

# **Is the European Parliament competitive or consensual**

## **... “and why bother”?**

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**Key words:** *European Parliament; voting behaviour; consociational theory; majoritarian institutions; EU governance; legislative committees.*

### **Abstract**

This article looks at the voting behaviour in the European Parliament (EP) from a new perspective. By analysing all legislative reports adopted by the parliamentary committees during the 1999-2004 legislature, the present study overcomes most of the shortcomings of roll call based researches and brings additional evidence to assess existing claims about the nature of the EP.

Empirical evidence illustrates that consensual politics is still dominant in the EP arena and suggests that competition fails to emerge even under the circumstances that are expected to foster politicisation: co-decision procedure in the EP and qualified majority voting in the Council. In sum, this article challenges the recurrent statement that more powers to the EP increase the party-political nature of policy-making in the European Union (EU) and argues that consociational theory still explains an overwhelming share of EP politics.

## **Introduction**

Does the EP primarily decide by consensus or by majority rule? Do political groups (individually or in coalition) compete with one another for distinct political outcomes or do they accommodate their preferences within a grand coalition gathering as many of them as possible? Are coalitions stable or do they shift over time and according to policy issue? Depending on the answer to these questions, different models of democracy are entitled to be invoked with reference to the EU. EP's internal dynamics portray outside the institutional premises a specific image of the ways in which decisions are taken, posts are allocated and competition is shaped. This in turn affects the connection between the voters and the elected. The relevance of these issues is therefore not only related to the problem of “labelling” the EU democracy, but, more crucially, they provide criteria for evaluating its normative properties and indicate the direction as well as the targets of future reforms.

The politics of the EP has been for long time interpreted within the terms of consociational theory, which was recurrently appealed to for seizing the nature of the emerging EU system. Taylor (1991:110), who is among the earliest and most convinced instigators of a consociational turn in EU studies, found this theory “very relevant” for explaining the progress of European integration. According to Steiner (2002:10), moreover, given its “hybrid nature of supranationalism and intergovernmentalist, the European Union seems a natural candidate for the consociational model”. Similarly, while listing the standard consociational features, Chrysochoou (2001) maintains: “Grand coalition, proportionality, segmental autonomy and mutual veto can all be found, *ceteris paribus*, in the present European polity.” Although some scholars questioned this reference on the ground that the consociational model was designed to

analyse single countries and not much more complex systems (for example, Kaiser 2002), most critics have mainly concerned the operationalisation of such assumptions rather than the single indicators.

The EP, however, is never the main focus of consociational theory. As Bogaards (2002:359) rightly points out, “there is no role for the Parliament in a consociational interpretation of EU decision-making”. The categories of consensus and competition, to which reference is recurrently made throughout this article, were not indeed created to be applied to the EP, actually not even to legislatures as such. With a slightly different wording, Lijphart (1984, 1999) referred to them to describe two ideal types of democracy, namely a majoritarian and a consensus model. They were designed to represent the extremes of a continuum, within which all world democracies could be placed according to a certain number of indicators. Fabbrini (1994) refined the definitions of both concepts renaming the majoritarian democracies “competitive” (those which tend to stress the opposition between alternative party options) and the consensus ones “consociational” (those which tend to stress the agreement among the main party options). For the purpose of this research, I will follow Fabbrini for the concept of competition, but I will stick to Lijphart for that of consensus.<sup>1</sup>

If identified by two of its traditional features, such as grand coalition and rule of proportional representation, the consociational account of the EU system appears particularly appropriate for describing the organisation and dynamics of the EP. Its internal decision-making style has been for long time inspired to the practice of power sharing, whilst proportional representation dominates formal as well informal arrangements (Corbett *et al.* 2000; Westlake 1994). Against this widely accepted background, however, an alternative view has been recently put forward,

acknowledging “a significant empirical phenomenon in contemporary EU politics: the changing pattern of political competition in the European Parliament (EP), from a 'grand coalition' of the two main parties in the 1994-1999 parliament, to a new structure of left-right competition in the 1999-2004 parliament” (Hix and Kreppel 2003, p.75). Similarly, Kreppel and Tsebelis (1999) find that left/right is the most prevalent division in the EP. Although these findings have been seriously challenged on the grounds that the data on which they are based suffer from a severe selection bias (Carrubba *et al.* 2003), they affect so considerably the understanding of EP politics to require a further examination before their complete dismissal.

In this research, I will bring new empirical evidence to assess the thesis of the emerging left/right competition in the EP and I argue that, if this claim is correct, then it should pass a more specific test, failing which the argument would be invalidated. To this end, I will first of all explain why it is worth studying the internal dynamics of the EP and how different outcomes could inspire very diverse conclusions. Secondly, I will recall in greater details the methodological foundations (and weaknesses) on which the thesis of the competitive EP is grounded, I will illustrate an alternative strategy of empirical control and I will present the findings of this exercise. Thirdly, I will give a tentative account of the dynamics detected in the EP, whilst a conclusion will elucidate some of the implications of this analysis.

