highly beneficial for their national development, but who evidently distance themselves from participation in the European Union's political process. Or better, the low voting turnout of Portuguese citizens in elections for the European Parliament may be interpreted as an attitude of clear indifference to the European Union polity.

In the various Member-States of the Union, the European elections certainly do not enjoy the same turnout rates as in the national elections. Yet in the Portuguese case this difference in participation is especially striking because the average abstention from voting in European elections is about 20 percentage points higher than the maximum abstention from voting for the national political bodies. Also worthy of note is that Portugal was one of the

¹³ See *Économie Européenne*, Commission européenne, 69 (1999), p. 287.

five Union Member-States with the lowest voting turnout in the 1999 European elections¹⁴.

To judge by the opinion surveys carried out by Eurobarometer, the Portuguese seem to be a people who are among the top five in terms of support for the European Union; we are thus indeed confronted with a paradoxical situation.

The explanation for this contradiction will, in my opinion, have to be sought in an area beyond the home-grown motives that justify Portuguese electoral behaviour. The Portuguese lack of interest in European elections may likely have more to do with aspects deriving from the very political system of the European Union. For the holding of democratic elections aiming to designate the holders of public office in a determined political system is not by itself enough to generate among voters feelings of identification and interest vis-à-vis that same political entity.

In next section, I will seek to review some aspects of the political system of the European Union that may possibly justify the accentuated disinterest citizens have manifested during periods of European elections.

II - Democracy, Popular Consent and Political Representation in the European Union

The so-called democratic deficit of the European Union (EU) was due to the fact that the very Union institution invested with the greatest political legitimacy did not wield the functions that a body mandated through direct elections should uphold. This gave reason for enhancing the powers of the European Parliament, a result of the various inter-governmental conferences that over time have introduced changes to the Treaties instituting the European

¹⁴ The countries with the lowest turnout rates in the European elections were the United Kingdom with 24% of voters, the Netherlands and Finland with 30%, Sweden with 38% and Portugal with 40%. Average turnout rates in the 1999 election in the 15 European Union member-states was 49%. See *Eurobarometer*, cit., p.79.

Communities, in order to overcome the democratic deficit within the EU. In such terms, the reason for changing the EU balance of powers would be due to the more legitimate exercise of power by the European Parliament: a democratic legitimacy resulting from the vote of citizens of the Member-States of the European Union.

From the start any democratic political system is a system based on institutions resulting from universal suffrage and which charges its political institutions with a mandate to govern under the terms of the majority principle. Yet this seems to be the most problematic aspect of the transference to the European Union system of the bases of a democratic system of government. Indeed, the principles mentioned work within a determined political society, i.e., their pretext is the existence of a definite frontier within which there are established ties of duly consolidated conformance. These ties derive from a prolonged sharing of historical, political, linguistic, and cultural experiences¹⁵.

Generally, in the European case the lengthy and difficult assertion and consolidation of the national States has meant that at present they do not have internal problems of identification as States, with power wielded by sovereign bodies under the terms of the majority rule. This is clearly the case of Portugal, despite the fact of its young democracy.

But what about within the European Union space? Is it possible that the space resulting from the sum of all the national territories that compose the Union will permit a general social acceptance of political bodies set up on the basis of the majority principle? Will the period of time that has passed since the beginning of the European Community experience allow the formation of a common identity - in the various integrating aspects of the societal dimension - thus assuming the existence of a homogenous human substrate that charges power to based on a majoritarian framework in the areas of Union intervention?

¹⁵ J.H.H. Weiler, 'After Maastricht: Community Legitimacy in Post-1992 Europe', in W.A. Adams (ed.), *Singular Europe - Economy and Polity of the European Community after 1992* (Ann Arbor: University of Michigan Press 1992) p.22.

