

Centre International de Formation Européenne



**Institut Européen des Hautes Études Internationales**



***"Quoi, des cohortes étrangères, feraient la loi dans nos foyers..."***  
**About French Perceptions, Facts and Backgrounds around**  
**May 29<sup>th</sup> 2005**

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## II. List of Abbreviations

- Art.:** Article  
**ASEM:** Asia-Europe Meeting  
**AT:** Austria  
**Attac:** Association pour une Taxation des Transactions financières pour l'Aide aux Citoyens et Citoyennes  
**AU:** Australia
- B:** Belgium  
**BG:** Bulgaria
- C:** Cypres  
**CA:** Canada  
**CAP:** Common Agriculture Policy  
**Cf:** Confer  
**CFSP:** Common Foreign and Security Policy  
**CH:** Switzerland  
**CN:** China  
**CPI:** Consumer Price Index  
**CR:** Croatia  
**CZ:** The Czech Republic
- D:** Germany  
**DK:** Denmark
- E:** Spain  
**EC:** European Communities  
**ECSC:** European Coal and Steel Community  
**ED:** Editor  
**EEC:** European Economic Community  
**EMU:** Economic and Monetary Union  
**EP:** European Parliament  
**ET:** Estonia  
**EU:** European Union  
**EU12:** The members of the Economic and Monetary Union (Euro) i.e. Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Spain.

**EU15:** The members of the European Union until May 2004 i.e. Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom.

**EU25:** The members of the European Union since May 2004 i.e. Austria, Belgium, the Czech Republic, Cypress, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

**EU27:** The prospective members of the European Union from 2007 i.e. Austria, Belgium, Bulgaria the Czech Republic, Cypress, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

**F:** France

**FDI:** Foreign Direct Investment

**FI:** Finland

**FN:** Front National

**G:** Greece

**GATT:** General Agreement on Tariffs and Trade

**GDP:** Gross Domestic Product

**GG:** Grundgesetz (German Constitutional Law)

**H:** Hungary

**IC:** Iceland

**i.e.:** Id est (that is to say)

**IGC:** Intergovernmental Conference

**IR:** Ireland

**IT:** Italy

**J:** Japan

**KO:** South Korea

**L:** Luxembourg

**l.c.:** Loco citato (in the place cited)

**LI:** Lithuania

**LT:** Latvia



- M:** Malta  
**MEP:** Member of the European Parliament  
**MPF** Mouvement pour la France  
**MX:** Mexico
- N.a.:** Not applicable  
**NGO:** Non Governmental Organisation  
**NL:** The Netherlands  
**NO:** Norway  
**NZ:** New Zealand
- OECD:** Organisation for Economic Co-operation and Development
- P:** Portugal  
**PCF :** Parti Communiste Français  
**PL:** Poland  
**PS:** Parti Socialiste
- RO:** Romania  
**ROI:** Return on Investment  
**RPF** Rassemblement pour la France
- S:** Sweden  
**SEA:** Single European Act  
**SK:** Slovakia  
**SL:** Slovenia
- T:** Turkey  
**TCE:** Treaty Establishing a Constitution for Europe  
**TEC:** Treaty of the European Community (Treaty of Nice)  
**TEU:** Treaty of the European Union (Treaty of Maastricht)
- UDF :** Union pour la Démocratie Française  
**UMP:** Union pour un Mouvement Populaire  
**UK:** The United Kingdom  
**USA:** The United States of America
- WTO:** World Trade Organization

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## PREFACE

*“In dreams begins responsibility”*

Nobel Prize-laureate William Butler Yeats  
(1865 – 1939)

And all has begun with one venturesome, visionary dream of one responsible man; the “father of Europe”, alias Jean Omer Marie Gabriel Monnet. In the meantime, the history of the European Union covers more than half a century. Throughout the second half of the 20<sup>th</sup> century and after the dreadful experience of the Second World War, a growing group of European states decided to converge and integrate on political, economic, social and related levels. Over the time, the number of member states that decided to join this group, as well as its scope of functions have been steadily increasing.

There were six in the incipienties, which united in 1951 under the European Coal and Steel Community. That comprised the sovereign nations Belgium, Luxembourg, the Netherlands, Italy, the Federal Republic of Germany, and France and had the purpose to organize and control the European market for steel and coal. Thus, at that time those nations had apparently mainly economic motives, which were further realised with the Treaties of Rome establishing the European Economic Community later in 1957, among the same group of states.

However, there were great political ambitions yet, primarily between France and Germany, to create such links between the two powers that should make another war on the European continent impossible for all times.

Hence, the motives for this partly supranational integration were manifold and included inter alia the preservation of peace, an affiliation to a community of values, more influence on foreign- and security policy, the improvement of international understanding, solution of border-crossing problems and the improvement of economic wealth.<sup>1</sup>

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<sup>1</sup> Cf, *Schmuck, O.*, Motive, Leitbilder und Etappen der Integration, in: Informationen zur politischen Bildung, Europäische Union, 2. Quartal 2003, No. 279, Berlin 2003, p. 5.

From the very beginning, the role of France in this process has been very ambiguous. On the one hand the country has been one of the most important driving forces on the way towards unity on the European continent; on the other hand, it was the claim to European leadership of this “Grande Nation”, which has repeatedly put important obstacles in the way of the integrating community, bringing the process to significant slowdowns.

It was the great, revolutionary visions of French statesmen like Jean Monnet and Robert Schuman that laid the very first foundations and led to the initial steps on the long and stony way of European rapprochement. All commenced with a keen and far-sighted plan developed by the Frenchman and “father of Europe” Jean Monnet, which was presented by his fellow-countryman, Robert Schuman, the French Foreign Minister on May 9<sup>th</sup> 1950, almost exactly six years after the end of the Second World War on the European Continent. Shortly after that, in autumn of the same year, the French Prime Minister René Pleven came up with another, even more ambitious initiative and proposed the so-called “Pleven Plan” that should create a European Defence Community. Thus, this further step in the integration process, again coming from the French government,<sup>2</sup> would already have had considerable political implications<sup>3</sup>. However, the treaty, which was signed on May 27<sup>th</sup> 1952, a month before the entry into force of the Treaty of Paris<sup>4</sup>, has never become effective. In fact, it quickly passed the ratification procedures of five of the six participating nations, but it was brought to a collapse just by the initiating nation, namely France. Inter alia due to the perceived threat of losing national sovereignty and fears about the remilitarisation of Germany, it could not gain a majority in the French Assemblée Nationale<sup>5</sup>.

After that failed leap in integration, the six nations quickly returned to the “*méthode communautaire*” in the course of the conference of Messina, in June 1955 and agreed upon an economic integration with the establishment of the

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<sup>2</sup> It was once again based on ideas from Jean Monnet, who actually was the mastermind of most ambitious integration intentions of that time.

<sup>3</sup> It should eventually also have led to a European Political Community, as decided by 6 Foreign Ministers at the ECSC Council in September 1952.

<sup>4</sup> The Treaty of Paris was signed on April 18<sup>th</sup> 1951 and the establishment of the ECSC came into force on June 23<sup>rd</sup> 1952.

European Economic Community, as well as the European Atomic Energy Community, which was eventually concluded with the Treaties of Rome on March 25<sup>th</sup> 1957. However, with the reappearance of Général Charles de Gaulle on the top of the political arena in France, due to the confusion of the Algerian War, this continuous integration came to an abrupt cessation. In contrast to his fellow-countrymen Monnet, Schuman or Pleven, De Gaulle only assigned an instrumental significance to the European Integration process. This is to say that he solely wanted to utilize the European Integration in order to compete in geopolitical terms with the post-war Super Powers, like the United States<sup>6</sup>. He was a vehement apologist of the “intergovernmentalist” idea of Europe at the service of the nation states<sup>7</sup>. Hence, de Gaulle considered all tendencies of supranational integration as absurd. In 1960 he verbally said to Alain Peyrefitte, his later Foreign Minister: “*Rien n’est au-dessus des nation, sinon ce que leurs États décident ensemble ! Les prétentions des commissaires à Bruxelles à vouloir donner des ordres aux gouvernements sont dérisoires ! Dérisoires !*”<sup>8</sup> Due to his downright glorification of the “État-nation”, he did not want to subordinate the national interests of France to the necessities, imposed by the growing interrelation between the European countries<sup>9</sup>.

This is why he proposed a strongly intergovernmental cooperation with the so-called “Fouchet Plan”, which though has not been accepted by his homologues, since they were willing to apply a more supranational approach. Therefore, it failed in 1962; whereupon the French president aimed to evade the pan-European integration endeavours by a stronger linkage to Adenauer’s Germany, what found its peak in 1963, with the “Elysée Treaty”. The bilateral treaty provided for an

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<sup>5</sup> Particularly the Gaullist wing in the parliament was opposed to the treaty.

<sup>6</sup> Cf. Müller-Branddeck-Bocquet, G., Frankreich in der Europäischen Union, in: Kimmel/Uterwedde (ed.) Länderbericht Frankreich, Bundeszentrale für politische Bildung, Bonn 2005, p. 385.

<sup>7</sup> As for instance defined by the General Director of the Centre International de Formation Européenne, Hartmut Marhold, Cf. Marhold, H., Le nouveau débat sur l’Europe, Enjeux et controverses du débat politique sur l’avenir de l’Europe, in: Formation Européenne, No. 321, p. 21.

<sup>8</sup> Cf. De Gaulle, C., quoted by Alain Peyrefitte, in an interview, in the article: De Gaulle, Propos privés, in: Les collections de l’histoire, hors-série, No. 1, 1998, p. 80.

<sup>9</sup> Cf. Weisenfeld, E., Geschichte Frankreichs seit 1945. Von de Gaulle bis zur Gegenwart, München 1997.

intensified political, economic and above all cultural co-operation between the two countries and laid not only the foundation stone for the “Amitié Franco-Allemande”, but ironically indirectly also for the later “motor of Europe” incarnated by the successive heads of state or government respectively, of the two formerly antagonistic states<sup>10</sup>. Germany self-evidently was responsive to this rapprochement of France, but unlike de Gaulle, considered it as an integral part of the unification process on the entire continent.

Hence, this indirect encouragement was utterly unintended and de Gaulle’s prevailing averseness against any abandonment of national sovereignty eventually culminated in his policy of the “Empty Chair” from 1965 to 1966 that blocked the EC institutions for half a year and heralded a certain paralysis of the European Communities in the subsequent period. That was certainly the most considerable setback for the integration process since the failure of the EDC in 1954; and once again it emanated from France. In 1969 eventually, after months of political *mêlée*, de Gaulle resigned after a failed referendum and gave way to a new face at the head of the “Grande Nation”.

De Gaulle’s successor George Pompidou continued the restraining comportment towards the European Communities in principle, even though he had to abandon the approach of geopolitical “grandeur” to a large degree. He reverted to a more reality-oriented foreign policy, especially in economic terms<sup>11</sup>. The fact that he agreed upon the informal creation of the intergovernmental European Political Cooperation<sup>12</sup> was rather a reaction to the new external approach of the German Chancellor Willy Brandt, in the course of its “Ostpolitik”, than a newly upcoming of France’s commitment to the European Integration<sup>13</sup>. The French political

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<sup>10</sup> The couples Charles de Gaulle and Konrad Adenauer, as well as Valéry Giscard d’Estaing and Helmut Schmidt, followed by François Mitterrand and Helmut Kohl up to Jacques Chirac and Gerhard Schröder were tied together by veritable friendships. Those tandems consistently provided for the important impetus that gave rise to new steps in the pan-European Integration process, like for instance the Schengen Agreement, which was subsequently applied on almost the entire EC (apart of the UK and Ireland) and with e.g. Norway and Iceland even further.

<sup>11</sup> Cf. *Woyke, W.*, *Frankreichs Außenpolitik von de Gaulle bis Mitterrand*, Opladen 1987, p. 64.

<sup>12</sup> The European Political Cooperation was precursor of the CSFP and has been institutionalised with the Single European Act in 1986.

<sup>13</sup> Cf. *Leuchtenweis, N.*, *Deutsche Europapolitik zwischen Aufbruchsstimmung und Weltwirtschaftskrise*, in: Müller-Brandeck-Bocquet, G., (ed.), *Deutsche Europapolitik von Konrad Adenauer bis Gerhard Schröder*, Opladen 2002, p. 82 et seqq.

scientist Marie-Christine Kessler argues that “Pompidou’s vigilance vis-à-vis any kind of “supranational deviation” was actually as ample as de Gaulle’s<sup>14</sup>.

Thus, unlike in the very beginning, during the entire period of De Gaulle’s and Pompidou’s presidency, France was certainly the country that impeded further integration attempts the most within the young community<sup>15</sup>. The far reaching integration incentives of that time came primarily from the other side of the Rhine, namely from Willy Brandt<sup>16</sup>.

That changed fairly after the surprising death of Pompidou and the assumption of office by Valéry Giscard d’Estaing in 1974. In the geopolitical and economic environment of the petrol shock of 1973 and due to the obvious economic interdependencies, Giscard agreed on the idea of creating a European confederation, for the sake of the nation states. Beside that, the European Council has been created in 1975 upon his initiative. However, when he campaigned for the introduction of a direct universal suffrage for the EP, Giscard was faced to intense opposition and protests from the side of his own compatriots, who accused him of being a “supranationalist”<sup>17</sup>. According to Wolfgang Wessels, since this point of time it has been appropriate to talk about the couple Germany and France as the “motor of Europe”<sup>18</sup>. Thus, in spite of the partly intergovernmental approaches and the cleavage within France concerning supranational intentions, in the mid-seventies France has again taken a leading role in the process of European rapprochement and has clearly been displaced by the UK as the most Euro-sceptical member state.

After the election of the socialist and former friend of René Pleven, François Mitterrand in the Elysée Palace, the “motor of Europe” was embodied in the

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<sup>14</sup> Cf, *Kessler, M-C.*, *La politique étrangère de la France. Acteurs et processus*, Paris 1999, p. 193.

<sup>15</sup> With the accession of the UK, France was joined by a similarly sceptical state towards an increased European Integration.

<sup>16</sup> In 1972, Willy Brandt suggested among other things a direct universal suffrage for the European Parliament, Qualified Majority Voting in the Council, as well as an enhancement of the European Commission’s role.

Cf, *Leuchtenweis, N.*, l.c., p. 71.

<sup>17</sup> Cf, *Müller-Brandeck-Bocquet*, l.c., p. 389.

Franco-German friendship of the tandem François Mitterrand-Helmut Kohl, who made it their aim to surmount the crisis of “Eurosclerosis”<sup>19</sup>. For the first global reform of the Treaties of Rome, in the course of the Single European Act, Mitterrand partially abandoned the traditional intergovernmental approach that France had pursued since the presidency of de Gaulle. So, he agreed on the extension of majority voting in the Council and thus a certain limitation of the national sovereignty, which had always been vehemently defended by the French government since the “Luxembourg Compromise”.

However, also under Mitterrand’s presidency, the ambiguity of the French European policy was kept, since notwithstanding his pioneer role in certain policy fields, he was strongly opposed to a further promotion of the EP’s role, as well as the cession of significant sovereignty in the field of foreign policy. In those aspects France again proved to be one of the most retaining EC member states. But with the time Mitterrand’s commitment to the integration process grew further, peaking in the “golden era” of French European policy<sup>20</sup>, between 1990 and 1992, when Mitterrand, at least in part, eventually embraced the federalist method of integration, leading to the European Union and the establishment of the EMU, in the course of the Maastricht Treaty<sup>21</sup>. Hence, at this point the government of France has returned to being one of the driving forces in the process of European Integration.

However, with the Maastricht Treaty a new protagonist appeared in the decision making process in France, regarding European aspects, namely the people<sup>22</sup>. On

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<sup>18</sup> Cf, *Picht, R/Wessels, W.*, Motor für Europa? Deutsch-französischer Bilateralismus und Europäische Integration, Bonn 1991, p. 17 - 31.

<sup>19</sup> According to Jacques Santer, the “*pragmatisme politique britannique*”, introduced in the community with the accession of the UK, was one of the triggers for the period of “Eurosclerosis” and Euro-scepticism.

Cf, *Santer, J.*, quoted on January 23<sup>rd</sup> 2001, by: Union Européenne des Fédéralistes, L’Europe après Nice, par Jacques Santer, <http://www.uef-europe.org/id100.htm> [state: 05/23/2006].

<sup>20</sup> Cf, *Cohen-Tanugi, L.*, La Politique européenne de la France à l’heure des choix, in: *Politique étrangère*, No. 4, 1995/1996, p. 857.

<sup>21</sup> Mitterrand was the strongest proponent of the establishment of a common currency. One reason for this was the desired stronger link to Germany, which has considerably gained political power due to the reunification in 1990.

<sup>22</sup> France had actually already made its citizens participate in a European issue, when Pompidou held a plebiscite on the EC entry of the UK, Ireland and Denmark in April 1972 that resulted in a high approval of 68.32%.

September 20<sup>th</sup> 1992, after intense election campaigns, which had virtually led to a cleavage in the French society, France held a referendum on the ratification of the Treaty of Maastricht. Only a very slight majority of 51.05% prevented the treaty from being refused<sup>23</sup>, which would certainly have caused a substantial crisis for the yet unborn European Union<sup>24</sup>. This outcome, revealed for the first time, the considerable importance of the public opinion towards the integration ambitions, since all the important initiatives and decisions until that time had come from the political elite, rather than from the people themselves.

The comeback to a Gaullist government in 1995, with the election of Jacques Chirac, who also was a supporter of the Treaty of Maastricht, did not provoke a substantial change of the French policy towards Europe. Chirac bore the continuous extension of the Qualified Majority Voting procedure in the Council of the European Union and the upgrading of European Parliament's competencies in the course of the Treaties of Amsterdam and Nice. However, the very self-serving comportment of the French government during its Council Presidency, in the course of the conclusion of the Treaty of Nice indicates a still prevailing instrumentalisation of the European Union for national goals<sup>25</sup>.

After the “fiasco” of the Nice Treaty and even though the French government<sup>26</sup> did not substantially agree with the ambitious agenda proposed by the German Foreign Minister Joschka Fischer, during his famous “Humboldt-Speech” in

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Cf, Nouvelobs, Les dernières infographies, Référendum français sur le Traité constitutionnel européen, Les précédents référendums en France, [http://permanent.nouvelobs.com/cgi/edition/qobs\\_gengalafp?date=&motk=constitution&go=Valider#](http://permanent.nouvelobs.com/cgi/edition/qobs_gengalafp?date=&motk=constitution&go=Valider#) [state: 05/04/2006].

<sup>23</sup> Cf, France politique, Référendum du 20 Septembre 1992, Traité de Maastricht, <http://francepolitique.free.fr/referendum1992.htm> [state: 01/29/2005].

<sup>24</sup> In fact, the Danish population refused the Treaty, which provided for a short minor crisis that could be eliminated with concessions to Denmark and a second plebiscite that brought a positive result. A refusal of the founding member France would probably have been regarded as more significant.

<sup>25</sup> In the context of the foreseeable EU enlargement, Chirac wanted a reweighing of the votes in the Council in favour of the larger member states, like France itself, without abolishing the parity to Germany, which after its reunification counted over 20 million inhabitants more than France.

<sup>26</sup> At that time France was ruled by a “Cohabitation”, i.e. a Gaullist president, but a socialist executive under Prime Minister Lionel Jospin.



2000<sup>27</sup>, Chirac backed the way to a first-ever Constitution for Europe, in the course of the “Laeken-Declaration”, giving rise to the Convention on the Future of Europe. With the former president Valéry Giscard d’Estaing a Frenchman was even appointed the head of that convention. After 16 months of negotiations, the European Convention presented its drafted Treaty establishing a European Constitution, which finally has been signed in Rome by the concerned nations’ representatives including the one of France, on October 29<sup>th</sup> 2004. Hence, in contrast to 1954, half a century later, the French government did not block that substantial and particularly symbolic step in the integration process on the European continent.

However, despite the arisen European commitment among the currently leading political class, on May 29<sup>th</sup> 2005, France again played a crucial role in the history of the European Union. The country has once again refused a step in European Integration, which itself partly has initiated. But this time, there is a decisive difference in comparison to the previous cases, when the “Grande Nation” has put stumbling blocks in the way of the European Integration. This time it was not the political elite that made a stand against the deepening of the integration process, like in all the examples before. This time it was the voice of the people that has turned against a certain European project.

As history has proven, governments are frequently replaced and policies are turned around. However, the people is not replaceable, since it is not possible to fall back to Berthold Brechts approach, quoted as: “...*Das Volk hat das Vertrauen der Regierung verscherzt. Wäre es da nicht doch einfacher, die Regierung löste das Volk auf und wählte ein anderes...*?”<sup>28</sup>. Thus, the people’s voice has a quintessentially different significance; and now the political elite and with them, the entire European Integration has to pay deterrence to the citizens.

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<sup>27</sup> Fischer’s proposal of a “European Federation” has caused intense negative reactions in France, especially from the side of the Foreign Minister Hubert Védrine and the Interior Minister Jean-Pierre Chevènement, who compared the German’s attempts to the hegemonic ambitions of the national socialists during the Second World War.

Cf, *Marhold, H.*, l.c., p. 9 & 10.

<sup>28</sup> Taken from his poem “Die Lösung”, published in the “Buckower Elegies”, in 1953.  
Cf, *Zweites Deutsches Fernsehen, Politik und Zeitgeschehen, Mona Lisa* telecast on 10/09/2005,  
<http://www.zdf.de/ZDFde/inhalt/18/0,1872,2383602,00.html> [state 01/07/2006].

The French president Jacques Chirac reacted to the decision, taken by his fellow citizens with a letter directed to the other 24 heads of state or government of the European Union, two days after the crucial plebiscite, highlighting the important role of France in the history of European integration, with the words: “...elle ne remet nullement en cause l'engagement historique et profond de la France dans la construction européenne. La France est un pays fondateur de l'Union. Elle continuera à y tenir toute sa place, dans le respect de ses engagements...”<sup>29</sup>.

In most of the central concepts of further European Integration, like the idea of a “core Europe” from Wolfgang Schäuble and Karl Lamers<sup>30</sup>, or Joschka Fischer’s “gravitation centre”<sup>31</sup>, as well as the “pioneer group” proposed by Jacques Chirac<sup>32</sup>, France was seen to play a particularly important role. The German historian Wolf Gruner even wrote about the “*irresolvable triad France-Germany-Europe*”<sup>33</sup>.

However, Valéry Giscard d’Estaing, the former French president and “architect of the European Constitution” sees the situation more pessimistically and couched the role of France after the plebiscite in the more dramatic terms, assuming that “...for the first time in 50 years, France no longer has a project for Europe”<sup>34</sup>.

<sup>29</sup> Cf, Présidence de la République, actualités, 2005, Juin, Lettres de M. Jacques Chirac, Président de la République, adressées aux 24 chefs d’Etat et de gouvernement de l’Union européenne, à la suite référendum sur le Traité constitutionnel européen en France, [http://www.elysee.fr/elysee/francais/actualites/a\\_1\\_elysee/2005/mai/lettres\\_adressees\\_par\\_le\\_president\\_de\\_la\\_republique\\_aux\\_24\\_chefs\\_d\\_etat\\_et\\_de\\_gouvernement\\_de\\_l\\_union\\_europeenne\\_a\\_la\\_suite\\_du\\_rejet\\_du\\_traite\\_constitutionnel\\_europeen\\_par\\_le\\_peuple\\_francais.30025.html](http://www.elysee.fr/elysee/francais/actualites/a_1_elysee/2005/mai/lettres_adressees_par_le_president_de_la_republique_aux_24_chefs_d_etat_et_de_gouvernement_de_l_union_europeenne_a_la_suite_du_rejet_du_traite_constitutionnel_europeen_par_le_peuple_francais.30025.html) [state : 05/04/2006].

<sup>30</sup> Cf, Schäuble, W./Lamers, K., Schäuble / Lamers-Papier, CDU/CSU-Fraktion des Deutschen Bundestages, Überlegungen zur europäischen Politik, Bonn 1994.

<sup>31</sup> Cf, Fischer, J., Vom Staatenbund zur Föderation – Gedanken über die Finalität der europäischen Integration, in: Integration No. 3, 2000, p. 149–156.

<sup>32</sup> Cf, Chirac, J., Présidence de la République, Discours et déclarations, Unser Europa, Rede von Jacques Chirac, Präsident der Republik vor dem deutschen Bundestag, [http://www.elysee.fr/elysee/elysee.fr/francais/interventions/discours\\_et\\_declarations/2000/juin/unser\\_europa-rede\\_von\\_jacques\\_chirac\\_prasident\\_der\\_republik\\_vor\\_dem\\_deutschen\\_bundestag.46042.html](http://www.elysee.fr/elysee/elysee.fr/francais/interventions/discours_et_declarations/2000/juin/unser_europa-rede_von_jacques_chirac_prasident_der_republik_vor_dem_deutschen_bundestag.46042.html) [state: 01/28/2006].

<sup>33</sup> Cf, Gruner, W., D., Der Platz Deutschlands in Europa nach dem Zweiten Weltkrieg aus der Sicht Jean Monnets (1940–1952), in: Wilkens, A., (ed.), Interessen verbinden, Jean Monnet und die europäische Integration der Bundesrepublik Deutschland, Bonn 1999, p. 32.

<sup>34</sup> Cf, Giscard d’Estaing, V., quoted in: France and the European Union, Desperately seeking a policy, in: The Economist, No. 8461, 01/21/2006, p. 25.

## 1. INTRODUCTION

*“La souveraineté nationale appartient au peuple qui l'exerce par ses représentants et par la voie du référendum<sup>35</sup>”*

In the week after the newly elaborated draft for a European Constitutional Treaty had been presented at the Thessaloniki European Council on June 20<sup>th</sup> 2003, the EU Commission's Directorate-General “Press and Communication” ordered a survey concerning the view of the Europeans towards the outcomes of the European Convention. Eurobarometer polled citizens from the fifteen EU member states of that time, if they perceived it to be essential or at least useful that the entire EU population could give its opinion, by means of a referendum, on the adoption of a Constitution for the European Union. While in the EU average a majority saw it as useful, but not categorically necessary to hold a referendum on the issue, the French belonged to the only three countries where the largest share of the citizens perceived the sovereign's direct participation as essential<sup>36</sup>.

In contrast to the other European Union member states Ireland and Denmark, the Constitution of the Fifth French Republic does not imperatively stipulate the ratification of international treaties by means of a public referendum<sup>37</sup>. However, aware of the very positive opinion of his compatriots towards a European Constitution and reacting to pressure from the French public, but also from within

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<sup>35</sup> Cf, The original wording of **Article 3** of the **Constitution of the fifth French Republic**.

<sup>36</sup> Only in Greece and Denmark a larger part of the population than in France was of that opinion. Greece, where the people were the most convinced of the necessity of a plebiscite (by 70%), has nevertheless ratified the treaty by parliamentary vote, as 6<sup>th</sup> member state on April 19<sup>th</sup> 2005. Denmark is constitutionally obliged to hold a referendum on the treaty. The date of the vote has been adjourned sine die. Interestingly, the Irish saw a lower exigency than the French for a ratification of the draft by direct means of participation, even though their state is also bound by its constitution to do so and there is a long plebiscitary tradition in Ireland, concerning European treaties.

Cf, Eurobarometer, Flash 142, Convention on the Future of Europe, p. 43.

[http://ec.europa.eu/comm/public\\_opinion/flash/fl142\\_convention.pdf](http://ec.europa.eu/comm/public_opinion/flash/fl142_convention.pdf) [state: 05/07/2006].

In connection with:

Cf, Europa, A constitution for Europe, Summary table, Procedures planned for the ratification of the European Constitution,

[http://europa.eu.int/constitution/ratification\\_en.htm](http://europa.eu.int/constitution/ratification_en.htm) [state: 05/23/2006].

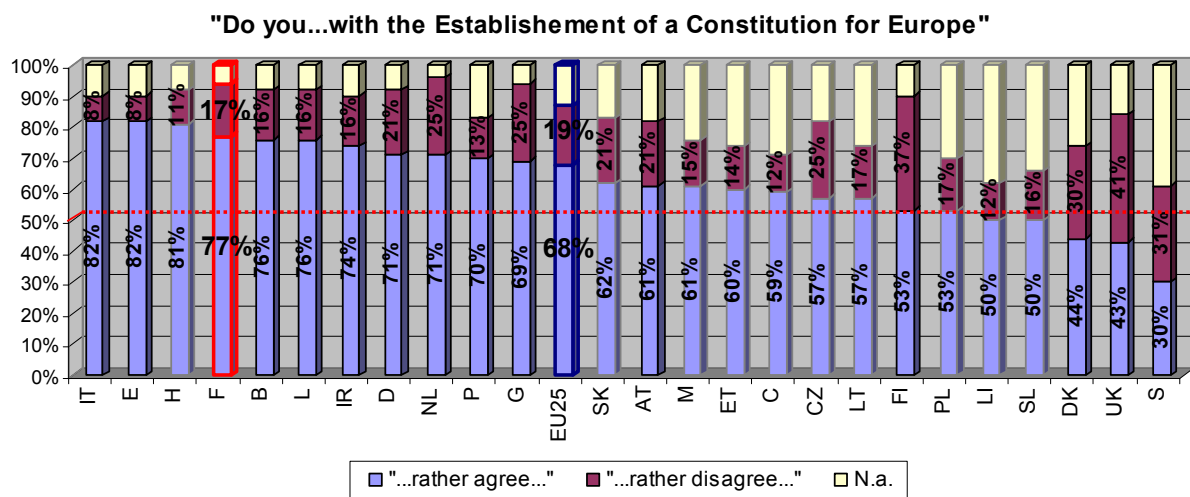
<sup>37</sup> According to **Article 52** of the **Constitution of the 5th Republic**, The President of the Republic shall negotiate and ratify treaties. **Art. 88-4** stipulates that the National Assembly and the Senate decide upon legislation from any European Institution; and in accordance with **Art. 89**, “...a bill to amend the Constitution shall not be submitted to referendum where the President of the Republic decides to submit it to Parliament convened in Congress...”

his own party UMP<sup>38</sup>, Jacques Chirac decided on the holding of a plebiscite on the European Constitutional Treaty and announced the date for the second half of the year 2005<sup>39</sup>. The consequences and implication of that far-reaching decision for the sake of direct democracy shall be regarded in the following subchapters.

## 1.1 May 29<sup>th</sup> 2005, its Prelude and its Aftermath

In the Eurobarometer opinion poll conducted in June 2003, the citizens from the fifteen EU member states and the ten accession candidates of that time, were inter alia asked if they agree with the general idea of a constitution for the European Union. The overall very positive reactions are graphically presented below.

Table 1: Approval and Rejection of the Idea of an EU Constitution in the EU25 in June 2003<sup>40</sup>



As obvious in the bar chart above, the French population belonged to the greatest supporters of the idea of a constitution for the European Union, at the time of the

<sup>38</sup> Matthias Wächter assumes that beside the importance, which is already imposed by the term "Traité constitutionnel" and the fact that there has been a plebiscite on the Maastricht Treaty, which quasi obliges for a referendum also on that treaty; also domestic political considerations could have played a role in Chirac's decision. So, he could have intended to split the political left-wing with the issue, in order to draw personal political advantages from that. The possibly aimed splitting of the Parti Socialiste was successful as generally known.

Cf. *Wächter M.*, in the interview from 04/21/2006. See Appendix 3, p. XX & XXI.

<sup>39</sup> The competencies of the French President, specified by **Title II** of the **Constitution of the 5th Republic**, include the alternative to submit a legislative act, which is normally reserved to the Republic's legislative or executive bodies, to a public referendum, which thereupon becomes binding character. **Article 11** stipulates: "*The President of the Republic may, [...] submit to a referendum any bill [...] providing for authority to ratify a treaty...*"

presentation of the draft treaty that was formulated by the European Convention. The approval lay above the EU25 average and significantly above the one of certain member states, which later have ratified the treaty before the plebiscite in France took place; like for example Slovenia or Lithuania<sup>41</sup>.

Shortly after Chirac's announcement of the plebiscite, in summer 2004, almost one year before the actual referendum, the French economist and political scientist Jean-Claude Casanova predicted in an article published in *Le Monde* that the only risk in that decision for Chirac was to win with only a narrow majority<sup>42</sup>. Recent history taught us that this was a heavy misinterpretation of the actual situation in France. But on March 4<sup>th</sup> 2005, when Chirac acquainted the eventual date of the vote, there was still a clear approval of the treaty of 60% to 40% determined<sup>43</sup>.

Then on May 29<sup>th</sup> 2005, "*le jour de gloire est arrive*"<sup>44</sup> and 41,789,202 French were called to the urns, for being the second European people, after Spain<sup>45</sup>, having their direct say on the proposed ratification of the Treaty establishing a Constitution for Europe and by this the near-term fate of the integration process on the continent. 28,988,300 responded to the call of direct democracy and went to the polls<sup>46</sup>. The exact final result is presented below.

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<sup>40</sup> Cf, Eurobarometer, Flash 142, l.c., p. 43.

<sup>41</sup> Lithuania has ratified it on November 11<sup>th</sup> 2004 and Slovenia on February 1<sup>st</sup> 2005. Both ratifications have taken place by the parliamentary way, pursuant the constitutional legislation of the two countries.

Cf, Centrum für angewandte Politikforschung, *Bekommt die Europäische Union eine Verfassung?*, Übersicht zum Stand des Ratifizierungsprozesses in den 25 EU-Mitgliedstaaten, <http://www.cap-lmu.de/themen/eu-reform/ratifikation/index.php> [state: 02/25/2006].

<sup>42</sup> Cf, *Casanova, J-C.*, Constitution européenne : les aléas de la ratification, in: *Le Monde*, 07/25/2004.

<sup>43</sup> See below, chapter 4.1.3, page 75.

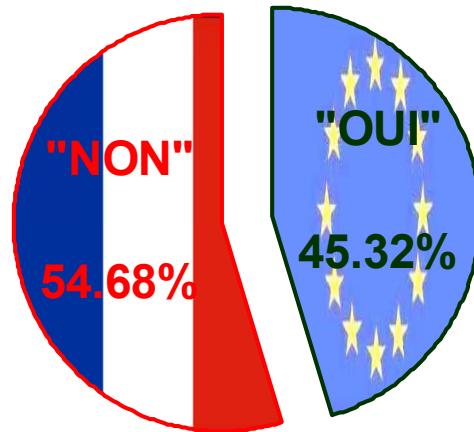
<sup>44</sup> Taken from the first strophe of the "Marseillaise", i.e. the national anthem of France.

<sup>45</sup> Spain held its referendum on the treaty on February 20<sup>th</sup> 2005. The result was a clear victory for the "sí", with 76.73% of the cast votes.

Cf, Representación permanente de España ante la Unión Europea, 20/02/2005 *España: Referendum sobre la Constitución Europea*, <http://www.es-ue.org/Default.asp?section=540&lg=2> [state: 10/20/2005].

<sup>46</sup> Cf, France politique, *Référendum du 29 mai 2005, Constitution Européenne*, <http://francepolitique.free.fr/referendum2005.htm> [state: 10/20/2005].

Table 2: The Result of the Plebiscite on the Ratification of the Treaty establishing a Constitution for Europe on May 29<sup>th</sup> 2005<sup>47</sup>.



The two first drafts, as well as the final preamble of the convention's draft for a European Constitutional Treaty<sup>48</sup> had been preceded by a quotation from Thucydides<sup>49</sup>: *“Our Constitution [...] is called a democracy because power is in the hands not of a minority but of the greatest number”*<sup>50</sup>. However, in the final preamble of the Treaty establishing a Constitution for Europe, this symbolic motto has been left out. Ironically, on May 29<sup>th</sup> 2005 it was exactly this “greatest number” of almost 55% of the population in one member state, namely in France, which rejected exactly that Constitution. Hence, something drastic has happened in France since June 2003, which has decisively changed the public opinion with regard to the constitutional project.

Since the first concrete contents of a potential future European Constitution, which had been prepared by the European Convention, has appeared before public, long in the run-up of the plebiscite in France, there has already been a vast number of public debates, telecasts, newspaper articles and comments of politicians, political scientists, economists, jurists, etc., on that issue.

<sup>47</sup> Cf, France politique, l. c., [state: 10/20/2005].

<sup>48</sup> The first draft was issued in May in the paper **CONV 722/03**, the second draft in June in the paper **CONV 797/03** and the final draft was issued in July 2003 in: **CONV 850/03**.

<sup>49</sup> Cf, Longman, C./Pérez-Solórzano, N., Institute for Advanced Studies in Management and Social Sciences, Lancaster University, Discourse Politics Identity Working Paper Series, No. 4, p. 29,

<http://www.lancs.ac.uk/ias/researchgroups/dpi/docs/dpi-wp4-2005-longman-solorzano.doc> [state: 01/11/2006].

<sup>50</sup> Cf, European Communities, Europäischer Konvent, Entwurf, Vertrag über eine Verfassung für Europa, Luxembourg 2003, p. 5.

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All those different kinds of input have made their contribution to the formation of the public opinion in France. In this context, the ordinary constituent has been confronted with an enormous variety of diverse arguments, serious analyses, less serious polemic and a considerable quantity of factoids and even lies.

It is naturally neither possible nor reasonable to enumerate or analyse all those slight impulses, being factors in the decision making process of the electorate. Consequently, this paper shall be based on the main issues that have been named by the concerned population in the course of several different opinion polls, which have been carried out preceding and directly succeeding the plebiscite on the treaty. However, those statements shall be considered in a critical way, some contradictions shall be revealed and some irrationalities shall be analysed. This project shall not be a strict juristic analysis of the Constitutional Treaty and its ratified precursors, but it shall rather give background information to the most important arguments.