## **1. “Why bother?”**

Regardless of the lasting reservations on the relevance of consociational theory in this context, the debate on the appropriate location of the EU in a competition-consensus spectrum (and on the nature of the EP therein) is gaining salience as it

overlaps with the frequent discussions on its (necessary) politicisation. Without opening a slippery discussion on how politicisation could be defined and achieved at the European level, it is widely argued that the perspective of a politically responsible EU government (and opposition) requires the logic of left/right competition to become predominant. Just like at the national level, where politics are channelled through political parties endorsing alternative programmes, the European arena, according to this view, would experience the emergence of competing transnational political alignments (not necessarily partisan), entitled to be translated into a government (or an opposition).

There are, however, various strategies to foster politicisation in the EU polity, so that the relevant question to ask becomes: how to politicise? Reference to one constitutional model or another, reliance upon political parties or other actors, focus on a specific institution or another also depend on how we evaluate the performance of the EP in terms of representing citizens, reducing the democratic deficit, participating in the decision-making and socialising political actors. Proving its success or declaring its failure is crucial for selecting the appropriate reforms to introduce and for evaluating their feasibility. For example, the precondition for a relationship of confidence between the EP and the Commission is the existence, in the former, of a stable partisan majority endorsing a political programme. The appropriateness of this reform is clearly conditional to the existence of this specific prerequisite. The place of the EP in the future institutional setting of the EU may thus vary significantly, should we consider that today it is legitimate, representative, effective, or that it is not. Most of the proposals of reform that have been put forward in the last years, regardless of whether they advocated for minimal adjustments (Schmitter 2000), for a confidence relationship

between EP and executive (Hix 2002b) or for a closer involvement of national parliaments in crucial EU affairs (Attinà 2001), place high expectations on the EP's capacity to face new challenges and take up increasing responsibilities.

The attention that the EP received within the debate on the politicisation of the EU is neither surprising nor accidental, considering that in the experience of the nation state political structuring emerged through political parties (Bartolini 2002). Expecting the same development at the European level, through European political parties (and, in the EP, through political groups), would be the most obvious belief. For example, Pasquino (2002:48), after evaluating the advantages and disadvantages of a parliamentary or a presidential system for the future EU, concludes that, for either option, reliance on political parties is inevitable:

“While waiting for the expansion of European public opinion to lead to the emergence of a European *demos*, we should not forget that where these processes have been successful, the political parties have always played a large, sometimes decisive role. Thus, the democratic legitimation of European institutions requires a revitalisation at the European level and an increased role for political parties [...]”.

It is on the basis of these considerations that specialised literature began to devote increasing attention to the EP, in particular to the performance of its political groups in terms of their consensual or competitive behaviour. The implication of either finding is obvious. Should we consider differentiation of EU-wide political manifestos, truly fought electoral campaigns, competition over different policy proposals as the undisputable indicators of an healthy party-based democracy, where citizens' inputs are not absorbed and dispersed within the collusive logic of the system, but effectively contribute to the content of legislative production, then we would be inclined to

advocate for the former option. On the contrary, a consensual EP would be the one in which every potential conflict is settled *ex ante* by the agreement of the main actors, thus defying any possibility of constructive political confrontation and opposition, except for an anti-system one. Meaningful opposition, as well as development of competing political identities – as precursors to European level political learning – would be undermined.

## **2. EP “normality” in question**

Up to a few years ago, scholars were in agreement: consistently with the nature of the political system of which it is an increasingly important part, the EP was traditionally attributed the main properties of a consociational institution, especially in terms of presence of a grand coalition and rule of proportional representation. Westlake, for example, effectively described the predominance of a grand coalition within the EP with the colourful image of an “oligopoly” between the two larger political groups: the European People's Party (EPP) and the Party of European Socialism (PES). The same logic captured the voting behaviour of individual deputies: basically every vote was endorsed by the great majority of parliamentarians, resulting in a very high level of cohesion of the plenary as a whole. Even greater evidence corroborates the rule of proportional representation. Not only the outcome of EP elections corresponds to principles of proportionality and all important national parties are represented<sup>2</sup>, but also internal offices are shared out among all political groups according to the d'Hondt system of proportional representation (Corbett *et al.* 2000): groups “choose which committees to chair in an order determined by [their] size.” This was also true for the EP’s top office, since in 1987 EPP and PES came to a “technical agreement”, whereby

the post of President, regardless of the electoral result, was to be shared between them, each for a half of the legislature.

Despite the robust background of this literature, assertively illustrating the primarily consensual nature of EP politics, some authors more recently argued that the EP, on the contrary, is “very much a ‘normal’ parliament, where political parties organise and compete as vigorously as in domestic parliaments in Europe” (Hix *et al.* 2003a:6). In particular, after a major effort to study all the roll call votes of the EP between 1979-2001, they came to the surprising conclusion that: “Left-right politics explains an overwhelming amount of voting in the European Parliament” (Hix *et al.* 2005a:24). This idea is grounded on the political groups’ alleged capacity to achieve internal cohesion, to vote increasingly along party lines rather than national lines, to make the left-right spectrum the main dimension of party conflict in the parliament. Political groups have basically been able (59) ‘to translate transnational party-political positions and allegiances into structured political organisation, contestation and coalition formation in the EU policy process.’