The changes introduced in 1986 by the European Single Act as regards the majority vote would lead to the system's first legitimacy crises. Indeed, the switch-over to the majority vote that occurred in the second half of the 1980s - accompanied by an apparent enhancement of parliamentary participation in the decision-making process - occasioned the electorate's greater insecurity about the very Community political process. If up until that point the practice of consensus on decisions could for citizens work to assure the defense of vital State interests within the Community framework, on behalf of democratically elected governments subject to periodic validation of mandates, the switch to the majority vote meant a reduction of States' accountability *vis-à-vis* the Community decision-making process¹⁶. On the other hand it cannot be realistically stated that the greater participation of the European Parliament has in any way aided overcoming the reduced responsibility of the national governments. This has therefore effectively meant that the political capacity of voters to influence Community decisions has been further reduced.

The problem of the so-called democratic legitimacy ought to be asked within this context. If democracy does indeed intend to promote a close relationship between office-holders and voters so as to enhance the political accountability of the former with regard to the latter, and particularly by ensuring that office-holders identify their governance with the interests of citizens, it may then be asked whether such a goal is not in any way prejudiced by the majority vote mechanism in the Union system.

According to Weiler, this has meant that the democratic legitimacy in the Union system is not considered at the level of the formal mechanisms governing the separation of powers, but rather interferes with the level of societal acceptance of the institutional architecture of the European Union¹⁷. Here, the question then arises of the relationship of

¹⁶ J.H.H. Weiler, *The Constitution of Europe - «Do the New Clothes Have an Emperor?»*, (Cambridge: CUP 1999), p.28.

¹⁷ J.H.H. Weiler, 'After Maastricht: Community Legitimacy in Post-1992 Europe', *op. cit.*, p. 24.

citizens' sense of belonging to a determined political space within which the rules of democracy are workable, and particularly the majority principle.

The recent crises of the EU process and in particular the weak electoral support that that process garnered in the referendums on ratification of the European Union Treaty, should also be studied in light of the reduced social acceptance for reform of its institutional operation, as inspired by the State model.¹⁸ For the very process of European construction has yet to reach a level of development that allows gestation of a singular identity among the citizens of the Member-States as well as the perception of a collective solidarity that consents to full acceptance of the majority principle.

Also, in Linz's opinion the holding of direct elections for the European Parliament, the representation of European citizens in that Parliament, and the political accountability of the European Commission cannot be seen as factors that legitimize the political authority of the Union system. He states that as long as there is no strong feeling of popular identity with the exercise of power by the Union authority, democratic elections for the European institutions will not serve to legitimize that same power¹⁹.

Europe is undergoing what may be called a *constituent* period that originated in the European Communities' founding Treaties. Thus transformations introduced into its institutional functioning cannot be oriented by the development principles of longstanding political systems. While the social acceptance of the European project may be problematic and if there is a weakening of the political accountability of those governing to those governed, then it seems that in the present phase it would be preferable to align the institutional changes to be introduced in a direction that does not diminish the influence of the

¹⁸ U. Hedetoft, "The Cultural Semiotics of 'European Identity': Between National Sentiment and the Transnational Imperative" in A. Landau, R. Whitman (ed.), *Rethinking the European Union. Institutions, Interests and Identities*, (London: Macmillan Press, 1997), p. 166.

¹⁹ J. Linz, 'Democracy Today: An Agenda for Students of Democracy', *Scandinavian Political Studies* 20 (1997) p.129.

political units that created that same system²⁰. This is under pain of aggravating the problem of democratic legitimacy.

popular consensus in the European Union

In representative democracies elections are the culmination of the exercise of power by the people. By expressing their will in free elections, the people endow their leaders with the power to govern as their legitimate representatives. Yet elections are occasional events, occurring only after protracted time periods. They are above all the means whereby the actual political figures who wield power are chosen, though elections do have little effect on most of the governance that stems therefrom²¹. Ergo the ample margin for discretion that political actors enjoy in the exercise of said power.

In contemporary political societies, the fundamental elements of democratic life are not exhausted by elections. Likewise, the formation of intra-parliamentary will represents but a small portion of public life. The rationality of the decision-making and the regulatory production processes does not solely depend on the actions of the political majority within parliament and the respect for the minorities represented therein, for it also depends on the degree of available information and the clarity of the presentation to civil society of matters subject to decision, as well as the duly apportioned procedures of participation. In other words, the quality of democratic political life does not renounce non-institutionalized modes of public opinion making²².