So, the sovereign has spoken and it is well-known what he has said. Already one week before the date of the referendum, the French magazine *Le Nouvel Observateur* rhetorically noted, that we already knew the answer, but not what the actual question was<sup>51</sup>. In fact, also the question that was put to the French population is commonly known; it was: “*Approuvez-vous le projet de loi qui autorise la ratification du traité établissant une Constitution pour l'Europe?*”<sup>52</sup>

The next sub-chapter shall briefly point out which individual associations, with the proposed treaty, have been made by the French citizens and consequently led them to their vote.

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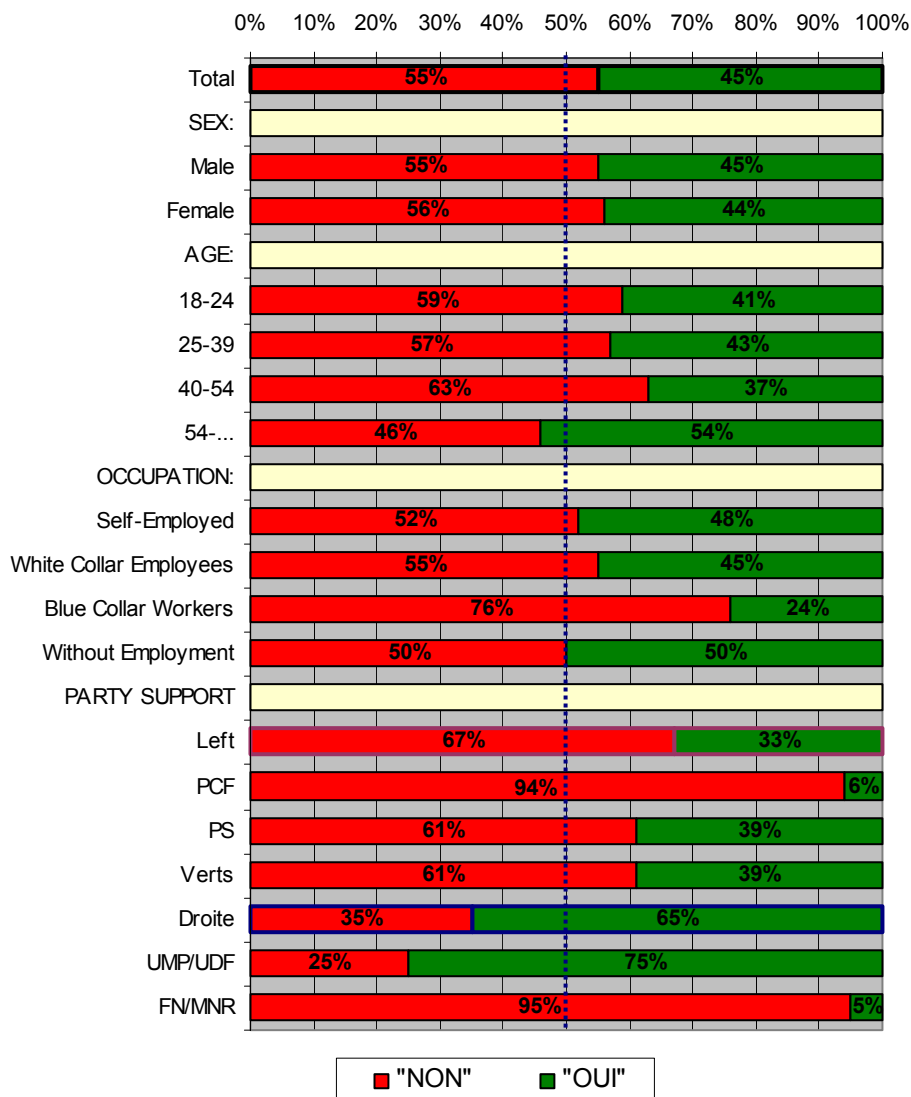
<sup>51</sup> Cf, *Nouvel Observateur*, 05/26/2005.

<sup>52</sup> Cf, République Française, Conseil constitutionnel, Référendum “Traité établissant une Constitution pour l'Europe”, Question posée aux électeurs le 29 mai 2005, <http://www.conseil-constitutionnel.fr/dossier/referendum/2005/documents/question.htm> [state: 10/22/2005].

## 1.2 Analysis of the Result

An indication for the actual motivations for the respective voters' decisions can be derived from an examination of their individual demographic, social and political characteristics, in relation to their corresponding votes. The following statistic is based on analyses conducted by Eurobarometer, on the two days succeeding the plebiscite.

Table 3: Analysis of the Voting Behaviour according to individual Characteristics<sup>53</sup>



<sup>53</sup> Cf, Eurobarometer, Flash 171, The European Constitution: Post-referendum survey in France, p. 14 – 15, [http://ec.europa.eu/public\\_opinion/flash/fl171\\_fr.pdf](http://ec.europa.eu/public_opinion/flash/fl171_fr.pdf) [state: 10/10/2005].



Regarding this comparison reveals above all one striking fact; namely that the principal distinctive factor, determining the voters' decisions, was their political affiliation. In this context, two aspects are particularly remarkable. Firstly, that there was a wide overall gap between the political left and the right concerning the respective supporters' decisions, with a strong tendency of 65% to approve the treaty among the right-wing partisans and consequently a high rejection rate of 67% on the left political side.

Secondly, there has been an even deeper cleavage between the extreme camps on both sides of the political spectrum and the moderate political centre ground. That is to say that the supporters of the "Parti Communiste Français" as well as their normally antagonistic counterpart in the extreme right camp of "Front National" have almost entirely refused the treaty. That phenomenon certainly belongs to the most outstanding outcomes of the referendum<sup>54</sup>. In this context it is also very remarkable that the supporters of the "Parti Socialiste" have refused the text by a comparably high majority of 61%, notwithstanding the fact that the official campaign of the party, personified by its leader François Hollande was in favour of the treaty<sup>55</sup>. Since the socialist camp represents the by far largest voters potential on the side of the constitution's opponents, the comportment of that group has turned the balance to the victory of the "Non". The relative weight of that voter group can be noticed, regarding the outcome of the most recent nationwide elections; the "régionales" of March 21<sup>st</sup> and 28<sup>th</sup> 2004, where the PS

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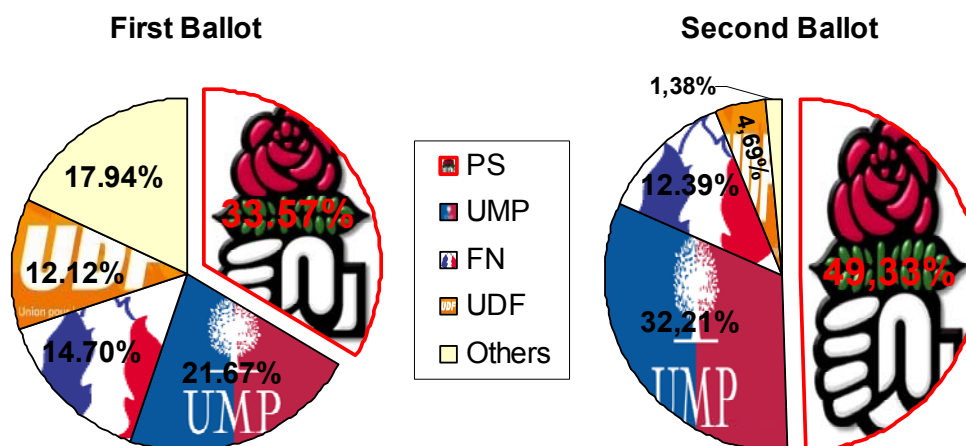
<sup>54</sup> In fact, among the larger parties, exclusively the extreme ones like "Front National" "Rassemblement pour la France" and "Mouvement pour la France" on the right, as well as "Parti Communiste Français", "Mouvement Lutte Ouvrière", "Ligue Communiste Révolutionnaire" and "Mouvement Républicain et Citoyen" on the left political wing, have cohesively campaigned against the treaty. All the moderate "main stream" parties have actually supported the constitutional project. (For the "particular situation" of PS, see below).

<sup>55</sup> On December 1<sup>st</sup> 2004, the party held an internal ballot on the party's stance towards the draft constitution. Here, 58.6% of the members pronounced themselves for the treaty and supported by this the position of the party leadership around François Hollande and his entourage. This gave rise to a considerable cleavage inside the political party. The "Non", which was only born by 41.4% of the party members found its most important proponents in Laurent Fabius, the "number two" of the PS and Henri Emmanuelli, who thereupon commenced a very intense campaign against the "Constitution libérale".

Cf, Parti Socialiste, TemPS réels, 71% pour le Oui à temPS réels, <http://www.temps-reels.net/article1645.html> [state: 05/23/2006].

emerged as the great winner, being ahead in 22 of the 24 French regions. The outcomes of the first and the second ballot are presented below.

Table 4: Outcome of the French regional Elections in March 2004<sup>56</sup>



Hence, the outcome reveals that a great absolute majority of the “Non” votes were cast by PS supporters that joined the camp of the dissenters from the official “Oui”-party line. Moreover, the current strength of the PS, combined with the conclusions drawn from the analysis of the demographic-political voters’ characteristics also indicate the considerable significance of the respective domestic political alignment for the outcome of the referendum on the Treaty establishing a Constitution for Europe<sup>57</sup>.

Beside those political observations, in demographical terms only the comparably high support from the side of the elder generations<sup>58</sup> and the considerable proportion of “Non”-votes from the social group of manual workers, are in contrast to the overall trend. The latter can also be explained by political factors, since that particular social group in France, empirically tends to support the moderate or extreme left-wing parties, whose partisans, as seen above, by majority voted against the draft constitution.

In order to find out the real motivation for a decision, it can of course be adequate to directly poll the voters concerning their concrete incentives. This has been done

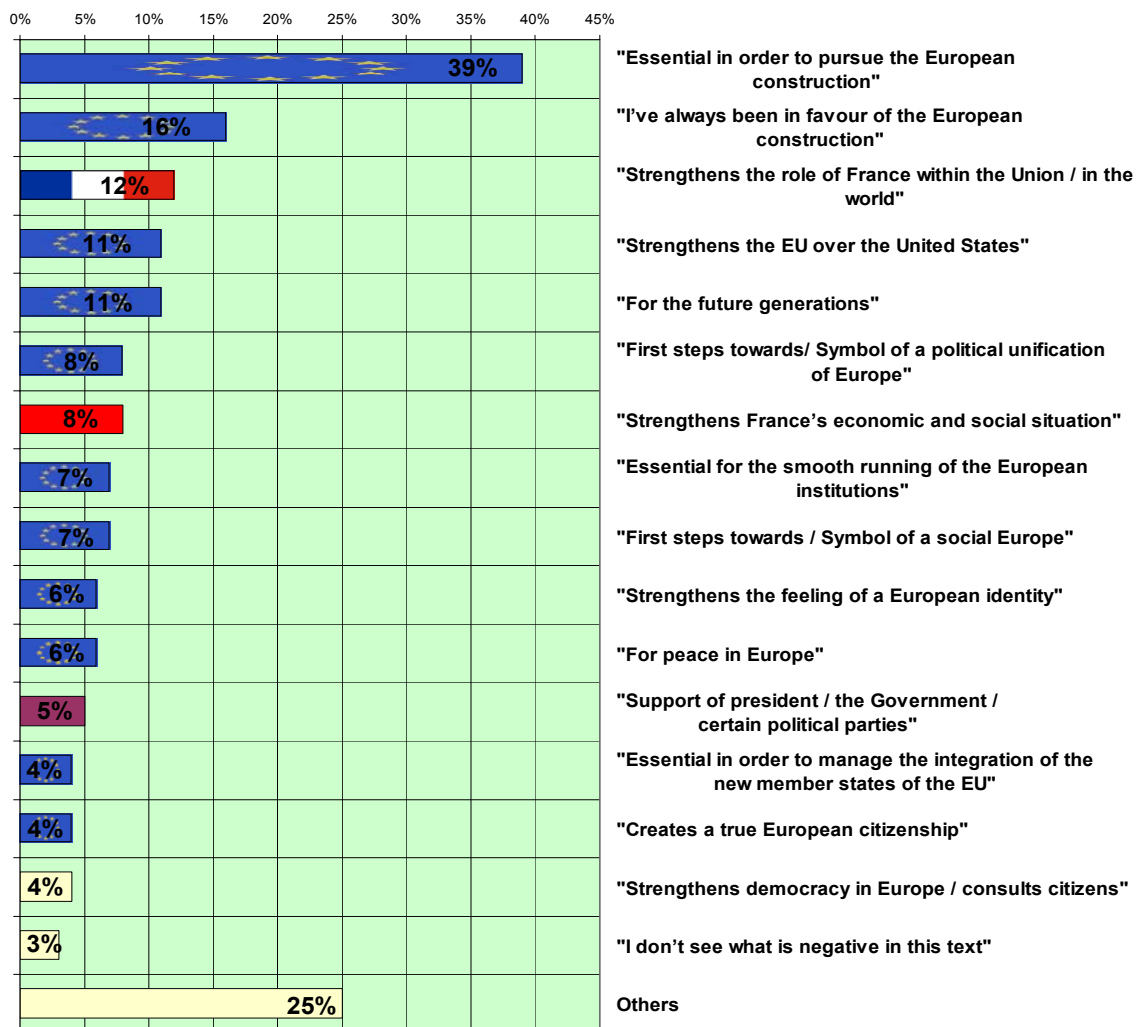
<sup>56</sup> Cf, Election-politique.com, Election Régionale 2004, <http://www.election-politique.com/regionales2004.php> [state: 01/07/2006].

<sup>57</sup> The domestic political factor, identified as “vote sanction” will be regarded more deeply in chapter 4.1.3 page 72 – 76.

<sup>58</sup> See chapter 2.1, page 22 – 24, for a deeper analysis of that factor.

in the course of the Eurobarometer post-referendum surveys, by asking the question: “*What are all the reasons why you voted «Oui», [or «Non» respectively] at the referendum on the European Constitution?*” A summary of the most frequently appearing spontaneous responses from the treaty’s supporters, as well as the opponents is provided in the two following diagrams. Since more than 45% of the electorate has actually approved the treaty, the first graph shows the stated reasons of that part of the French population<sup>59</sup>.

Table 5: The declared Motivations for the Approval of the European Constitutional Treaty<sup>60</sup>

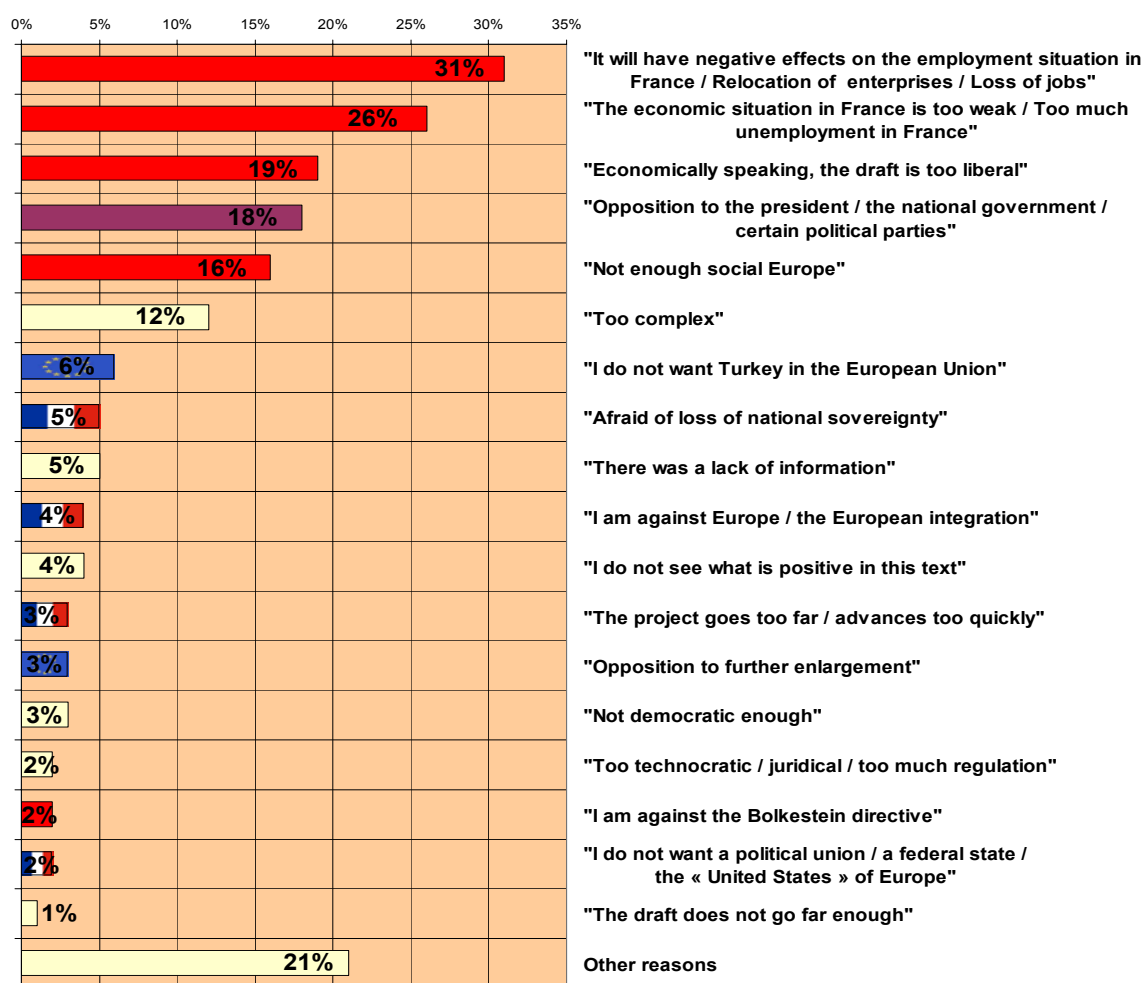


<sup>59</sup> For the sake of an easier classification of the stated reasons, the colours of the bars represent the global spheres of the respective argument. Here, concerning the positive votes, the EU flag stands for overall pro-European arguments, directly related to the European Union, or European Integration itself; including potential enlargements. The French flag refers to statements, mainly regarding the role or power of France. The red bar represents economic, the purple bar domestic-political and the beige bars miscellaneous issues.

<sup>60</sup> Cf, Eurobarometer, Flash 171, l.c., p. 16.

Regarding the illustration above reveals that a large majority of the motivations stated by the treaty's supporters refers, in a positive way, directly to the European Integration or the European Union itself. Hence, the "Oui" vote, representing around 45% of the population, was primarily driven by a pro-European bias. In contrast to that, the following table, illustrating the declared motivations for the refusal of the draft constitution reveals a substantially different image<sup>61</sup>.

Table 6: The declared Motivations for the Rejection of the European Constitutional Treaty<sup>62</sup>



The most remarkable fact here is that from the treaty's opponents primarily economic or social issues have been named. In addition, also an opposition

<sup>61</sup> In this case, regarding the negative votes, the EU flag stands for arguments directly related to the potential enlargements of European Union. The French flag refers to EU-critical statements, mainly concerning the sovereignty of France. The red bar represents economic and social, the purple bar domestic-political and the beige bars miscellaneous issues.

<sup>62</sup> Cf, Eurobarometer, Flash 171, l.c., p. 18.

against the currently governing regime has obviously played a comparably high role, with 18% of the “Non”-voters having specified that as a primary inducement. However, generally anti-European motivations have been mentioned, but did solely play a secondary role, compared to the striking importance of economic or social apprehensions, as it appears.

Recapitulating, it can be recorded that on the one hand, the “Oui” was primarily motivated by arguments, directly related to the European Integration itself. On the other hand however, the largest part of the advocates of the “Non”, did not refuse the treaty, because of a general rejection of the “European idea”, but due to economic or social concerns, which are in part rather related to domestic, than to European backgrounds. This interpretation is also confirmed by certain analysts and a number of the treaty’s opponents themselves, with the notion of a “Non Européen”<sup>63</sup>.

After this “debacle” for the European Union, criticising the existing treaties and doubting about the legitimacy of the European institutions has become very “fashionable”. The identification of alleged problems and serious deficits, not only in the draft constitution itself, but particularly in the entire state of the European Integration<sup>64</sup>, which are assumed to be the reasons for the refusal of the treaty by a majority of the French and Dutch populations, has become a veritable “wildfire”. Terms like “legitimacy crisis”, “democratic deficit”<sup>65</sup>, etc., have been resounding throughout the media and the European political class, since May 29<sup>th</sup> 2005.

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<sup>63</sup> That approach was propagated by the majority of socialists, campaigning against the treaty.

Cf, *Bergounioux, A.*, La vérité du “non européen”, in: *Libération* 11/09/2004.

<sup>64</sup> So, for instance the magazine *Le Monde diplomatique*, which has made intense propaganda (see chapter 4.1, page 58 & 59) against the treaty and now claims that it is “...de manière globale, sur ses dits et aussi ses non-dits, que la construction européenne est remise en cause”.

Cf, *Cassen, B.*, Clefs pour l’après-29 Mai, Pour une Europe de l’innovation démocratique, in: *Le Monde diplomatique*, July 2005, p. 4 & 5.

<sup>65</sup> One of many examples is an article in the European Union information website *Euractiv*, stating that: “...the EU’s long-standing ‘democratic deficit’ [was] highlighted last year with the failed Constitution referendums...”.

Cf, *Euractiv*, Opinion & Governance, Success and failure of EU communications: the Euro vs. the EU Constitution,

<http://www.euractiv.com/Article?tcmuri=tcm:29-152142-16&type=News> [state: 01/31/2006].

Perhaps, all those contributions and estimations are justified. It is possible that all the identified problems and erroneous trends do really exist within the European Integration. But were those the real reasons for 15,449,508 Frenchmen to refuse the proposed constitution for around 460 million Europeans?

Was it a logical and even desirable consequence of the pretended “misrouted” developments in Brussels that have turned the demos against that treaty<sup>66</sup>, for the sake of a fundamental change or even recommencement? Did approximately 55% of the French citizens really refuse “this Europe”<sup>67</sup>, as claimed by numerous protagonists and analysts? Or was it just a scapegoat for issues that lie much deeper than the “iceberg”, which appeared in May 2005?

This project shall be dedicated to certain backgrounds, having an impact on the identified main motivations for the sovereign’s decision. Particular attention shall be given to economic background facts, which have partially been eclipsed by the protagonists, campaigning for, or against the treaty. The aspects named by the voters themselves during the survey shall serve as a basis for the analysis.

The first glance will be cast at the general phenomenon of “Euro-scepticism” among the European population, which possibly also had an impact on the fate of the European Constitutional

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<sup>66</sup> An exponent for that perception is for example the British Prime Minister Anthony Blair, who seems to have completely changed his mind about the treaty after the failed referenda, turning from a firm support to strong criticism towards the draft and its contents. Now, suddenly he claims that: “*As the problems of the citizen grew ever more pressing, instead of bold policy reform and decisive change, we locked ourselves in a room at the top of the tower and debated things no ordinary citizen could understand.*” Hence, in his eyes, the proposed European Constitution: “*...failed to address the concerns of European citizens.*” Cf, Jones, G., Telegraph, Euro constitution did not address needs of citizens, Blair admits, <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/02/03/neu03.xml&sSheet=/portal/2006/02/03/ixportal.html> [state: 03/02/006].

<sup>67</sup> As for instance assumed by the political review *The Federalist*. Cf, France and the Netherlands’ Rejection of this Europe, in: *The Federalist*, No.2 2005, p. 61 – 68.

## 2. EURO-SCEPTICISM

According to Udo Dietrichs and Wolfgang Wessels, ratification procedures of EU treaties can serve as indicators for fundamental political temper and reflect the current pattern of public opinion<sup>68</sup>. That was certainly also the case in the course of the attempted ratification of the European Constitutional Treaty revealing the state of public opinion in a particularly spectacular way.

As seen above, a number of the treaty's rejecter's depreciative statements were directed against the mere existence of the European Integration or the established institutions themselves. During his New Years Day-address to the French population, in 2004, half a year before the plebiscite on the European Constitution, Jacques Chirac announced verbally:

*“...le temps est venu de déployer notre projet pour l'avenir. Le projet d'une société ouverte sur l'Europe...”*<sup>69</sup>

How “open for Europe” the current French society actually is and which implications that general attitude towards the European Integration had in the context of the referendum, shall briefly be regarded in this chapter.

### 2.1 Oblivion of Europe's achievements

*“Considering that world peace can be safeguarded only by creative efforts commensurate with the dangers that threaten it. Convinced that the contribution, which an organised and vital Europe can make to civilisation is indispensable to the maintenance of peaceful relations, ...”*<sup>70</sup>

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<sup>68</sup> Cf, *Diedrichs, U./Wessels, W.*, Die Europäische Union in der Verfassungsfalle? Analysen, Entwicklungen und Optionen, in: *Integration* No. 4 2005, p. 288.

<sup>69</sup> Cf, *Chirac, J.*, Présidence de la République, Discours et déclarations, Voeux aux Français de M. Jacques CHIRAC, Président de la République  
[http://www.elysee.fr/elysee/elysee.fr/francais/interventions/discours\\_et\\_declarations/2004/decembre/voeux\\_aux\\_francais.27093.html](http://www.elysee.fr/elysee/elysee.fr/francais/interventions/discours_et_declarations/2004/decembre/voeux_aux_francais.27093.html) [state: 01/17/2006].

<sup>70</sup> Cf, The original wording of the two first paragraphs opening the **preamble** of the **Treaty of Paris**, establishing the European Coal and Steel Community, from April 18<sup>th</sup> 1951.

The end of the Second World War now dates more than 60 years back. Only an exiguous fraction of the Europeans can put itself back into the dreadful memento of the times, when Europe was cleaved by animosity and hostility between its major powers<sup>71</sup>. At its very beginning, the European Integration was a vision to build up such links between the participating sovereign nations that would make another war on European soil impossible for all times. In consideration of the substantial antagonism and mistrust, still predominating between the previous opponents of war, especially between France and Germany, this ambitious goal seemed to be utopian and the realisation of that vision was rather bold and adventurous at that time<sup>72</sup>.

However, now after more than half a century of successful, continuous integration, international co-operation and understanding and after 60 years without war in Europe, at least among the member states, the notion and the significance of the term “peace”, in the minds of the continent’s children have changed. Nowadays, in the eyes of most Europeans, it is not anymore perceived as the great, inestimable achievement of continuous rapprochement and integration, but it is rather seen as a matter of course. A potential war between for instance France and Germany seems so absurd and impossible that for younger European citizens, it is meanwhile buried in oblivion that this was once different. That development has also been recognised by Jean-Claude Juncker, the Prime Minister of Luxembourg, who commented in the magazine *Der Spiegel*, a week after the referendum in France, that “...*Europa die Menschen nicht mehr zum Träumen bringt*”<sup>73</sup>.

The implications of this general phenomenon could also be identified in the course of the plebiscite on the European Constitution, since regarding the

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<sup>71</sup> The proportion of citizens in France with more than 60 years of age lay at 20.8% and the respective proportion of over 65 years old people at around 15% in 2004.  
Cf, Frankreich-Experte, Gesellschaftsstruktur, Altersstruktur der Bevölkerung,  
<http://www.frankreich-experte.de/modules.php?name=Pages&pa=showpage&pid=83>  
[state: 05/13/2006].

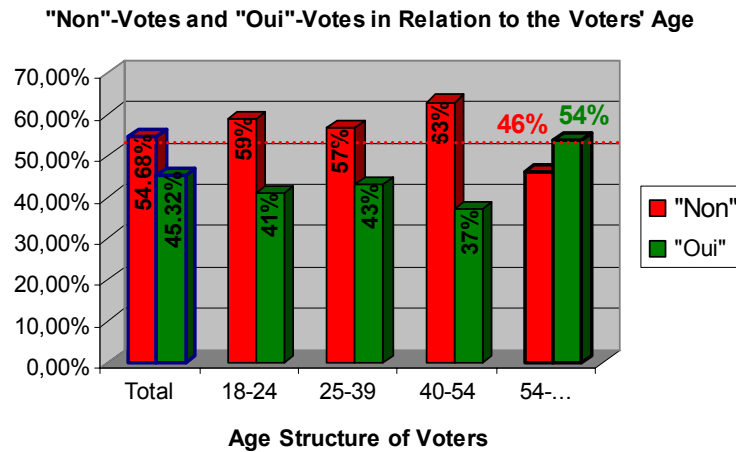
<sup>72</sup> Not least, taking into consideration the international ostracism towards Germany, due to the Holocaust and the numerous other barbarous crimes against humanity, committed during the 12 years of national socialist tyranny.

<sup>73</sup> Cf, Juncker, J.-C., quoted in: *Der Spiegel*, Europa im Jahr Null, No. 23, 06/06/2005, p. 94-105.



demographic backgrounds of the votes cast, one fact is particularly striking. The bar-diagram underneath shows the voting behaviour according to the voters' age.

Table 7: The Impact of the Age Structure on the Outcome of the Referendum on May 29<sup>th</sup> 2005



As apparent, the over 54-years old citizens represented the only age group, which by majority supported the treaty. This indicates a greater appreciation of the European Integration by the generations, which made individual experiences with the war or its aftermath. In fact, a glance at the stated motivations of the “Oui” vote by socio-demographic variables reveals that 10% of treaty’s proponents from that age group have declared that they approve the treaty for “peace in Europe”<sup>74</sup>. Hence, in the eyes of the post-war generations the European Integration is not anymore the symbol of its arguably greatest achievement, namely the preservation of peace on the united part of the European Continent<sup>75</sup>. Today, the European Union symbolizes other, often rather negative things than that great prosperousness, in the minds of a large part of its population. In the course of an opinion poll, carried out by the European Commission in France between January 16<sup>th</sup> and 23<sup>rd</sup> 2006, the interviewees were asked, which association they evoke with the word “Europe”. Only 4 % of the "Oui"-voters and 3 % of the "Non"-voters answered with “paix”, “solidarité”, “liberté” or “égalité”<sup>76</sup>.

Some of the rather negative associations with the European Integration will be named and evaluated in the next sub-chapters.

<sup>74</sup> Compared to 3% among the 18-39 years old; and 5% among the 40-53 years old supporters. Cf, Eurobarometer, Flash 171, l.c., p. 17.

<sup>75</sup> This has not included the young nation states in the Western Balkans, up to now.

<sup>76</sup> Cf, Eurobarometer, Flash, Quelle Europe ? La construction européenne vue par les Français,

## 2.2 Europe's Image Problems

The conservative and very EU-critical president of the Czech Republic, Vaclav Klaus stated in October 2005<sup>77</sup>, in the course of an interview: “*In the past, I was almost alone in criticising the EU, but now I discovered that it's fashionable, criticising one aspect of EU politics after the other.*”<sup>78</sup>

As Vaclav Klaus rightfully recognized, the European Union undoubtedly suffers of a considerable image problem. When it comes to criticism, negative affairs and scandals, the EU institutions and here especially the European Commission belong probably world-wide to the administrative bodies, which appear the most in public spotlight. It is “in” to criticise public authorities and temporarily it is particularly “fashionable” to animadvert the EU institutions.

One of the aims of the constitutional project was to abolish the traceable roots of the criticism by institutional reforms. On the website, established by the French government, providing information about the European Union, the chapter dedicated to the Constitutional Treaty is headed by the words: “*Constitution européenne: efficacité, démocratie, transparence*”<sup>79</sup>. However, as generally known, the Constitution and by this also the reforms, which to a large degree aimed to provide the above mentioned characteristics, have been refused.

As principal actor in the formation of public opinion, the media coverage about the European Union plays an important role in the creation of that negative image. Even media, which can certainly not be reproached to be very polemic or disproportionately Euro-sceptic, frequently tends to refer to the EU in an ironic or

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[http://europa.eu.int/comm/public\\_opinion/flash/fl178\\_fr.pdf](http://europa.eu.int/comm/public_opinion/flash/fl178_fr.pdf) [state: 03/30/2006].

<sup>77</sup> Klaus is an avowing antagonist of the European Union who openly challenges the entire European Integration process, suggesting a complete return to the principle of fully sovereign nation states.

<sup>78</sup> Cf, *Klaus, V.*, quoted on: EU-Observer, EU criticism has become fashionable, Czech leader says, <http://euobserver.com/18/20121> [state: 10/21/2005].

<sup>79</sup> Cf, République Française, Site d'information sur l'Europe, Dossiers, Constitution Européenne, [http://www.europe.gouv.fr/actualites\\_1/dossiers\\_3/pour\\_europe\\_24/](http://www.europe.gouv.fr/actualites_1/dossiers_3/pour_europe_24/) [state: 02/18/2006].

critical way. One of many examples for that censorious approach is an article published by the internet-newspaper *EU-Observer* on May 10<sup>th</sup> 2006, referring to a new environmental report that had been released by the European Commission, shortly beforehand. Beside a brief description of the new Commission report, the article inter alia gives very precise information about the private behaviour of EU officials, including a comment on the purchase of a private car by the Commission President José Manuel Durão Barroso<sup>80</sup>. Even though, this article was not of polemic nature and did certainly not have the pure intention to discredit the EU institutions or its employees, it leaves a certain negative “aftertaste”.

However, beside that normally rather neutral media coverage, the union is also partly confronted with a considerable quantity of polemic, exaggerated, or just untrue propaganda. One of many examples for very polemic anti-EU propaganda is an article from Rosie Carr<sup>81</sup>, printed in the March 2006 issue of the magazine *EasyJet In-flight*<sup>82</sup>. In this article, headed by the picture of a banana, surrounded by the 12 EU stars, the author questions the whole *raison d’être* of the European Union, claiming that all activity of the “...*greedy, useless, unaccountable bureaucrats...*” in the European Commission and the European Parliament was based on mismanagement, fraud and corruption. Beside that, she argues that the EU had no democratic foundation, its legislation “...*cripples European businesses...*” and was responsible for higher taxes and prices, slow economic growth and high unemployment<sup>83</sup>. On the subsequent page a more pro-European article, written by Stephen Spurdon follows<sup>84</sup>, trying to relative the arguments of the previous one<sup>85</sup>. However, it can certainly not countervail the immense polemics and agitation in the first article.

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<sup>80</sup> Cf, *Retzman, A.*, Report casts light on hidden life of EU staff, <http://euobserver.com/9/21562/?rk=1> [state: 05/10/2006].

<sup>81</sup> Rosie Carr is deputy editor of the paper “Investors Chronicle” and contributes to a range of other financial publications.

<sup>82</sup> “EasyJet In-flight” is a magazine, containing principally travel information, which is placed at the disposal of the passengers of the British low-cost airline EasyJet.

<sup>83</sup> Cf, *Carr, R.*, The big debate, Is Europe facing death by bureaucracy?, in: *EasyJet In-flight* magazine, March 2006, London 2006, p. 84 & 85.

<sup>84</sup> Stephen Spurdon writes for “The Independent”, “The Sunday Telegraph” and “Investors Chronicle”.

<sup>85</sup> Cf, *Spurdon, S.*, The big debate, Is Europe facing death by bureaucracy?, in: *EasyJet In-flight* magazine, March 2006, London 2006, p. 85.

Confronted with media coverage of that kind, it does not astonish that, according to an opinion poll from 2006, only about half of the Europeans perceive that the EU membership of their respective countries yields any benefit at all<sup>86</sup>.

How this negative image could have come about and what the EU is typically blamed for, regardless of its validity, will be considered in the following subchapters.

### 2.2.1 Democratic Deficit

*“All the ills of democracy can be cured by more democracy”<sup>87</sup>*

This interpretation by Alfred E. Smith may in principle be appropriate. However, if the sovereign, in the course of a democratic procedure, refuses the attempt to cure the “ills of democracy” with more democracy; democracy virtually reaches its limits.

A frequently mentioned reason for the scepticism towards the European Union is the perceived distance of the administration in Brussels from the people’s concerns and the so-called democratic deficit of the European institutions<sup>88</sup>.

For instance, the strict constitution's opponent Phillipe de Villiers, who has played a considerable role in the public debate, alleged that in the EU prevails a “...*Démocratie artificielle et lointaine*”<sup>89</sup>.

It is a matter of fact that the European Union in its current form is a product of negotiations of political elites. It has been created by visionaries like Jean

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<sup>86</sup> Cf, *Bowley, G.*, International Herald Tribune, Dead or alive? EU leaders taking constitution's pulse, <http://www.ihf.com/articles/2006/01/27/news/eu.php> [state: 01/30/2006].

<sup>87</sup> Cf, *Smith, A.*, quoted by Andrew Acland, in: E-Participation and the Future of Democracy, <http://www.interactweb.org.uk/papers/E-Participation%20and%20the%20Future%20of%20Democracy.pdf> [state: 05/24/2006].

<sup>88</sup> So for instance: *Patel, K., K.*, Wie Europa seine Bürger verlor. Für mehr Teilhabe: Europäisierung und Defizite der Integration, in: Internationale Politik, No. 7 2005, p. 22-28.

<sup>89</sup> Cf, *De Villiers, P.*, during a discussion with Dominique Strauss-Kahn, published in: L'Express, 05/16/2005.

Monnet<sup>90</sup>, Robert Schuman or Walter Hallstein and did not primarily arise out of the initiative of the ordinary citizens of the continent. This “top-to-bottom” approach seemed to be widely accepted by the population in sort of something like an informal contract or “permissive consensus” according to the authors Leon Lindbergh and Stuart Scheingold<sup>91</sup>.

Hence, there was previously a broad public support of this “elite project”, due to its high “Output Legitimacy”<sup>92</sup>, which counterbalanced the prevailing considerable lack of “Input Legitimacy”<sup>93</sup>. However, this uncontested general public support seems to have found its end, at least since the refusal of the Treaty of Maastricht by the Danish population on June 2<sup>nd</sup> 1992<sup>94</sup>. Ironically exactly that treaty had partially the intention to reduce the virtually existing democratic deficits of the EU decision processes and pave the way for more Input Legitimacy<sup>95</sup>.