Similar finding, as I have argued, are not neutral with regard to the target and focus of future reforms. The same authors indeed maintain:

“One of the implications of these findings is that more power for the European Parliament in a future EU Constitution will increase the party-political nature of EU policy-making, which would be good for the democratic accountability of the EU”.

(Hix *et al.* 2003b:1)

In the light of this conclusion, it becomes essential to properly assess whether the EP is actually competitive or consensual and the first step to this end is to look more closely at their data.



## *2.1 Roll call based studies and their limits*

Two aspects of EP politics have traditionally caught the attention of scholars: political groups' internal cohesion and patterns of coalition formation among them. Earlier studies on the former topic have mainly focused on voting behaviour in EP's plenary session and based their analysis on more or less refined sets of roll call votes. Some authors concentrated on the internal cohesion of political groups. A seminal contribution to this literature was provided by Attinà (1990, 1992) who first developed the Index of Agreement (IA)<sup>3</sup>, an effective measure of the internal cohesion of groups based on their voting behaviour in roll call votes. Raunio (1997) refined this index and applied it to an extended sample of votes. Internal cohesion scored particularly high, especially considering the heterogeneous composition of the EP and its special position in the EU institutional design. Voting behaviour in plenary was also the source of studies that intended to shed light on the thorny issue of coalitions and alliances among groups. The main finding was that EP mechanics were primarily shaped around a "core system" (Smith 1990) of two political groups (EPP-PES), forming a so-called grand coalition (Hix and Lord 1997, Kreppel 1999).

The relevance of a grand coalition was justified on different grounds such as, for instance, the pressure to overcome the high majority requirements imposed by the treaties, the need for the EP as a whole to fight a common battle vis-à-vis the other institutions or the imperative to simplify the complexity of parliamentary work through division of labour among groups. The innovative findings of Hix *et al.* (recalled in several publications of which the most recent and comprehensive dates 2005b) need to be seen in the light of this tradition. They collected all roll call votes taking place from

1979 to 2004 and used them to map voting patterns as well as provide convincing evidence of the EP competitive nature. These findings are somehow surprising if one considers that, in other respects, the practice of the EP has remained rather consensual.<sup>4</sup>

Authors that contributed analyses based on roll call votes, however, have always warned that their findings needed to be considered with special attention in the light of the specific properties of their sources. Indeed, out of the three types of votes in the EP (the other three being votes by show of hands, electronic votes and secret ballot), “roll-call votes” is the only one entailing the registration in the minutes of how each member of the European Parliament (MEP) voted. In addition, they only take place if requested by a political group or (currently) 37 MEPs, except for a few cases in which a roll call vote is automatic. In total, roughly one-third of EP votes are by roll-call (Hix *et al.* 2005b).

As Attinà already affirmed in 1992 (and Raunio confirmed in 1996), votes by roll call cannot be treated as a representative sample of the entire population of EP votes precisely because the reality that they picture is biased by the two main reasons underlying their request: (1) to make its own group take a precise political position on a issue (or, conversely, to make another group take one) or (2) to make sure that the members of the group conform to the instruction of the group’s leader. Attinà (1992:151) maintains: “[...] a vote by roll call is mainly of symbolic value.” Hix and Lord (1997:155) recognise as well the limitations of this source arguing that the request of a roll call vote is a political decision, taken under specific circumstances and therefore capable to make these votes not representative of the actual voting behaviour in the EP: awareness that a vote takes place by roll call affects the ways in which MEPs

will vote. Despite these substantial caveats, a roll call vote based literature has successfully proliferated, leading to the conclusive considerations of Hix *et al.* (2005a).

Today, however, the critique against the studies that, on the sole basis of roll call votes, claim to explain the overall voting behaviour in the EP has become more severe and has recently resulted, in a landmark article (Carrubba *et al.* 2003), in an open call for the abandon of this practice. This study on the bias carried by roll call votes concludes that these votes are found to be disproportionately called on less important issues and display systematic bias in accordance with the legislative procedure, policy area and requesting political group. This attack is sound and convincing enough to definitively discard roll call votes, but at the same time does not suggest any strategy to determine how MEPs vote, as “roll call votes are the only votes we can study in detail” (Hix *et al.* 2002).

The methodological limitations affecting roll call votes, however, not only do not diminish, but clearly increase the interest to submit the thesis of the “normal Parliament” to an alternative empirical control. The primary purpose of this research is therefore to offer a new method to test the validity of the original argument defended by Hix *et al.* on the basis of new empirical evidence. In other words, if left/right politics really explains an overwhelming amount of voting in the European Parliament, then these alignments should certainly be present under specific conditions that they have not considered as such in their analysis.