²⁰ R. Dehousse, 'Constitutional Reform in the European Union: Are there Alternatives to the Majoritarian Avenue?', *West European Politics* 18 (1995) p.131.

²¹ G. Sartori, *Democrazia - cosa è* (Milano: Rizzoli 1995) p.59.

²² J. Habermas, *Recht und Moral (Tanner Lectures)* in Italian version, "Diritto e morale", in *Morale, Diritto, Politica* (Torino:Einaudi 1992) p. 39.

Civil society is taken to be that area of social relations not regulated by the State. The designation thus expresses the sum of bodies representing the social and professional classes, interest groups, opinion movements, media, and various organizations and associations with social aims, as opposed to the public institutions charged with the wielding of political power. And it is within the scope of civil society that the phenomenon of public opinion emerges. Public opinion is here understood to be a type of public expression of consensus, or dissent, as regards the exercise of power by the respective office-holders²³. Without public opinion, the active role of the various movements that compose civil society would naturally be emptied of any useful sense of action.

Democracy is thus not simply based on those procedures encompassing the choice of political leaders, rather it also assumes that the latter's governance will be in step with the opinion of the respective constituents. A government empowered by the voters' free choice and which develops its policies in accordance with the prevailing states of public opinion is a government supported by the consensus of its citizens. Consensus is thus central to the constitutive relationship between democracy and public opinion.

For its part, the consensus of constituents in democracy is a complex subject. This is straightaway due to the fact that, beyond the necessary popular consensus as mentioned above, democracies need a minimum dose of conflict in the development of governance so as to ensure the vitality of the very political institutions. For this reason, Sartori prefers to separate three different strata of public opinion formation in a determined political society: consensus of values, consensus about the rules that regulate democratic functioning, and consensus related to the development of governance²⁴.

The first stratum encompasses the values of political organization in a given polity, such as democracy, liberty, human rights, and social solidarity. Yet during times of change or

²³ N. Bobbio, *Stato, governo, società* (Torino: Einaudi 1995) p. 27.

rupture, it may be more difficult to find a mass of values upon which that same political community is based. Consensus *vis-à-vis* the rules of the political game is thus perchance the backbone of each political society. It includes the organization of political power, the separation of powers, and the modes of electing political leaders. However, a system able to base popular consensus on an array of procedures that govern the identification of *who* are the decision-makers and on *how* those same decisions are made is certainly a system that enjoys enough consensus to entrust its governance to the majoritarian principle²⁵. Finally, there is consensus related to the development of governance. This is naturally the level that best reflects the formation of the changing relationships of consensus and dissent in public opinion. The great virtue of representative democracies stems especially from the fact that if governments break the consensus with public opinion in the course of their political activity, voters are then able, in due time, to remove said leadership from office and replace it with another belonging to an alternative political party.

The question of public opinion and the forms of consensus established within the framework of the European Union should now be raised. Just what is the relationship between public opinion and the Union's embryonic political system?

For decades the process of European construction was an issue only concerning the politicians, bureaucrats and various academics especially involved in its discussion. However, the propaganda campaign unleashed by the European Community institutions to create the single market and later the scope and significance of the Maastricht Treaty have certainly brought the European question to the forefront of national public opinions.²⁶ The controversies in various Member-States over ratification of the European Union Treaty, and especially when that process was accompanied by a popular referendum, at least had the merit

²⁴ G. Sartori, *Democrazia - cosa è*, op. cit., p. 61.

²⁵ *Idem*, p. 63.

of definitively capturing the interest of the States' public opinion in the progress of European integration²⁷.

In the historical-political context that oversaw the emergence of the European Community integration process peace stands out as having had the greatest *value* in unleashing that same process. Peace between the Member-States of the European Communities as a moral imperative of European reconstruction after the Second World War was a goal towards which efforts at sectorial integration of the first of the Communities would be teleologically oriented. Peace between the European peoples is certainly a shared value and undeniably the political legacy of European construction.

The functional view of the achievement of peace meant that in the first few decades European integration was presented in essentially economic terms: it began as a sectorial integration of economies, followed by a more complete integration that would lead to creation of a European common market. As long as those goals were generally associated with a lengthy period of prosperity and economic growth in the Community Member-States, they were never broadly contested by the respective public opinions. The first of the economic goals that raised strong objections in the States' public opinions was that of the single currency; the dissent manifested had more to do with the economic policies imposed to achieve that aim than to the actual idea of monetary union.