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<sup>90</sup> Jean Monnet has actually never been publicly elected for a political office.

<sup>91</sup> Cf, *Lindbergh, L., N./Scheingold, S., A.*, Europe’s would-be polity, Patterns of change in the European Community, Englewood Cliffs 1970.

<sup>92</sup> In the concept of Output Legitimacy, the outcome and effectiveness of the political rule is at the core of attention. According to the constitutional law expert Armin Bogdandy, the principal notion here is “government for the people” instead of “government by the people”. Hence, how the democratic process is organized is secondary to what it achieves for the citizens.

Cf, *Bogdandy, A.*, von, Supranationale Union als neuer Herrschaftstypus, Entstaatlichung und Vergemeinschaftung in staats-theoretischer Perspektive, in: *Integration*, No. 4/1993, p. 210-224.

<sup>93</sup> The concept of Input Legitimacy implies the democratic participation of the population in decision processes. The prominent professor of political sciences and former president of the American Political Science Association, Robert Dahl, has defined five criteria that have to be fulfilled in a polity for an effective Input Legitimacy. They are: Effective participation of the citizens, voting equality, citizen control of the agenda, inclusion of all adults subject to the binding collective decisions of the association and eventually an enlightened understanding of the matters to be decided.

Cf, *Dahl, R.*, *Democracy and its Critics*, Yale University Press, New Haven/London 1989, p. 109 et seqq.

<sup>94</sup> The treaty has been refused in the course of a closely contested referendum, with a marginal majority of just 50.7% for its rejection. See preface, page 7.

Cf, *Dadalos-Europe*, *European Union, Analysis of the Integration Process (I) - Stage 4, From the SEA to the foundation of the European Union*, [http://www.dadalos-europe.org/int/grundkurs2/etappe\\_4.htm](http://www.dadalos-europe.org/int/grundkurs2/etappe_4.htm) [state: 12/02/2005].

<sup>95</sup> So, the Co-Decision Procedure was introduced for selected policy fields, which has strengthened the role of the European Parliament, as the direct representation of the European population, in the decision procedures.

Cf, *European Parliament, Europa 2004, Alles Wissenswerte über die Europäische Union, Strasbourg 2004*, p. 24.

History sometimes seems to repeat itself, since there are some striking similarities between the two plebiscites of 1992 and 2005. Since the “Laeken Declaration”, it has been one of the most fundamental concerns for the establishment of a Constitution for Europe, to make the European institutions more democratic and more transparent<sup>96</sup>. Beside a large number of specific changes for that sake of more democracy and legitimacy, the draft constitution proposed above all three important treaty amendments for a further democratisation, with a particular tangibility for the citizens and thus the creation of more “Input legitimacy” in the European Union<sup>97</sup>.

Firstly, the draft aimed to reinforce the role of the European Parliament, as only directly elected European Institution and representation of the European demos; with the extension of the Co-decision Procedure and its determination as “ordinary legislative procedure”.

Secondly, a Europe-wide right of petition for a referendum would have been introduced with Art. 46 (4) TCE, enabling a number of at least one million citizens to invite the Commission to initiate a legal act for reaching the stipulated aims of the European Constitution<sup>98</sup>.

Thirdly, a protocol has been annexed to the treaty, which for the first time ever, would have directly involved the member states’ national parliaments in the European legislation processes, in form of an additional “subsidiarity mechanism”<sup>99</sup>.

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<sup>96</sup> Cf, European Convention, Erklärung von Laeken zur Zukunft der Europäischen Union, p. 1-2, <http://european-convention.eu.int/enjeux.asp?lang=DE> [state: 05/24/2006].

<sup>97</sup> Cf, *Piazolo, M.*, Die Bedeutung der Verfassung für die Bürger, in: Jopp/Matl (ed.), Der Vertrag über eine Verfassung für Europa. Analysen zur Konstitutionalisierung der EU, Baden-Baden 2005, p. 430.

<sup>98</sup> In contrast to the already previously existing “European Ombudsman” (**Art. III-237 TCE**), the hitherto existing Treaties of the European Communities and European Union respectively (lastly amended with the Treaty of Nice), did not provide for such means of direct democracy.

<sup>99</sup> The **Protocol (1) on the role of national parliaments in the European Union**, stipulates that all consultation documents and any instrument of legislative planning or policy strategy (**Art. 1**); as well as all legislative proposals (**Art. 2**) from the Commission shall, beside the EP and the Council, also be sent to the national parliaments of the member states. Those can thereupon lodge a complaint (**Art. 3, et seqq**), if the respective act, according to their opinion, contravenes the principle of subsidiarity (as defined in **Art. 9-3 TCE**), what in a substantiated case, eventually leads to a withdrawal or amendment of the respective act, by the European Commission. In addition, the protocol provided for the establishment of an inter-parliamentary cooperation between the EP and the national parliaments (**Art. 9, et seqq**).

Hence, exactly this treaty, which has been refused partially by citizens who blame the “democratic deficits” and the lack of functionality of the EU, had in part the intention to reform its functional basis, to further democratise the institutions and processes; and to lead this way to more transparency and closeness to the citizens of the union<sup>100</sup>. Íñigo Méndez de Vigo, a Spanish conservative MEP, accurately clarified during a debate on the future role of national parliaments in the EU: “*The cost of not having a constitution is that national parliaments do not have a subsidiary mechanism.*”<sup>101</sup>

However, in the course of the Eurobarometer standard survey of spring 2005, thus around the time of the referendum, the French citizens have inter alia been asked, how satisfied they were with the democratic functioning of the European Union. Charging up the negative with the positive statements on that question reveals that actually a majority of the French was “plutôt satisfait” with the democratic situation within the European Institutions at that time<sup>102</sup>, even though only 2% stated to be very satisfied<sup>103</sup>. This outcome indicates that the identified lack of “Input Legitimacy” of the EU does play a role concerning the general attitude towards the union; but it is not the decisive factor, at least for the French Euro-scepticism.

A certainly more important factor is the perceived lack of “Output Legitimacy”, which partly originates from a general nescience, concerning the processes in Brussels combined with a broad incomprehension regarding their output. The lack of transparency of the European Institutions, which is a stated reason for that phenomenon, will be regarded more in detail in the next sub-chapter.

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<sup>100</sup> As illustrated in the bar-diagram, reproduced in chapter 1.2 on page 19, 3% of the treaty’s rejecters stated “not democratic enough” as one of the reasons for their decision.

<sup>101</sup> Cf, European Movement in Serbia, News, MEPs blast national parliaments' EU ambitions, <http://www.emins.org/english/press/news/index.htm> [state: 05/03/2006].

<sup>102</sup> It is interesting to note that rate of satisfaction with the functioning of democracy in France itself, was not significantly higher than regarding the European Union.

<sup>103</sup> Cf, Eurobarometer Standard 63.4, L’opinion publique dans l’Union Européenne, Printemps 2005, Rapport national France,

### 2.2.2 Lack of Transparency

Several distinguished EU experts and authors blame the European Union for its lack of proximity to its citizens. An example is Peter Sain ley Berry<sup>104</sup>, who criticizes the, in his eyes, “...*deeply felt lack of political connection between the 'demos' and the direction of the European construction*”<sup>105</sup>. In the periodical *Europäische Politik*, the member of the German foundation “Wissenschaft und Politik”, Daniela Schwarzer, expresses her opinion that the French “Non” does not mean a refusal of the European project. It is rather to be understood as a protest against alienated policies, which are pursued in the “*name of Europe*”. According to her, the French want a Europe, which is “easy to grasp”<sup>106</sup>.

Some of the associations with the term “Europe” that were the most frequently mentioned in the course of the Eurobarometer survey in France, “Quelle Europe?”, from January 2006<sup>107</sup>, were: “ça ne fonctionne pas bien”, “pagaille” and “désordre”.

This perception is not a recent phenomenon. The opinion research institute *Allensbach* regularly carries out polls, in which the respondents are asked about their first impression, when thinking about the keyword “European Communities”. Already in 1984, 76% of the interviewees spontaneously named “*bureaucracy*” as first impression<sup>108</sup>.

There is a perceived lack of transparency in the EU’s working processes, as also Siim Kallas, the European administration Commissioner concedes. On a seminar on January 26<sup>th</sup> 2006 in Brussels, he said the public opinion towards the union’s financial management was “...*negative, to put it mildly*” and he added that there

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[http://ec.europa.eu/public\\_opinion/archives/eb/eb63/eb63\\_nat\\_fr.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb63/eb63_nat_fr.pdf) [state: 12/02/2005].

<sup>104</sup> Peter Sain ley Berry is the editor of the European online newspaper *EuropaWorld*, Cf, <http://www.europaworld.org>

<sup>105</sup> Cf, *Berry, P.*, EU-Observer, Comment, The constitution must answer to the European demos, <http://euobserver.com/?aid=20671&rk=1> [state: 05/10/2006].

<sup>106</sup> Cf, *Schwarzer, D.*, Vom Untergang mit der Europa-Malaise. Frankreichs Europa-Politik nach dem Verfassungsreferendum, in: *Internationale Politik*, No. 5/2005, p. 62-68.

<sup>107</sup> See above, chapter 2.1, p. 24.

<sup>108</sup> Cf, *Herdegen, G./Noelle-Neumann, E.*, Die öffentliche Meinung, in: Weidenfeld W./Wessels, W., (ed.), *Jahrbuch der europäischen Integration 1983*, Bonn 1984.



were anecdotes that decisions are made “...under the influence of invisible hands.”<sup>109</sup>

European integration is certainly a complicated and for outsiders only difficultly comprehensible project. 25 heterogenic, sovereign states with different geographic, political, cultural, social, etc. backgrounds are on the steady quest for a common denominator for a variety of different policy fields, which range for instance from specific standards for agricultural products to long-term strategies in the area of security cooperation. In certain cases, fundamentally different national interests collide and consensus is only achievable through long intransparent negotiations. Those inscrutable decision-making-processes, can lead to misperceptions and it is certain that the ordinary citizen can lose the “overview”; and consequently a lack of transparency comes up.

As the great European and mastermind of the federalist idea Denis de Rougemont has already identified as early as in 1947, in his essay titled “L’attitude fédéraliste”, one of the most important principles of a functioning federal structure, which the European Union undoubtedly is, is “*L’amour de la complexité*”. According to him, the cultural, social, political, linguistic, etc. identities of the constituent entities of a political integration can only be protected and preserved by complicated structures, processes and institutions<sup>110</sup>. Indeed, the greatest part of the intransparency and complexity in the European Union exists due to measures and procedures that shall guarantee the preservation of the identities and sovereignty, as well as the defence of national interests, of the member states. However, this can certainly not be an excuse for a lack of closeness to the citizens, absence of democratic processes or excessive bureaucracy.

Therefore, beside the already mentioned “democratic deficit”, also that long prevailing problem of the European Union was to be tackled with the proposed

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<sup>109</sup> Cf, *Rettman A.*, EU-Observer, Brussels acts to avoid Abramoff-style lobbying scandal, <http://euobserver.com/?aid=20787&rk=1> [state: 01/27/2006].

<sup>110</sup> Cf, *Rougemont, D.* de, L’attitude fédéraliste, in: Rapport du premier congrès annuel de l’Union européenne des Fédéralistes à Montreux, Geneva 1947, p. 14.

Constitutional Treaty<sup>111</sup>. Already during the drafting of the treaty, highest priority was given to transparency and openness of the 16 month lasting European Convention<sup>112</sup>; even though critical voices blame the Convention for an “insufficient involvement” of the civil society into the process<sup>113</sup>. Another author even accuses the Convention of being another elite project, disregarding the people’s actual concerns, by calling it a “...*Kopfgeburt von europäischen Regierungschefs und ministerialen Stäben.*”<sup>114</sup>

Immediately after the final product of that Convention, namely the Treaty establishing a Constitution for Europe eventually had been signed, in the course of the European Council on October 29<sup>th</sup> 2004, in Rome, the heads of state and government dedicated themselves to the major issue of a better communication of European decision to the citizens. Ironically, there the ratification process of the treaty was estimated as being an opportune occasion of applying the respective communication measures<sup>115</sup>. At least in the case of France, that was a misjudgement.

Also the missing factors, necessary for a collective European identity would have been tackled by the Constitution, since for the first time it included the Charta of Fundamental Rights in a commonly mandatory treaty of the European Union<sup>116</sup>. Maybe this could have contributed to transferring the European Union into a real

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<sup>111</sup> On the aimed increase of transparency of the legal framework itself, see chapter 3.2, page 49.

<sup>112</sup> The authors Hartmut Marhold and Daniel Göler, point out that for the first time in the history of European Integration, a reform process has been carried out under the eyes of the (interested) public, which therefore has been much more conscientized to the project, than in the course of previous treaty amendments.

Cf, *Göler D./Marhold, H.*, Die Konventsmethode – Institutionelles Experiment oder Modell für die Zukunft, in: Jopp/Matl (ed.), Der Vertrag über eine Verfassung für Europa. Analysen zur Konstitutionalisierung der EU, Baden-Baden 2005, p. 471.

<sup>113</sup> Cf, *Heuser, A.*, Der Verfassungsprozess in der öffentlichen Wahrnehmung und Rolle der Zivilgesellschaft, in: Weidenfeld (ed.), Die Europäische Verfassung in der Analyse, Gütersloh 2005, p. 31.

<sup>114</sup> Cf, *Richter, E.*, Altväterliches Gremium mit Hang zum Autoritativen. Der "Europäische Konvent" und die Demokratie. In: Frankfurter Rundschau 11/18/2002, p. 11.

<sup>115</sup> Cf, *Giering, C./Heumann, F.*, Die Institutionen der Europäischen Union, Europäischer Rat, Jahrbuch der Europäischen Integration 2005, Institut für Europäische Politik, Berlin 2005, p. 58.

<sup>116</sup> **Title II TCE (The Charter of Fundamental Rights of the Union)** preludes with the words: “*The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.*”

community of values, creating a veritable European “constitutional patriotism”<sup>117</sup>, which “makes the people dream” again, as missed by Jean-Claude Juncker<sup>118</sup>. That could have included the French people, since according to the current French Prime Minister Dominique de Villepin, “*France did not say to Europe. [...] She said no to a Europe whose purpose she no longer understood.*”<sup>119</sup>”

Most analysts agree upon the fact that the proposed European Constitution would have been a major step in tackling all those identified problems. According to the prestigious jurist Peter-Christian Müller-Graf, its implementation would mean “an augmentation of European capacity to act”, a “strengthening of the legitimacy of European decisions”, as well as a “sharpening of the profile of Europe’s value orientation”<sup>120</sup>. This is why a manifesto prepared by the European People’s Party in the European Parliament, in March 2006, appeals for the urgent implementation of the reforms foreseen by the European Constitutional Treaty, since according to the EPP, “*an institutionally paralysed union would contribute to the scepticism of citizens towards the European Union in general.*”<sup>121</sup>”

So paradoxically, the refusal of the project that would have tackled the roots of Euro-scepticism, in part due to a general Euro-scepticism, will possibly indirectly create even more Euro-scepticism than before.

There are not only the justifiable, coherent and comprehensible reproaches like the actually existing considerable lack of transparency and the prevailing, albeit steadily declining democratic deficit, the European Union is faced to. There has also always been a tendency to utilize the supranational level as “scapegoat” for domestic issues; from the side of the public, but as well from governmental circles. This phenomenon shall be addressed in the coming sub-chapter.

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<sup>117</sup> Cf, *Habermas, J.*, Die postnationale Konstellation, Politische Essays, Frankfurt/Main 1998, p. 114.

<sup>118</sup> See above, chapter 2.1, page 23.

<sup>119</sup> Cf, *De Villepin, D.*, quoted and translated in: France and the European Union, Desperately seeking a policy, in: *The Economist*, No. 8461, 01/21/2006.

<sup>120</sup> Cf, *Müller-Graf, P.-C.*, Strukturmerkmale des neuen Verfassungsvertrags für Europa im Entwicklungsgang des Primärrechts, in: Jopp/Matl (ed.), *Der Vertrag über eine Verfassung für Europa. Analysen zur Konstitutionalisierung der EU*, Baden-Baden 2005, p. 46 – 50.

<sup>121</sup> Cf, *Beunerman, M.*, EU-Observer, Centre-right EPP party seeks way to implement EU constitution,

## 2.3 Scapegoat Europe

“Nur nicht resignieren nach Frankreichs Nein – Europa ist Sündenbock für die nationale Politik...”<sup>122</sup>

The emergence of “Euroscepticism” is certainly not only a French phenomenon. It tends to reappear in situations of economic crisis and uncertainty in practically all EU member states. People easily tend to identify the EU as being responsible for those developments. A current example is France’s neighbour country and beside France main founding father of the basis of that integration process, namely Germany; which currently is faced to a similar need for reform, due to comparable economic and social issues<sup>123</sup>. An opinion poll, conducted in November 2005, which was ordered by the German newspaper *Berliner Zeitung*, has found out that a large majority of the Germans associate the European Union with economic and social problems. Hence, the European integration is not seen as being solution to this, but rather an intensifier of the negative development<sup>124</sup>.

A very prominent example for the perceived negative consequences of European Integration is the scapegoat Euro. According to the opinion researcher, Thomas Petersen, the common currency has never really provided for a feeling of togetherness among the EU12 population, which actually was one of the political reasons for its establishment. There has only been one short moment when the number of Euro proponents noticeably outbalanced its opponents. This slight euphoria was in January 2002, immediately after the emission of the new banknotes and coins. However, because of reports about immense increases in

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<http://euobserver.com/9/21190> [state: 03/22/2006].

<sup>122</sup> The former German Foreign Minister Hans Dietrich Genscher made that statement in the course of an interview with the newspaper *Der Tagesspiegel*, two days after the plebiscite in France; in which he sharply criticized Jacques Chirac for his role in the setting of the treaty’s ratification.

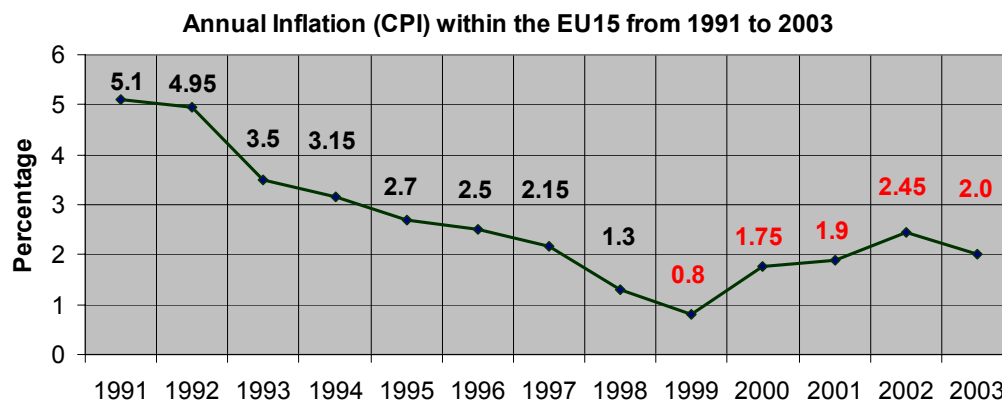
Cf, *Genscher H.-D.*, Chiracs Sündenbock, Nach Frankreichs Nein zur Verfassung In: *Der Tagesspiegel*, 05/31/2005.

<sup>123</sup> See chapters 4.1.1 & 4.1.2, page 60 – 71.

<sup>124</sup> Cf, *Kirk, L.*, Free Republic, Germans blame EU for economic problems, <http://www.freerepublic.com/focus/f-news/1566869/posts> [state: 01/27/2006].

consumer prices, this positive feeling very quickly turned to hostility towards the common currency, considered responsible for the perceived rise in living costs<sup>125</sup>. A look on the following chart makes obvious, that according to the EU15 inflation rate in the years directly succeeding the introduction of the common currency, there was no observable higher increase of consumer prices than in the previous years<sup>126</sup>.

Table 8: Effective Inflation (CPI) in the EU15 from 1991 to 2003<sup>127</sup>



It is a fact that, especially in the catering industry, certain providers have considerably raised their prices, subsequent to the introduction of the Euro. However, this phenomenon is only indirectly linked to the Euro, even though the currency was identified as the responsible scapegoat.

Some Europeans blame the EU for increases of costs in general. In this connection, Eurobarometer recorded “a rise in living costs” as most frequently stated negative influence of the EU, in January 2006<sup>128</sup>.

Between 2007 and 2013, the costs of European Union’s activities will equal 26 cents a day<sup>129</sup>, per EU citizen, which according to the president of the EP Josep

<sup>125</sup> Cf, *Petersen T.*, Die öffentliche Meinung, in: Weidenfeld W./Wessels, W., (ed.), *Jahrbuch der europäischen Integration 2001/2002*, Bonn 2002, p. 276.

<sup>126</sup> The chart represents the EU15, but since only 3 EU15 member states are not at the same time in the Euro-area, the information is also valid for the EU12.

<sup>127</sup> Cf, European Commission, *Serviço das Publicações Oficiais das Comunidades Europeias* (ed.), *Factos e Números Essenciais sobre a União Europeia*, Luxembourg, 2004, p. 45.

<sup>128</sup> Cf, Eurobarometer, *Flash, Quelle Europe?*, l.c., p. 19, [state: 03/30/2006].

<sup>129</sup> Cf, *Kubosova, L.*, EU-Observer, *Parliament approves EU spending plan*, <http://euobserver.com/9/21629/?rk=1> [state: 05/17/2006].

Borrel “...*certainly is not a lot.*”<sup>130</sup> The French population and particularly the opponents of the European Constitutions do obviously not share this opinion. 55% of the treaty’s supporters and even 76% within the “Non”-camp said in January 2006, that: “*La construction européenne coûte cher à la France.*”<sup>131</sup>

Beside that, in part due to its lack of transparency, embodied in the approximately 80,000 pages of European legislation<sup>132</sup>, the European Union is confronted with a high number of so-called “Euromyths”. Those are anti-European rumours and reports pointing out alleged, particularly ridiculous or shocking draft laws or intentions of the EU, dispersed by anti-European media or politicians<sup>133</sup>. The most famous and most commonly quoted of those insidious factoids is the so-called “bent banana scandal”<sup>134</sup>. This is a rumour claiming that the EU would strictly define a mandatory flexuosity for bananas that is based upon an intentional misinterpretation of an Internal Market regulation by a British journalist<sup>135</sup>.

A large share of the actually existing and allegedly “absurd” decisions and draft laws, the European Union is often attacked for, have in fact their seeds in national initiatives. This has been confirmed by the former Chancellor of the Federal Republic of Germany, Helmut Kohl, who gained intense experience with European decision making processes during his long term in office of 16 years<sup>136</sup>. During a speech after the refusal of the European Constitution in France, he gave

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<sup>130</sup> Josep Borell made this statement after the approval of the EU's spending plan for 2007 - 2013, in the European Parliament on May 17th 2006.

Cf, *Borell, J.*, quoted by Lucia Kubosova, in: EU-Observer, Parliament approves EU spending plan, l.c. [state: 05/17/2006].

<sup>131</sup> Cf, Eurobarometer, Flash, Quelle Europe ?, l.c., p. 18, [state: 03/30/2006].

<sup>132</sup> This figure includes the entire “acquis” of primary and secondary legislation, i.e. of treaties, regulations, directives and opinions; and does not represent an outstandingly high number of legislative provisions, in comparison to national legal frameworks.

<sup>133</sup> Cf, KC3 Training & Community, Euromyths wrongly attributed to the EU, <http://www.kc3.co.uk/~dt/euromyths.htm> [state: 05/22/2006].

<sup>134</sup> Cf, CNN.COM, The changing face of Europe, Euromyths: Fact and fiction in EU law, <http://www.cnn.com/SPECIALS/2000/euunion/story/laws/> [state: 05/22/2006].

<sup>135</sup> There is actually a regulation, mentioning characteristics of bananas. The **Commission Regulation (EC) No 2257/94**, from September 16<sup>th</sup> 1994 lays down quality standards for bananas. However, that regulation solely stipulates general requirements in terms of quality, necessary for the disposal in the EU Internal Market.

<sup>136</sup> According to Helmut Kohl, it did happen several times that proposals for national legislation, which were refused by a national government, arrived at the European Commission by means

evidence of this tendency of making Brussels to the “Scapegoat” for European problems, by saying “*Wir laufen Gefahr, dass die EU für jeden denkbaren Ärger verantwortlich gemacht wird*”<sup>137</sup>.

Those defaming approaches are obviously not only pursued by the media, but also by certain statesmen themselves. The French political scientist Marc Germanangue takes the view that especially in France; politicians think in terms of power and thus regard the European Integration as a kind of zero-sum game, producing winners and losers<sup>138</sup>. Hence they tend to follow only their own interests at the cost of the others, without entering into cooperation<sup>139</sup>.

Mr. Germanangue is not the only supporter of that view. In an article on the refusal of the European Constitution, issued by the “German Centrum für angewandte Politikforschung”, the author argues that the French government traditionally blames Europe for domestic problems. According to the article, the politicians in France tend to justify their inability to solve economic problems with the excuse: “...because of Europe”<sup>140</sup>. That this, however is not only a French phenomenon is confirmed by one European head of government himself, namely Jean-Claude Juncker, who in an auto-critical way blames the generally prevalent attitude of “...nous contre l’Europe...”<sup>141</sup>

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of an activity claim from the European Parliament, initiated by the same national protagonist and were thereupon resubmitted to the national legislators, in form of a Commission draft law.  
<sup>137</sup> Cf, *Kohl, H.*, Dossier, Joseph Rovon, die deutsch-französischen Beziehungen und Europa, in: *Dokumente, Zeitschrift für den deutsch-französischen Dialog*, No. 4, August 2005, p. 50.

<sup>138</sup> That approach of aiming for relative gains, compared to the others and disregarding potential absolute gains, beneficial for all involved parties; reminds strongly to the theory of political realism, defined by e.g. Hans Morgenthau,  
Cf, *Morgenthau, H.*, *Politics among Nations: The struggle for power and peace*, New York 1978, p. 4.

<sup>139</sup> Cf, *Germanangue, M.*, *Die gelähmte Nation, Welchen Platz nimmt Frankreich heute in der Welt ein?*, in: *Internationale Politik*, No. 8, 2005, p. 70.

<sup>140</sup> Cf, *Centrum für angewandte Politikforschung*, *Stand der Ratifikation der EU-Verfassung, Frankreich*,  
<http://www.cap-lmu.de/themen/eu-reform/ratifikation/frankreich.php> [state: 05/25/2006].

<sup>141</sup> Juncker said that during a speech, in the course of his nomination to the presidency of the “Centre International de Formation Européenne” in Nice, on November 22<sup>nd</sup> 2005. In this context he verbally stated: “*Nous parlons mal de l’Europe, nous médisons l’Europe, nous critiquons l’Europe, nous décrivons l’Europe comme un match entre ceux qui gagnent et ceux qui perdent...*”  
Cf, *Juncker, J-C.*, quoted on: *Gouvernement luxembourgeois, Informations et actualités du gouvernement luxembourgeois*,

In February 2006, the Polish Minister for European Affairs Jaroslaw Pietras rightfully stated that “*if the EU was established on the results of public opinion surveys, it would not exist in its current form*”<sup>142</sup>, while giving an interview, in which he criticized the cancellation of the so- called “country of origin-principle” from the famous Service Directive, which in its prototype has been produced under the former Internal Market Commissioner Frederik Bolkestein<sup>143</sup>. Allowedly, this statement is taken out of its context. But maybe its content can nevertheless be drawn on, when considering the current image problem of the EU.

Mr Pietras is perfectly right; the EU has not been established on the results of opinion polls. However, with the upcoming trend of direct participation in European matters<sup>144</sup>, the former elite project European Integration will become more and more dependent on the perception of the common public, as the fate of the Constitutional project proves in a particularly drastic way. This has already been recognized in 1999 by the authors Douglas Imig and Sydney Tarrow, who wrote quite accurately that: “*Something new has been added to the struggle between ideological projects, concerning the European political economy: a context for endorsement by the public.*”<sup>145</sup>

What partly lies behind the formation of the citizens’ perception shall be regarded briefly in the subsequent chapter.

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[http://www.gouvernement.lu/salle\\_presse/discours/premier\\_ministre/2005/11/22juncker\\_nice/index.html#top](http://www.gouvernement.lu/salle_presse/discours/premier_ministre/2005/11/22juncker_nice/index.html#top) [state: 02/05/2006].

<sup>142</sup> Cf, *Retzman, A.*, Friends of Europe, News in detail, Old Europe hypocritical on services, Polish minister says,  
[http://www.friendsofeurope.org/index.asp?http://www.friendsofeurope.org/news\\_detail.asp?ID=647&page=det&frame=yes~bas](http://www.friendsofeurope.org/index.asp?http://www.friendsofeurope.org/news_detail.asp?ID=647&page=det&frame=yes~bas) [state: 02/06/2006].

<sup>143</sup> For more information on that issue, see chapter 5.1.2, page 99.

<sup>144</sup> As for instance in the case of France, for the ratification of EU accession treaties after the enlargement to Bulgaria, Romania and Croatia. See chapter 5.3, p 120 & 121



### 3. PUBLIC PERCEPTION

*“S’il y avait un peuple de dieux, il se gouvernait démocratiquement.*

*Un gouvernement si parfait ne convient pas à des hommes”<sup>146</sup>.*

With these words, the French philosopher Jean-Jacques Rousseau spoke explicitly against representative democracy and expressed his commitment to procedures of direct democracy, as the only just way of ruling a society and expressing the “General Will” of the people. He defined the General Will as the best decision, which every citizen can detect through rational reflection<sup>147</sup>.

This idea that only direct democracy can guarantee the expression of the General Will of the people was doubted 27 years later by another Frenchman, Emmanuel Joseph Sieyès who defended the idea of representative democracy. However, in one important point he agreed with Rousseau, namely that the right to make a basic framework, i.e. a constitution, is not to be alienated from the people and can only be established by direct means of legislation<sup>148</sup>.

When having decided a political issue by means of direct participation, the public perception plays a crucial role and has to be taken into account, even though it may not always been totally based on rational factors. Some of the less rational factors, having influenced the public perception on the European Constitutional Treaty shall be considered in this chapter.

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<sup>145</sup> Cf. Imig, D./Tarrow, S., *Contentious Europeans: Protests and politics in an emerging polity*, Lanham 1999, p. 12.

<sup>146</sup> Cf. Hufschlag, H.-P., *Einfügung plebiszitärer Komponenten in das Grundgesetz ?*, Verfassungsrechtliche Möglichkeiten und verfassungspolitische Konsequenzen direkter Demokratie im vereinten Deutschland, Baden-Baden 1998, preface.

<sup>147</sup> In his work “Le Contrat Social” from 1762, Rousseau stated that all sovereignty belongs to the people. Hence only the people themselves can exercise legislative power directly and by this express their “Volonté Générale.

<sup>148</sup> In his essay with the title “Qu’est-ce que le tiers état ?” from 1789.

### 3.1 “Déclinologisme” or “France’s Malheur”

According to the President of the European Commission José Manuel Durão Barroso: “...*France is of good health, despite a melancholic tendency to blame Europe for each and every setback.*”<sup>149</sup>

However, large parts of not only the citizens, but also the political and scientific elite in France do not share that optimistic opinion on the economic and political “health” of their own country<sup>150</sup>. Already in 1954 a literary standard work, named *Frankreichs Uhren gehen anders*, has been published by the Swiss historian Herbert Lüthy, in which he deals with the French peculiarities in political, social, societal temperamental and economic aspects during the time of the 4<sup>th</sup> Republic<sup>151</sup>.

Those special French characteristics do not seem to have changed over the time of the 5<sup>th</sup> Republic, up to present times. According to the historian Matthias Wächter, the French society has always been polarised since the French Revolution and does not tend to consensus, rather preferring conflicts<sup>152</sup>.

Recent surveys have identified that about three quarters of the French population do not have anymore confidence in their elected representatives. According to the French political scientist Michel Balinski, this growing mistrust emerges partly due to the French voting system. He argues that there is an unconscious conviction that it is not anymore the people who elect their representatives, but the voting system itself<sup>153</sup>.

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<sup>149</sup> Barroso made that statement in the course of a speech in front of the French Assemblée Nationale in January 2006, where he attested France a “*temptation to play hypochondriac*”. Cf. Barroso, J., M., D., quoted and translated on: Europaworld, The End Of The Franco-German Motor?, <http://www.europaworld.org/europethisweek/theendof26106.htm> [state: 01/26/2006].

<sup>150</sup> The current economic problems in France will be analyzed in more detail in chapter 4.1.2.

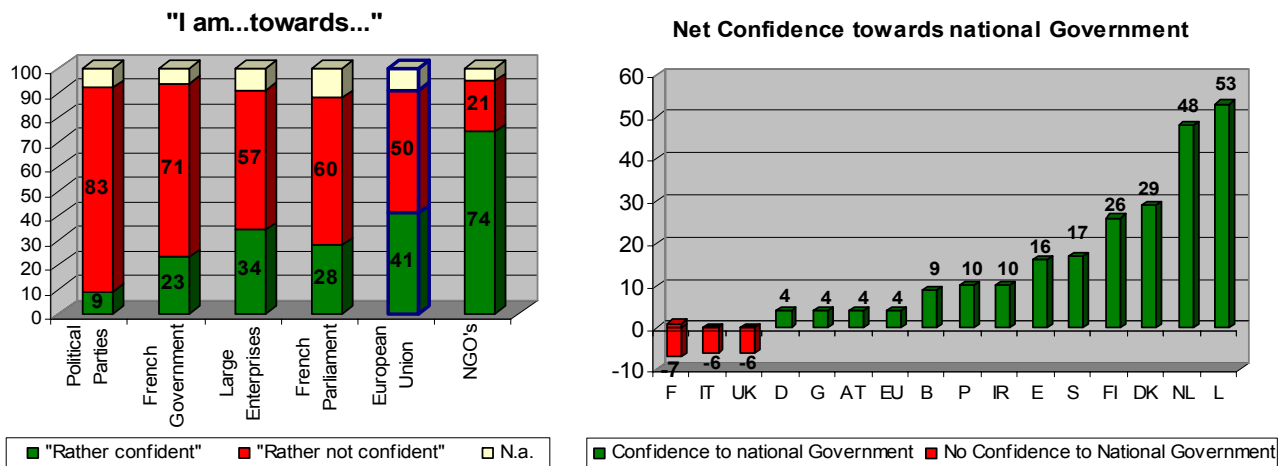
<sup>151</sup> Cf. Stauffer, P., Frankfurter Allgemeine Zeitung, Lüthys Uhr ging anders, Der schweizerische Historiker als unbestechlicher Beobachter: Zeugnisse seiner frühen Schaffensperiode, [http://www.buecher.de/verteiler.asp?site=artikel\\_faz.asp&wea=1100485&artikelnummer=000001312407](http://www.buecher.de/verteiler.asp?site=artikel_faz.asp&wea=1100485&artikelnummer=000001312407) [state: 05/11/2006].

<sup>152</sup> Cf. Wächter, M., l.c., page XXV

<sup>153</sup> Cf. Balinski, M., L’élection présidentielle est-elle démocratique, in: Le Monde, 11/29/2005, Paris 2006, p. 26.

The following two illustrations shall give a display of the prevailing distrust among the French towards their political elite. The left graph represents the stated confidence among the French towards certain political bodies, as well as other civil institutions, in spring 2005, shortly before the plebiscite in France. The right diagram gives an EU15 comparison of the confidence towards the respective national governments in 2001.

Table 9: Confidence towards certain political and civil Institutions in France and the EU15 in 2001 and 2005<sup>154</sup>



As obvious, there is; and has already been for several years; a considerable distrust among the French population towards their national political institutions. It is particularly striking that the citizens of France, apparently have significantly more confidence in the European Union, than in their own political parties, government or parliament. In addition, the comparison on the right side proves that France has traditionally been the EU member state with the greatest disenchantment with politics; and in particular domestic politics.

The French author Arnaud Gonzague argues in an article published in *Le Nouvel Observateur* that especially for the younger generation, the ruling political class of

<sup>154</sup> Cf, Eurobarometer Standard 64, L'opinion publique dans l'Union Européenne, 2005, Rapport national, France, p. 28,

[http://ec.europa.eu/public\\_opinion/archives/eb/eb64/eb64\\_nat\\_fr.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb64/eb64_nat_fr.pdf) [state: 05/26/2006].

In connection with:

Cf, *Niedermayer, O.*, Die öffentliche Meinung zur zukünftigen Gestalt der EU, Bevölkerungsorientierungen in Deutschland und den anderen EU-Staaten, Bonn 2003, p. 28.

France has become “incomprehensible”, what he identifies as one of the key reasons for the refusal of the European Constitutional Treaty<sup>155</sup>. Ferdinand Kinsky sees that phenomenon confirmed by a special occurrence in the run-up of the referendum. During a panel discussion on television, in the months preceding the plebiscite in France, Jacques Chirac has been challenged by a group of young voters, on what he obviously took offence. According to Ferdinand Kinsky, this behaviour of the president had a direct impact on the acceptance of the European Constitution among his fellow-citizens, since on the following day, for the first time, the public opinion towards the treaty turned out to be negative<sup>156</sup>.

Hence, the general discontentedness, especially towards domestic politics, has also played a considerable role in the refusal of the European Constitution. However, a lack of confidence vis-à-vis the domestic political and economic situation, prevails not only among the ordinary citizens, but also among representatives of the societal elite in France

In an interview conducted in January 2006, the current French Prime Minister Dominique de Villepin used an interesting neologism, saying “*I see the appearance of a new population in our country, the new experts: déclinologists*”, in order to describe the prevailing negative opinion among French economic analysts towards their own country<sup>157</sup>.