## *2.2 A model to detect competition and its nature*

This research abandons roll call votes and points at voting behaviour in EP legislative committees, looking in particular at all the votes taken on final reports or

opinions adopted in the fulfilment of EP's legislative role. This choice carries one disadvantage and three assets. First of all, the available information is poorer: records of votes taking place in committees do not give an indication of the way individual members have voted (unless, obviously, when the vote is unanimous). All one knows is the number of "Yes", "No" and "Abstain" (and, knowing the size of the committee, the level of turnout). As to the advantages, final votes in committee are a fair synthesis of alignments on a text. Whereas majorities can be fluid on single amendments, the final vote should describe with a fair degree of approximation the camps of those who supported or opposed the outcome. Secondly, in exchange for the reduced information they provide, votes in committee are bias free: all final votes are systematically recorded, with no request being necessary, notwithstanding the committee, the procedure and the issue at stake. In addition, contrary to roll call based studies that usually weight all (requested roll call) votes the same, regardless of whether they were taken on minor amendments, on non-legislative issues or final texts, this approach selects all final votes on legislative issues. Thirdly, since they are specialised on a topic, committees are a sufficiently homogeneous unit of analysis to figure out the cleavages at stake and the likely alignments to form, even in the lack of information on individual voting behaviour.

What do final votes in a committee tell us about the nature of the EP? Basically, they enable us to determine the size of the majority that has endorsed every legislative decision during the 1999-2004 legislature. Given the relative weight of political groups in the EP (see figure 1), the type of winning coalitions can be easily inferred: an average majority of roughly 60% or above, for example, clearly implies that the support to the measure has been granted by both EPP and PES, whereas below this threshold, it is

possible that a right wing or a left wing coalition has formed. Defining the left-wing and the right-wing camps in the EP is not easy, but Hix *et al.* (2005a) provide a valuable help. In the 1999-2004 EP there were seven political groups. Three of them were considered as (18) main "governing" parties: PES, EPP and Liberals (ELDR), with the latter formation located between the other two. This central coalition was surrounded on the left and on the right by two blocs. To the first one belonged the Greens, Radical Left and the left-wing members of the anti-European group (EDD), whereas in the second one they placed the Gaullists, some dissident British Conservatives within the EPP, the right-wing members of the EDD and some radical right deputies among the 32 non attached members.

Notwithstanding these preliminary considerations, however, one should not oversimplify reality and recognise that the categories of consensus and competition, when applied to the day-to-day life of the EP, are not as catchy and simplifying as one might initially think. The EP, for example, could act consensually or competitively to respond to a number of different incentives. Consensually, for instance, when it is subject to the pressing imperative of strengthening its role vis-à-vis the other institutions. At the time of its first direct election, indeed, the EP had been injected with a substantial supply of input legitimacy, without any corresponding increase of powers. The frustration was converted in a unifying battle for survival, in the name of which internal (ideological or territorial) differentiations were temporarily sacrificed. This dynamic has not entirely vanished today and re-emerges under specific circumstances. But a consensual attitude could also have other explanations and be interpreted, for example, as a way to manage daily politics. High majority requirements laid down in the treaties (such as at the second reading of cooperation and co-decision procedure)

have put the EP in front of the dilemma whether to deliver political outcomes acting consensually or be politically inefficient, but loyal to its ideological fragmentation. Finally, consensus is an efficient way to accommodate conflicts even in the lack of specific external constraints: systematic power sharing is much less costly than endless negotiations for every office or piece of policy.

Like for the category of consensus, also different types of competition are possible. A cleavage sometimes emerges between those who advocate more integration and the others. Indeed, Hix *et al.* (2003a:14) maintain that the second most important dimension of conflict (after the left/right, which would explain 51% of MEP decisions) is the “pro-/anti-European integration” one, explaining an additional 14% of MEP decisions. In other cases, moreover, issues could just divide MEPs according to national lines: country delegations with a specific interest in a policy, for instance, could aggregate to resist or push change in spite of their internal ideological differentiation. This aggregation may be more or less spontaneous given that national parties, who control candidatures to the next elections, could exert a certain pressure.

These exemplifications illustrate that an effective application of the proposed test should be constructed in such a way to separate those circumstances in which a left/right, if existing, should certainly emerge (and so be illustrated by a competitive majority) from those situations in which this divide could be hidden by other dimensions of conflict or other types of pressure.

For this purpose, I put forward two hypotheses:

*H1*: If the EP is competitive and competition takes place along the left/right cleavage, then the level of internal consensus should be inversely related to the strength of the EP in the different procedures.

Concerning the variable “EP strength”, I argue that the less the EP is capable to affect a policy outcome, the more it will tend to act as a unitary actor to make its voice heard. If only consulted, for example, it will use the occasion of its opinion to struggle for a greater involvement or take a unitary position of high symbolism (catching media or citizens’ attention and thus help its campaign for more powers). On the contrary, when the EP’s position directly determines the final content of a piece of legislation, its internal differentiation in relation to the issue, if any, should emerge, all other institutional considerations being of secondary importance. This is to say that if competing ideologies exist within the EP, they have no excuses not to emerge when the EP is powerful.

However, this variable, considered alone, does not say anything about the quality of competition we might discover. Should we find, for example, that a committee systematically splits in two when co-decision (2<sup>nd</sup> reading) procedure applies, we would acknowledge the presence of a contentious issue, but we would not be able to define the nature of cleavage dividing the two camps: more/less integration or left/right (to mention to most recurrent ones). This indication may be provided by a second variable: the relevance of obstacles inhibiting the formation of a transnational alliance based on the left/right cleavage, hence my second hypothesis:

*H2*: If the EP is competitive and competition takes place along the left/right cleavage, then the level of internal consensus should be inversely related to the likelihood of a transnational alignment to form.