In any case, it is difficult to precisely establish the motives that have led to the public eruption of dissent about the process of European integration, given the concomitance of the fact that the goal of monetary union is joined to other aspects that represented a qualitative leap forward in the philosophy of integration hereunto followed: the institution of European citizenship; the assumption of the political dimension of the project with the creation of a

²⁶ R.J. Dalton, R.C. Eichenberg, 'Citizen Support for Policy Integration' in W. Sandholtz, A.S. Sweet (eds.), *European Integration and Supranational Governance*, (Oxford: OUP 1998), p.252.

European Union active in areas of foreign policy, defense, justice, and internal affairs. And although these last items covered by the two new pillars of the Union were to be processed outside the hard core of the European Community activity, the joint effect of their adoption at the same time as the single currency and the spectrum of continuing enhancement of the Union's action led to unavoidable fears through large swaths of public opinion in the States.²⁸

It is well-known that European construction has long since outgrown consideration as a phenomenon appreciable at the limits of the international organizations. However, the European Union is not a State, rather lying somewhere between those two large parameters that define the major political entities of international relations²⁹. Yet if the questions of foreign policy, defense, and justice were to be included in the hard core of Union activity, instead of being approached in a primarily inter-governmental manner, as is the case nowadays, then the state nature of the European Union would be substantially enhanced.³⁰

The goal of the European State is an ideal ever present in the European construction project. At the level of the top leaders of the Member-States only a minority unequivocally assume this as a political objective.³¹ At the level of public opinion in the Member-States, and due to what occurred during ratification of the Maastricht Treaty, it does not seem reasonable to infer at present that the formation of a European State as an end to achieve via the process of integration will garner a general, or at least reasonable, consensus among public opinion in the States.

²⁷ W. Wallace, J. Smith, "Democracy or Technocracy? European Integration and the Problem of Popular Consent", *West European Politics* 18 (1995) p. 150.

²⁸ E. Barbé, 'European Values and National Interests', in A. Landau, R. Whitman (ed.), *Rethinking the European Union. Institutions, Interests and Identities*, op.cit., p. 139.

²⁹ K.-H. Ladeur, 'Towards a Legal Theory of Supranationality - The Viability of the Network Concept', *European Law Journal* 3 (1997) p.54.

³⁰ R. Bellamy, D. Castiglione, 'A Constituição Europeia: alternativa republicana ao liberalismo', *Análise Social*, 151-152 (2000), p.435.

³¹ See the interesting speech of Joschka Fischer, German Foreign Minister, delivered at the Humboldt University in Berlin, 12 May 2000, "*From Confederacy to Federation – Thoughts on the finality of European integration*".

The legitimacy crisis that, due to the European Single Act, affected the European Community system during the switchover to majority voting also demonstrates the difficulty of finding ample public consensus on the *rules of the game* that regulate this same political system. The perception of a political system based on a strong normative apparatus able to make and impose decisions that affect the major interests of social strata or groups in a certain State, and whose adoption the respective government has opposed, acting as spokesman for those same concerns, necessarily encourages mistrust at the national level regarding control over the process of Union decision-making.

On the other hand, the longed-for democratic compensation that would result from the simultaneous entrance into force of majority voting within the Council and the enhancement of the European Parliament's powers in the process of EU decision-making was not enough, from the point of view of public opinion in the States, to overcome elimination of the insurance represented by recourse to the national veto. Regarding this aspect, citizens' identification with the normative intervention of European Parliament may be said to have been substantially reduced.

This has meant that within the European Union political system the intended democratization of the decision-making process has achieved a difficult consensus, and not just on the question of how to make decisions, but also on who should make them.

Finally, there is the question of the consonance of public opinions with actual Community *political activity*. It has already been stated that the rupture of public consensus with governance may, in representative democracies, lead to a change in leadership following the next election. Yet in the European Union this real ability of public opinion to manifest its dissent regarding governance does not exist. Despite the fact that elections are held by direct and universal suffrage, their principal outcome neither determines nor influences the formation

of the Union executive body. For instance, in 1994 the Socialist Party (PS)³² won the European elections in Portugal, but the Portuguese member of the European Commission was appointed by the Social-Democratic Party (PSD)³³ which ran the national government by that time.