That negative opinion concerning the economic performance in France is also shared by book authors currently publishing a number of pessimistic works; with titles like e.g. “*New World old France*”, “*France in Freefall*”, “*France’s Malheur*” or “*France in Crisis*”. According to the newspaper *The Economist*, a share of 66% of the French population holds the view that France is presently undergoing a recession. The actually forecasted French GDP growth for 2006 however lies at about 1.7%, which represents a relatively good figure compared to

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<sup>155</sup> Cf, *Gonzague, A.*, Changer de pays, 62000 expatriés l’an dernier, in: *Le Nouvel Observateur*, No. 2133, 09/22-28/2005, p. 14.

<sup>156</sup> Cf, Kinsky, F., in his interview on April 10<sup>th</sup> 2005. See annex 3, page XXX.

<sup>157</sup> Cf, French decline, The useful function of declinologists, in: *The Economist*, No. 8463, 02/04/2006, p. 26.

the current European average<sup>158</sup>. Therefore, in his recently published book with the representative title “La société de la peur”, the author Christophe Lambert has identified a passage in France from the so-called “Trente Glorieuses”<sup>159</sup> to the “Trente Pleureuses”, as he named the current period.<sup>160</sup>

*The Economist* sees a direct connection between this strong overall pessimism in France and the rejection of the European Constitutional Treaty and identifies that the complaints of the so-called “déclionologues” were not directed against the French people, but its political elite, which supposedly fails to tell the truth about the need for change<sup>161</sup>.

Interestingly, *Le Nouvel Observateur* sees that in exactly the opposite way. According to the left-wing magazine, the “déclinologisme” is a mix of national “masochism” and political strategy, which consists in telling the people that everything is going bad, in order to make the people swallow the “...portion amère du libéralisme”<sup>162</sup>.

According to Matthias Wächter, there is a lack of “...institutionalisierte Kanäle der Konsultation signifikanter Akteure” in France; and therefore certain groups have seen the plebiscite as a chance to mobilize against the government and reinforce the so-called “Mouvement social”.<sup>163</sup>

Also Bruno Boissière confirms that view. He supposes that the “Non” was a kind of provocation, stating that the French population, even though they were in

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<sup>158</sup> Cf, Gloom in France, The unbearable lightness of being overtaken, in: *The Economist*, No. 8463, 02/04/2006, p. 25.

<sup>159</sup> That proverbial term is referred to the period of economic boom, between the 1950's and the mid-1970's.

Cf, *Auzet, L./Fournier, J.-M.*, Division enquêtes de conjoncture, Insee, Les évolutions de la conjoncture industrielle 1962-1996,

[http://www.insee.fr/FR/FFC/DOCS\\_FFC/ip480.pdf](http://www.insee.fr/FR/FFC/DOCS_FFC/ip480.pdf) [state: 05/27/2006].

<sup>160</sup> Cf, *Lambert, C.*, quoted by: *Ritzenhofen, M.*, Der Dauphin gegen den Favoriten, Dominique de Villepin und Nicolas Sarkozy im Wettlauf zum Élysée, in: *Dokumente*, Zeitschrift für den deutsch-französischen Dialog, No. 5, October 2005, p. 6.

<sup>161</sup> Cf, Gloom in France, l.c.

<sup>162</sup> Cf, *La France au banc d'essai*, Panne déclin ou décadence : comment en sortir, in: *Le Nouvel Observateur*, No. 2135, 10/06-12/2005, p. 18.

<sup>163</sup> Cf, *Wächter, M.*, l.c., page XXV.

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favour of a European Constitution, “...*had reasons to complain and to make this a provocative act; and a clear majority of them did it*”<sup>164</sup>. Hence, the occasion of the referendum on the European Constitution has apparently been misused, as a way to protest against the perceived negative situation, in economic, as well as political terms, disregarding the actual issue, which was put in question.

So, currently in France prevails a kind of a “class struggle”, between two antagonistic points of view; and it seems that the European Constitution has got between the fronts. Four days before the fateful plebiscite, the national secretary of Les Verts, Yann Werhling appealed to the voters, not to be: “...*manipulé par des enjeux nationaux qui n'ont rien à voir avec le traité*”<sup>165</sup>. As it appears, that appeal did not meet with open ears.

The prevailing negative mood in France has thus played its role in the background of the public perception. However, a much more important factor in the formation of the opinion towards the European Constitution is certainly to be found in the combination of a lack of interest, paired with ignorance in that context, which eventually leads to irrationality among the sons and daughters of the French Republic. That crucial issue will be considered in the following sub-chapter

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<sup>164</sup> Cf, *Boissière B.*, in his interview on April 6<sup>th</sup> 2005. See appendix 2, page XV.

<sup>165</sup> Cf, *Werhling, Y.*, *Ce traité est un rempart contre le libéralisme*, in: *La Tribune*, 05/25/2005.

### 3.2 Interest, Ignorance and Irrationality

*“When ignorance is bliss, 'tis folly to be wise”<sup>166</sup>*

One of the probably most important background factors is to be found in the general problem of ignorance among the population. Ferdinand Kinsky even goes so far to call this phenomenon “...*un problème majeur pour la démocratie*”.

According to him, the reasons for that phenomenon include a significant lack of political education in schools, a general unpopularity of politics among the young population, and the critical role of television as principal source of information. Since negative news, scandals and intrigues tend to be highlighted reporting about politics<sup>167</sup>, the ordinary citizen is likely to be indignant or to become persuaded of a negative quality of the ruling politicians and a catastrophic functioning of political institutions. Due to the even greater distance, those irrational judgments are yet intensified in the international context<sup>168</sup>.

This prevalent ignorance can lead to misjudgements and contradictory or even irrational behaviour. The German political scientist Marie-Luise Schneider, who carries out scientific research on the question of rationality in the context of referenda, rhetorically wonders therefore, if in the course of plebiscites, the citizens can be sufficiently informed on the respective issues, in order to guarantee subject-oriented decisions<sup>169</sup>.

Taking a look at the political tradition of the Federal Republic of Germany since 1949, evidence appears that the “founding fathers” of the modern German state were intentionally reluctant to introducing direct means of democratic

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<sup>166</sup> Cf, *Gray, T.*, quoted in: Johnson, S., *Poetical Works of Johnson, Parnell, Gray and Smollett*, Whitefish 2004, p. 148.

<sup>167</sup> See above, chapter 2.2, page 25 – 26.

<sup>168</sup> Cf, *Kinsky, F.*, *Tribune, De l'ignorance à l'idéologie*, in: *L'Europe en Formation*, No. 1, 2003, p. 125.

<sup>169</sup> Cf, *Schneider, M.-L.*, *Zur Rationalität von Volksabstimmungen*, Wiesbaden 2003, p. 18.

participation in the German Federal Constitution<sup>170</sup>. The German political scientist Otmar Jung went so far to comment that procedures of direct democracy were “put in quarantine” at that time<sup>171</sup>. A Common constitutional Commission, consisting of members of the German Bundesrat and the Bundestag has identified 9 basic arguments against the introduction of means of direct democracy into the German Constitution<sup>172</sup>. One of those arguments is defined as the danger of de-rationalisation of decisions. According to the report, there is a considerable danger that people do not decide on the basis of objective criteria, but under the influence of subjective impressions or a certain mood, which was created by the media<sup>173</sup>.

This view is shared by the political scientist and expert in the field of representative democracy, Karsten Bugiel, who expressed the apprehension that the high complexity of political decisions could lead to an “...*Überforderung des Stimmbürgers*”<sup>174</sup>. According to the author Claus-Henning Obst that appraisal is even valid, taking into account the high level of education in industrialised states<sup>175</sup>. In Germany, those retentions have historical roots and rest upon the negative experience made with irrational behaviour in the course of direct participation, during the time of the Weimar Republic<sup>176</sup>.

Certainly, Germany is a different country with an unequal past than France, but in principle those arguments arguably apply to any kind of plebiscitary decision making processes in any society. That opinion is shared by Ferdinand Kinsky who

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<sup>170</sup> Apart of the universal suffrage for the German Bundestag (Art. 38 GG) and polls concerning the reorganization of the German federal territory (Art. 29 & 118a GG), a direct participation of the German citizens in federal legislation is neither intended nor permitted.

Cf, *Berger*, Die unmittelbare Teilnahme des Volkes an staatlichen Entscheidungen durch Volksbegehren und Volksentscheid, Freiburg 1978 p. 101.

In connection with: *Brüggemann*, Die Beschränkung der Rechte des Staatsvolkes und des Staatsbürgers durch die repräsentative Demokratie nach dem Bonner Grundgesetz, 1963 p. 117.

<sup>171</sup> Cf, *Jung, O.*, Grundgesetz und Volksentscheid, Opladen 2004, p. 329 et seqq.

<sup>172</sup> The Bundesrat is the German upper chamber of, representing the federal states and the Bundestag is the lower chamber of parliament, representing the German population. They meet in the so-called “gemeinsame Verfassungskommission”.

<sup>173</sup> Cf, *Hufschlag, H.-P.*, l.c., p. 284.

<sup>174</sup> Cf, *Bugiel, K.*, Volkswille und repräsentative Entscheidung, Baden-Baden 1991, p. 465 et seqq.

<sup>175</sup> Cf, *Obst, C.-H.*, Chancen direkter Demokratie in der Bundesrepublik Deutschland, Cologne 1986, p. 279.

<sup>176</sup> Cf, *Schiffers, R.*, Elemente direkter Demokratie im Weimarer Regierungssystem, Düsseldorf, 1971, p. 285 et seqq.



confirmed in his interview that also in France, “*Der Durchschnittsbürger [...] ist sehr schlecht informiert.*”<sup>177</sup>

In an article from 2003, Mr. Kinsky admits that for the sake of democracy, in easily understandable local issues, it can be suggestive to directly involve the citizens in the decision making process. However, in his eyes, this is not the case with referenda concerning complicated and far-reaching international treaties. According to him, already the Maastricht Treaty could not have been understood by a large majority, of the French and Danish voters; and consequently many voted against it in 1992<sup>178</sup>, due to their lack of understanding<sup>179</sup>.

That ignorance in the political context is primarily caused by a lack of interest among the population, concerning issues of that type. This was also the case regarding the European Constitutional Treaty; at least concerning the exact details. The prestigious opinion researcher Oskar Niedermayer explicitly points out that particularly in the case of that treaty it cannot be preceded on the assumption that a majority of the citizens has a distinct knowledge of its details and can therefore make a clear evaluation of its implications<sup>180</sup>.

In the course of the opinion poll, carried out by Eurobarometer following the European Council of Thessaloniki, end of June 2003, the surveyed citizens were inter alia polled about their intentions to read the text. The French seemed to belong to the most interested citizens of the EU concerning the draft treaty<sup>181</sup>, as 50% of the respondents stated the intention to read a summary, 14% wanted to read the entire text and about 3% had even already read the text at that time<sup>182</sup>.

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<sup>177</sup> Cf, Kinsky, F., in his interview, l.c., page XXXI.

<sup>178</sup> See preface, page 6 & 7.

<sup>179</sup> Cf, Kinsky, F., Crisis of Democracy – Is Federalism a Solution, in: The homogeneity of Democracy, Rights and the Rule of Law in Federal or Confederal Systems, Institut für Föderalismus Innsbruck (ed.), Schriftenreihe, No. 92, 2003, p. 26.

<sup>180</sup> Cf, Niedermayer, O., Die öffentliche Meinung zum Europäischen Verfassungsvertrag, in: Jopp/Matl (ed.), Der Vertrag über eine Verfassung für Europa. Analysen zur Konstitutionalisierung der EU, Baden-Baden 2005, p. 448.

<sup>181</sup> Only the population of Ireland, Luxembourg and Hungary state slightly more interest in the draft treaty. The European average lay at 39% of interested citizens in reading a summary and 12% interested in reading the entire text. It is noticeable, that the French proved significantly more concern for the text than the citizens of the other 5 large member states, (Germany, the United Kingdom, Italy, Spain and Poland).

<sup>182</sup> Cf, Eurobarometer, Flash 142, Convention on the Future of Europe, p. 16.

During the same poll, Eurobarometer also asked about the satisfaction with the outcome of the European Convention, i.e. with the contents of the draft treaty. Here, exactly half of the totality of interviewees could not give an answer due to a lack of knowledge about the contents of the draft. In France a slight majority of 39% stated to be satisfied with the outcome, compared to 24% of explicitly negative replies and only 37% of the respondents that seemed to be uninformed<sup>183</sup>. Hence, even though only approximately 3% of the French had read the text or a summary of it at that time, already 63% could give a concrete evaluation of its contents. That indicates the existence of certain preconceptions and biases among the population concerning the potential European Constitution, already at that early point of time<sup>184</sup>.

So, as confirmed by Bruno Boissière, until the referendum, only an infinitesimal share of the French population has read the text, on which they were supposed to vote<sup>185</sup>. A frequently stated reason from the treaty's opponents for its rejection, was that it was perceived to be "too complex" or to "technocratic"<sup>186</sup>. Indeed, compared to most constitutions in the world, the European Constitution is with its 448 articles, five additional protocols and 3 declarations very complex<sup>187</sup>. However, that comprises the entire primary legislation on a supranational level for a Union of currently 25 member states and around 460 million people. Paradoxically, one of the aims of the treaty reform was a "tabula rasa", in order to combine the previously existing texts in one comprehensive statute, book for the sake of lucidity and understandability.

All the identifications above indicate that irrational factors, not having anything to do with the actual contents or implications of the Treaty establishing a

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[http://ec.europa.eu/comm/public\\_opinion/flash/fl142\\_convention.pdf](http://ec.europa.eu/comm/public_opinion/flash/fl142_convention.pdf) [state: 05/07/2006].

<sup>183</sup> The French population manifested itself the 3<sup>rd</sup> most concrete within the EU25. Only among the Greeks, the Belgians and Finns, the share of polled that already dared a concrete evaluation of the draft was higher. Another interesting outcome was that only in two countries, namely Finland and the UK, which traditionally belong to the most EU-sceptic member states, the negative statements were slightly more numerous, than the positive ones.

<sup>184</sup> Cf, Eurobarometer, Flash 142, l.c., p. 36.

<sup>185</sup> Cf, *Boissière B.*, l.c., page XV.

<sup>186</sup> See for instance chapter 1.2, page 19.

<sup>187</sup> Compared to e.g. solely 89 articles in the case of France.

Constitution for Europe, have played a crucial role for the fate of the treaty. Bruno Boissière shares this opinion due to personal experience. He even identified the French voters as being “*schizophrenic*” and stated that “*paradoxically*” actually “...many of the reasons that were expressed to vote “no” could find a solution in the Constitutional Treaty.”<sup>188</sup>

Matthias Wächter remarked in his interview that referenda on issues of such sort, generally lead to irrational voting behaviour and added: “*Es liegt einfach im Wesen des Referendums über eine Sachfrage von komplexem Gehalt irrational abzustimmen.*” On the question if it is then consequently wrong to put such an issue to vote via public referendum, he outspokenly replied: “*Es ist generell total falsch, ja!*”<sup>189</sup>

Hence, the perception of the public in France, towards the treaty, which was presented to them on May 29<sup>th</sup> 2005, has in part been influenced by the comparably critical and even revolutionary attitude of the sons and daughters of the “Grand Nation”, combined with a certain public ignorance regarding particular realities. Since, according to Ferdinand Kinsky: “*Rien ne fait fructifier une idéologie autant que l’ignorance*”<sup>190</sup>, those psychological factors in addition to the prevailing discontentedness with the current government have played a significant role in the formation of the voters’ decision towards the Treaty establishing a Constitution for Europe<sup>191</sup>.

However, those background factors could have only be the ground for the conversion of certain input into a decision; and it obviously proved to be a particularly “fertile” ground for some polemic and propagandistic input; which shall briefly be considered in the next sub-chapter by means of some examples.

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<sup>188</sup> Cf, *Boissière B.*, l.c., page XV.

<sup>189</sup> Cf, *Wächter, M.*, l.c., page XXVII & XXVIII.

<sup>190</sup> Cf, *Kinsky, F.*, Tribune, De l’ignorance à l’idéologie, l.c., p. 128.

<sup>191</sup> The important aspect of the dissatisfaction with the leading political actors will separately be considered in chapter 4.1.3, page 72 – 76.

### 3.3 Factoids and systematic Propaganda

*“While we are not here to issue propaganda, we are here to ensure the case is made and the facts are heard”<sup>192</sup>*

That was the official communications approach of the European Commission, concerning the Treaty establishing a Constitution for Europe, announced by Margot Wallström. However, certain protagonists that campaigned against the treaty did not apply the same strategy. They did in fact issue propaganda and did not want certain facts to be heard.

It shall not be the intention of this sub-chapter to outline the entire range of valid and invalid arguments, utilized by the diverse actors. Solely some particularly striking examples for polemic and propaganda shall be named here. The most important objections against the treaty; which dependent on the respective point of view, can be seen as substantiated or not; are reflected in the analysis of the result in the first chapter. Special attention will be dedicated later in this project, to the main issues stated as reasons for the rejection, be means of a deeper analysis of their backgrounds<sup>193</sup>.

As mentioned, the decision of President Jacques Chirac to hold a plebiscite on the European Constitutional Treaty, even though this way of ratification had not been required by the French Constitution, may have had several reasons<sup>194</sup>. It is likely however, that it was not exclusively based upon the will to foster a direct democratic basis for the project, but rather on political calculation.

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<sup>192</sup> Margot Wallström, the First Vice-President of the European Commission, as well as Commissioner for Institutional Relations and the Communication Strategy, during her speech on the Communication Strategy concerning the European Constitutional Treaty, to the Committee of Constitutional Affairs and Representatives of Civil Society in the EP on November 25<sup>th</sup>,

Cf. *Wallström, M.*, Europäische Kommission, Kommissare, Margot Wallström, Reden und Erklärungen,

[http://ec.europa.eu/commission\\_barroso/wallstrom/pdf/24112004\\_en.pdf](http://ec.europa.eu/commission_barroso/wallstrom/pdf/24112004_en.pdf) [state: 05/24/2006].

<sup>193</sup> This relates particularly to the left-wing arguments of a creation of “une Europe Néo-libérale”, which will be considered in the chapters 4, 5.1 & 5.2, page 57 – 110.

<sup>194</sup> See chapter 1.1, page 11.

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Marie-Luise Schneider, came to the conclusion that claims for direct democratic decision procedures are frequently based on the purpose to reach a certain political goal.<sup>195</sup>

Thus, it is possible that Chirac arranged the plebiscite, aware of the extremely bad public acceptance of his own policy, in order to create a certain boost of acceptance for himself and his “entourage”, by being the “leader of a winning team”, since he knew about the previously very high support of the constitutional project among the French population.

This “misuse” of the European constitutional project for domestic reasons, in order to distinguish and draw political advantage, was certainly not only committed by the pro-constitutional government. The political opposition in France pursued that approach in a particular way, making the Constitution the most important domestic political issue at that time, with a view to the presidential elections in May 2007.

The most intense polemic has presumably been used by the extreme political right under Jean-Marie le Pen and Philippe de Villiers<sup>196</sup>. For instance, in October 2003, some months after the draft Treaty establishing a Constitution for Europe, was issued by the European Convention, Villiers gave an interview to the French newspaper *Le Figaro*, concerning the contents and implications of the potential future European Constitution. In this article, he claimed among other things, that with the intended creation of a European Foreign Minister, a uniform European foreign policy would be established, in which decisions were taken by majority voting, totally depriving France from conducting its own sovereign foreign policy. As a polemic example he mentioned the War on Iraq, alleging that with that constitution in force, a majority of EU member states would have been able of

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<sup>195</sup> Cf. *Schneider, M.-L.*, l.c., introduction.

<sup>196</sup> Philippe de Villiers is the founder and head of the political party „Mouvement Pour la France”, which is, since its formation in 1994, situated at the very right-wing of the political spectrum in France. He was extremely active in the campaign against the treaty. Cf. *Mouvement Pour la France Biographie de Philippe de Villiers*, [http://www.pourlafrance.fr/bio\\_villiers.php](http://www.pourlafrance.fr/bio_villiers.php) [state: 05/14/2006].

forcing France to send troops to Iraq<sup>197</sup>. Especially in France, that is a very sensitive subject, since according to surveys, the French are the greatest opponents of the War on Iraq, in the entire European Union.<sup>198</sup>

Possibly inspired by the wording of the Marseillaise “*Quoi ! des cohortes étrangères, feraient la loi dans nos foyers...!*”<sup>199</sup>, the political right concentrated primarily on arguments concerning the pretended loss of national sovereignty, the alleged connection of the European Constitution with an EU accession of Turkey and factoids related to the EU enlargements in general; in their “crusade” against the European Constitutional Treaty. Both, de Villiers and the Front National put a particular emphasis on the question of Turkey in their campaigns, which will be analyzed later in this project<sup>200</sup>. In addition, during a large number of public performances and interviews, de Villiers several times intentionally misinterpreted articles or events in relation with the European Constitution.<sup>201</sup>

Those arguments from the extreme political right, which not only on closer examination, in most cases, turn out to be entirely wrong, have apparently not been the only untruths used by the adversaries of the European Constitutional Treaty, in order to manipulate the electorate. On the one hand Ferdinand Kinsky, pointed out that the left-wing parties, on the whole, beside their repeated claim that the treaty would give rise to a “liberal Europe” and endanger the social

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<sup>197</sup> Cf, Le Figaro, 10/06/2003, p. 8.

<sup>198</sup> In December 2005, 65% of the French population argued for an immediate withdrawal of all foreign troops from Iraq.

Cf, Spiegel Online, Politik, Deutschland, Merkel überzeugt Holländer, aber nicht die Polen, <http://www.spiegel.de/politik/deutschland/0,1518,391805,00.html> [state: 12/22/2005].

<sup>199</sup> Taken out of the 3<sup>rd</sup> strophe of the Marseillaise, i.e. the national anthem of France.

<sup>200</sup> On each election poster from Front National a connection of the potential accession of Turkey to the EU and the constitution was claimed. In reality the two issues do not have any direct relation.

See for instance annex 1, page XI & XII.

All utilized posters are illustrated on the homepage of Front National.

Cf, Front National, Tracts & affiches, Non à la Constitution européenne, [http://www.frontnational.com/doc\\_affiches.php](http://www.frontnational.com/doc_affiches.php) [state: 05/26/2006].

<sup>201</sup> One of many examples is that de Villiers, as well as the Front National, constantly claimed that the fact, that Turkey has signed the final draft of the treaty means an automatic entry of the country in the European Union. Turkey has signed the draft, as all members of the European Convention, since it was an observer of that that body. However, there is actually no connection between that signature and a potential admission of the country.

Cf, *De Villiers, P.*, in: L'Express, l.c.

achievements of France, did not fall back to mendacious propaganda. On the other hand however, also parts of the political left have been dragged along by that approach, as it seems.<sup>202</sup>

In his new book with the title *Le monde comme je le vois*, the former French Prime Minister and member of the Socialist Party, Lionel Jospin, notes on the one hand that the European Constitution is “dead”, while on the other hand he strongly attacks the rhetoric applied by his fellow Socialist Party members, having campaigned against the treaty. In this context, he pointed out the “...lies...” used by certain opponents of the treaty, particularly denouncing Laurent Fabius, who led the French socialist “Non” campaign<sup>203</sup>.

Bruno Boissière confirms that the role of Fabius in the course of the referendum on the European Constitution could have been motivated by opportunistic reasons, for the sake of his own political career. On the question, if it seems to be possible that the socialist politician has publicly turned against the treaty, in order to profile himself within his own party, Mr Boissière answered, “Yes, I think so”; and in addition he alludes that there was a power struggle within the Parti Socialiste, between Fabius and François Hollande, which found its peak with the internal referendum<sup>204</sup> on the party’s stance towards the Constitutional Treaty<sup>205</sup>.

Hence, according to Bruno Boissière, it is possible that the European Constitutional Project did not only get between the fronts of the prevailing political and societal currents in France, but also between claims for power of certain politicians, within a political party. That this potential “misuse” of the issue could have been beneficial for the respective protagonists is indicated by the outcome of an opinion poll.

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See also chapter 5.3 on that issue.

<sup>202</sup> Cf, Kinsky, F., in his interview, l.c. , page XXX.

<sup>203</sup> Cf, *Beunderman, M.*, EU-Observer, Former French PM says constitution is 'dead', <http://euobserver.com/18/20138> [state: 10/20/2005].

<sup>204</sup> See chapter 1.2, page 16.

<sup>205</sup> Cf, Boissière, B., l.c., page XVIII.

On May 8<sup>th</sup> 2005, the market and opinion research institute *Ifop*, had asked 1005 French citizens, which political actors, according to their opinion would benefit the most of a victory of the “Non” in the plebiscite that took place three weeks later. The result, with the most frequently mentioned persons is presented in the table underneath<sup>206</sup>.

Table 10: Politicians benefiting from the Refusal of the Constitutional Treaty, in the Eyes of the French<sup>207</sup>

<b>Protagonist:</b>	<b>Political Party:</b>	<b>Response:</b>
Jean-Marie Le Pen	Front National	46 %
Laurent Fabius	Parti Socialiste (Dissenter)	45 %
Philippe de Villiers	Mouvement Pour la France	34 %
Henri Emmanuelli	Parti Socialiste (Dissenter)	26 %
Arlette Laguiller	Mouvement Lutte ouvrière	26 %
Olivier Besancenot	Ligue Communiste Révolutionnaire	26 %
Jean-Pierre Chevènement	Mouvement Républicain et Citoyen	25 %
Marie-George Buffet	Parti communiste français	23 %
Jean-Luc Mélenchon	Parti Socialiste (Dissenter)	10 %

The result of this opinion poll makes clear, that in the eyes the population in France, the plebiscite on the European constitutional project is directly connected to the political careers of the campaigners. Besides, it shows that the treaty’s opponents de facto could draw considerable advantages, regarding their position in the domestic political environment, due to their denunciative behaviour<sup>208</sup>.

This perception is apparently also shared by the party activists themselves. Jean-Luc Mélenchon indirectly confirms the impression, that the question on the fate of the proposed Constitution has been exploited and turned to an advanced

<sup>206</sup> The colours represent the political wing of the politicians. Brown stands for extreme right, red for moderate left and pink for extreme left.

<sup>207</sup> Cf, Ifop, Sondage, Les personnalités politiques les mieux placées à l’issue du référendum, <http://www.ifop.com/europe/sondages/opinionf/jddpersoreferendum.asp> [state: 03/17/2006].

<sup>208</sup> In this context it is particularly striking that especially Jean-Marie le Pen and Philippe de Villiers are seen to belong to the greatest winners of the debate. That is outstanding since their respective parties actually represent a much lower voters’ potential (of around 20%) than for instance the Parti Socialiste (with in between 30% and 50%). See chapter 1.2, page 17.



presidential election campaign. In the course of an interview with the magazine *Le Nouvel Observateur* he forecasted: “*Le non est donc un acte fondateur. Tout en découle. Seul un candidat du non peut être élu en 2007*”. Later in the interview he stated, referring to his fellow party member and dissenter Laurent Fabius: “*...notre candidat incarne le message du 29 mai*”<sup>209</sup>.

In fact, on January 11<sup>th</sup> 2006, Fabius officially announced his bid for the French presidency<sup>210</sup>.

So, the propaganda and misuse of the treaty for domestic political purposes has obviously been highly successful. But also the approaches of the other actors have played a role in that “success for irrationality”. In this connection, Mr. Wächter confirmed for instance that not only the “good marketing” of the partisans of the “Non”, but also the reluctance of the draft’s supporter had a considerable impact on the result of the May 29<sup>th</sup> 2005.

Matthias Wächter highlights the fact that the government under Chirac and Raffarin did not appropriately accomplish their role as the treaty’s defendant; by adequately explaining the implications of the constitution, in order to counteract the immense propaganda against the project. In his opinion, Chirac disposed of a potential for effectively defending the treaty, but his role was “*...auf schmähliche Weise vernachlässigt*”<sup>211</sup>; and Bruno Boissière commented that situation with the words: “*...and the pro-Europeans were amateurs...*”<sup>212</sup>

Most arguments and factoids that have been brought forward against the European Constitution were of an economic or social character. Therefore, economic and social facts and backgrounds will be given particular attention throughout the following number of chapters.

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<sup>209</sup> Cf, *Mélenchon, J-L.*, in: “Il incarne le message du 29 mai...”, Pourquoi j’aime Fabius, in: *Le Nouvel Observateur*, No. 2133, 09/22/2005, p. 68.

<sup>210</sup> Cf, Laurent Fabius.net, Je suis candidat pour relancer et redresser la France, <http://www.laurent-fabius.net/article515.html> [state: 05/17/2006].

<sup>211</sup> Cf, *Wächter, M.*, l.c., pages XXIII & XXIV.

<sup>212</sup> Cf, *Boissière, B.*, l.c., page XVII.

#### 4. “MONDIALISATION” AND “NEO-LIBERALISME”

The French President Jacques Chirac has repeatedly called for “...a Europe at once more competitive and more social.”<sup>213</sup> This concept fits to a high degree into the liberalist economic approach, which comes from the assumption that only a healthy and competitive economy can create employment and this way provide for social stability and peace. Neo-liberalist policy hypothesises an “economisation of social relationships”, with the market as best possible co-ordination mechanism for the solution of social problems and the satisfaction of public demands.<sup>214</sup>

That opinion is not shared by all social actors and pressure groups, especially in France. What excrescences can be provoked by that circumstance shall be pointed out by means of the example of *Attac*, which has played a considerably important role in the campaign against the European Constitutional Treaty.

##### 4.1. Class Struggle à la Attac

*“L’Union est fondée sur la primauté de la finalité et de la dignité humaines par rapport aux considérations économiques et financières...”*<sup>215</sup>

In the eyes of the majority of NGO’s that have emerged in the course of increasing globalisation, the economic and political concept of neo-liberalism is responsible for the negative effects of globalisation.<sup>216</sup> The French seem to be

<sup>213</sup> Cf, *Chirac, J.*, quoted and translated in: France and the European Union, Desperately seeking a policy, in: *The Economist*, No. 8461, 01/21/2006.

<sup>214</sup> Cf, *Brunnengräber, A./Klein, A./Walk, H.*, Mobile Herausforderer und alternative Eliten, NGO’s als Hoffnungsträger einer demokratischen Globalisierung?, in: *NGO’s im Prozess der Globalisierung, Mächtige Zwerge – umstrittene Riesen*, Heidelberg 2005, p. 26.

<sup>215</sup> That phrase has been taken from the original wording of article 2 (Les valeurs de l’Union) of the “alternative European Constitution”, which has been elaborated by Attac. It was officially proposed to Valéry Giscard d’Estaing, in Spring 2004, thus long before the fateful plebiscite in France.

Cf, Attac France, Propositions d’Attac pour une Europe solidaire, Définition des objectifs de l’union, Article 2 : Les valeurs de l’Union, <http://france.attac.org/a2630> [state: 05/26/2006].

<sup>216</sup> Cf, *Rucht, D.*, Kapitalismuskritik im Namen der globalisierungskritischen Zivilgesellschaft – alter Wein in neuen Schläuchen?, in: *Gosewinkel, D./Rucht, D./van den Daele, W./Kocka, J.*,

especially responsive to the actions of NGO's in the course of globalisation, since during of a Eurobarometer survey conducted in October 2003, 88% of the French interviewees agreed that those actors "soulèvent des points qui méritent d'être débattus."<sup>217</sup> The French NGO *Attac*<sup>218</sup> probably represents the network, which could benefit the most from the growing hostility towards globalisation. It has become the voice of the world-wide movements, criticizing globalisation.<sup>219</sup>

*Attac* categorically refuses the present form of globalisation, which is according to the NGO, dominated by neo-liberal thinking and exclusively orientated at profit maximisation of large enterprises, disregarding the social concerns of the ordinary people that it pretends to defend. Therefore, the network proposes a fair redistribution of economic power and the "globalisation of social justice."<sup>220</sup> The official motto and goal of *Attac* is to pour "sand in the wheels" of global capitalism, which is also the title of its weekly newsletter *Grain de sable* that is currently subscribed by 57253 persons in France.<sup>221</sup>

However, the network does not only exercise an influence on its members and receivers of the newsletter, but it has a considerable impact on the public opinion in France. The NGO has with the magazine *Le Monde Diplomatique* a very powerful organ, taking part in the formation of public opinion in France.<sup>222</sup> In the time preceding the referendum on the Treaty establishing a Constitution for Europe, *Le Monde Diplomatique* was the mass-medium with the widest

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(ed.), Zivilgesellschaft – national und transnational, WZB-Jahrbuch 2003, Berlin 2004, p. 411-433.

<sup>217</sup> France was the EU15 member state where the most people shared that opinion.

Cf, Eurobarometer, Flash 151b, Globalisation, p. 57,

[http://ec.europa.eu/public\\_opinion/flash/FL151bGlobalisationREPORT.pdf](http://ec.europa.eu/public_opinion/flash/FL151bGlobalisationREPORT.pdf) [state: 01/04/2006].

<sup>218</sup> *Attac* is the abbreviation for: "Association pour une Taxation des Transactions financières pour l'Aide aux Citoyens et Citoyennes". The NGO has been founded on June 3<sup>rd</sup> 1998.

Cf, *Attac international*,

<http://www.attac.org/indexfr/index.html> [state: 05/15/2006].

<sup>219</sup> Cf, *Grefe, C./Greffrath, M./Schumann, H.*, *Attac – was wollen die Globalisierungskritiker?*, Berlin 2002, p. 156.

<sup>220</sup> Cf, *Brunnengräber, A.*, Gipfelstürmer und Straßenkämpfer, NGO's und globale Protestbewegungen in der Weltpolitik, in: *NGO's im Prozess der Globalisierung, Mächtige Zwerge – umstrittene Riesen*, Heidelberg 2005, p. 345.

<sup>221</sup> Cf, *Attac, France, Grain de Sable*,

<http://www.attac.org/indexfr/index.html> [state: 05/15/2006].

<sup>222</sup> *Attac* has been founded by the editor-in-chief Ignacio Ramonet of *Le Monde Diplomatique* with an article, titled "Désarmer les marchés", published in the leftwing magazine in 1997.

Cf, *Ramonet, I.*, Die Märkte entschärfen, in: *Le Monde Diplomatique (German edition)*, 12/12/1997.

circulation that has systematically campaigned against the ratification of the treaty, which was according to *Attac* a “door-opener” for a neo-liberal Europe. In France, there is presently a circulation of around 400,000 copies and globally, the hebdomadal has reached approximately 1 million translations.<sup>223</sup>

Also Bruno Boissière confirms this immense impact of *Attac* on the outcome of the plebiscite. He even identifies the NGO as being one of the most crucial factors having led to the victory of the “Non”, by stating: “*The reasons that I mentioned why the ‘no’ won, would not have been possible without the influence of a movement like Attac, with their political influence, and the good organisation, since they know how to campaign and to win votes one by one.*” He added that “*It was huge machine that they had*” and that their influence was “*...even better [...] than the Socialist Party*”, being a “*...plus and a benediction for those that were against the treaty, among the Socialists.*”<sup>224</sup>

Obviously, the goal of *Attac* has been reached, there has been poured “*sand in the wheels*” of something, namely the European Integration. However, if this is equal to the dangers of global capitalism is highly dubious.<sup>225</sup> The Austrian Chancellor Wolfgang Schüssel has put the ironic situation in appropriate words, by noticing that “*...a lot of the issues our citizens want us to deal with have already been dealt with...*” He explained further that “*...this [demanded] social dimension of Europe, [...] would be guaranteed by our constitution...*”<sup>226</sup>

So, *Attac*, is the leader and the symbol of the French struggle against the “spectre” neo-liberalism, joined by other actors like e.g. the extreme left-wing parties and a part of the socialists. Apparently their first “victim” was the European Constitutional Treaty. Most of the French that joined the “class struggle” of those partisans of protectionism did that, in order to defend the “*modèle social français*” from its perceived threat, incarnated by the European Constitution. What that model actually constitutes shall briefly be regarded in the coming sub-chapter.

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<sup>223</sup> Cf, *Grefe, C.*, “Demokraten aller Länder...”, Das globalisierungskritische Netzwerk Attac, in: NGO’s im Prozess der Globalisierung, Mächtige Zwerge – umstrittene Riesen, Heidelberg 2005, p. 366.

<sup>224</sup> Cf, *Boissière, B.*, l.c., page XVII.

<sup>225</sup> The economic role of the EU within globalisation will be regarded in chapters 4.3 & 4.4.

<sup>226</sup> Cf, *Retzman, A.*, EU-Observer, Austria gives peek into June 'constitution summit',

### 4.1.1 The “Modèle Social Français”

According to Matthias Wächter, the French population has traditionally had high expectations towards the state and “hängt sehr stark an dem kontrollierenden, sorgenden, waltenden, einflußreichen Staat”. Therefore, the crucial issue, which France is currently facing, is the imperilment of the nation state, which provides the “modèle sociale français” by the progressive “Gloalisierung und Europäisierung”.

The left-wing opponents of the Constitutional Treaty, around Laurent Fabius and *Attac* have obviously achieved to direct the constitutional debate to that issue. Mr Wächter remarks that Fabius represented the reasoning that “es ist nicht genug soziales drin [in the European Constitution]. Und nachdem das jetzt eine Verfassung wird, wird unsere sozialere Verfassung gefährdet.”<sup>227</sup>

In the course of a Eurobarometer survey concerning the priorities of the EU25 citizens from January 2005, economic conditions followed by social issues were identified to be the most important factors influencing the quality of life among the European population.<sup>228</sup> The French society has traditionally a particular perception, regarding those economic conditions. In spite of their, generally speaking, liberal economic orientation in traditional Gaullist manner, Jacques Chirac, as well as his current Prime Minister Dominique de Villepin, permanently highlight their commitment to the French “modèle social.”<sup>229</sup>

The term liberalism, which has extensively been equated with all “evil” incarnated by the European Constitution,<sup>230</sup> has varying meanings, dependent on the country and who is applying it. In France “libéralisme” has virtually become a swearword

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<http://euobserver.com/9/21549/?rk=1> [state: 05/09/2006].