My argument is that a transnational alignment is more likely to emerge under two circumstances. First, only reports adopted in the frame of a legislative procedure are taken into consideration, as the importance of their consequences imposes on deputies greater pressure to define a position within their group and find supportive allies than non-legislative reports would do. This automatically excludes from the analysis, either in total or in large proportion, the activities of some parliamentary committees, called in the jargon “neutralised committees”, in which a left/right cleavage is very much unlikely to materialise. Almost none of the decisions taken by the committee on petitions, for example, are expected to show a left/right type of competition, as the issues discussed therein are in principle not relevant for that dimension.

Among legislative reports, however, the chances to see a left/right division are not always the same, but depend on a second condition: the presence (or absence) of obstacles for the formation of a transnational alignment. The underlying argument is that the likelihood to detect such a block in a committee is positively correlated with the possibility that the same transnational alignment forms on that issue in society. This in turn is facilitated by legal bases that require a qualified majority voting in the Council, as opposed to provisions requiring unanimity, which would obstruct that process – leading to a rather national alignment. This is so because unanimity makes the relation with the national government inescapable. Groups with an interest in a specific issue have no exit option from the national minister, whose consensus is essential for the



adoption of the legislation. Therefore, although the same issue might be supported by different (political) groups of many countries, their alliance with (or independence from) one another would not make a substantial difference in the decision-making process and thus they are not particularly motivated to join their forces.

On the contrary, qualified majority voting removes this obstacle as it creates an exit option from the national minister: his/her opposition to a certain outcome could be overcome by the formation of a majority of other (for the occasion) like-minded ministers. This would undoubtedly encourage groups to establish a transnational alliance and address all EU ministers with their requests, hoping that a sufficient number of them, regardless of their nationality and in the name of political affinities, would endorse their view. Greenwood (2003:40) effectively illustrates the wider range of possibilities provided by qualified majority voting: “where there is no veto available...for an interest primarily based in a member state without the support of their host government, another option is to seek out another government that is sympathetic”. This is of key importance for a transnational coalition to form, as under these circumstances the interest “cannot be packaged as a domestic one” and allies can be found in other constituencies.

The combination of the two hypotheses identifies 4 scenarios, corresponding to different degrees of consensus. Given that the selection of legislative reports is operated before starting the test, the application of the second variable corresponds to the majority requirements in the Council. If these hypotheses are correct, then consensus (i.e. the percentage of votes endorsing the adoption of a report in a committee) should be increasing from scenario 1 to scenario 4 (figure 2).

*Scenario 1:* if a left/right divide exists, this should clearly emerge under these circumstances. EP's political groups have the chance to directly affect the policy outcome and shape it according to their ideological preferences. Moreover, the formation of a transnational alliance is not impeded by institutional constraints. The majority gathered under these conditions should be of competitive nature.

*Scenario 2:* ideological differentiation should be encouraged by the strength of the EP, but its expression along a left/right divide cannot be given for granted, considering the institutional constraints to the formation of a transnational alliance entrenched in the Council's voting requirement. Consensus is therefore supposed to be higher than in the previous case.

*Scenario 3:* EP's weakness would in principle make institutional strengthening a priority objective of its members, to the detriment of ideological differentiation between them on the issue at stake. However, the fact that majority requirements in the Council favour the formation of a transnational alliance could introduce an element of ideological differentiation whose effects in the voting behaviour could be salient enough to set it apart from the following scenario.

*Scenario 4:* this is the realm of consensual politics. EP's weakness spoils any attempt to affect the final outcome; in addition, the essential role of national executives discourages the formation and the activism of a transnational alliance. Forces in the EP have not other choice than ally to make the voice of the institution heard. Consensus should therefore be at its highest level. Any text adopted under these conditions is expected to be endorsed by a very high majority.

### 2.3 Findings

To test this model, all 1402 legislative reports adopted during the 1999-2004 legislature<sup>5</sup> have been analysed with respect to the number of deputies supporting and opposing each text (or abstaining), the majority requirements at the Council and the applied procedure. To determine the EP's position in the procedure, I relied on the choice made by Carrubba *et al.* (2003) to consider the Parliament as “strong” in the cases of cooperation (2<sup>nd</sup> reading), co-decision (2<sup>nd</sup> and 3<sup>rd</sup> reading) and assent procedures, and “weak” when consultation, concertation, cooperation (1<sup>st</sup> reading) and co-decision (1<sup>st</sup> reading) procedures apply. In addition to their model, I have considered the EP as “strong” in the framework of the budgetary procedure and when it voted on interinstitutional agreements.

Results are astonishing: votes in all committees and under all procedures are virtually unanimous, the average majority endorsing legislative reports being equal to 93,7%.<sup>6</sup> More importantly, the collected evidence radically refutes the proposed model (figure 3). Not only none of the scenarios comes even remotely near the reference “competitive” threshold of 60%, but neither the level of consensus from scenario 1 to 4 increases as predicted (a part from an almost insignificant rise between scenario 1 and 2). Paradoxically, the EP is less consensual when its involvement in the decision-making is limited (“weak”) than when its position is “strong”. Only 37 in 1335 reports are adopted by a majority below 60%. Of these 37, which are less than 3% of total reports, almost a half (16) are passed under consultation procedure and only 13 when the EP is considered as “strong”.