Moreover, in no European Parliament election has an alternative choice for the management of ongoing policy been presented on the ballot. Citizens' votes lead to no type of counter-position *vis-à-vis* the executive program for the main areas of Union intervention. The choice has never been made in an election between the consolidation of the ongoing agricultural policy or its radical transformation; between increased financial support for the needier regions or cutbacks in the policy of social cohesion; between a greater Union role in the wielding of normative powers or a more rigid stance regarding the principle of subsidiarity; between enhancing the Union's role in those bodies more involved in the globalization of the world economy or action shared with the States in this area; between a greater role for the Union in reducing economic discrepancies between States at the international level or curtailing EU support for development.

This has meant that Union governance has become an imperceptible reality for public opinion in the States, whence the consequential lack of interest in European elections. In these context, also, the above mentioned strange behavior of Portuguese voters in the European elections could be better understood.

political representation

The problem of representation is decisive to the configuration of any political entity, whether of a State nature or an international organization. It is decisive in the choice of

³² Member of the European Socialist Party.

territorially or functionally based criteria that oversee the relationship between representatives and those represented.³⁴ It is decisive in the composition of the institutions that support the functioning of those entities and also decisive in the outcome of the decision-making process of those entities³⁵.

Given the European Union's genesis as an international organization, the two fundamental features of its system of representation have been equality and the so-called ponderation, i.e., weighting the different Member States. On the one hand the Union encompasses the tradition of egalitarian representation of States within the framework of its institutional system. On the other hand, and given the Union's very specificity, the equal status of the Member-States has been moderated by recourse to the idea of ponderation: ponderation in the composition of institutions; different weighting of States' votes in decision-making, as always occurs when the Council decides by qualified majority vote.

Among the various manifestations of the criterion of ponderation in EU institutional representation is the national allotment of deputies to the European Parliament, where there has been a greater differentiation between the weight borne by each of the Member-States. Above all, after 1992³⁶ the idea of weighting came to unequivocally denote the criterion whereupon it was based on terms of EU representation - the demographic element of the Member-States - and as a consequence the existing differences between the number of elected representatives in each State in accordance with the population of each country has been widened.

³³ Member of the European Popular Party.

³⁴ C. Tuschhoff, 'The Compounding Effect: The Impact of Federalism on the Concept of Representation, in J.B. Brzinski and al. (eds.), *Compounded Representation in Western European Federations*, (London: Frank Cass 1999), p.22.

³⁵ D. Olson, C. Franks, *Representation and Policy Formation in Federal Systems* (Berkeley: University of California Press 1993) p.5.

³⁶ The 1992 Edinburgh Council implemented, in the part concerning the number of deputies to the European Parliament, Declaration number 15 annexed to the Final Act of the Conference that adopted the European Union Treaty.

Not only were distinctions introduced between the terms allotted those elected from the various groups of States - with Germany for example in the so-called group of bigger States having benefited from a population increase resulting from the unification process. Indeed, Germany, France, Italy, and the United Kingdom each had previously 81 representatives in the European Parliament. Under the new system, Germany has 99 members and the other three larger States saw their number of representatives fixed at 87 each.

Also the Netherlands saw recognized its larger population compared with the other medium-sized States: The Netherlands, Belgium, Greece, and Portugal each had 24 representatives in the European Parliament; with the new system, the Netherlands has 31 members and the other three medium States saw their respective numbers fixed at 25 deputies each.³⁷

In what concerns the members of European Parliament being elected by the so-called group of small States, they saw their representation remain unchanged: Denmark and Ireland with 16 members and Luxembourg with 6.

Hence, there was a certain introduction of a subtle increase in the scale of representation of the diverse typologies of States to the advantage of the countries with greater population, marking acceptance of those latter pretensions, who have felt excessively penalized. Indeed, the most significant changes occurred with the representation of the large Member-States. As we saw the small States saw their representation remain unchanged just as the group of medium-sized countries maintained, with the exception of the Netherlands, practically the same representation.