<sup>227</sup> Cf, Wächter, M., l.c., page XXVIII.

<sup>228</sup> 78% of the polled named economic factors and 72% named social factors to be highly influencing their quality of life. Cf, European Commission, Environment for Europeans, No. 19, March 2005, Luxembourg 2005, p. 12.

<sup>229</sup> Cf, Thomas, J., Editorial, in: Dokumente, Zeitschrift für den deutsch-französischen Dialog, No. 3, June 2005, p. 1.

<sup>230</sup> Especially the socialist dissenter Laurent Fabius and *Attac* have repeatedly denounced the draft constitution for being the precursor of economic liberalism in France.

in the French parlance. The current French Minister of the Interior and potential candidate for the presidency, Nicolas Sarkozy, stated once that he found it amusing to be attacked from the side of Germany for being too interfering in the economy, while he is criticised for being too liberal in France.<sup>231</sup>

The temporarily quite liberal economic policy in France traditionally reverts to protectionist measures and governmental capital expenditure programs, even under Gaullist governments. This was the case in the eras of Charles de Gaulle, as well as George Pompidou, after him and is partly identifiable also under the current UMP government of Chirac.<sup>232</sup>

Hence, the notion of the French social model comprises a magnitude of characteristics and it can sometimes go contradictory ways. This can be illustrated quite representatively by the example of recent of labour legislation.

In the 1980's, the reorientation of the economic policies in Europe towards more liberal market approaches helped to overcome the period of "Eurosclerosis."<sup>233</sup>

However, France is an exception in this context, since after that difficult period, the working time has even been cut down to 35 hours per week, under the socialist Prime Minister Lionel Jospin.<sup>234</sup> That this extreme reduction of working hours was strongly against the prevailing world-wide economic trend of that time is pointed out in the following diagram.

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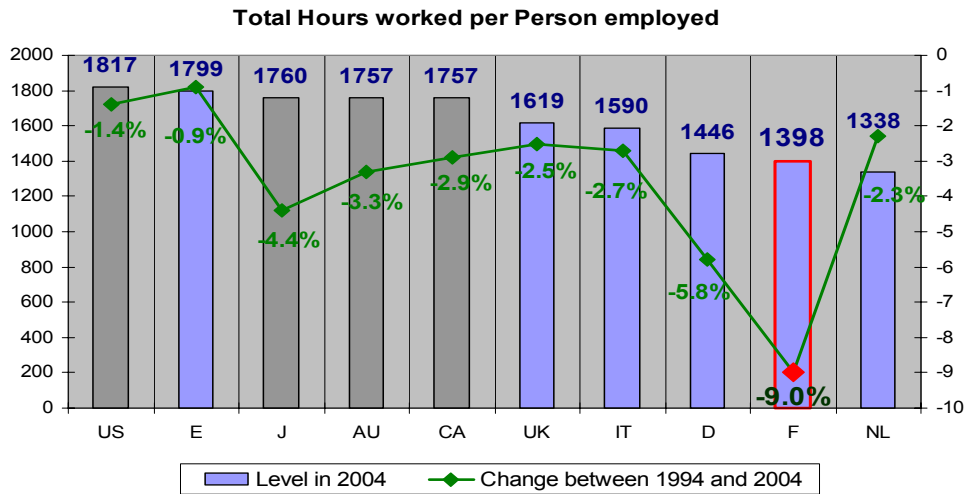
<sup>231</sup> Cf, *Herrmann, R.*, Napoleon III. Und Chirac II., Ähnlichkeiten, in: Zeitschrift für den deutsch-französischen Dialog, No. 1, February 2005, p. 79.

<sup>232</sup> Cf, *Herrmann, R.*, l.c., 2005, p. 79.

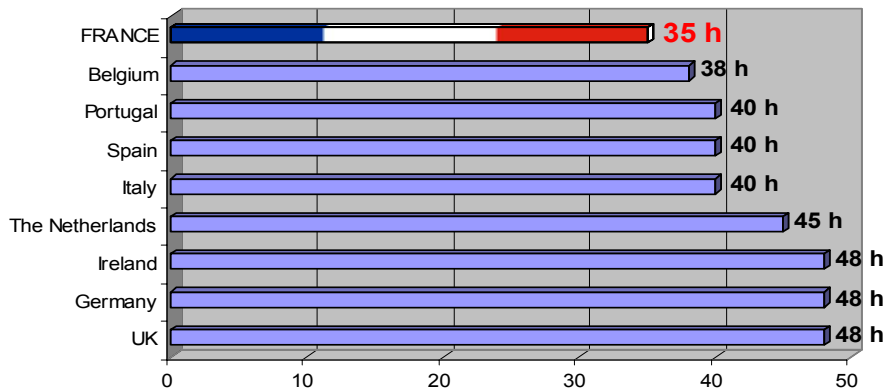
<sup>233</sup> See preface, page 6.

<sup>234</sup> The legislation, introduced by Jospin stipulates that the standard weekly hours of work in enterprises with 20 or more employees, may not exceed 35 hours. The law came into force on January 1<sup>st</sup> 2000.

Cf, *Rissel, R., R.*, EurojurisLawJournal, Frankreich – Das Gesetz zur Einführung der 35-Stundenwoche, Ein Überblick über wesentliche Bestimmungen, <http://www.eurojurislawjournal.net/RA/Rissel/Frankreich-Gesetz-zur-35-Stundenwoche.html> [state: 12/28/2005].

Table 11: Development of average yearly Working Hours in the most important Western industrial States<sup>235</sup>

In fact, the new legislation has transformed France into one of the countries with the lowest weekly number of hours worked per person within the entire European Union and OECD, as demonstrated by the subsequent comparison.

Table 12: Comparison of weekly Working Hours in France and selected EU Member States<sup>236</sup>

In the eyes of most economists and entrepreneurs, those characteristics are significant handicaps for the competitiveness of France and brakes for economic growth, which is urgently needed in order to overcome the intolerable high unemployment rate of the country.

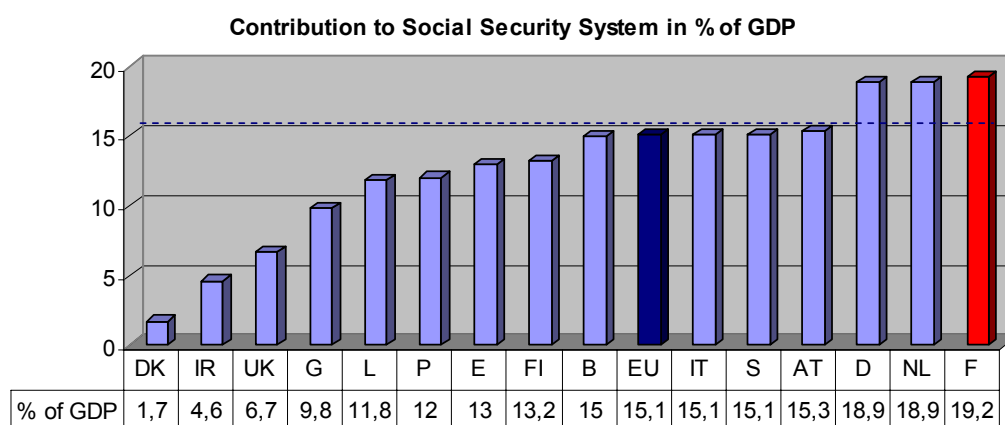
<sup>235</sup> Cf, *Baily, M., N./Kirkegaard, J., F.*, Institute For International Economics, Europe Should Embrace an “Economic Transformation”, <http://www.imf.org/external/np/tr/2005/pdf/tr050324a2.pdf> [state: 05/01/2006].

<sup>236</sup> Cf, Polish Embassy Dublin, Industrial Development Authority, Vital Statistics, [http://www.dublin.polishembassy.ie/Statistics/Vital\\_Statistics\\_Oct\\_2005.pdf](http://www.dublin.polishembassy.ie/Statistics/Vital_Statistics_Oct_2005.pdf) [state: 03/13/2006].

Ironically, the official purpose of this law was the creation of employment<sup>237</sup>. But it did obviously not have the desired effect, since the unemployment rate has even increased since its enacting.<sup>238</sup> Because of its contrariness, the law is commonly called “Loi balai” among the French population.<sup>239</sup> The former Prime Minister Jean-Pierre Raffarin, even identified that legislation as reason for the economic stagnation of France. The newspaper *Frankfurter Allgemeine Zeitung* translated his words with: “Die 35-Stunden-Woche hat das Wirtschaftswachstum seit dem Jahr 2000 getötet.”<sup>240</sup>

Beside the restricted labour time, the social model provides for one of the most generous welfare states in the world. The high costs for public welfare are born by the tax payers, which includes the employers in France. As to see in the illustration underneath, companies in France have to pay the highest wage incidentals within the entire EU15.

Table 13: Relative Expenditure for the Social Security Systems in the EU15 in 2000<sup>241</sup>



<sup>237</sup> Cf, Humanité, Archive, 22 janvier 1999, Journal des 35 heures. Lionel Jospin se félicite du succès des 35 heures, <http://www.humanite.fr/journal/1999-01-22/1999-01-22-441944> [state: 05/22/2006].

<sup>238</sup> See chapter 4.1.2, page 70.

<sup>239</sup> Cf, *Arens, M./Tull, F.*, World Socialist Web Site, 35-Stunden-Woche in Frankreich - oder wie eine progressive Idee bis zur Unkenntlichkeit entstellt wird, <http://www.wsws.org/de/2000/feb2000/35st-f15.shtml> [state: 12/28/2005].

<sup>240</sup> Cf, *Raffarin J.-P.*, during a press conference on July 28th 2004, quoted and translated in the article: Arbeitszeit, Frankreich rückt von 35-Stunden-Woche ab, in: *Frankfurter Allgemeine Zeitung*, 07/29/2004.

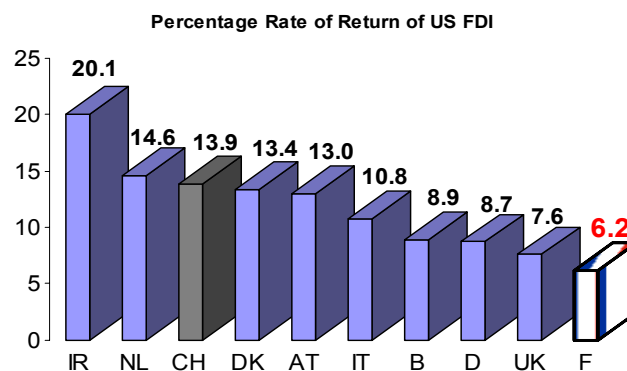
<sup>241</sup> Cf, European Commission, La politique fiscale dans l'Union européenne, Series: l'Europe en mouvement, Luxembourg 2000, p. 10.



The left-wing magazine *Le Nouvel Observateur* considers the extremely high social expenditure in comparison to the French GDP as a very positive characteristic, saying that: “*Notre protection sociale reste avantageuse.*”<sup>242</sup>

However, there is evidence that this economic and social approach has a direct negative impact on the competitiveness of the French economy. In 2003, the Bureau of Economic Analysis of the United States analyzed the average Return on Investment of US owned companies generated between 1995 and 2002, in some of the most important locations of US Direct Investment. As obvious in the following table, France reached with 6.2%, the lowest value among the top destinations of US FDI within the EU15.

Table 14: Comparison of the average ROI in %, made by US companies in selected EU15 Member States and Switzerland between 1995 and 2002<sup>243</sup>



However, for great parts of the French working population those characteristics embody important social achievements, which in their eyes have to be kept on any price and represent the French “*modèle sociale*”.

On February 7<sup>th</sup> 2005, the day before a first parliamentary reading in the French Assemblée Nationale, concerning an amendment of the law on working hours, as proposed by Raffarin; and only 4 months before the plebiscite on the European Constitution, more than 500,000 people went on the streets to demonstrate against

<sup>242</sup> Cf, La France au banc d’essai, l.c., p. 32.

<sup>243</sup> Cf, United States, Bureau of Economic Analysis, U.S. Direct Investment abroad: Balance of Payments and Direct Investment Position Data, <http://www.bea.gov/bea/di/di1usdbal.htm> [state: 10/20/2005].

the planned transition to flexible working hours and the general reform policy of the Raffarin government.<sup>244</sup>

That there was a direct connection between this tackling of the French social model and the result of the referendum has been confirmed by the former socialist Finance Minister Dominique Strauss-Kahn. He expressed his apprehension, that many French citizens would “*ihre Wut über die Regierungspolitik am Verfassungsreferendum auszulassen*”, as translated by the *Frankfurter Allgemeine Zeitung*, already at that time.<sup>245</sup> To all appearances, he proved to be right.

In an article published in *Libération*, Nicolas Sarkozy accused the left partisans of the “Non” like particularly Laurent Fabius, of “*...par arrogance...*”, wanting to impose the “*modèle social français*”, on the other states in Europe, by ironically saying: “*L'Europe sera un formidable levier pour les réformes de la France.*”<sup>246</sup>

As learned from the opinion polls, one of the most crucial factors in the formation of the voter's decision regarding the referendum on the European constitutional Treaty was the economic performance of their home country. Thus, the current state of the French economic situation with its necessity for reform, alluded to by Sarkozy, shall be examined in the subsequent sub-chapter.

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<sup>244</sup> Cf, *Hehn, J.*, Massenprotest für die 35-Stunden-Woche, Frankreichs Gewerkschaften mobilisieren bis zu 500 000 Menschen gegen Flexibilisierungspläne der Regierung, in: *Die Welt*, 02/07/2005.

<sup>245</sup> Cf, *Strauss-Kahn, D.*, quoted and translated in the article: *Arbeitszeit, Frankreich rückt von 35-Stunden-Woche ab*, l.c. 2004.

### 4.1.2 Necessity for Reforms

Nicolas Sarkozy has repeatedly insinuated that a model, which produces an unemployment rate of around 10%, millions of welfare recipients and a unbearable budget expenditure, cannot be regarded as a “model” anymore.<sup>247</sup>

Thus, there is an urgent necessity for economic reform in France. Since, as identified above, the general economic situation in France had a considerable impact on the voters’ decisions, regarding the referendum on the Treaty establishing a Constitution for Europe, this economic environment shall briefly be contemplated in this sub-chapter.

According to several economic analyses, fundamental economic and social reforms are imperatively necessary in France, in order to adapt to the new economic challenges of globalisation and to guarantee sustainable development.

In 2004, The *Foundation for Political Economy* of the German media group *Bertelsmann* analysed the economic development, economic policy and need for reform of 21 industrial states. 3 areas were defined for the outcomes.

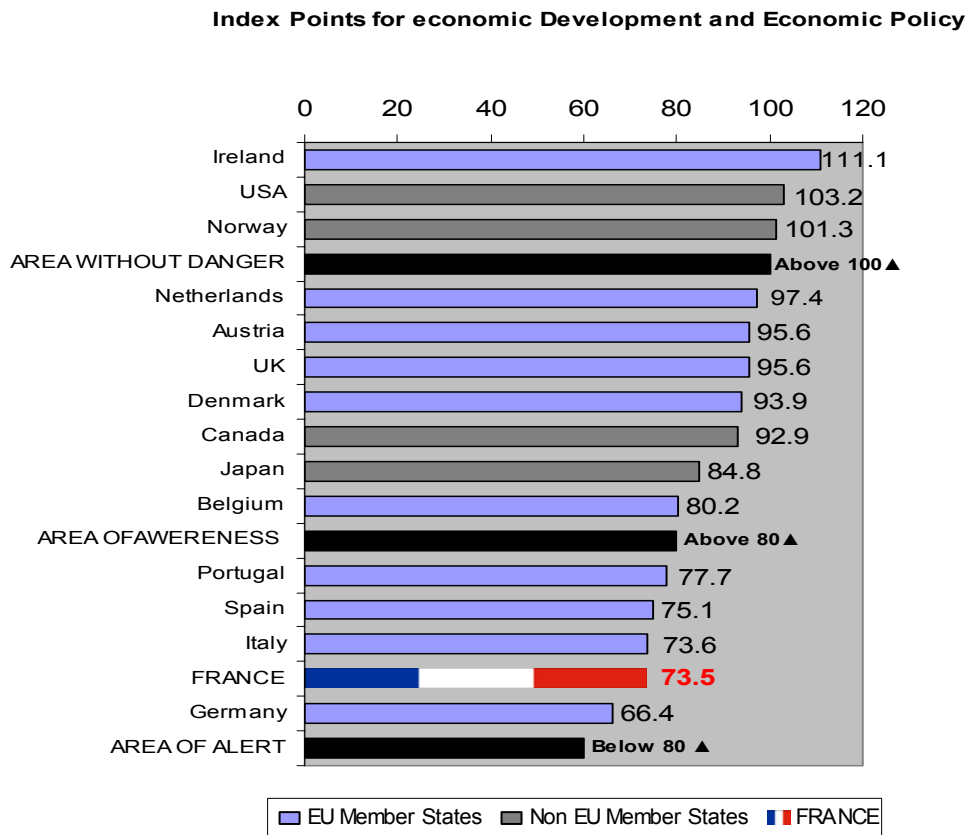
1. Area without danger
2. Area of awareness
3. Area of alert

The examined countries were classified and ranked in the respective area, as to be seen in the following reproduction.

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<sup>246</sup> Cf, *Sarkozy, N.*, quoted in: *Lebegue, T.*, Bayrou-Sarko, duo minimal pour le oui, in: *Libération*, 05/17/2005.

<sup>247</sup> Cf, *Thomas, J.*, l.c., 2005, p. 1.

Table 15: Valuation of the economic Policy and need for Reform of 21 selected States according to Bertelsmann<sup>248</sup>

As obvious in the diagram above, under the terms of the definition from the *Bertelsmann Foundation*, the French economy finds itself in the area of alert, which means that reforms are urgently required. According to a recent study produced by the International Monetary Fund, France could raise its national income by around 10% by implementing all the reforms projected by the current government.<sup>249</sup>

But since its assumption of office in 2002 the Raffarin government could only pass a few reforms in the face of fierce protests from the political opposition and parts of the population. So has Raffarin for instance pushed through reforms of the

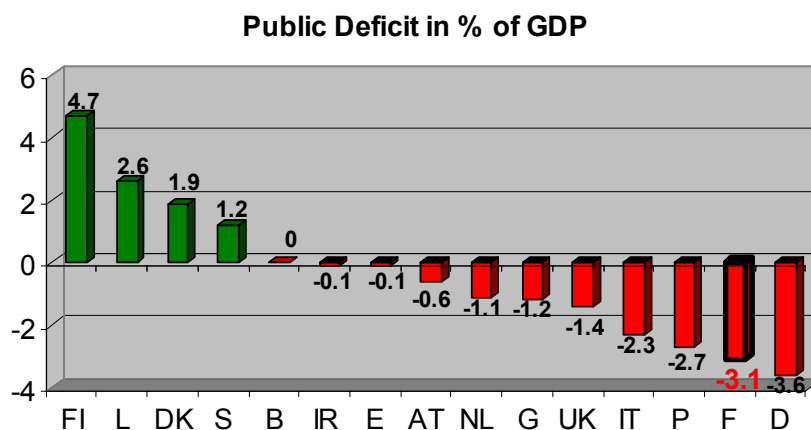
<sup>248</sup> Cf, *Balzli, B./Pauly, P.*, Der Spiegel, Wirtschaft, Regierung, Superminister im Leerlauf, Alarm für Clement, No. 42, 10/11/2004, Hamburg 2004, p. 93.

<sup>249</sup> Cf, Charlemagne, Reform or die, The chances of economic reform in Europe may be better than many believe, in: The Economist, No. 8462, 01/28/2006, p. 38.

public-sector pension and the public health care systems, despite heavy demonstrations and strikes.<sup>250</sup>

As Nicolas Sarkozy has accurately pointed out, the French government is also faced to a considerable budgetary challenge. In contrast to other economic indicators, in this case reforms are not only necessary for competitiveness, but also imposed by the European Union.<sup>251</sup> In the same manner as Germany, Italy and Greece, France has problems to comply with the fiscal guidelines of the “Stability Pact”,<sup>252</sup> imposed by the Economic and Monetary Union that created the EU12 with the Treaty of Maastricht. The prevailing public deficit is graphically presented with the example of the 2002, in the following comparison of the EU15 member states.

Table 16: Comparison of the Public Deficit in relation to GDP in the EU15 in 2002<sup>253</sup>



Although France has continuously decreased its public spending, the country has still kept the second highest public deficit in relation to its GDP, within the EU12. In 2003, the French public dept in relation to its GDP was with 68.8 % the 4<sup>th</sup> highest in the EU and belongs currently to the highest in the OECD. This is made

<sup>250</sup> Cf, Gloom in France, l.c., p. 25.

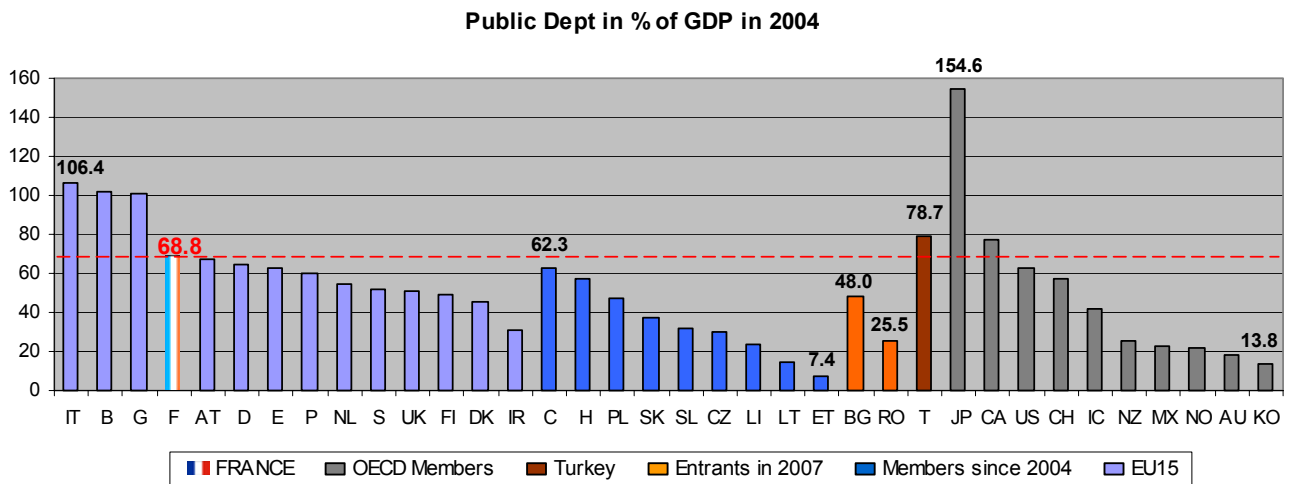
<sup>251</sup> The pretended “unflexibility” that the Stability Pact imposes on France has also in the debate on the European Constitution been used as an argument of its opponents, like most notably de Villiers and the Front National.

<sup>252</sup> The imposed convergence criteria stipulate inter alia, according to **Art. 121 TEC** in connection with **Protocol 21 TEC**, a fiscal deficit of not more than 3% and an accumulated public dept of not more 60% in relation to the participating country’s GDP.

<sup>253</sup> Cf, *Heinemann, F.*, Europäische Union, Einblick in die Staatsfinanzen, in: Informationen zur politischen Bildung, Europäische Union, 2. Quartal 2003, No. 279, Berlin 2003, p. 29.

visible by the comparison between France, the OECD and the Eastern European EU- entrants and accession candidates, given below.

Table 17: French Public Dept in 2003 compared to the EU15\*, the Rest of the OECD, the EU Entrants in 2004 and the Accession Candidates<sup>254</sup>

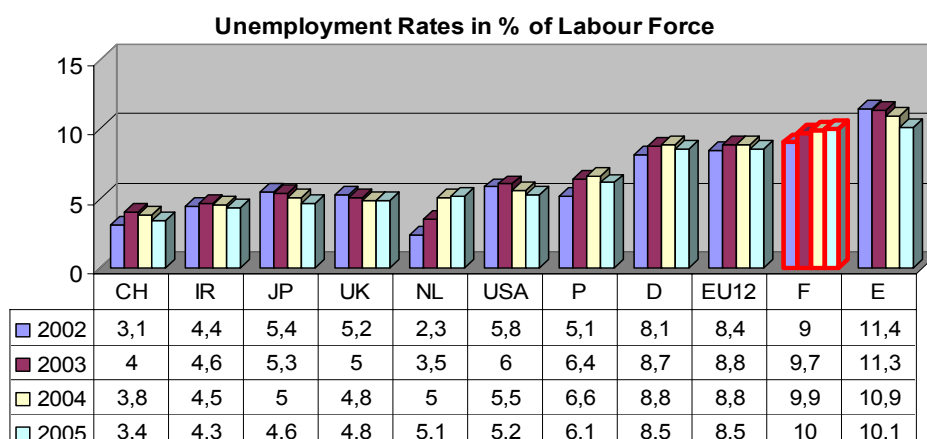


In order to adhere to the convergence criteria, the French government has to strictly consolidate its annual budget, which burdens its fiscal policy and imposes very restricted public expenditure.

As already mentioned, in spite of the reform efforts made by Jean-Pierre Raffarin, the most important French economic problem, its unemployment rate, has even grown since 2002, against the general trend of stabilisation within the EU12. This made France the country with the second highest unemployment rate in the EU15, as illustrated by the following comparison with some of the most important Western industrial states.

<sup>254</sup> Cf, United States, Central Intelligence Agency, World Fact Book, Rank order - Public Dept, <http://www.cia.gov/cia/publications/factbook/rankorder/2186rank.html> [state: 11/06/2005].

\* Figures of Luxembourg and Malta were not available.

Table 18: French Unemployment Rates of 2002, 2003, 2004 and 2005\*, compared to certain OECD Countries<sup>255</sup>

The headstone for that development had already been laid in the late 1980's and the 1990's, during the time of the permanently replaced Prime Ministers and "cohabitations",<sup>256</sup> under the Presidents Mitterrand and Chirac.<sup>257</sup> The high rates of unemployment have partially been caused by the comparably low economic growth, France experienced throughout that time. This is graphically visualised in the subsequent diagram.<sup>258</sup>

<sup>255</sup> Cf, OECD, Economic Outlook No. 75, May 2004,

In connection with:

Cf, United States, Central Intelligence Agency, World Fact Book, France, Unemployment rate,

<http://www.cia.gov/cia/publications/factbook/geos/fr.html> [state: 05/09/2006].

\* The figures of 2005 are based on forecasts.

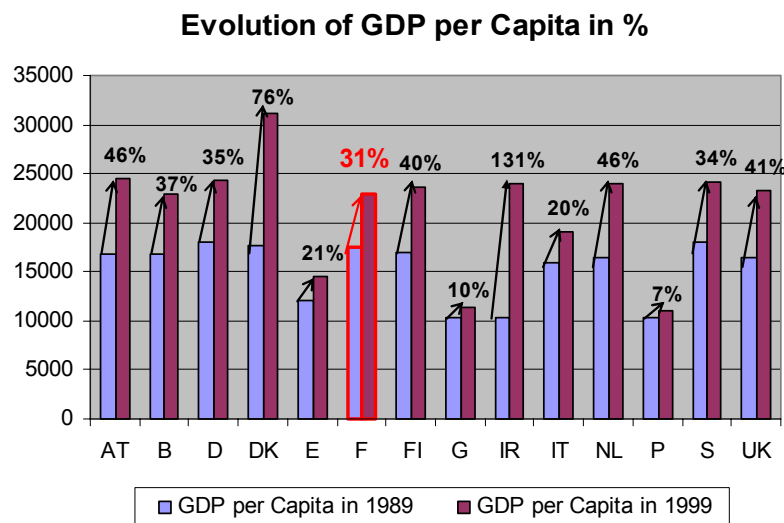
<sup>256</sup> The French term "cohabitation" describes the political situation, when the president and the Prime Minister come from different political wings.

<sup>257</sup> Jacques Chirac was Prime Minister from 1986 to 1988, in the first "cohabitation" government under François Mitterrand. In the second term in office of Mitterrand as president, Michel Rocard assumes the post from 1988 until 1991. He is replaced by Edith Cresson in 1991, who only stays 11 months until 1992, as well as her successor Pierre Bérégovoy, who is Prime Minister between 1992 and 1993. He is then followed by Édouard Balladur from 1993 to 1995, in the second "cohabitation" government under the presidency of François Mitterrand. Alain Juppé is nominated Prime Minister after the victory of Chirac in the presidential elections of 1995 and stays in office until the legislative elections in 1997. On June 1st 1997, Lionel Jospin succeeds him, forming the third "cohabitation" government in that period under Chirac and resides after his loss, due to the surprising strength of Jean-Marie le Pen in the presidential elections in 2002. His successor is Jean-Pierre Raffarin.

Cf, République Française, Premier Ministre, Histoire des chefs de gouvernement,

[http://www.premier-ministre.gouv.fr/acteurs/premier\\_ministre/histoire-chefs-gouvernement\\_28/](http://www.premier-ministre.gouv.fr/acteurs/premier_ministre/histoire-chefs-gouvernement_28/) [state: 17/05/2006].

<sup>258</sup> Austria, Finland and Sweden, which only accessed the EU in 1995 are already included in the statistics.

Table 19: Evolution of Wealth in the EU15\* between 1989 and 1999<sup>259</sup>

So, between 1989 and 1999, the French economy grew by 31%. When regarding the table closely, it becomes obvious that only the four Southern European states Spain, Greece, Italy and Portugal have experienced a lower GDP growth during the 1990's and due to its low growth rates and partly due to the enlargement of 1995, France has dropped from the position of the fourth richest country in terms of GDP per capita, to the 10<sup>th</sup> wealthiest country within the Union, until the begin of the new millennium. This, in the European average relatively weak economic performance of France, compared to the relative increase in wealth of certain neighbour countries, has made its contributions to the growing Euro-scepticism in France and hence to the refusal of the European Constitutional Treaty. Even though, the problems are “home-made”, to a relatively high degree.

An author from the *Centrum für angewandte Politikforschung* has couched the situation into appropriate words, by saying: “*In actuality, it is not Europe's problem if unemployment in France is so high, and if companies prefer to relocate where labour is less expensive. But now unemployment has become Europe's problem, because of the French referendum.*”<sup>260</sup> How this delegation of French problems to Europe has been taken place, shall be analyzed in the chapter below.

<sup>259</sup> Cf, Diebolt C./Jaoul, M., L'enseignement supérieur, condition de convergence des économies européennes depuis 1870, in: Problèmes économiques, No. 2861, 10/27/2004, Paris 2004, p. 36 – 38.

\* There were no figures for Luxembourg available.

<sup>260</sup> Cf, Centrum für angewandte Politikforschung, Bekommt die Europäische Union eine Verfassung?, l.c.



### 4.1.3 Social Protest à la Française

*“The most dangerous moment for a bad government is when it begins to reform.”*<sup>261</sup>

The French historian and political scientist Alexis de Tocqueville already used to say that phrase more than 150 years ago. According to recent surveys, the current French government is not perceived to be the very best one, by its citizens.<sup>262</sup>

Confronted with the looming economic figures, adapting the French social model to the challenges of globalisation has been one of the most important challenges of the government under Prime Minister Raffarin. He also welcomed reformatory efforts on the European level. So, he has been cited with the words *“L’Europe à laquelle nous devons penser demain, n’est pas l’Europe d’hier”*.<sup>263</sup>

The most crucial social issue in France is certainly the comparably high unemployment rate. This has already been confirmed by the French voters in the course of a Eurobarometer survey in 1999, thus before the time of Raffarin; when 90% of the respondents identified the fight against unemployment as highest priority of political action.<sup>264</sup>

Interestingly, Laurant Fabius, one of the opposition leaders and main protagonists in the campaign against the European Constitution, during his term as French Prime Minister in 1984, himself admitted that for the preceding 30 years, the steadily changing governments had already been *“...soigné tant bien que mal...”* at that *“...chancre monstrueux”*.<sup>265</sup>

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<sup>261</sup> Cf, International Monetary Fund, Speeches, <http://www.imf.org/external/np/speeches/2004/091004.htm> [state: 11/18/2005].

<sup>262</sup> See below.

<sup>263</sup> Cf, Raffarin, J.-P., Homme-politique.com, Citations politiques, Premier Ministre Jean-Pierre Raffarin, <http://www.homme-politique.com/citations.php> [state: 01/07/2006].

<sup>264</sup> Cf, European Commission, How Europeans see themselves - Looking through the mirror with public opinion surveys, Series: European Documentation, Luxemburg 2001, p. 35.

Also the government under Jean-Pierre Raffarin attended itself to this serious issue. However, as seen above, the efforts have not been crowned with measurable success so far. In a recent survey from January 2006, published by *Le Figaro*, the citizens were asked to choose from a list, containing 6 current major problems in France, the one that, according to them, is the highest priority for their current government.<sup>266</sup> The by far largest part of the people identified “*lutter contre le chômage*” as principal priority.

Subsequently they were supposed to evaluate how effectively their government actually executes its role concerning the employment situation. With 87%, almost the totality of the polled citizens considered their government’s activity against unemployment as “*pas efficace*”. According to those statements, the institute *TNS-Sofres* calculated the so-called “*indice d’efficacité*”, which resulted in the extremely low figure of -76, in that case. Similar statements were also recorded concerning the other mentioned economic and social problems.<sup>267</sup>

The opinion poll took place after the referendum, when Jean-Pierre Raffarin already had resigned. However, the population’s view has already been approximately the same during his period as Prime Minister.

Hence, the French citizens do not think that their Prime Minister and his cabinet, who are responsible for domestic issues, take care of their major problems. Consequently, the popularity of Jean-Pierre Raffarin has steadily been declining, reaching its lowest point in April 2005, shortly before the referendum on the European Constitution was held in France. The pragmatically thinking executive was aware of his lack of popularity and commented it, in 2004 with the words: “*La popularité n’est pas un programme politique.*”<sup>268</sup>

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<sup>265</sup> Cf, *Ritzenhofen, M.*, “Boulot” contre “déclin”, Gegen die nationale Depression hilft nur mehr Arbeit, in: *Dokumente, Zeitschrift für den deutsch-französischen Dialog*, No. 4, August 2005,

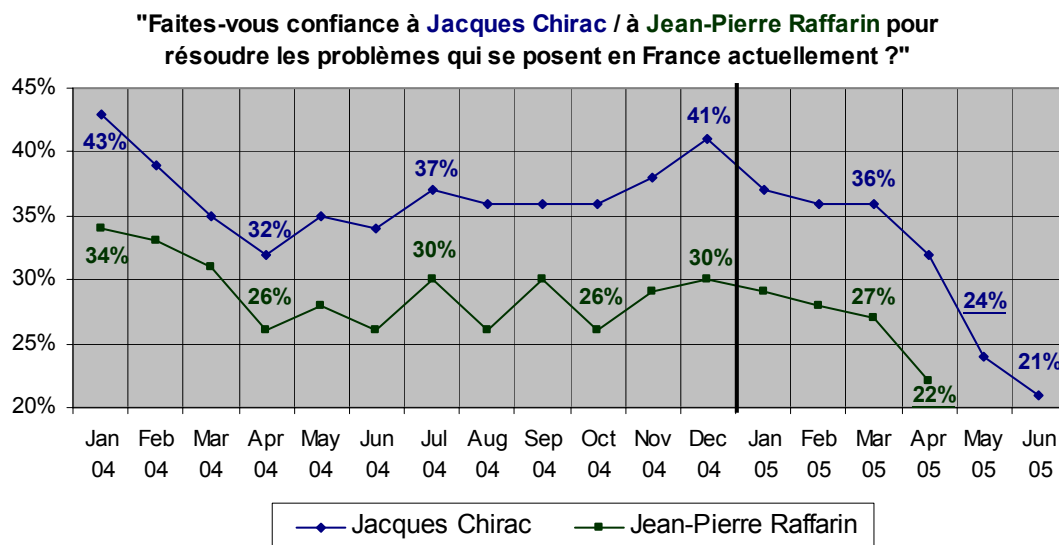
<sup>266</sup> The issues on the list comprised the unemployment rate, inflation, purchase power, violence and criminality and social peace.

<sup>267</sup> Cf, *TNS-Sofres, Baromètre politique, Figaro Magazine, Janvier 2006*, [http://www.tns-sofres.com/etudes/pol/070106\\_barofig\\_r.htm](http://www.tns-sofres.com/etudes/pol/070106_barofig_r.htm) [state: 03/03/2006].

In addition, not only the domestic executive, embodied in the Prime Minister is associated with the French problems, but also the country's head of state.

Thus, 77% of the interviewees stated that, in their eyes, also Chirac was not able to solve France's problems.<sup>269</sup> The curve below illustrates the evolution of Raffarin's and Chirac's popularity in the run-up to the plebiscite in France.

Table 20: Evolution of the Popularity of Jacques Chirac and Jean-Pierre Raffarin since 2004<sup>270</sup>



Both politicians met with their highest acceptance among the French population at the time of the takeover of their official duties as president and Prime Minister respectively<sup>271</sup> and were confronted with the lowest acceptance at the time around the referendum in May 2005, as obvious in the previous chart.