In general terms, findings show that a “giant coalition” dominates the politics of the EP. This unanimous bloc is equally present under every legislative procedure,

regardless of the majority requirements in the Council (figure 4). For example, the EP is more consensual when it is only requested to deliver an opinion than in cases its assent is necessary to adopt legislation. On average, a majority constantly above 90% endorses reports voted under co-decision. In particular, the size of the consensual bloc does not decrease (or increase) as co-decision procedure moves from the non-binding first reading to a final vote on the compromise reached in the conciliation committee. The size of this majority does not vary significantly over time (figure 5) or across parliamentary committees (figure 6) either.

In the light on the existing literature interested in legislative organisation and developed around the U.S. Congress, the present study does not clearly decree the prevalence of a model over the others, although some approaches result more appropriate than their direct competitors. For example, the homogeneous voting behaviour across committee and procedure strengthens the responsible party government model suggested by Cox and McCubbins (1993, 2004), whereby committees are instruments of the majority party and committee chairs exercise power on behalf of their respective parties (Mattson and Strøm 1995: 255). Indeed, the practice of appointing shadow rapporteurs or two rapporteurs for dossiers of particular salience brings additional evidence to their claims. Consistently with this perspective, the present analysis demonstrates that there is a high level of agenda control, jointly exercised by the rapporteur and the committee chair: nothing is put on a vote unless it is clear to them that everyone is on board. In turn, this dynamic also gives credits to the idea that in each committee there is a high level of information about the preferences of all other committees. Other than compatible with the model of the responsible party government, the latter statement suggests that information is key in the functioning of the system,

thus validating the claims of Gilligan and Krehbiel (1989), who regard committees, whose members are considered specialised, as efficient generators of information. On the contrary, the present findings contrast with a “distributive” model (Weingast and Marshall 1988), whereby committees, assuming that MEPs can choose the one to join, end up dominated by “high demanders” that generate constituency-specific benefits to secure their re-election (Whitaker 2005: 6). The fact that differentiated patterns of voting behaviour in each committee do not obtain and self-selection does not appear to be predominant in the appointment of committee members seem to discourage such an interpretation.

If committees are (or have become) instruments of the political groups, this is also to respond to a very practical imperative: EP activities have reached such a level of complexity and specialisation that the only viable option is that of “division-of-labour contracts” among members of the same political groups (Hix et. al. 2005b). Being it impossible to personally follow every file and issue at stake, an MEP accepts the position reached by his/her party colleagues in other committees provided that they would do the same with regards to his/her own activity.

#### *2.4 Caveats and objections*

In a way, these results corroborate the thesis of a “normal” parliament in that committees are usually more consensual than their legislature. As Sartori (1987:229) put it, they “generally end up with unanimous agreement” owing to the fact that each component makes concessions on the understanding that this would be reciprocated in the future. On the other end, however, the absolute absence of variation in the patterns

of consensus does surprise so much that one may reasonably start thinking of possible methodological flows. Some of these objections can be easily predicted.

First of all, there is the problem of absenteeism in parliamentary committees, which is indeed very high: in some of them, attending MEPs do not represent a half of the total committee members. Yet, it would be hard to prove that deputies who do not show up are actually those who, if present, would have opposed the proposed text, so that they should be counted as votes against. Apart from the fact that this interpretation would lead to very bizarre results (such as many reports being adopted with a 30-40 % “majority”!), the more appropriate interpretation could perhaps be a different one. What non-participating MEPs have in common is a limited interest in the issue under discussion. This is the case when they are simply not concerned, which makes the distinction between “in favour” or “against” quite irrelevant, or when they know that their vote would not be useful. The latter scenario might happen because they either know that there is already a well established majority endorsing their favourable position, which would make their contribution superfluous, or have the feeling, precisely for the same reason, that their opposition would be purposeless. Lacking a proven connection between absenteeism and opposition, I consider the preferences of non-present MEPs as a projection of the preferences expressed within the committee by present MEPs.

Secondly, one could well object the salience of votes taken in committees. After all, it is not the committee but the plenary that ultimately votes and decides and it is equally true that there is no firm guarantee that what is agreed in a committee will be subsequently taken up by the plenary. On the one hand, however, practice suggests that almost always the plenary confirms compromises reached in committee (Corbett *et al.*

2000). On the other hand, studies on committees represent valuable analyses *per se*, regardless of their connection with the follow-up in plenary. Furthermore, one should not forget that committees are set to reflect, in their composition, the relative weight of political groups in plenary and are therefore representative themselves. If a left/right divide is to appear in plenary and left/right competition really explains the politics of the EP, then there is no reason why such a cleavage should not emerge at all in committee. |

Thirdly, one could note that the votes selected for this study are only final votes on a report as a whole and not on interim amendments. With the focus placed exclusively on final compromises, one could disregard or underestimate the left/right or other divisions that might have materialised on single amendments. The interpretation, however, does not contradict the model of a consensual Parliament, as the consociational model does not deny the presence of ideology or political contestation in a legislature. Consociational theory does not posit the absence of conflict or confrontation; rather the opposite is true: it presupposes the existence of divisions and explains, in spite of them, the extraordinary stability of the system, achieved through the politics of accommodation. The final compromise could be interpreted as an acceptable outcome, eventually supported also by those groups originally opposed but then satisfied with the inclusion of some of their concerns in the final text.