This has led to the strengthening and widening of the idea of ponderation in the Union's institutional representation. This strengthening is based on a criterion of increasing

³⁷ J. Kincaid, 'Confederal Federalism and Citizen Representation in the European Union', in J.B. Brzinski and al. (eds.), *Compounded Representation in Western European Federations*, op.cit., p.48.

demographic nature, and *ergo* the relative influence of the larger States when compared with the others.

On the other hand the current tendency to improve the participation of the European Parliament in the Community political system has been mentioned, and in particular in its normative process. This tendency has encompassed the evolution of normative procedures established with a view towards increasing the powers of the Parliament. In time this means that the institution may eventually enjoy a legislative status on a par with that carried out by the Council.

The changes to the number of each Member-State's elected representatives in the European Parliament³⁸, along with the successive modifications introduced to the Union intra-institutional balance of powers - so as to overcome the democratic deficit - have thus truly weakened the relative position of the small and medium-sized States' political representation. Also, given that in the European Union there is no real choice of alternative policies as embodied by the truly European political parties, the members of the European Parliament frequently tend to cast their votes more for reasons of a national nature than by following a political strategy defined by the respective parliamentary groups.³⁹

In the other major manifestation of the idea of ponderation in the Union political system - the weight ascribed to States' votes in Council decisions obtained by qualified majority - there is also increasing pressure from the larger Member States towards a heightened differentiation of their specific weight *vis-à-vis* the other States. This intended change to the weight given the national votes within the Council was the object of a Protocol annexed to the Amsterdam Treaty in 1997, which laid down that its enactment would depend on futur modifications to the composition of the Commission.

³⁸ At present the so-called four large States together account for 360 of the total number of 626 deputies.

³⁹ A. Lijphart, *Electoral Systems and Party Systems. A Study of Twenty-Seven Democracies, 1945-1990*, op.cit., p.4.

In any case, the result is that within the Council there is also an ongoing tendency to change the weight given the votes of the national representatives in order to increase the current differential table in favor of the specific weight of the so-called larger States.

It may therefore be stated that in terms of the ongoing evolution of the Union constitutional architecture, the institutions playing lead roles in both decision-making and in the wielding of political control over the executive body - Council and Parliament - both show a tendency to change the mode of Member-State representation so as to broaden the idea of ponderation. To broaden the weight according to the populations of each State.

The result of this is that the ongoing changes in the EU representation system introduce in both the above-mentioned institutions a modification of the initially established equilibrium, which for its part is inspired by a philosophy of weighted representation based on a demographic criterion. This has been done in detriment to the elements of egalitarian compensation as originally foreseen in the system and would affect the real weight in the decision making process of the small and medium Member States like Portugal

CONCLUSION

Portugal may be considered a success case in terms of European integration, due to the resulting process of economic and social development in the country. Yet the behaviour of Portuguese voters in elections for the European Parliament is particularly marked by a notable difference between voting turnout in national elections and European elections.

Portuguese citizens' lack of interest in European elections must not, however, be taken to mean a lack of support for the country's participation in the European Union. On the

contrary, available data shows that the Portuguese are solid supporters of the European integration process.

The reasons for the disinterest of the Portuguese may thus be sought within the European Union's own political system, especially in its capacity to generate mechanisms of popular consensus vis-à-vis its governance activity that assure increased citizens' trust in EU political bodies and the consequent enhancement of a common cultural and political identity.

The strengthening of the majoritarian elements that the prevailing direction of the recent institutional reforms has provoked in the checks and balances of the European Union will not have allowed an increase in the degree of identification of citizens with the Union's political powers. Rather it has led to a reduction of the popular consensus regarding the political decisions adopted at the European level.

The lack of a large consensus regarding the hard core of constitutional reform of the Union's political system, i.e., the adoption of the rules of the political game that determine the question of knowing *who* should decide and the problem of *how* those same decisions should be made, does not allow any conjecture over whether the dominant tendencies towards enhancement of the majoritarian features of the Union at those two levels can effectively reduce the problems of citizens identification that characterize the current phase of the process of European construction.