A very interesting comparison can be made, regarding the respective surveys on the acceptance of the Treaty establishing a Constitution for Europe, in France in approximately the same period of time, which is provided below.

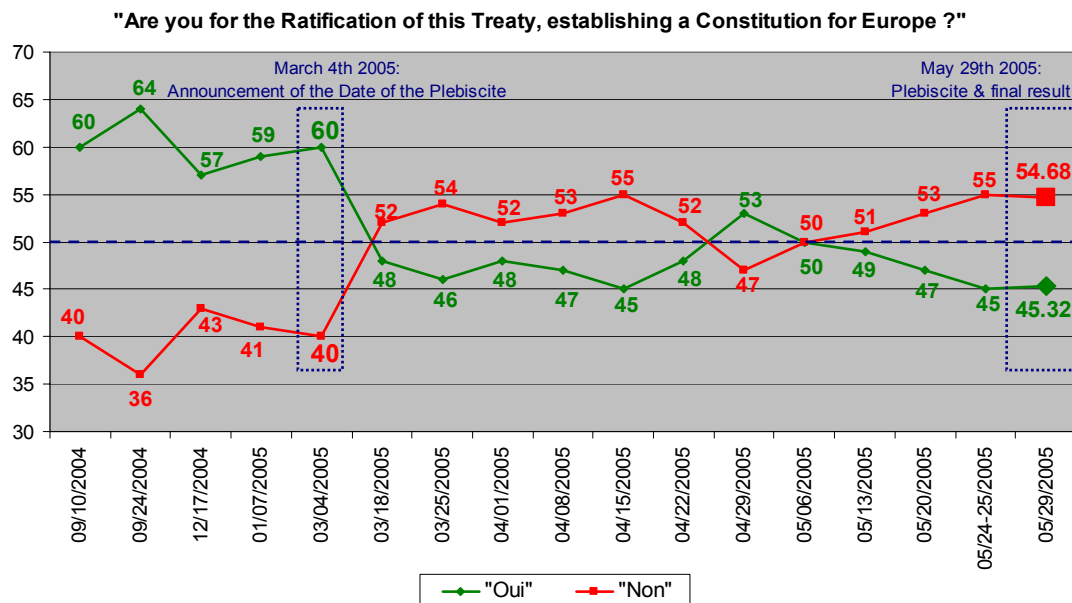
<sup>268</sup> Cf, *Raffarin, J.-P.*, Homme-politique.com, l.c.

<sup>269</sup> Cf, TNS-Sofres, Baromètre politique, l.c.

<sup>270</sup> Cf, Homme-politique.com, Côte de Confiance du Président Jacques Chirac, <http://www.homme-politique.com/popuchirac.php> [state: 01/07/2005] in connection with:

Homme-politique.com, Côte de Confiance du Premier Ministre Jean-Pierre Raffarin, [http://www.homme-politique.com/popuraffarin\\_pm.php](http://www.homme-politique.com/popuraffarin_pm.php) [state: 01/07/2005].

<sup>271</sup> The highest outcomes were 64% of confidence among the population in June 1995, in the case of the president Jacques Chirac and 64% of confidence among the population in August 2002, in the case of the Prime Minister Jean-Pierre Raffarin.

Table 21: Evolution of Surveys concerning the Plebiscite on the European Constitutional Treaty in France<sup>272</sup>

The comparison of the two charts reveals an interestingly high analogy between the curve, showing the positive voting intention on the European Constitution and the curves, which illustrate the confidence vis-à-vis Chirac and Raffarin respectively. According to Matthias Wächter, Ferdinand Kinsky, Bruno Boissière and not least, the French population itself,<sup>273</sup> this fact is no coincidence.

Already three months before the plebiscite, while the opinion polls still prognosticated a high victory for the "Oui", the magazine *Der Spiegel* considered the possibility of a failure of the referendum due to a potential "vote sanction" from the French citizens against their government.<sup>274</sup> Apparently this early prediction proved to be correct, since the dissatisfaction with the overall situation in France and their political elite was certainly one of the most important reasons for the refusal of the proposed constitution. The journalist Medard Ritzenhofen even identifies the enormous prevailing discontent of the French population with its political class and the economic situation, as the most crucial factor that created for the ultimately negative attitude towards the treaty.<sup>275</sup>

Cf, Ibidem.

<sup>272</sup> Cf, Canal Ipsos, les rendez-vous de l'actualité, Sondages, <http://www.ipsos.fr/Canalipsos/articles/1545.asp> [state: 05/03/2006].

<sup>273</sup> See the pie-diagram in chapter 1.2, page 19.

<sup>274</sup> Cf, Frankreich, Zögerlicher Tango, Auch jenseits des Rheins erlahmt der Reformeifer: Präsident Chirac fürchtet, seine Landsleute könnten die EU-Verfassung ablehnen in: *Der Spiegel*, No. 8, 02/21/2005.

<sup>275</sup> Cf, *Ritzenhofen, M.*, l.c.

Before the plebiscite on the European Constitutional Treaty, there had already been 7 national plebiscites taken place in France. According to Matthias Wächter, there was always the tendency to connect the referenda with the personal career of the current head of government, regardless of the actually addressed issue. Charles de Gaulle, for instance, has intentionally related his political future to the outcome of the respective plebiscites, by telling his voters, not to vote on the factually issue, but on himself.<sup>276</sup> As generally known, this interrelation has led to his demission from the presidency in 1969. Even though Matthias Wächter argues that nobody in France could have expected a similar reaction from Jacques Chirac, he acknowledges that the person of Chirac has played an exorbitant role in the decision of the voters, also on May 29<sup>th</sup> 2005. Wächter identifies the intention to “...*embêter Chriac*...” as main driving force, in this context.<sup>277</sup>

Also Ferdinand Kinsky confirmed that view during his interview. On the question what was the main reason of the refusal of the Constitutional Treaty, his direct reply was: “*Einerseits gab es solche die gegen Chirac gestimmt haben*”. Later he added that also in the course of the referendum on the Treaty of Maastricht, a large part of the population that voted “Non”, actually voted against Mitterrand. In his eyes: “*Dies war im Fall der Europäischen Verfassung auch so.*”<sup>278</sup>

Bruno Boissière remarked that especially the frustration with the presidential election in 2002 has played a crucial role. According to him, many French on the left wing could never really accept, that they “...*had to vote in favour of Chirac*...”, in the second ballot of the 2002’s election. Hence, in Mr Boissière’s eyes, some of them thought in the context of the referendum on the European Constitution: “*Ok, this time, we will say « no » to Chirac.*”<sup>279</sup>

The main argument that was utilized by the political left camp against the European Constitution; was that it would give rise to an “Europe libérale”. That, to a certain degree, an economically liberal Europe has already been existing before the proposed constitution, will be outlined in the following chapter.

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<sup>276</sup> Cf, *Wächter, M.*, l.c., page XIX.

<sup>277</sup> Cf, *Ibidem*

<sup>278</sup> Cf, *Kinsky, F.*, in his interview, l.c., page XXIX.

<sup>279</sup> Cf, *Boissière, B.*, l.c., page XVI.

## 4.2 “Libéralisme” à la Europe

Since the very beginning, the European Integration has always been an “economic project”. Already during the times of war on the European continent,<sup>280</sup> the “Father of Europe” Jean Omer Marie Gabriel Monnet recognized that:

*“Les pays d’Europe sont trop étroits pour assurer à leur peuple la prospérité que les conditions rendent possible et par conséquent nécessaire. Il leur faut donc des marchés plus larges...”*<sup>281</sup>

The action was quite quickly suited to the word and the first step to a larger market was made in 1951 in the area of steel and coal,<sup>282</sup> which were fundamental to the war industries, with the establishment of the European Coal and Steel Community. Then, the integration has been extended to other policy fields, as later in the functionalist principle defined as “spill-over”,<sup>283</sup> slowly leading to a supranational integration in several different areas.<sup>284</sup> Hence, the logic of commonly carried out functions, particularly in the economic area, was the principal mover in the integration process.<sup>285</sup> The most important measure for that economic integration was the Internal Market, which has, in principle been completed at the time of the Treaty of Maastricht around 1992 to 1993. The backgrounds of the Internal Market, especially within increasing globalisation, shall briefly be presented in this chapter.

The Frenchman Victor Hugo, president of the convention of peace in Paris, said on August 21<sup>st</sup> in the year 1848.<sup>286</sup>

<sup>280</sup> In his speech in front of the “Comité de Libération nationale”, on August 5<sup>th</sup> 1943.

<sup>281</sup> Cf, *Monnet, J.*, Il n’y aura pas de paix en Europe..., quoted in: *Mary, L./Valode, P.*, (ed.), Histoire de l’Europe, l’idée européenne de 1945 à l’élargissement à 25 membres, Paris 2004, p. 181.

<sup>282</sup> The **preamble** of the **Treaty establishing the European Coal and Steel Community** already indicated the projected extension of the economic début to further policy fields. The third paragraph says: “*Recognising that Europe can be built only through practical achievements, which will first of all create real solidarity and through the establishment of common bases for economic development*”. The fifth paragraph alludes then that this is the “...basis for a broader and deeper community among peoples long divided in bloody conflict...”

<sup>283</sup> Cf, *Haas, E., B.*, The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957 Stanford 1958.

<sup>284</sup> Cf, *Schmitter, P., C.*, Three Neo-Functional Hypotheses about International Integration, in: International Organization No. 23, 1969, p. 161-167.

<sup>285</sup> Cf, *Hallstein, W.*, Die Europäische Gemeinschaft, 5<sup>th</sup> edition, Düsseldorf 1979, p. 22 - 23.

<sup>286</sup> Cf, *Hen, C./Léonard, J.*, L’ Union Européenne, Un mémento très complet sur l’intégration européenne, 7<sup>th</sup> edition, Paris 1999, p 7.

*“Un jour viendra où l’on verra ces deux groupes immenses, les Etats-Unis d’Amérique et les Etats-Unis d’Europe, placés l’un en face de l’autre, se tendant la main par dessous les murs, échangeant leurs produits, leur commerce, leurs industries.”*

In this dream, which must have seemed very utopian at these days of wars, hate and conflict within Europe, Hugo already spoke not only about a political union among the European states, but he had also the vision of a Trade Union of Europe, which would build a block beside the USA. The entire political union has not yet been reached and will maybe never become reality, but Hugo’s announcement of a common trade block of Europe, turned out to be right.

With the creation of the Common Trade Policy, the EC realized the announcement that was made more than 100 years before.<sup>287</sup> The Treaty of Rome defined the dismantling of international customs duties as necessary for the harmonious development of world trade.<sup>288</sup> So as one of the first steps leading to the Internal Market, the European trade block established a Customs Union in 1968. This abolished the tariffs among the 6 EC founding members of that time.

But in order to benefit of the full potential of the customs union, the EU needed a common market. In 1985, the European Commission published a White Book containing proposals for the achievement of the Internal Market. Those proposals have consequently been applied since 1987 in the course of the SEA.<sup>289</sup> So, after the adoption of more than 1000 directives,<sup>290</sup> the Internal Market could, for the most parts, be completed until 1992. One of the main arguments of the constitution’s opponents was that the treaty would open the national markets and abolish all protectionist measures. However, as seen above, this tackling down of market barriers has already been reality in the European Union since the Single European Act and has thus nothing to do with the constitution. The next sub-chapter is dedicated to the role of the Internal Market within globalisation.

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<sup>287</sup> In accordance with **Title IX** of the (consolidated) **Treaty establishing a European Community**

<sup>288</sup> According to **Art. 131 TEC**.

<sup>289</sup> Cf, *Gauthier, A.*, *l’Économie Mondiale, Du début du XXe siècle à nos jours, d’une mondialisation à l’autre*, Cycle préparatoire au haut enseignement commercial études supérieures et de géographie, Rosny 2004, p. 478.

<sup>290</sup> Cf, European Commission, *Für mehr Wachstum, Die Wirtschaft der EU*, Series: Europa in Bewegung, Luxembourg 2004, p. 9.

### 4.3 The European Union within Globalisation

*“Au cœur du mystère français, gît un sentiment profonde, irrationnel, irréductible aux statistiques mais pourtant presque palpable : la peur qui court de long de siècles. La peur des invasions hier, la peur de la mondialisation aujourd’hui.”*<sup>291</sup>

Dominique de Villepin hit the nail right on the head with that observation. According to their own statements, in the course of several surveys, globalisation makes the French afraid.

In October 2003, Eurobarometer carried out an EU-wide survey on the perception of the population towards globalisation. Concerning almost all questions that were put to the Europeans, the French were the most sceptical on issues related to globalisation, within the entire EU15. An example is the question: “If globalisation intensifies in the future, would you say that overall this would be less advantageous for you and your family?” 47% of the interviewees from France answered with “Oui” to that question. That was the highest figure in the EU15, which average lay at 32%.<sup>292</sup>

Up to now, the European Union has grown to over 450 million people, and according to estimates, the population of the EU could reach around 568 million potential consumers until 2015, assuming on condition that Turkey would have been admitted until this time.<sup>293</sup>

The pie diagram underneath demonstrates that, in terms of population, the EU25 is currently the third largest common market in the world and the largest among the Western industrialized trade blocks.

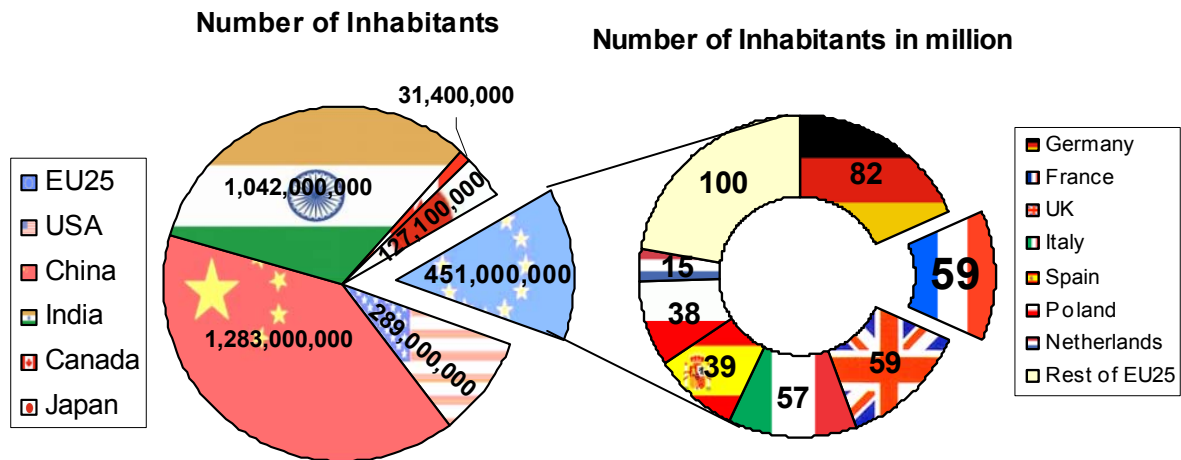
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<sup>291</sup> Cf, *De Villepin, D.*, quoted in: Les deux France, in: Le Nouvel Observateur, No. 2133, 09/22-28/2005, p. 62.

<sup>292</sup> Cf, Eurobarometer, Flash 151b, l.c., p. 17.

<sup>293</sup> Cf, *Preuss, J./Zand, B.*, Europa, Da sträubt sich was, Europa der Zukunft?, Bevölkerungsanteile der EU in Prozent, in: Der Spiegel, No. 41, 10/04/2004, Hamburg 2004, p. 32.



Table 2: Population of the World's largest Markets<sup>294</sup>

The purpose of this graph is to illustrate the proportions of the world consumer markets, showing that in global relation the comparatively small market of France, with around 59 million inhabitants, would only play a very minor role. However, with the accomplishment of the Internal Market, French companies gained an outlet area of over 450 million potential consumers.

In a survey among 13000 companies in the EU15, conducted by Intrastat, 62% of the polled enterprises stated that they benefited from the Internal Market.<sup>295</sup>

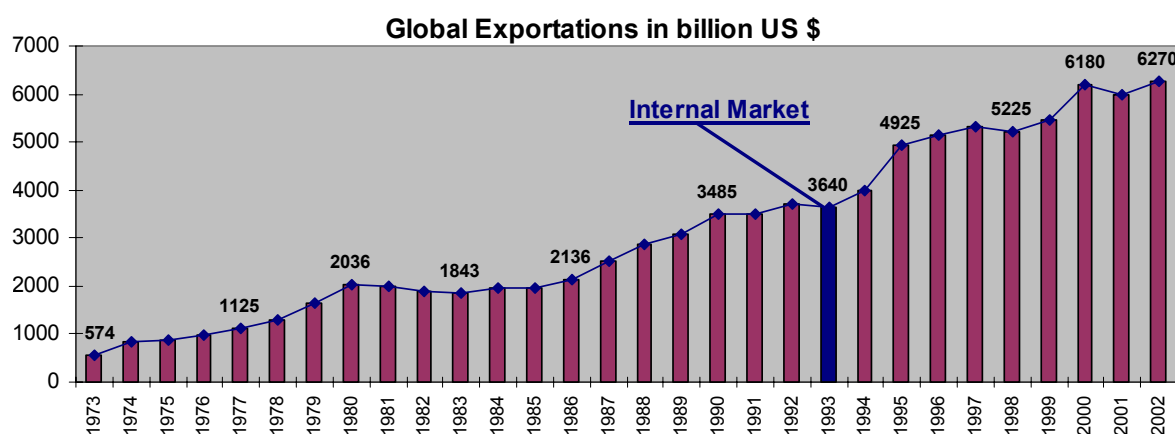
Beside that, the survey on the associations with globalisation also revealed that a great majority of EU15 citizens, including the French respondents, were of the opinion that also the European Union itself benefits from Globalisation.<sup>296</sup>

As already defined by David Ricardo, almost 200 years ago, the economic benefits of globalisation originate primarily from international trade<sup>297</sup>. Since 1973, world wide trade has been continuously increased. The illustration provided underneath shows that within 30 years global trade has been more than decupled.

<sup>294</sup> Cf, European Commission, Serviço das Publicações Oficiais das Comunidades Europeias (ed.), Factos e Números Essenciais sobre a União Europeia, Luxembourg, 2004, p. 11, in connection with: European Commission, fold-out map, Viajar na Europa em 2004, a União Europeia, Estatísticas de base dos países Europeus, Brussels 2004.

<sup>295</sup> Cf, European Commission, Die Zollpolitik der Europäischen Union, Series: Europa in Bewegung, Luxembourg 1999, p. 9

<sup>296</sup> The average here lay at 77%, whereas in France 75% shared that opinion. It is interesting that, in contrast to most other cases, here the range was very tight, lying between 72% and 82%. Cf, Eurobarometer, Flash 151b, l.c., p. 95.

Table 23: The Evolution of World Trade since 1973<sup>298</sup>

As obvious, after the launch of the Internal Market there was a strong increase of total world-wide trade recordable in the following years. This can be explained by increasing globalisation in general, but also by the considerable importance of the common European Market in terms of global trade.

The European Union is by far the most important exporting block in the world. In 2002 the fifteen member states generated 39% of the world wide exports. However, Most of those exports are due to intra-European trade, since just 38.4% of the total value of exportations went to destinations outside of Europe and 61.6% went to states, participating in the Internal Market.<sup>299</sup>

Beside that, there is also a very high attraction for extra-European companies to settle down within the EU, since nowadays, the European Union,<sup>300</sup> which is as one trade block, member of the WTO<sup>301</sup> that sets up guidelines for international trade, is the largest market of services and products in the world.<sup>302</sup> As illustrated below, it comprises more than one 4<sup>th</sup> of the value of all service transactions world- wide and more than one 5<sup>th</sup> of global trade of products.<sup>303</sup>

<sup>297</sup> Cf, *Ricardo, D.*, Principles of Political Economy and Taxation, in: Sraffa, P., (ed.), Works of David Ricardo, Cambridge 1951.

<sup>298</sup> Cf, *Gauthier, A.*, l.c., 2004, p. 488.

<sup>299</sup> Cf, *Ibidem*, p. 487.

<sup>300</sup> The values of the EU15 were added with the values of the 10 accession candidates.

<sup>301</sup> The World Trade Organization is the international body dealing with rules of trade between nations and trade blocks, like in the case of the EU. It was founded on January 1<sup>st</sup> 1995, deriving from the GATT, which existed since 1948.

Cf, WTO, The World Trade Organization, Trading into the future, 2<sup>nd</sup> revised edition, WTO Publications, Geneva 2001, p. 4.

<sup>302</sup> Cf, European Commission, *Gesunde Lebensmittel für Europas Bürger, Die Europäische Union und die Lebensmittelqualität*, Series: Europa in Bewegung, Luxembourg 2000, p. 16.

<sup>303</sup> ASEM comprises Brunei, China, Indonesia, Malaysia, the Philippines, Thailand, Singapore, South Korea, Vietnam and Japan, which is taken out here.

Table 24: The Share of the EU15 in the World Service and Product Markets in 2001<sup>304</sup>

The EU member states do not only benefit due to the additional sales markets for their indigenous enterprises, but also from the attraction of foreign companies, building up premises to sell their products within the Internal Market; and this way providing employment in the host countries. The total annual global outflow of FDI has evolved from just 77 billion US \$ in the period 1983 – 1987 to a peak of 1.5 trillion US \$ in 1995 and has again declined, reaching 651 billion US \$ in 2002.<sup>305</sup>

The economic importance of globalisation and the phenomenon of Foreign Direct Investments, connected with it, can be understood considering that in 1980, the world wide stock of FDI represented 6% of the world's GDP, whereas this figure has grown to 22.3 % in 2002.<sup>306</sup> The European Union is one of the most open markets in the world and itself world leader in terms of FDI outflow. In 2000, companies from the EU15 invested 362 billion € in projects outside of the EU borders.<sup>307</sup> However, at the same time, the union received 176.2 billion € and was by that the second largest FDI destination after the USA.<sup>308</sup>

What France's position is in this context and how the country benefits from that macroeconomic environment, shall briefly be broached in the next sub-chapter

<sup>304</sup> Cf, European Commission, Globalisierung als Chance für alle, Die Europäische Union und der Welthandel, Series: Europa in Bewegung, Luxembourg 2002, p. 10.

<sup>305</sup> Cf, *Gauthier, A.*, l.c., 2004, p. 548.

<sup>306</sup> Cf, *Ibidem*, p. 548.

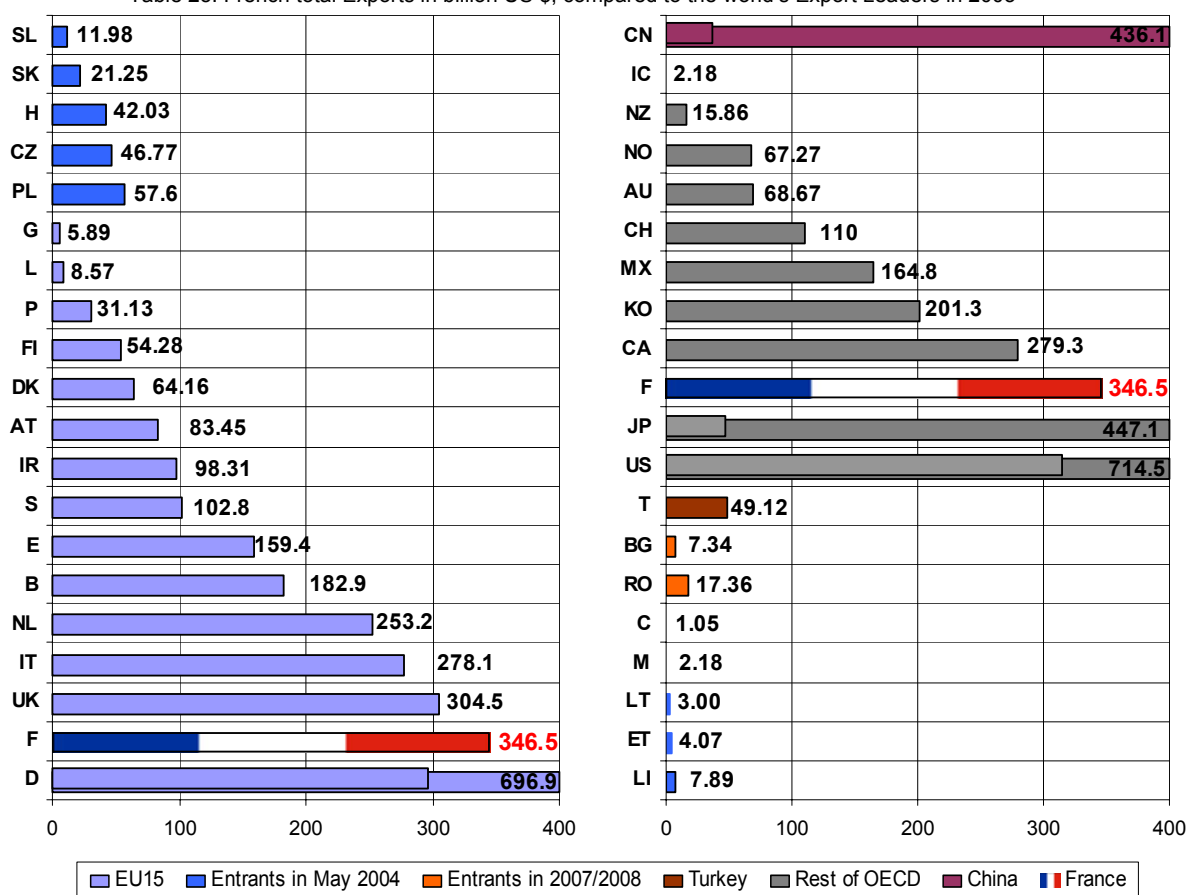
<sup>307</sup> Cf, European Commission, Globalisierung als Chance für alle, l.c., 2002, p. 4.

<sup>308</sup> Cf, *Ibidem*, p. 4.

#### 4.4 France's Position within the Internal Market

A large share of the French population has the impression that: “*La France cancre de la mondialisation*”, as couched in terms by *Le Nouvel Observateur*.<sup>309</sup> However, in 2003, the Internal Market celebrated ten years of achievement; and according to Frederik Bolkestein, the former Internal Market Commissioner, the dismantling of bureaucratic barriers has indirectly and directly created 2.5 million new jobs and gave rise to 877 billion € of additional wealth, which corresponds approximately to 6000 € per household within the EU15.<sup>310</sup> Those achievements have been a result of increased intra-EU trade. The following comparison shall highlight the general importance of trade for the French economy.

Table 25: French total Exports in billion US \$, compared to the world's Export Leaders in 2003<sup>311</sup>



<sup>309</sup> Cf, *Algalarrondo, H.*, Le premier prône la « rupture », le second le « sursaut »..., Sarkozy – Villepin, in: *Le Nouvel Observateur*, No. 2133, 09/22-28/2005, p. 60.

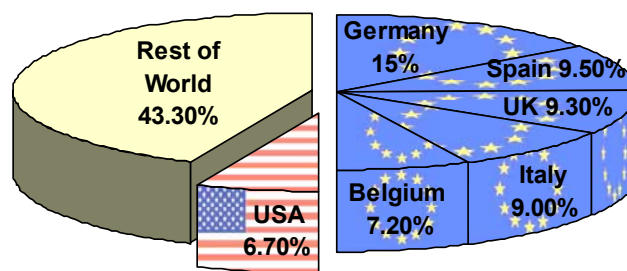
<sup>310</sup> Cf, *Bolkestein, F.*, Commissaire européen responsable du Marché intérieur, *Le marché unique de l'UE, 10 ans d'existence*, Postcard, Brussels 2003.

<sup>311</sup> Cf, United States, Central Intelligence Agency, *World Fact Book*, Rank order – Exports, <http://www.cia.gov/cia/publications/factbook/rankorder/2078rank.html> [state: 11/14/2005].

The table above displays that France, in spite of all critics towards globalisation and the, therewith connected, opening of world markets plays a remarkable role in the in the global export market. In 2003 it was the second largest export nation in the EU and the fifth largest in the world. This position could also be maintained until 2005.<sup>312</sup> The by far greatest part of those exports goes to countries participating in the common market. In fact, within the six most important export destinations of French products, there is only one extra-EU country, namely the USA. In 2004, exactly 50% of French exports went to the five largest importers of goods from France, which are all member states of the European Union. This is graphically visualized by the following pie-diagram.

Table 26: The most important French Export Markets in 2004<sup>313</sup>

**The most important Export Destinations of France in  
% of total Exports**



According to an analysis, conducted by Eurostat in 2004, already in 2003; thus before the recent enlargement and significant extension of the Internal Market, around 68% of French commerce was intra-EU trade.<sup>314</sup> This figure has even been increased by the extension of the market to 10 additional, potential purchaser countries of French products, on May 1<sup>st</sup> 2004. Furthermore, according to the European Commission, 1.8% of GDP growth in the entire EU has to be attributed to the Internal Market, in the ten years between 1992 and 2002.<sup>315</sup> Those figures highlight the importance of the Internal Market, also for French enterprises.

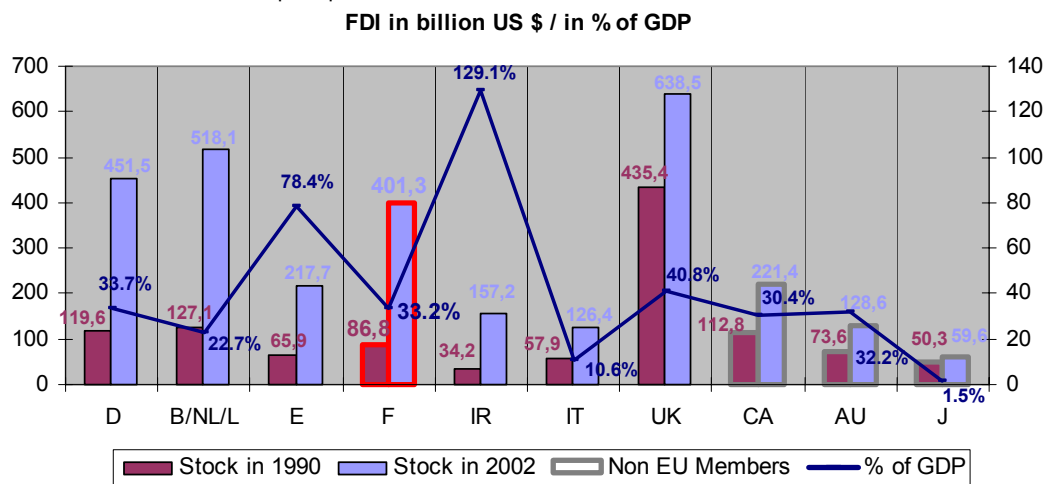
<sup>312</sup> Cf, United States, Central Intelligence Agency, World Fact Book, Rank order – Exports, <http://www.cia.gov/cia/publications/factbook/rankorder/2078rank.html> [state: 05/12/2006].

<sup>313</sup> Cf, United States, Central Intelligence Agency World Fact Book, France, Economy, Export partners, <http://www.cia.gov/cia/publications/factbook/geos/fr.html> [state: 04/18/2006].

<sup>314</sup> Cf, Eurostat Jahrbuch 2004 Der statistische Wegweiser durch Europa, Anteil des Intra- und Extrahandels der EU-15 am Gesamthandel im Jahr 2003 in %, [http://epp.eurostat.cec.eu.int/cache/ITY\\_OFFPUB/KS-CD-04-001/DE/KS-CD-04-001-DE.PDF](http://epp.eurostat.cec.eu.int/cache/ITY_OFFPUB/KS-CD-04-001/DE/KS-CD-04-001-DE.PDF) [state: 03/20/2006].

However, not only indigenous enterprises contribute to the economic growth and creation of employment, but also foreign companies that settled in France, partly attracted by the access to the immense European market. Meanwhile, France for instance holds the second highest rate of Foreign direct Investment in Europe, coming from the USA. The following graph compares the totally accumulated value of FDI and its relation to the entire respective GDP of the most important nations, receiving FDI, apart of the USA in 1990 and 2002.

Table 273: FDI Stocks in the principal industrial States in 1990 & 2002 and its Relation to the Countries' GDP<sup>316</sup>



As obvious, France has received a very high inflow of FDI since the establishment of the Internal Market. The foreign companies provide for one third of the entire economic wealth in France. However, in an interview given to *Euractiv*, the renowned economist Werner Becker from *Deutsche Bank Research* has stated his opinion, that in the perception of the French population, globalisation and the EU enlargements are “...working together as a threat to jobs”, while he acknowledged that the discussion in France was not focused on the EU itself, but the French economy and factors from abroad, having a negative impact on it.<sup>317</sup>

The following chapter shall be dedicated to certain perceived threats from abroad, primarily; but not only; in economic terms.

<sup>315</sup> Cf, European Commission, Für mehr Wachstum, l.c., p. 10.

<sup>316</sup> Cf, *Gauthier, A.*, l.c., 2004, p. 548.

<sup>317</sup> Cf, *Becker, W.*, quoted on: *Euractiv*, Opinion & Governance, Success and failure of EU communications: the Euro vs. the EU Constitution, <http://www.euractiv.com/Article?tcmuri=tcm:29-152142-16&type=News> [state: 01/31/2006].

## 5. PERIL FROM ABROAD

*“Les messages qui ont été envoyés directement, notamment par les Français [...] montrent que les Européens s'interrogent. Ils sont inquiets, pour des raisons qui sont liées à la mondialisation, à la délocalisation, au chômage...”<sup>318</sup>*

Hence, also the French President sees this perceived portentous connection between unemployment in France and threats from abroad.

### 5.1 Enlargement Fatigue

Already in 1953, shortly after the establishment of the ECSC among the six Western European founding states, Robert Schuman declared:

*Nous devons construire l'Europe non seulement dans l'intérêt des pays libres, mais aussi pour pouvoir y intégrer les pays d'Europe orientale, dès qu'après la libération de leur contrainte, ils nous demanderont de les accepter dans le Communauté.”<sup>319</sup>*

Since its creation, the European Community regarded itself as an “open club”. Already article 237 of the Treaty of Rome stated that “every European country

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<sup>318</sup> Jacques Chirac's interpretation of the reasons for the treaty's refusal, during a joint press conference with the German Chancellor Gerhard Schröder on June 10<sup>th</sup> 2005, shortly after the referendum.

Cf, *Chirac, J.*, Présidence de la République, Conférence de presse conjointe à l'issue de la rencontre franco-allemande de Paris, [http://www.elysee.fr/elysee/elysee.fr/francais/interventions/conferences\\_et\\_points\\_de\\_presse/2005/juin/conference\\_de\\_presse\\_conjointe\\_a\\_l\\_issue\\_de\\_la\\_rencontre\\_franco-allemande\\_de\\_paris.30153.html](http://www.elysee.fr/elysee/elysee.fr/francais/interventions/conferences_et_points_de_presse/2005/juin/conference_de_presse_conjointe_a_l_issue_de_la_rencontre_franco-allemande_de_paris.30153.html) [state: 05/25/2006].

<sup>319</sup> Cf, *Schuman, R.*, quoted in: Le Parlement Européen et l'élargissement de l'Union Européenne, in: Chronique Européenne, No. 52, January 2004, Nantes 2004, p. 21, in connection with: European Parliament, Le président du parlement européen, Anciens Présidents du P.E., [http://www.europarl.eu.int/president/former/fr/default\\_flash.htm](http://www.europarl.eu.int/president/former/fr/default_flash.htm) [state: 11/12/2005].

*can become a member of the community*". This formulation was taken up by the following treaties up to the Treaty of Nice.<sup>320</sup>

On December 12<sup>th</sup> and 13<sup>th</sup> 2002, the European Council of Copenhagen took the decision to admit 10 new members in the privileged club of united European states. Thereupon, on February 9<sup>th</sup> 2003, the European Parliament, as voice of the people, formally gave its blessing to the enlargement of the European Union and paved the way for the entry of ten candidate countries, namely Cypres,<sup>321</sup> the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Hence, on May 1<sup>st</sup> 2004, a great historical moment took place, as the 5<sup>th</sup> extension of the already very strongly integrated union eventually brought an end to the artificial political division of the European continent that had lasted for half a century.

However, not everybody in Europe was euphoric about that geopolitically revolutionary reunification, since it also stoked fears among a large part of the population, not only, but particularly in the Western part of the formerly divided continent. Especially in France, the idea of an Eastern enlargement never really met high approval. In autumn 2001,<sup>322</sup> shortly after the terrorist attacks of September 11<sup>th</sup> and the begin of the war in Afghanistan,<sup>323</sup> Eurobarometer polled the citizens of the EU15 about their opinion regarding a potential future enlargement of the European Union, in the course of its 56<sup>th</sup> standard survey. The remarkable outcome is presented in the two following graphs.