### **3. Beyond consociational theory**

In addition to these findings, the 2004-2009 EP opened its activities with the return to a highly symbolic power sharing agreement: the EPP-PES compromise on the office of President. By resuming this practice established in the late 1980s, the

Parliament indicated that the arrangements in 1999-2004, whereby Christian Democrats and Liberal shared the Presidency at the expenses of the Socialists, were an exception rather than the start of a new trend. The d'Hondt method continues to be the dominant system for sharing internal offices among political groups and no major shift is reported with regards to policy decisions. Last in chronological order, not to mention the inevitably consensual approval of the new Commission, the Parliament voted overwhelmingly (514 to 110) in favour of the Commission's proposal to make the Lisbon strategy the EU's "top priority" for the next five years. The issue was certainly not a secondary one, and also in this case, after fierce contestation, EPP and PES managed to come to a compromise, "putting past differences behind them" (*EUobserver*, 9 March 2005).

In the light of this scenario, the lasting relevance of consociational arrangements and explanations can hardly be questioned. Nevertheless, one could well take into consideration some additional reasons, mainly relating to the peculiar EU system, for the Parliament to act consensually. At the macro level, for example, Westlake (1994) rightly detected a so-called "do good" factor, whereby this institution was initially driven by a compelling sense of responsibility and acted very consciously in order to gain allegiances from the voters and legitimacy vis-à-vis the other institutions. This in turn influenced the strategies pursued by larger political groups and made consensual compromises the default solution to problems.

At the micro level, MEPs seem to be driven by a somewhat similar "be in" imperative, given that the EP institutional context makes much more remunerative in political terms a proactive participation than an enduring and consistent opposition. This is so because the system provides deputies with great incentives to come to an



agreement and equally great disincentives to be against, especially on a permanent basis. First of all, consensual decision-making carries the advantage of diminishing the relevance of electoral results for the allocation of internal benefits (thus reducing the resources needed to be mobilised for campaigning); second, consensus is a practical arrangement to overcome institutional complexity, leading to the mentioned practices of labour division. At the same time, consensual politics at the European level takes advantage of the remoteness of the arena from the electors and thus suffers in smaller proportion from the typical setbacks of consensual systems, such as the alienation of the citizens from politics. In the case of the EP, for example, the distance from voters' attention insulates EU politics from domestic discourse: this enables European political parties to easily and successfully persuade electors of the truly competitive nature of European elections every five years, while consensual practices still dominate everyday politics.

Even stronger, if possible, are the disincentives for single deputies to be against. If, in national arenas, consistent opposition is rewarded, at the end of the legislature, with the possibility for the minority to become a majority and, in this dynamic, the minority can "spend" its firm opposition to appeal to the electorate, this connection is totally absent in the EP. Given the constitutional location of the EP and its working mechanisms, stable opposition has no better perspective than scarce resources, limited visibility and permanent marginalisation. Needless to recall that the perspective to become majority is simply not at stake. On the contrary, active engagement in the decision-making process, determination to include own amendments in a final text and participation in the adoption of legislation are all indicators that the MEP has been successful and influential. Only this attitude, with minor exceptions, can secure the

MEP his/her re-election, upon which - it is worth reminding - only national parties take the ultimate decision.

## **Conclusion**

This study has detected, in EP committees, a specific voting behaviour, which is consistently consensual over time, across policies, in every procedure and regardless of the majority requirements in the Council. Against this background, the present analysis underlines the importance of political groups in controlling committees, emphasising in particular the role of the rapporteur and the committee chair as agenda-setters. To account for this phenomenon appeal has been made to the consociational theory that still displays the strongest explanatory power of EP internal dynamics. According to the gathered data, grand coalition and rule of proportional representation are still “cast in stone” features of the European Parliament.

But what does this mean for the EP? The fact that the EP is found overwhelmingly consensual does not make it automatically less democratic or less legitimate. After all, Lijphart (1984, 1999) did not elaborate the notion of consociational democracy to rank it above or below representative democracy, but to identify a set of democratic arrangements particularly well suited for fragmented societies to counter division tendencies. Whether consociational arrangements are a definitive or transitional stage in the evolution of the European democracy is still a matter of contention. Gabel (1998) argues that consociational democracies in the long run facilitate transition to majoritarian politics, thanks to the depoliticisation of intersegmental disagreements and the maintenance of electorally representative institutions. According to Taylor

(1991:113), on the contrary, consociationalism indicates an end situation where segmental autonomy is preserved within a cooperative, “symbiotic” arrangement.

Given this uncertainty, why could not consociational arrangements be the most appropriate setting also for the EU? And, under these circumstances, are we sure that the conferral of more powers to the Parliament and a forced top-down empowerment of European political parties are the most appropriate strategies to make the system progress?