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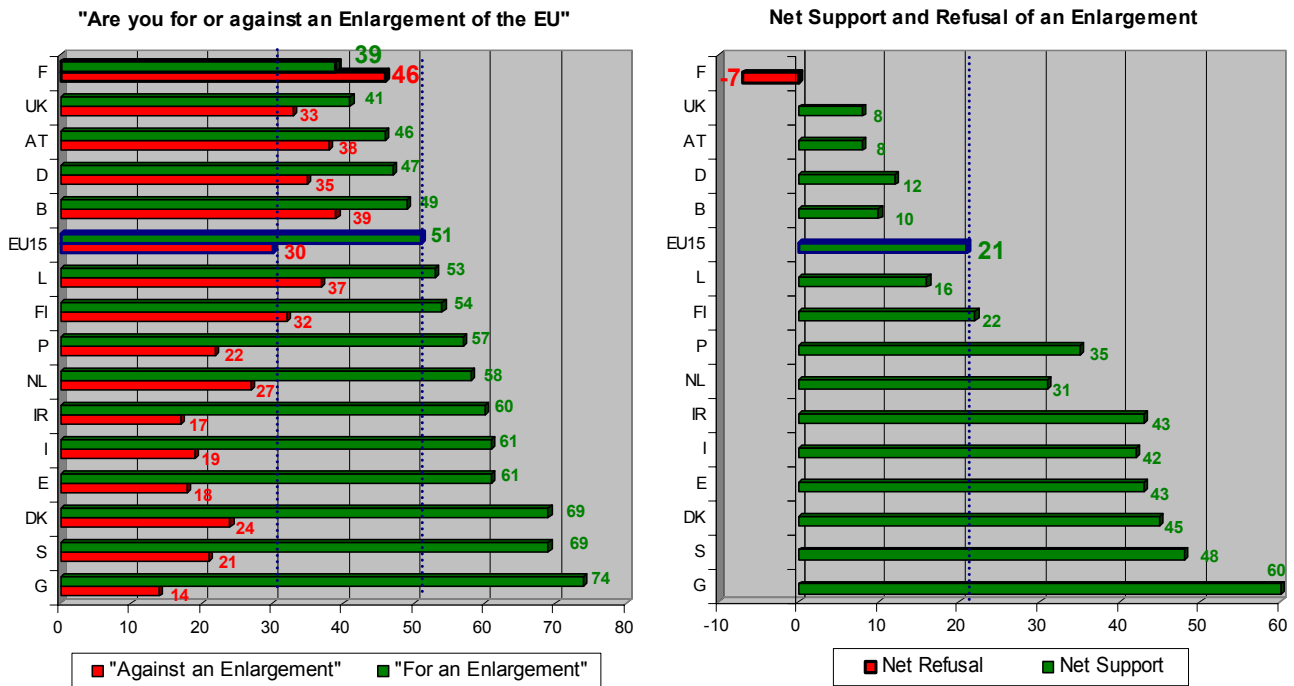
<sup>320</sup> Cf, *Álvarez, Durán, J.*, European Parliament, 1er Mai 2004, L'Europe s'élargit de 15 à 25, Bureau d'information pour la France, Strasbourg 2003.

<sup>321</sup> Only the Greek part of Cypres entered in 2004.

<sup>322</sup> This comparably old survey has been taken as a reference, since at that time, the actual entrant states of May 2004 had not yet been designated. Thus, the survey referred to all 13 candidate countries, including Bulgaria, Romania and Turkey.

<sup>323</sup> It has to be taken into account that the geopolitical situation of that time caused a noticeable general increase in public acceptance of the EU's enlargement intentions, compared to earlier surveys from Eurobarometer, since numerous citizens believed that an expansion of the union could increase its geopolitical role.



Table 28: Support and Refusal of an EU Enlargement among the EU15 Population in Autumn 2001<sup>324</sup>

As made obvious in the left diagram, France was the only country within the EU15, where the refusal outweighed the acceptance of the general idea of an Eastern enlargement. That outcome becomes clearer, regarding the right graph, which presents the “net acceptance”<sup>325</sup> of an enlargement. Here, solely France shows a negative figure. That outcome is extremely remarkable, since the denunciative attitude was totally against the European trend of that particular point of time. Because of that immense rejection of the EU’s enlargement policy, the French government has publicly blamed the enlargements as main reason for the “Non” vote on the European Constitutional Treaty.<sup>326</sup>

But also in the other Western European states, disadvantages prospectively caused by the potential enlargements are feared. In the course of an earlier survey conducted in spring 1999, Eurobarometer asked EU15 citizens about their future fears, providing a list containing 11 possible answers. Some of the most

<sup>324</sup> Cf, Eurobarometer, Standard 56, Public opinion analysis,

[http://europa.eu.int/comm/public\\_opinion/archives/eb/eb56/eb56\\_en.pdf](http://europa.eu.int/comm/public_opinion/archives/eb/eb56/eb56_en.pdf) [state: 01/20/2006].

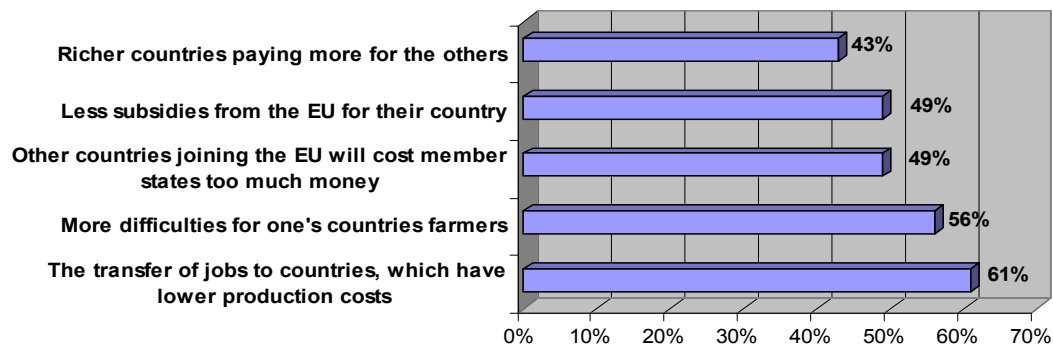
<sup>325</sup> The “net support” is calculated by subtracting the explicitly negative from the explicitly positive responses, while leaving out neutral responses. The concept has been taken from the opinion researcher Oskar Niedermayer. See also chapter 3.1, page 42.

Cf, *Niedermayer, O.*, l.c.

<sup>326</sup> Cf, *Beunderman, M.*, EU-Observer, Dutch want break on EU enlargement, <http://euobserver.com/9/21367/?rk=1> [state: 04/11/2006].

frequently stated misgivings were directly connected to the planned enlargements of the EU, as to see in the chart below.

Table 29: Fears in the Eyes of the EU15 Population connected to the potential EU Enlargements in 1999<sup>327</sup>



As obvious in the bar-diagram, particularly economic misgivings have been stated. In the entire EU15, there was a general impression that the enlargements would lead to considerable additional costs for the EU, which have to be shouldered by the wealthier member states.

The distinguished scientist in the area of international relation and book author Barry Buzan has defined three levels of international relations in Europe. Firstly, “strategic interaction”, secondly “economic interdependence” and thirdly “social interpenetration”. Interestingly, according to him, chances of nationalism and dangers to peace can be found less on the first, i.e. political and strategic level, than on the second and third i.e. economic and social levels respectively; especially in the interplay of the economic and social factors.<sup>328</sup> The conclusion that is to be drawn from that theoretical definition, is that if it comes to problems or misgivings in international relations, those are mostly caused by; and concentrated on economic or social issues and prevail over political considerations. This could be a reason for the negative attitude of a share of the population towards the EU enlargements, despite their geopolitical importance.

Some of the feared direct and indirect costs of the Eastern enlargements will be presented in the subsequent sub-chapter.

<sup>327</sup> Cf, European Commission, *How Europeans see themselves*, l.c., p. 28 – 29.

<sup>328</sup> Cf, *Buzan, B.*, *The changing security agenda in Europe*, in: Buzan, B./Lemaitre, P./Kelstrup, M./Weaver, O., (ed.), *Identity, Migration and the changing security agenda in Europe*, London 1993, p. 2.

### 5.1.1 Financial Burden

“[The European Union] *shall promote economic, social and territorial cohesion, and solidarity among Member States.*”<sup>329</sup>

According to this article of the European Constitution, it shall be one of the fundamental objectives of the EU to achieve an equalisation of economic and social conditions. In principle, an approximation of economic and social conditions between two different entities can only be reached by two opposite ways. Either, the less advantageous entity improves its situation and evolves towards the state of the wealthier entity, or the entity with the more favoured situation loses a part of its benefits and degenerates to the economic or social level of the poorer entity. The European Union, of course, reckons the first potential way in its efforts for cohesion.<sup>330</sup> That approach of the EU is not new, since it has already been one of the most fundamental objectives of the EC to provide a reduction of economic discrepancies between its member states.<sup>331</sup>

However, a number of its citizens, living in rather wealthy countries like France, fear that, due to the union’s extension to the new, poorer member states, it could be the second way and hence a degradation of their situation, or a loss of benefits in favour of the less wealthy countries.

On the first of May 2004, 74 million additional citizens joined the European Union, which corresponds to 19.5 % of the entire EU25 and equals approximately the number of the first two first enlargements in 1973 and 1981 together.<sup>332</sup> But this enlargement differs significantly from the previous ones. Firstly, it was with

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<sup>329</sup> Cf, The original wording of **Article 3 (3)** of the **Treaty establishing a Constitution for Europe**. That article defines the European Union’s principal objectives according to the European Constitutional Treaty.

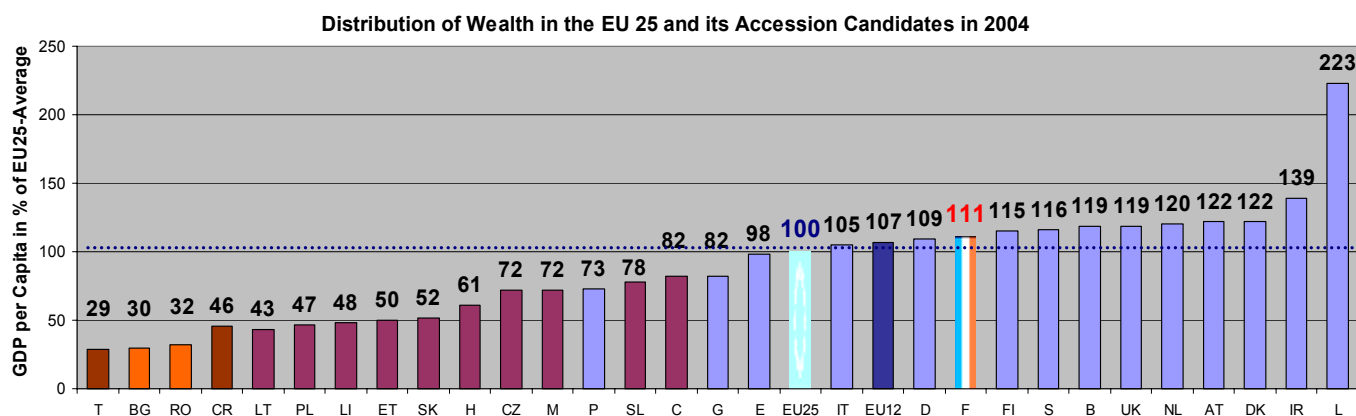
<sup>330</sup> The practical implication of that approach are the EU structural funds, like for instance the Cohesion Fund, which have already proved considerable success in formerly underdeveloped countries like Ireland or Spain.

<sup>331</sup> Already the **preamble** of the **Treaty of Rome**, from 1957, stipulates that the European Economic Community is: “*Anxious to strengthen the unity of their economies and to ensure their harmonious development by reducing the discrepancy between the different regions and the backwardness of the less favoured ones*”.

ten new member states, by far the largest expansion of the European Communities and secondly, this time it comprised with eight of ten joining nations, the formerly communistic world of Eastern Europe. The Baltic States Estonia, Latvia and Lithuania, were even parts of the Soviet Union until the fall of the Iron Curtain. Therefore, there are partly immense differences in terms of economic performance, social structures, legislation and other important factors. It is hence a certain challenge for the integration ability of the union.

The following table shows the relative wealth of the EU member states; and former, as well as current accession candidates in relation to the average of the EU25 represented by the value of 100, in 2004.

Table 30: French overall Wealth measured in Terms of GDP per Capita in Comparison with the EU25 Average in 2004<sup>333</sup>



These figures may help to illustrate the gap, in terms of living standard between the former EU15 and most Eastern European countries. Thus, there is a considerable difference in economic power and development between the previous member states of the EU15 and the 10 nations that have entered in May 2004. On a per capita basis, the 10 entrant countries of May 2004 reached just 53.1% of the average wealth of the EU25 members.<sup>334</sup> With further enlargements to Romania and Bulgaria in 2007, but above all the possible accession of the highly populated<sup>335</sup> and underdeveloped Turkey, the differential of wealth in the

<sup>332</sup> Cf, *Monnier, A.*, De l'Europe de six à l'Europe de vingt-cinq, Évolution de la population, Population, Édition française, Volume 59, No. 2 – 2004, Paris 2004, p. 364.

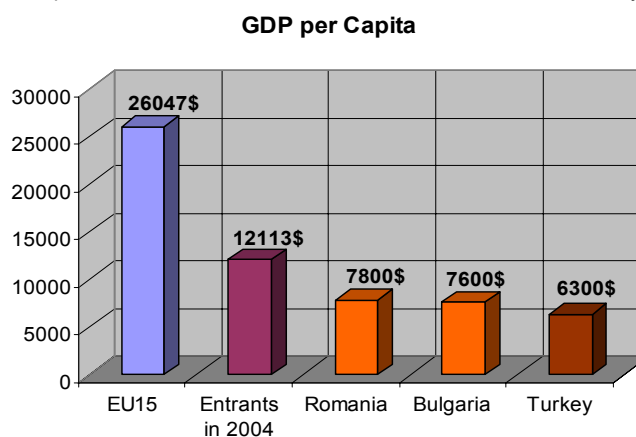
<sup>333</sup> Cf, Eurostat, News Release 75/2005 GDP per capita in 2004, 06/03/2005, Luxembourg, p. 1.

<sup>334</sup> Cf, *Moatti, S.*, La Turquie ou les vertus de l'élargissement, in: Alternatives Économiques, No. 230, November 2004, Paris 2004, p. 54.

<sup>335</sup> Turkey would be with about 70 million people, the second highest populated member state after Germany with 80 million inhabitants at present. Since the country had a population

EU will increase even more, since their respective GDP per capita lies at less than 30% of the EU15 average.<sup>336</sup> This is made apparent by the comparison of economic wealth given below.

Table 31: Comparison of Wealth between the EU15, the Entrants and Turkey in 2004<sup>337</sup>



The accumulated GDP of all 13 candidates of that time represented just 15.5% of the 15 EU member states in 2000, although their active population was equivalent to 47.9% of the EU15's active population.<sup>338</sup> Therefore, the success of the enlargement will be measured on the fact if a sustainable improvement of the standard of living, in the thirteen candidate countries can be achieved.<sup>339</sup> Still after their accession, the reduction of the wealth disparities between the newly admitted nations and the old member states is given highest priority by the European Union.<sup>340</sup> But in order to bear the additional financial burdens, the EU cannot resort to substantial additional resources, since the member states have agreed upon not raising the budget over 1.045% of the union's Gross National income.<sup>341</sup>

growth rate of 1.42% in 2002, projections estimate that from 2015 on the Turkish population will exceed the German one equalling approximately 15% of the estimated EU total.

Cf, *Preuss, J./Zand, B.*, l.c, p. 32.

In connection with: *Bednarz, D./Didzoleit, W./Zand, B.*, Europa, Umstrittene Freundschaft, in: *Der Spiegel*, No. 40, 09/27/2004, Hamburg 2004, p. 117.

<sup>336</sup> Cf, *Moatti, S.*, l.c., 2004, p. 54.

<sup>337</sup> Cf, *Alternatives Internationales*, Consommateurs de tous les pays, Quand les citoyens transforment le capitalisme de l'intérieur, No. 18, November 2004, Paris 2004, p. 9, in connection with: European Commission, *Viajar na Europa em 2004* leaflet, Direcção-Geral da Imprensa e Comunicação, Publicações, Brussels 2004.

<sup>338</sup> Cf, *Egger, P.*, Travail et compétitivité, Les répercussions sur la main-d'œuvre de l'adhésion à l'Union Européenne, in: *Problèmes économiques*, No. 2841, 01/28/2004, Paris 2004, p. 24.

<sup>339</sup> Cf, *Ibidem*, p. 22.

<sup>340</sup> Cf, *Álvarez, Durán, J.*, l.c., 2003.

<sup>341</sup> The agreement has been made after long negotiations during the European Council in Brussels, under British presidency on December 17<sup>th</sup> 2005.

The European Union distributes its limited resources, through its funds, so that the most needy regions and countries take preference over the wealthier ones.<sup>342</sup> It is a matter of fact that the countries that have recently joined, receive more money from the EU budget, than they contribute to it.<sup>343</sup> Hence, the discrepancies of development lead to a redirection of aid monies from Brussels in favour of the new member states and to the debit of previous receivers. For the period since their accession until end of 2006, already 21.75 billion € from the Structural Fund and Cohesion Fund have been allocated to the new EU member states.<sup>344</sup>

Since France does not receive as considerable inflows of regional funds as for instance Spain or Italy, for the French particularly the payments in the course of the Common Agriculture Policy are important. With the current financial framework the Eastern European states will gradually phase in EU agricultural direct payments. From 2007 on, their CAP receipts will be raised by 10% per year, to reach 100% in 2013.<sup>345</sup> It is predictable that with the next financial framework from 2014 onwards, also the French farmers will have to stand aside in favour of their competitors in Eastern Europe, since also payments in the course of the Common Agriculture Policy are redirected.<sup>346</sup> With the accession of the 8 East European States in 2004, more than 9 million additional citizens, working in the agricultural sector, have joined the European Union<sup>347</sup> and the arable area of the EU was doubled. Already before the enlargement, the EU was the most

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Cf, *Becker, P.*, Institut für Europäische Politik Berlin, Die Fortschreibung des Status Quo – Die EU und ihr neuer Finanzrahmen, Agenda 2007, p. 3,  
<http://www.iep-berlin.de/publik/integration/heft-2-06/Becker.pdf> [state: 05/28/2006].

<sup>341</sup> Cf, *Álvarez, Durán, J.*, l.c., 2003.

<sup>342</sup> For the period of 2007 – 2013, from the total appropriations for commitments of 862.363, 307.619 billion Euros will be directed to the objective 1b “Cohesion for Growth and Employment”

Cf, Council of the European Union, 15915/05, Financial Perspective 2007-2013, p. 33,  
[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/misc/87677.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/misc/87677.pdf)  
[state: 05/28/2006].

<sup>343</sup> Cf, European Commission, Mehr Einheit und mehr Vielfalt, Die größte Erweiterung in der Geschichte der Europäischen Union, Series: Europa in Bewegung, Luxembourg 2003, p. 11.

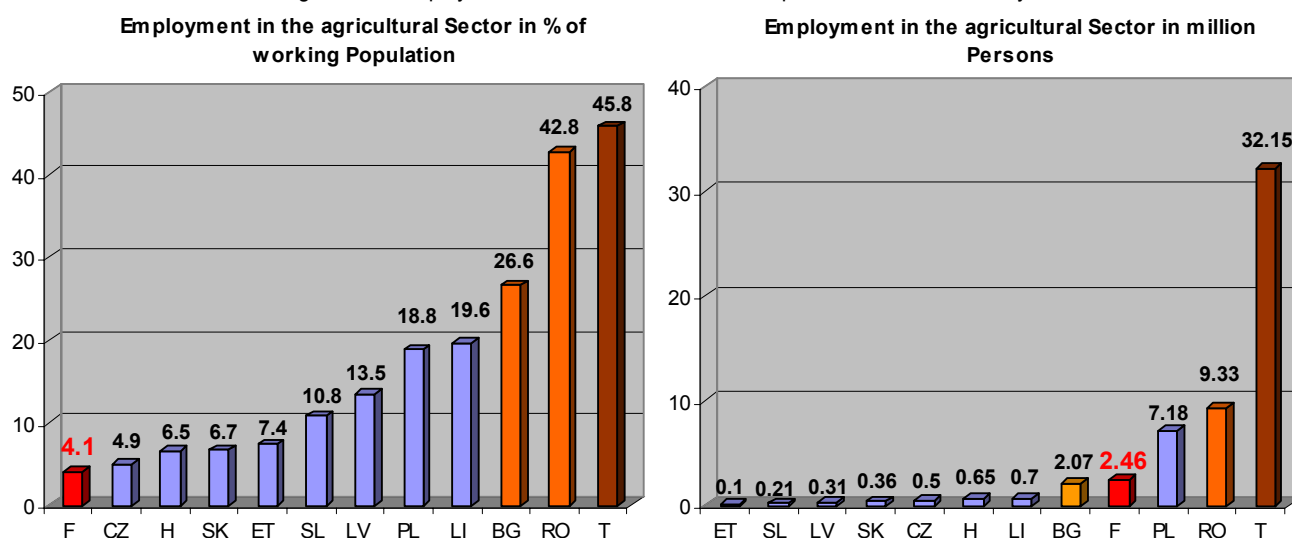
<sup>344</sup> Cf, European Commission, Maior unidade e maior diversidade, União Europeia: O maior alargamento de sempre, Series: A Europa em movimento, Luxembourg 2003, p. 4.

<sup>345</sup> Cf, EUABC Dictionary, Derogations, Chapter 7: Agriculture, General comments,  
[http://www.euabc.com/index.phtml?word\\_id=280](http://www.euabc.com/index.phtml?word_id=280) [state: 11/01/2005].

<sup>346</sup> With the so-called “Agriculture compromise” from October 2002, Chirac could guarantee for more or less stable receipts for his farmers until 2013.

important trade partner regarding agricultural products for many of the candidate countries.<sup>348</sup> Four of those states, namely Slovenia, Latvia, Lithuania and Poland have, despite of a decline in the last 5 years, still a share of more than 10% of their respective working population employed in the agricultural sector, compared to 4.1% in France. A comparison, including the 2 accession candidates of 2007 or 2008 and Turkey is illustrated as follows.

Table 32: Agricultural Employment in France, the Eastern European Entrants and Turkey in 2000<sup>349</sup>



As obvious, the relative importance of agriculture, especially in terms of employment, within most of the new East European member states is noticeably higher than in France. The share of agricultural employment in the EU15 average approximately equals the French one with 4.3%.<sup>350</sup> Moreover, as easily to see, the 2 entry candidates for 2007 Bulgaria and Romania, but above all the would-be entrant Turkey, with almost half of its huge population working in agriculture, exceed them by far. So, approximately 32 million Turks are directly dependant on

<sup>347</sup> The two Southern European entrants Cypress and Malta are disregarded here, due the secondary importance of their agricultures.

<sup>348</sup> Cf, Europa, Agriculture, Common Agriculture Policy and the Enlargement of the European Union, <http://europa.eu.int/scadplus/leg/en/lvb/l04000.htm> [state: 10/17/2005].

<sup>349</sup> Cf, Egger, P., l.c., 2004, p. 27,

In connection with:

Cf, United States, Central Intelligence Agency, World Fact Book, France, Labour force - by occupation,

<http://www.cia.gov/cia/publications/factbook/geos/fr.html> [state: 05/09/2006].

\* The figure for France is from 1999.

<sup>350</sup> The figure for the EU15 average is from 2002.

Cf, Moatti, S., Le défi de l'emploi, Les agriculteurs, chômeurs en puissance, in: Alternatives Économiques, No. 225, May 2004, Paris 2004.

agriculture. Hence, Turkey would certainly significantly burden the Common Agriculture Policy in case of its accession. But, already the EU27 will count more than 10 million new farmers, taking part in the CAP. Agriculture in those countries has many deficiencies and requires substantial restructuring and modernisation. It is feared by experts that the further enlargements towards Eastern Europe could lead to incalculable financing problems for the EU budget, due to the raise of expenses for agriculture.<sup>351</sup>

It remains to be seen, how the agricultural producers in France will cope with the enlarged market and the redistribution of CAP-payments in favour of their new competitors in the East and South. Due to the foreseeable cuts for French farmers, a large share of them connected the enlargements with particular fears. Taking into consideration this comprehensible anxiety and the perceived link with the European Constitutional Treaty, it does not astonish that according to a survey from mid-March 2005, 69% of the French farmers intended to vote against the treaty.<sup>352</sup> However, there is no direct link between the foreseeable reduction of CAP-payments and the refused European Constitution. Therefore, during his campaign in favour of the European Constitution, Nicolas Sarkozy has sharply warned the French farmers of a “Non”, which in his eyes, would have heavy negative consequences on their position in the course of future WTO negotiations. Beside that, also his normal political adversary François Hollande highlighted that a “Oui” would permit an effective defence of the Common Agricultural Policy’s “acquis”.<sup>353</sup> But those appeals obviously did not prove successful.

The important global economic environment that was insinuated by Sarkozy and Hollande will be contemplated in a separate chapter below.

The next chapter shall be dedicated to one of the most crucial issues in the public debate on the treaty; namely the “spectre” of the so-called “Plombier Polonais”.

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<sup>351</sup> Cf, Europäische Union, in: Informationen zur politischen Bildung, 2. Quartal 2003, No. 279, Berlin 2003, p. 24.

<sup>352</sup> Cf, Sondage Ifop, Les intentions de vote des agriculteurs, in: Le Parisien, 05/17/2005.

<sup>353</sup> Cf, *Thomas, C.*, Radio France Internationale, Victoire de Chirac à Bruxelles, campagne électorale en France, directive Bolkestein sera revue, [http://www.rfi.fr/actufr/articles/063/article\\_35017.asp](http://www.rfi.fr/actufr/articles/063/article_35017.asp) [state: 11/11/2005].



### 5.1.2 The “Plombier Polonais”

*“Sometimes I have the feeling that some technical issues, or short term consequences, are overshadowing the huge political importance of enlargement, which, from my point of view, is one the greatest successes of the EU in the last ten to 15 years.”<sup>354</sup>*

Instances proving, that those “technical issues” have an outstandingly higher significance for a large share of Western Europeans, particularly in France, shall be regarded in the two following sub-chapters.

In the week preceding the Eastern enlargement, the opinion research institute *Louis-Harris* carried out a survey analysing the fears and hopes of the French population, regarding the enlargement. The outcome was published in the newspaper *Libération* on April 30<sup>th</sup> 2004, the day before the enlargement took place. 63% of the polled stated that they were worried about an increase in unemployment in France, caused by the enlargement.<sup>355</sup>

In principle, unemployment in a member state, due to the accession of a new member to the EU; and by this the entry into the Internal Market could directly only be caused by two different possible kinds of movement. Firstly, by a labour migration from the new member state into the “old” one, where the newly arrived workers consequently become potential competitors for the indigenous employees. Secondly, by a delocalisation of indigenous or foreign enterprises from the territory of the “old” into the territory of the recently admitted member state, by what the overall quantity of offered employment in the “old” is diminished for the benefit of the new member state. Those two possible kinds of movement could be encouraged by the Internal Market due to its Fundamental Freedoms in terms of free movement of labour, products and services, as well as

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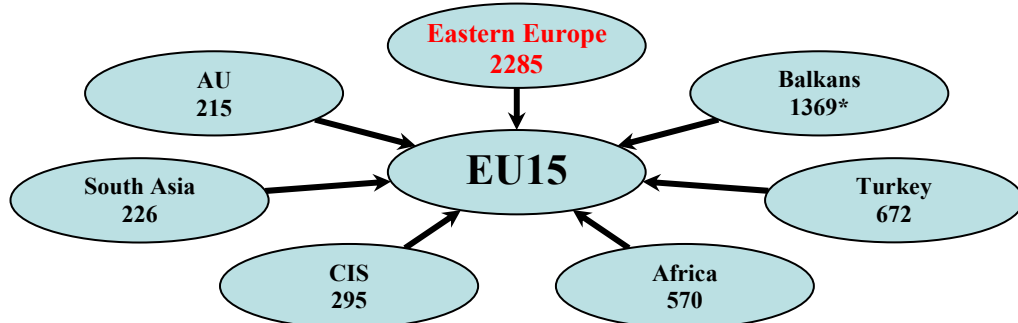
<sup>354</sup> That statement was been given by Sergei Stanishev, the Bulgarian Prime Minister during an interview with the internet newspaper *EUpolitix.com* in January 2006.  
Cf, *Stanishev, S.*, quoted on: *EUpolitix.com*, Interview: ‘Fear can paralyse’ EU,  
<http://www.eupolitix.com/EN/News/200601/4f83fc3a-0d07-4428-a80a-ff05b444e73c.htm>  
[state: 01/27/2006].

<sup>355</sup> Cf, *Sondage Louis-Harris*, *Libération*, Dans la perspective du 1er mai 2004, Peurs et espoirs français face à l’élargissement de l’Europe, in: *Libération*, 04/30/2004.

the right of establishment. In the case of labour mobility, already the Treaty establishing the European Economic Community from 1957 stipulated in its article 48 that: “*Freedom of movement shall be secured for workers...*”. Paragraph two of the same article specified: “*Such freedom of movement shall entail the abolition of any discrimination based on nationality of workers between the Member States...*”<sup>356</sup> This principle has also been re-adopted in the third part of European Constitutional Treaty.<sup>357</sup> Hence, concerning the mobility of workers within the Internal Market there has not been any change of the 49-years old regulation, proposed by the rejected European Constitution. A similar situation applies in the area of services.<sup>358</sup>

The European Union is currently the most important region receiving immigrants in the world. Almost six million people from all around the world have emigrated to the EU15 between 1990 and 2000, whereas by far the largest number of those migrants originated from Eastern Europe. The next schematic illustration shows the largest immigrant streams and their origins in the 1990’s.<sup>359</sup>

Table 33: Immigrant Streams in Thousand to the EU and their Origins from 1990 to 2000<sup>360</sup>



<sup>356</sup> In the consolidated **Treaty of the European Economic Community** (last amended with the **Treaty of Nice** in 2001) that principle is reflected with almost exactly the same wording in the **articles 39 et seqq.**

<sup>357</sup> **Article III-18 (1) TCE**, stipulates: “*Workers shall have the right to move freely within the Union.*” **Art. III-18 (2) TCE**, prohibits: “*Any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.*”

<sup>358</sup> In the Treaty of Rome, which now is almost 50 years old, article **59 TEC** already determined that “...restrictions on freedom to provide services within the Community shall be progressively abolished...” **Article III-29 TCE**, stipulates that those restrictions “...shall be prohibited...” That does not represent a change in comparison with the existing treaty.

<sup>359</sup> Only regions with more than 100,000 emigrants have been taken into account.

<sup>360</sup> Cf, *Les flux migratoires dans le monde*, in: *Alternatives Internationales*, No. 15, July-August 2004, Paris 2004, p. 48.

\* The Balkans are considered here apart of the rest of Eastern Europe, due to the unusually high rate of immigration in that period, caused by the Balkan Wars.

Hence, already directly after the fall of the Iron Curtain and before the enlargement, a considerable number of people migrated from Eastern to Western Europe. Because France has, as almost the entire EU15,<sup>361</sup> imposed a restriction for its labour market towards Eastern Europe,<sup>362</sup> there has been almost no legal workers migration from those countries to France, up to now, due to the enlargements.<sup>363</sup> However, since in the eyes of a large share of the French population, the enlargements, and by this the migration of workers, were directly connected to the treaty, that subject has also become a major issue in the debates on the European Constitutional Treaty.

That the French misgivings concerning those “technical issues”, potentially related to the Eastern enlargements, are justified to a certain degree has even been admitted by the Prime Minister of Bulgaria Sergei Stanishev, hence a representative of one of the Eastern European accession candidates themselves.

The socialist noted that the fears that social standards could decrease or employment could be lost in Western Europe due to the enlargements are “...*justified and reasonable worries*”. At the same time however, alluding to the feared “social dumping” caused by the enlargements, he expressed his opinion that “...*most views are quite strongly exaggerated from the experience of the current enlargement, with the first ten in 2004...*”, adding that “*fears are becoming something of a neurosis for the EU.*”<sup>364</sup>

The fear in that context, which has certainly become a “neurosis” for France, being “strongly exaggerated” as Mr Stanishev has realised, was the “spectre” and alleged incarnation of “social dumping”, created during the debates on the European Constitution; namely the so-called “Plombier Polonais”.

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<sup>361</sup> Apart of Ireland, Sweden and the UK,  
Cf, Europe’s labour mobility, When East meets West, in: The Economist, No. 8464, 02/11/2006, p. 27 – 28.

<sup>362</sup> It is interesting to note that the French government has even decided to lift the labour restriction entirely before 2011, which would be the deadline for an abolishment, whereas countries like Austria and Germany want to keep them over the whole 7-years period. Ironically, a sector where the restrictions will be removed even earlier is plumbing.  
Cf, *Rettmann, A.*, EU-Observer, Greece might open up to new member state workers,  
<http://euobserver.com/?aid=20756&rk=1> [state: 01/24/2006].

<sup>363</sup> Cf, *Busche, A.*, Binnenmarktpolitik, in: Jahrbuch der Europäischen Integration 2005, Institut für Europäische Politik, Berlin 2005, p. 159.

<sup>364</sup> Cf, *Stanishev, S.*, l.c.

The notion is connected to the so-called Bolkestein-Directive, named after the former Internal Market Commissioner Frits Bolkestein, who initiated the Directive on services in the Internal Market March 2004.<sup>365</sup> On March 17<sup>th</sup> 2005, a parliamentary reading on the directive took place in the EP. Since the reading was only 10 weeks before the referendum, the issue entered into the debates on the treaty, even though the directive has actually no direct connection to European Constitutional Treaty.

It was again the “souverainiste” Phillipe de Villiers who set the ball rolling. During an interview, published in *Le Figaro* on March 15<sup>th</sup> 2005, he stated: “...cette affaire est très grave, car la directive Bolkestein permet à un plombier polonais ou à un architecte estonien de proposer ses services en France, au salaire et avec les règles de protection sociale de leur pays d’origine”. He added that of the 11 million French, working in the services industry, one million jobs would be “...menacés par cette directive...” and the directive hence constituted “...un démantèlement de notre modèle économique et social.”<sup>366</sup>

Shortly after that famous statement, the former Commissioner Frits Bolkestein himself gave an interview in Paris and rhetorically answered to de Villiers: “Je voudrais bien que des plombiers polonais se présentent pour faire une réparation, parce que c’est très difficile de trouver un électricien ou un plombier là où j’habite dans le nord de la France”, referring to his secondary residence in the town Aulnoye-Aymeries.<sup>367</sup> Taking into account the high unemployment rate in that town of currently 22.9%,<sup>368</sup> that unadvised statement initiated a veritable wildfire. The notion of the “Plombier Polonais” became the symbol of the

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<sup>365</sup> Cf, European Commission proposal for a directive on services in the Internal Market **2004/0001 COD**

<sup>366</sup> Cf, *De Villiers, P.*, quoted in the article De Villiers: “La grande triche du oui” *Le Figaro*, 03/15/2005.

<sup>367</sup> Cf, *Bolkestein, F.*, quoted on: *Ambition Socialiste*, Frits Bolkestein et les plombiers de l’Avesnois, <http://www.ambitionsocialiste.org/article/articleview/577/1/277/> [state: 05/18/2006].

<sup>368</sup> Cf, *Linternaute*, L’encyclopédie des Villes de France, Aulnoye-Aymeries, <http://www.linternaute.com/ville/ville/accueil/7628/aulnoye-aymeries.shtml> [state: 05/29/2006].

pretended neo-liberal approach of the European Union, incarnated by the European Constitutional Treaty.<sup>369</sup>

The most controversial issue of the directive was the so-called “Country of origin” principle,<sup>370</sup> according to which a service provider is subject only to the law of the country, in which he is established and member states may not restrict services from a provider established in another member state. That principle, which in the eyes of its opponents, would have been the “Trojan horse” of “social dumping”, due the lower standards in Eastern European countries, was actually contested by almost the entire political spectrum in France,<sup>371</sup> including the government.<sup>372</sup>

The debate about the “Plombier Polonais” and the directive, which has polemically been renamed “Directive Frankenstein” by its objectors, was extremely crucial in the context of the plebiscite on the European Constitutional Treaty. On the one hand, as seen above, only 2% of the treaty’s opponents explicitly named the directive as reason for their decision.<sup>373</sup> However, it is to be proceeded on the assumption that the issue played subconsciously an important role, especially in the opinion formation of the voters that refused the treaty due to the pretended social reasons. The polemic and scurrility applied in the debates on that particular issue has probably only been reached by the propaganda against the alleged accession of EU Turkey by means of the European Constitution.

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<sup>369</sup> Cf, *Marchand, S.*, *L'affaire du plombier polonais : Enquête sur le cauchemar social français*, Paris 2006.

<sup>370</sup> Stipulated in **article 16** of the Commission proposal for a directive on services in the internal market **directive COM/2004/0002**.

<sup>371</sup> On March 15<sup>th</sup> 2005, Jacques Chirac requested Jean-Claude Juncker, as the president of the European Council at that time to withdraw the “Country of origin” principle from the directive. At the same time, also the deputies of French Assemblée Nationale and the Sénat publicly demanded a fundamental revision of the draft directive. That can be seen as a part of the campaign in favour of the European Constitution, in order to decouple the two different issues.

Cf, *Frankreich sagt Nein, Chronologie*, in: *Dokumente, Zeitschrift für den deutsch-französischen Dialog*, No. 3, June 2005, p. 141.

<sup>372</sup> This is why that principle has eventually been rejected (beside 213 additional amendments within the directive) in the European Parliament, with a compromise found between the two biggest parliamentary groups, the EPP and the European Socialists in February 2006.

Cf, *Europäische Volkspartei, Nachrichten aus Brüssel*, No. 4 2006,  
<http://www.euinfo.de/download/?eu+info+februar+2006.pdf> [state: 04/03/2006].

<sup>373</sup> See the pie-diagram of the “Non”-voters’ motivations in chapter 1.2, page 19.

The propaganda wave caught actors from almost the entire political spectrum in France; from the extreme right wing of Jean Marie Le Pen and its initiator de Villiers, over Henri Emmanuelli from the PS dissenter fraction, up to certain representatives of the several communistic parties. But only the Front National, de Villiers and the other protagonists within the far right political camp incorporated the “crusade” against the “Polmbier Polonais” into their official party line. The more moderate parties had to officially distance themselves from any xenophobic polemic. That issue was naturally no problem for the representatives of Front National or de Villiers, who almost exclusively resorted to such an approach.