## Figures

*Figure 1*

European Parliament Political Groups	Abbreviation	Number of Seats	%
European People's Party (Christian Democrats) & European Democrats	<b>EPP-ED</b>	<b>233</b>	<b>37,2</b>
Party of European Socialists	<b>PES</b>	<b>175</b>	<b>28,0</b>
European Liberal, Democrat & Reformist Party	<b>ELDR</b>	<b>53</b>	<b>8,5</b>
European United Left/ Nordic Green Left	<b>EUL/NGL</b>	<b>50</b>	<b>8,0</b>
Greens/ European Free Alliance	<b>Greens/ EFA</b>	<b>45</b>	<b>7,2</b>
Union for Europe of the Nations	<b>UEN</b>	<b>22</b>	<b>3,5</b>
Europe of Democracies & Diversities	<b>EDD</b>	<b>16</b>	<b>2,6</b>
Non-attached	<b>NA</b>	<b>32</b>	<b>5,1</b>
<b>TOTAL</b>		<b>626</b>	<b>100,0</b>

*Figure 2*

### EP position

		Strong	Weak
Majority required at the Council	QMV	1	3
	UNAN	2	4

*Figure 3*

### EP position

		Strong	Weak
Majority required at the Council	QMV	94,0	93,3
	UNAN	97,0	93,5

Combined      94,2      93,4

*Figure 4*

<u>Average majority per procedure</u>				<u>Reports per procedure</u>			
	ALL	UNAN	QMV		ALL	UNAN	QMV
*	94,1	94,2	94,1	*	529	202	327
***	98,1	96,7	99,5	***	41	21	20
***I	92,3	82,5	92,6	***I	350	12	338
***II	92,4	/	92,4	***II	242	0	242
***III	92,9	/	92,9	***III	76	0	76
BDG	98,5	/	98,5	BDG	76	0	76
INT	97,3	97,3	/	INT	21	21	0
	<b>93,7</b>	<b>94,1</b>	<b>93,6</b>		<b>1335</b>	<b>256</b>	<b>1079</b>

*Figure 5*

Year	Average majority	No. Reports
1999/2000	95,6	186
2000/2001	95,6	275
2001/2002	93,8	272
2002/2003	91,3	271
2003/2004	92,8	331

Years go from July to June

*Figure 6*

**Reports and average majority per committee**

<b>Committee</b>	<b>Average majority</b>	<b>No. Reports</b>
<b><u>1. AFET</u></b>	95,8	36
<b><u>2. BUDG</u></b>	98,4	124
<b><u>4. LIBE</u></b>	89,8	163
<b><u>5. ECON</u></b>	95,6	99
<b><u>6. JURI</u></b>	94,8	96
<b><u>7. ITRE</u></b>	95,0	121
<b><u>8. EMPL</u></b>	91,3	47
<b><u>9. ENVI</u></b>	90,9	246
<b><u>10. AGRI</u></b>	96,5	87
<b><u>11. PECH</u></b>	93,5	85
<b><u>12. RETT</u></b>	92,5	144
<b><u>13. CULT</u></b>	97,2	33
<b><u>14. DEVE</u></b>	99,5	24
<b><u>15. AFCO</u></b>	91,5	18
<b><u>16. FEMM</u></b>	94,9	12
<b>Total</b>	93,7	1335

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<sup>1</sup> The reason relates to a somewhat negative connotation that the word consociation acquires in certain contexts. Consensus, on the other hand, is free from any normative connotation and it is thus preferred.

<sup>2</sup> Some countries have thresholds for access to representation, but they cannot be higher than 5%.

<sup>3</sup> IA is a measure of the relationship between the three modalities of votes cast by the MEPs (YES, NO and ABSTAIN), in relation to the total number of votes cast by the members of the plenary. IA=100 if all the members vote the same way; IA=0 if half the members of a group equally vote for the three possibilities.

<sup>4</sup> For example, political groups continue to share out offices among themselves on a strictly proportional basis.

<sup>5</sup> Were considered as “legislative reports” all texts adopted in the framework of legislative (1305) and budgetary (76) procedures as well as interinstitutional agreements (21). Out of these reports, however, 67 could not be used: 8 because of missing information; 59 because the report was adopted according to a simplified procedure (article 158.1 and 158.2, Rules of Procedure, 14th edition) that allows a report to be considered as approved if 1/5 of the committee does not show opposition. Under these circumstances it was difficult to determine the exact percentage of the majority and the decision was taken to leave them out. Such adjustments have a minimal influence on the final figures.

In addition to the “legislative” ones, the 1999-2004 EP has also adopted 793 other reports, in the framework of the discharge (42), appointment (1) and immunity (27) procedures, on the rules of procedure (18), on own initiatives (328) and on *Green Paper, strategy doc., Commission report* (360). These “other” reports were not taken into account, since they do not entail EP's participation in the legislative process nor they are subject to a vote in the Council.

<sup>6</sup> To determine the majority for the adoption of each report, I have considered Yes votes as opposed to No votes. However, I have added abstentions to No votes when an absolute majority of members of Parliament was required by the procedure.

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