As seen above, in reality, the directive COM/2004/0001 does not have anything to do with the Treaty establishing a Constitution for Europe.<sup>374</sup> In addition, as Olli Rehn, the current Enlargement Commissioner accurately noted, the “...*doomsday scenarios...*” of immense quantities of workers, moving from the Eastern to the Western member states, have not materialised so far.<sup>375</sup> However, also in that case, reality and perception seem to be very remote of each other.

Interestingly, even though the feared inflow of workers from Eastern Europe and the connected “social dumping” was one of the most important social arguments in the campaign against the European Constitution, the majority of trade unions in France support a complete abolishment of mobility restrictions towards the ten new member states. In the eyes of Guy Juquel from the trade union *CGT*: “*Il ne peut y avoir de citoyens et de salariés de première et de seconde zone.*”<sup>376</sup>

As a reaction to the debate over the opening of the EU’s services market, the European Commission has prepared a report, aiming to dismantle the arguments used by twelve EU15 member states for the use of temporary restrictions, lasting

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<sup>374</sup> As mentioned, the free movement of services has already been stipulated in the Treaty of Rome. However, it has to be noted that the Treaty establishing a Constitution for Europe has been the first occasion, when the population had a direct say on that kind of legislation, since in 1992 only the Treaty on the European Union was put to vote by means of referendum.

<sup>375</sup> Cf, *Rehn, O.*, quoted on: Southeast European Times, Commission says 2004 EU enlargement an “economic success”,  
[http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2006/05/04/feature-02](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2006/05/04/feature-02) [state: 04/05/2006].

<sup>376</sup> Cf, *Barroux, R.*, Le Monde, Europe, Les syndicats favorables à l'accueil des salariés de l'Est,  
<http://www.lemonde.fr/web/article/0,1-0@2-3214,36-747567@51-724626,0.html>

up to seven years, on the free movement of workers from the 10 new member states into their labour markets.<sup>377</sup> The report points out that the only countries having opened their labour markets entirely to Eastern European workers have experienced economic benefits, while in the countries where restrictions apply a significant number of workers from the new member states have gone into the underground economy.<sup>378</sup>

In the course of a speech in Prague on February 7<sup>th</sup> 2006, the European Union trade commissioner Peter Mandelson, heavily attacked the newly appearing “...*emotion of economic nationalism*...”, which in his eyes leads to a “...*swing against openness and a drift towards populism*.” In this connection he explicitly criticised France for its “...*obsession*...” with workers from Eastern European member states. In an appeal directed to the governments of the EU15 for a quick abolishment of labour mobility restrictions towards Eastern Europe, he said: “*Put away your fears. Celebrate the opportunities that all fellow Europeans now have as a result of enlargement.*”<sup>379</sup>

As mentioned, the feared deterioration of the employment situation in France could be caused by two different potential phenomena.

Beside the proverbial term of the “Plombier Polonais”, there is another notion which has intensely been reiterated by the treaty’s opponents in their campaigns and became a similar “obsession” speaking with the words of Mr Mandelson, namely the feared “délocalisations” of enterprises. Some backgrounds concerning that apprehended displacement of production facilities from France to the countries in the East will be considered in the following sub-chapter.

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[state: 03/04/2006].

<sup>377</sup> That exception of the Internal Market legislation (the Fundamental Freedom of workers mobility stipulated in **Art 39 TEC**) has caused a paradox situation. Due to the new the so-called **Third Country National Directive**, since January 23<sup>rd</sup> 2006, non-EU citizens living in a Western member state enjoy easier access to employment (in a country that applied derogations towards Eastern Europe, i.e. 12 out of 15), than EU citizens from an Eastern European member state.

Cf, *Rettman, A.*, EU-Observer, EU law leaves new member state workers in third place, <http://euobserver.com/?aid=20739&rk=1> [state: 01/20/2006].

<sup>378</sup> Cf, *Parker, G.*, Financial Times.com, Mandelson attacks ‘populist’ EU protectionism, <http://news.ft.com/cms/s/c23883f2-9810-11da-816b-0000779e2340.html> [state: 02/08/2006].

<sup>379</sup> Cf, *Parker, G.*, l.c.

### 5.1.3 “Délocalisations”

In June 2004, thus immediately after the EU Eastern enlargement, the member of the *Commission des affaires économiques* in the French Sénat, Francis Grignon, has issued a report appealing for: “*Délocalisations : pour un néo-colbertisme<sup>380</sup> européen*”.<sup>381</sup> The fact that Mr Grignon sits in the Sénat for the UMP, proves that there is a widespread fear of the increasing phenomenon of displacement of employment, due to the Eastern enlargement, among all political camps in France. In the run-up to the referendum on the European Constitution, the debate about the feared delocalisation of enterprises has not been as polemic as in the case of the famous “Plombier Polonais”. However, in large contrast to the latter issue, the respective arguments could have been based on; and justified with some virtually existing facts.

Nowadays, most companies in international business aim to lower costs. In order to decrease costs already in the production process, those companies attempt to use their capacities the best possible way. Therefore the productivity plays a very important role in the selection of a location. An increase in productivity means the ability to produce more from a given set of inputs. As identified in the previous chapters, there are already existing problems concerning competitiveness in France. However, the entry of the Eastern countries into the Internal Market with its 4 freedoms,<sup>382</sup> strongly aggravates this situation. In terms of production costs, France can certainly not compete with the new member states.

It is a matter of fact the numerous indigenous enterprises and foreign companies that had previously invested in France, are already shutting down premises in the country and delocalizing parts of their activities towards the emerging Eastern

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<sup>380</sup> “Colbertisme” is the French variant of the economic doctrine of mercantilism, inter alia aiming at a discouragement of imports by protectionist measures.

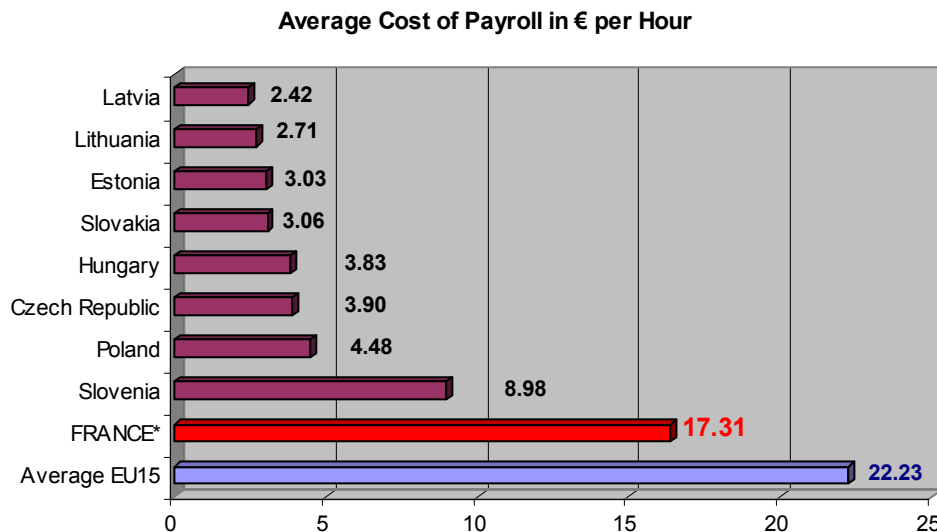
<sup>381</sup> Cf, Sénat, *Délocalisations : pour un néo-colbertisme européen*, Rapport d'information n° 374 (2003-2004) de M. Francis Grignon, [http://www.senat.fr/rap/r03-374/r03-374\\_mono.html#toc0](http://www.senat.fr/rap/r03-374/r03-374_mono.html#toc0) [01/20/2006].

<sup>382</sup> In this context the free movement of goods, stipulated in the **articles 23 et seqq TEC**, which was transferred without considerable amendments to **Art. III-36 et seqq. TCE** plays a role, since it allows products the crossing of intra-EU borders without artificially increasing the costs by customs duties or non-tariff barriers.



European states.<sup>383</sup> It is also a fact that most of them are attracted by the comparably low operation costs.<sup>384</sup> Hence, one of the factors in favour of Eastern Europe is the average wage level as the comparison underneath shall illustrate.

Table 34: Average hourly Cost of Payroll for Production Workers in Manufacturing, in the new Eastern EU Member States compared to the EU15 Average in 2004<sup>385</sup>



The graph shows that France has been comparably competitive in terms of labour costs in the EU15, before the recent enlargement. However, the average costs of payroll in most of the new member states are more than 4 times lower than the French ones. Since the labour costs belong to the most crucial factors, especially within industrial branches demanding less qualified labour, there is virtual danger of considerable delocalisation of companies towards the East.

Another important factor in this context is taxation. France has one of the highest tax regimes for enterprises within the EU25, as proven in the following comparison of corporation tax rates of France with the EU15, the EU entrants of May 2004 and the USA.

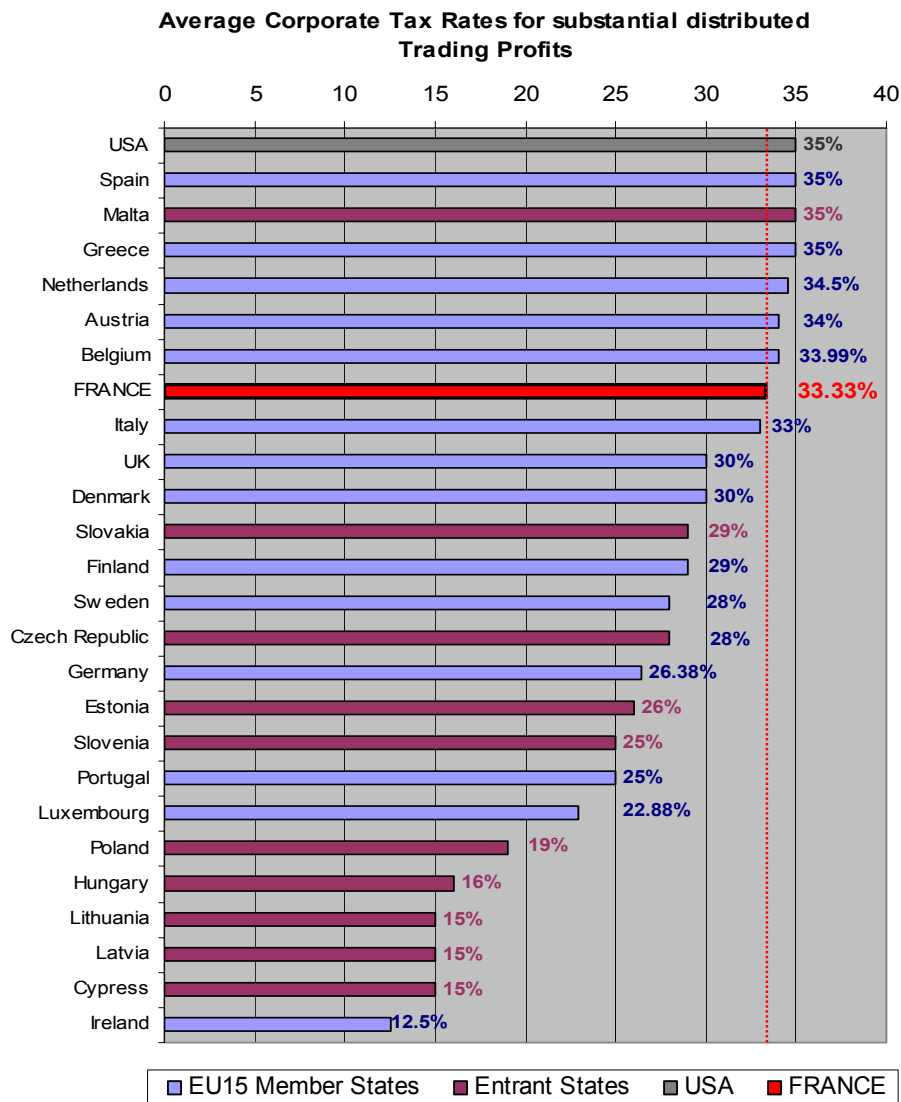
<sup>383</sup> Cf, *Thiébaud, D.*, Atlaséco, Atlas économique et politique mondial, 2004, les 227 pays du monde étudiés, Paris 2004, p. 132.

<sup>384</sup> Cf, *Gauthier, A.*, l.c., 2004, p. 552.

<sup>385</sup> Cf, *Merlot, P.*, Faut-il avoir peur des délocalisations, in: *Problèmes économiques*, No. 2859, 09/29/2004, Paris 2004, p. 14.

In connection with : Cf, *Investors and High Net Worth Individuals*, Paper delivered by David Cantrell at IBA Conference, [http://www.efc.ie/legal\\_updates/legal\\_updates/articles/immigrat/high\\_net\\_worth\\_indiv.htm](http://www.efc.ie/legal_updates/legal_updates/articles/immigrat/high_net_worth_indiv.htm) [state: 04/26/2006].

\* The figures of France date from 2002.

Table 35: French Corporation Tax Rate compared to the EU25 and the USA<sup>386</sup>

As obvious, especially the new EU member states provide much more advantageous corporate tax regimes for investment than France.

In fact, there have already been immense investments undertaken by Western companies in Eastern Europe. Mainly mass production activities are concerned.<sup>387</sup>

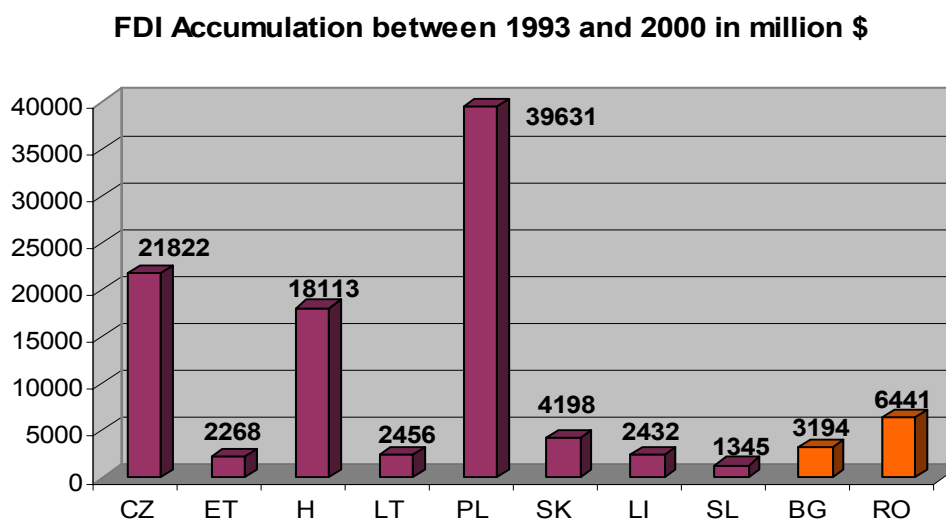
The summary underneath illustrates the accumulated inflows of Western Foreign

<sup>386</sup> Cf, Ibidem, p. 3.

<sup>387</sup> Cf, Hoffbauer, A., Der neue Blick der Wirtschaftswunderinsel, Globalisierung konkret: Wie Irland mit der Konkurrenz aus den osteuropäischen EU-Ländern umgeht, in: Handelsblatt, No. 100, 05/25/2004, Düsseldorf 2004, p. 12.

Direct Investment<sup>388</sup> between 1993 and 2000, in the eight Eastern European EU entrants of 2004 and the two nations prospectively following in 2007 or 2008.

Table 36: Total Amount of Western FDI flown to Eastern Europe between 1993 and 2000<sup>389</sup>



The graph illustrates that immediately after the fall of the Iron Curtain, before the decisions concerning an EU accession of those countries have been taken, already a considerable quantity of delocalisation to those states has been carried out.

Those FDI have a very high importance for the receiving countries, in relation to their respective GDP. That figure reached from 23% in Slovenia over 64% in the Czech Republic to 74% in Malta, whereas the stock of investments in the EU15 equals 31%.<sup>390</sup> Hence, those benefiting countries are very eager to create incentives for enterprises from abroad to delocalise into their territory.

However, this tendency has already started before the enlargement. So, just in the phase preceding the recent enlargement, between 1999 and 2003, the candidate states have received around 150 billion Euros of direct investments from abroad.<sup>391</sup>

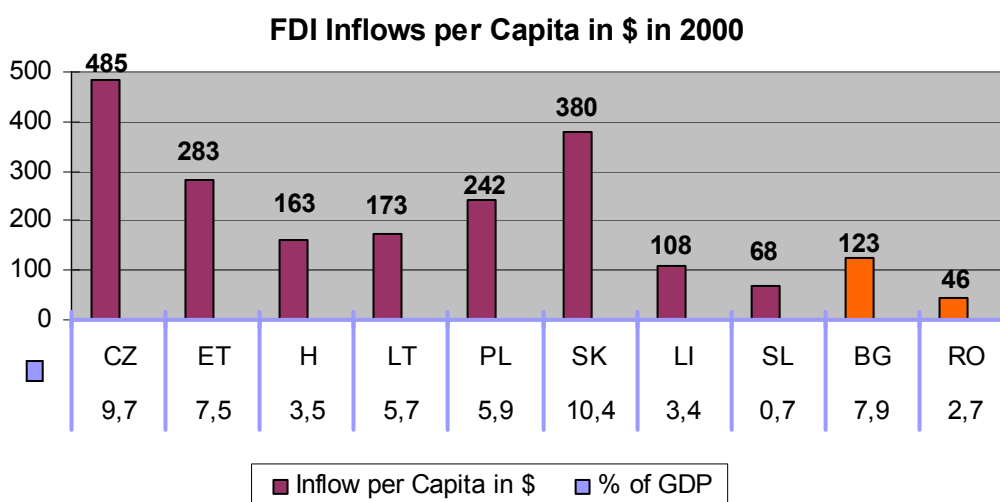
<sup>388</sup> The figures do not exclusively reflect the investment of EU15 companies, but comprise FDI inflows originating from the USA.

<sup>389</sup> Cf, *Smarzynska, Javorcik, B.*, The American Economic Association, The American Economic Review, June 2004, Vol. 94, No. 3, Nashville 2004, p. 610.

<sup>390</sup> Cf, *Moatti, S.*, La nouvelle géographie économique de l'Europe, in: Alternatives Économiques, No. 225, May 2004, Paris 2004, p. 10.

Hence, in certain countries the foreign investments hold a comparably high proportion of the GDP per capita. The following diagram reflects firstly the financial inflows per person and secondly the share they take of the overall Gross Domestic Product in the corresponding country.

Table 37: FDI Inflows per Capita and their Share of overall GDP in East Europe<sup>392</sup>.



Estimates consider 20% to 25% of the capital inflows to be delocalized from the former FDI locations, including France.<sup>393</sup> An example for the tendency of delocalization is Germany. According to an inquiry at numerous German enterprises, the German economy will delocalize around 150,000 jobs until 2007. 43% of those will be shifted to Eastern Europe.<sup>394</sup>

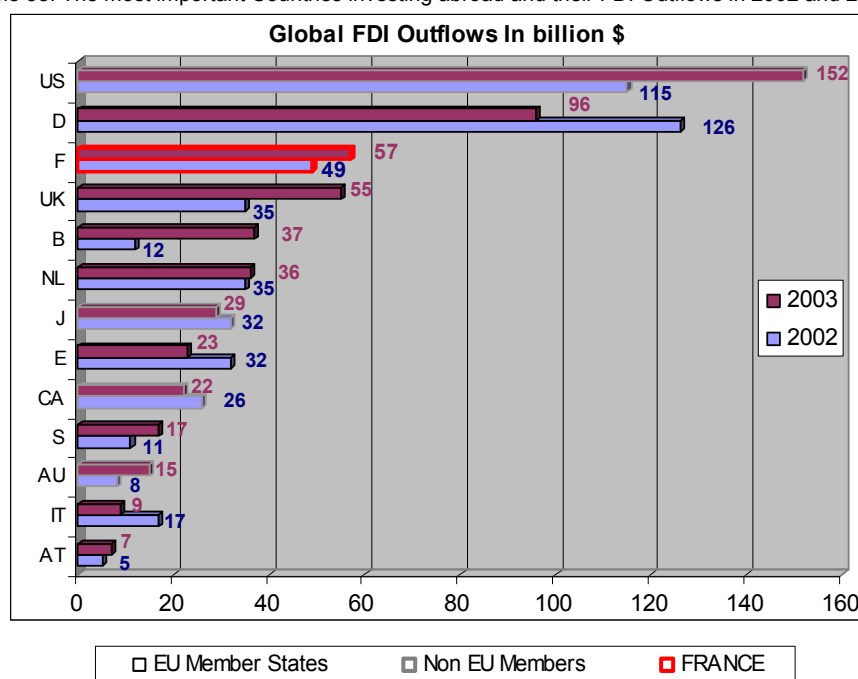
But also France holds a considerable share of the total amount of direct investments in Eastern Europe. The FDI outflows from France are steadily increasing. A graphical presentation of the most important countries investing in low-wage-countries with their Foreign Direct Investment outflows in 2002 and 2003 is given below.

<sup>391</sup> Cf. *Merlot, P.*, l.c., 2004, p. 14.

<sup>392</sup> Cf. *Smarzynska, Javorcik, B.*, l.c., 2004, p. 610.

<sup>393</sup> For information on FDI flowing to France, see chapter 4.4, page 85.

<sup>394</sup> Cf. Radio Bayern 1 Nachrichten, 11h00, 02/20/2005, Munich 2005.

Table 38: The most important Countries investing abroad and their FDI Outflows in 2002 and 2003<sup>395</sup>

Large parts of those outflows from France went to the new EU member states.

The competitiveness in Eastern Europe is growing steadily. Most of those countries have a comparably high degree of openness,<sup>396</sup> reaching from 28% in Poland, over 71% in the Czech Republic, up to 91% in Estonia.<sup>397</sup> This proves that they have become important export nations. Whereas imports from Eastern Europe presented less than 3% of the EU overall importations in 1990, they have exceeded 10% in 2002.<sup>398</sup> It is certain that a noticeable share of those exports to Western Europe represent in fact flows of products, originating from EU15 enterprises, which have previously delocalised their production to those countries and now export back to their countries of origin. This applies especially to German, but also French companies.

<sup>395</sup> Cf, Le bilan de l'économie mondiale en 2003, Sorties d'IDE dans le monde, les vingt premières provenances, in: Problèmes économiques, No. 2860, 10/13/2004, Paris 2004, p. 24.

<sup>396</sup> The degree of openness is measured regarding the proportion of exports and imports at the GDP.

<sup>397</sup> Acc, Moatti, S., Alternatives Économiques, La nouvelle géographie économique de l'Europe, No. 225, May 2004, Paris 2004, p. 9.

<sup>398</sup> Cf, Duval, G., Alternatives Économiques, Combien pèsent les délocalisations ?, No. 229, October 2004, Paris 2004, p. 53.

On the other hand, according to the study “Pay in Europe 2005”, published on May 2<sup>nd</sup> 2005 by the *Federation of European Employers*, the gap in salaries across Europe is narrowing, as the richest states adapt to global competition and the poorest Europeans enjoy a rapid pay rise due to economic growth and inward investments in their countries. Its authors refer to the case of Denmark and Romania. While in 2001, average hourly remuneration in Denmark was 39 times higher than in Romania, by February 1<sup>st</sup> 2005, the gap had narrowed to just 22 times. The reason for this is that during the period from 2001 to 2005, hourly wages in Denmark has risen by only 18%, whilst in Romania it has risen by 115%.<sup>399</sup> In addition, the share of FDI of the new member states’ GDP has decreased from 7% in 1998 to 2.5% in 2002<sup>400</sup>. This indicates that there is a tendency for redirection of FDI from those countries to other emerging regions.

Because of all those economic misgivings, leading to an “enlargement fatigue”, especially in France, several analysts have identified the enlargement as one of the main reasons for the French refusal of the European Constitutional Treaty.

However, the report, analyzing the economic implications of the recent EU enlargement that was published the 3<sup>rd</sup> of May 2006, shows that on the whole the enlargement two years ago has been an economic success for all member states in both the Western and the Eastern part of Europe.<sup>401</sup>

Commenting the report, Joaquín Almunia the current Economic Affairs Commissioner said that the number of jobs delocalised to the new member states equals merely around 1 to 1.5% of total employment in the EU15. He added that “*investments in the new member states have been mainly originated by privatisation – not by substitution of activities in the old member states*”.<sup>402</sup>

In January 2006, Mr Barroso called for avoidance of “*nationalistic feelings*” in this context and argued that “*it is still better if companies move within rather than outside the EU.*” Also Günther Verheugen, the current Commissioner for industry

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<sup>399</sup> Cf, *Kubosova, L.*, EU-Observer, Pay gap in Europe decreasing, <http://euobserver.com/?aid=18571&rk=1> [state: 03/03/2005].

<sup>400</sup> Cf, *Merlot, P.*, l.c., 2004, p. 14.

<sup>401</sup> Cf, *Mahony, H.*, EU-Observer, Brussels hails enlargement success story, <http://euobserver.com/9/21497/?rk=1> [state: 05/03/2006].

<sup>402</sup> Cf, *Almunia, J.*, quoted on: EU-Observer, Brussels hails enlargement success story,

and former enlargement Commissioner agreed with that perception stating that company relocations are “...*better within Europe than to China.*”<sup>403</sup>

How broad the spectrum of perceptions on the Constitutional Treaty’s role in the context of “libéralisme” is in France, shows the example of the “Oui”-partisans within the PS, who even identified the treaty as a forerunner of “*Une Europe plus protectrice*”.<sup>404</sup> Up to a certain degree, the interpretation of the EU as a protectionist actor is actually accurate. The appearance of the phenomenon of delocalisation is not so much connected to the Internal Market, as for instance the migration of labour, due to the mobility of persons provided by the Internal Market legislation. Delocalisation is rather a visible manifestation of globalisation. That development takes place with and without the European Union, since due to the WTO, trade barriers are anyway being tackled down on a global scale, allowing for increasing free trade and the possibility of re-exporting of products from low-wage-countries to Western Europe. Consequently, especially in the long-term, the European Union can rather be seen as a way of protection from the challenges of the world-wide economic integration and global markets. Ironically the French population actually seems to share that opinion.<sup>405</sup> Dominique de Villepin has identified the enlargements as main reason for the rejection of the European Constitution by its fellow-citizens. During a conference in January 2006 he stated the reason for that was that the “...*enlargement was not sufficiently prepared on the economic front*” and straightened out that “*we went ahead without deepening.*”<sup>406</sup>

Paradoxically, exactly the draft constitution that has been refused by the French electorate would have provided for that deepening. In the next chapter, the significance of the newly emerging competitors in East Asia shall be put into contrast.

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<http://euobserver.com/9/21497?rk=1> [state: 05/03/2006].

<sup>403</sup> Cf, *Kubosova, L.*, EU-Observer, No EU funds for firms moving East, says Germany <http://euobserver.com/?aid=20771&rk=1> [state: 01/25/2006].

<sup>404</sup> Cf, Ouisocialiste, 5 raisons de dire Oui à la Constitution européenne, <http://www.ouisocialiste.net/> [state: 05/29/2006].

<sup>405</sup> See the Eurobarometer survey below, page 111.

<sup>406</sup> Cf, *De Villepin, D.*, quoted on: Brits, Poles and Danes would also reject EU charter, Dutch PM suggests,

## 5.2 The virtual economic Challenge in the East

*“La Constitution, c'est le rêve européen face au modèle américain et à la puissance chinoise.”<sup>407</sup>*

As François Bayrou, the head of the very pro-European party UDF has obviously recognised; much further in the East of the Eurasian double-continent, there are currently other “Tiger States” emerging and gaining a considerable share of world trade in a high pace.

Actually, if Bayrou was right, the French should be the greatest supporters of the European Constitution, since according to surveys, no population in the EU15 is more opposed to the “modèle américain” than the French. 83% of the citizens polled by Eurobarometer in France, about the implications of globalisation stated that the United States of America have too much influence on this phenomenon.<sup>408</sup>

Furthermore, in the course of the same survey, the interviewees were also asked the same question concerning the influence of the European Union. Here, most of the French were of the opinion that the EU did not have enough influence and its role in that context should be increased.<sup>409</sup> That indicates that most people in France have recognized that the European Union cannot only be an intensifier of globalisation but also a protection against the newly emerging markets, as identified by Günther Verheugen and François Bayrou. The economic backgrounds of the emerging threats in Asia, attracting French enterprises to delocalise on their territory shall be regarded by means of certain important economic figures.

As emerging economies can be specified mainly India, where the stock of FDI has been decupled from around 0.5% of its GDP in 1990 to over 5% in 2002,<sup>410</sup> due to its significantly growing high tech and software industry. Moreover Russia, which

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<http://euobserver.com/?aid=20789&rk=1> [state: 01/27/2006].

<sup>407</sup> Cf, Bayrou, F., quoted in: Lebegue, T., Bayrou-Sarko, duo minimal pour le oui, in: Libération, 05/17/2005.

<sup>408</sup> Cf, Eurobarometer, Flash 151b, l.c, p. 43.

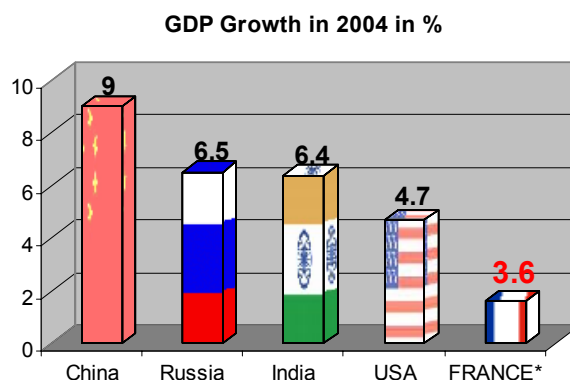
<sup>409</sup> Also in this case, France was the EU15 country where the largest majority of citizens shared that opinion.

Cf, Eurobarometer, Flash 151b, l.c, p. 47.



recovered from the initial uncertainties and transition problems to a market economy. But above all China, which is to an increasing degree opening its markets, is transforming in an extremely high pace into a global Super Power in terms of trade. The next table shall point out the current growth of these booming economies compared to France and the USA.

Table 39: French and US GDP Growth in 2004 compared to 3 emerging economic Powers<sup>411</sup>



The newly flourishing markets are already attracting important economic engagement from the industrialised nations and have this way become a significant competitor for Eastern Europe concerning Foreign Direct Investment, partly originating from France.

There are already several multinational enterprises from France shifting their facilities from Eastern Europe to the emerging markets.<sup>412</sup> The tendency of delocalisation to Eastern Asia has already started about 20 years ago, but was intensified to considerable extents during the subsequent decades. While China received a comparably low total FDI inflow of 2.834 billion \$ in 1986, after nine

<sup>410</sup> Cf, Quatrième forum social mondial, L'Altermondialisme débarque en Inde, in: *Alternatives Internationales*, No. 12, January-February 2004, Paris 2004, p. 6 & 7.

<sup>411</sup> Cf, *Follath, E./Jung, A./Lorenz, A./Simons, S./Wagner, W.*, China ein Land verändert die Welt, Das Reich der Mitte, Wirtschaftswachstum, in: *Der Spiegel*, No. 42, 10/11/2004, Hamburg 2004, p. 112.

In connection with:

Cf, United States, Central Intelligence Agency, World Fact Book, France, Economy, GDP – real growth rate,

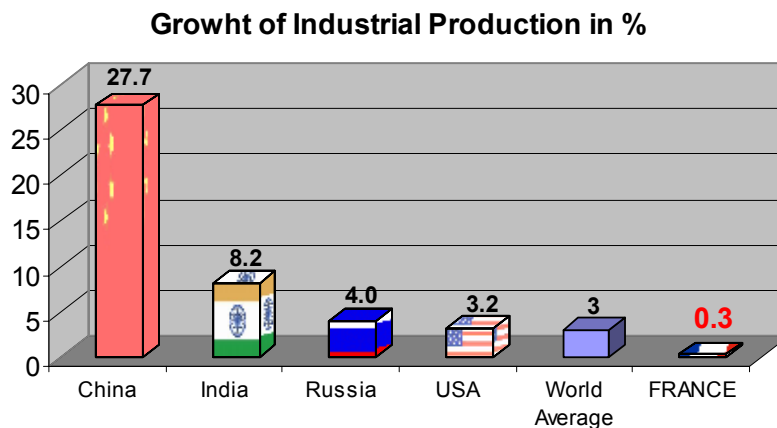
<http://www.cia.gov/cia/publications/factbook/geos/fr.html> [state: 05/09/2006].

\* The figure for France is from 2005.

<sup>412</sup> Cf, *Crucifix, I./Grosser, A.*, Les pays de l'Union européenne, les études de la documentation Française, edition of 2003, Paris 2003, p. 189 – 190.

years this figure has increased by almost 3000% to 91.282 billion \$ in 1995.<sup>413</sup> Hence, the growth in industrial production of the 3 three emerging trade powers and above all the leap of China, is partly caused by the increasing money inflows from the USA and the EU into the countries. A comparison of those growth rates, in 2003 is given underneath.

Table 40: French and US industrial Production Growth in 2003 compared to 3 emerging economic Powers<sup>414</sup>

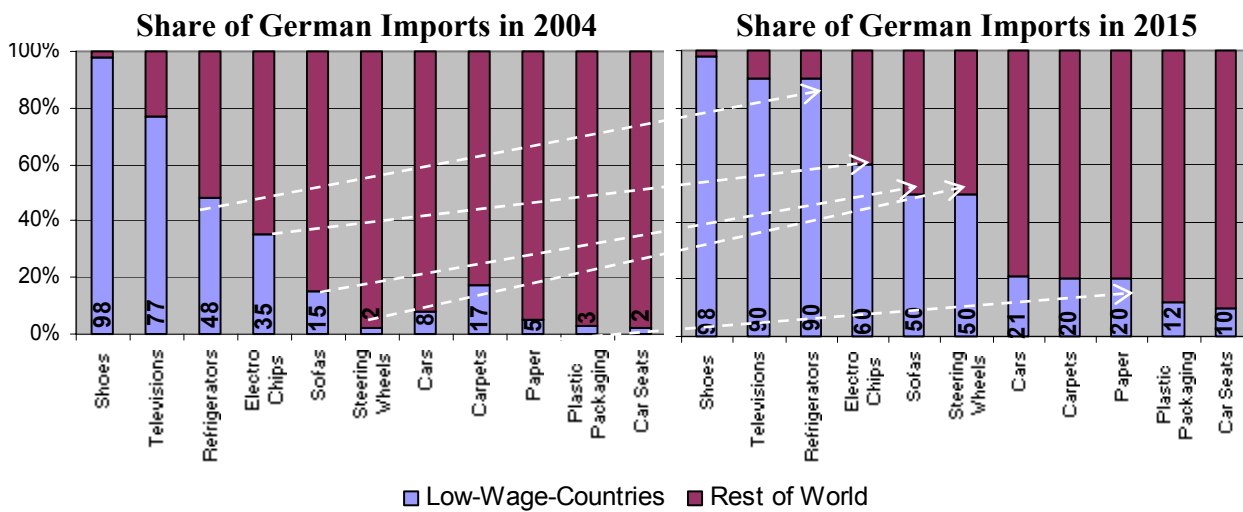


Already in 2004, there were certain merchandises, which have almost exclusively been produced in low-wage-countries; and due to the continuing and even augmenting tendency of shifting production facilities towards East and South; in future years the same situation will prospectively apply on certain other types of manufactures.

In 2004, the *Boston Consulting Group* analysed the origin of certain goods imported by Germany, as Europe's largest economy, before France. In this connection, was recorded how large was the share of those goods, exported by low-wage-countries to Germany in 2004. Furthermore, calculations were made and a prognosis was drawn up, on how these shares will develop until 2015. The result of those investigations is graphically reproduced below.

<sup>413</sup> Cf, *Bacconnier, G.*, *l'Espace Asie-Pacifique en fiches, Comprendre et intégrer, Concours commerciaux*, Bréal, Rosny 1998, p. 119.

<sup>414</sup> Cf, United States, Central Intelligence Agency, *World Fact Book, Rank order - Industrial production growth rate*, <http://www.cia.gov/cia/publications/factbook/rankorder/2089rank.html> [state: 11/06/2005].

Table 41: Comparison of the Origins of German Imports in 2004 and 2015<sup>415</sup>

The situation of Germany in this connection is representative for the entire European Union. Thus, the prognosis about company delocalisation to Asia can equally be applied on France, since the term “Low-Wage-Country” refers to the newly emerging economies in Asia; i.e. particularly to China.<sup>416</sup>

A very striking example for the shift of production of certain goods to China is the textile sector. The abolishment of import quotas in the EU for textile products towards China, by January 1<sup>st</sup> 2005, led to an immense increase of Chinese exports of this kind to the European Union, which caused an enormous pressure of competition for the producers in the member states.<sup>417</sup>

The European Commission has recorded that for instance in the first 4 months of 2005; the EU imports of pullovers from China have been increased by 530%, leading to a decline in market prices of 42% for those products.<sup>418</sup> The pace of that development can be pointed out, comparing the figures for overall trade between the EU and China. In 2002, China exported goods in a value of 104.5 billion € to the EU.<sup>419</sup> Just two years later, in 2004 this figure has reached a

<sup>415</sup> Cf, *Hawranek, D./Hornig, F./Jung, A.*, Kampf mit ungleichen Waffen, der Opel-Standort Bochum hat gegen das Werk im polnischen Gliwice keine Chance, in: *Der Spiegel*, No. 44, 10/25/2004, p. 106.

<sup>416</sup> The term does not refer to the Eastern European EU member states, since according to the *Boston Consulting Group* the wages in Eastern Europe will approximate the Western European ones in the near future.

<sup>417</sup> Cf, *Algieri, F.*, Die Außenpolitik der EU, Asienpolitik, in: *Jahrbuch der Europäischen Integration 2005*, Institut für Europäische Politik, Berlin 2005, p. 255.

<sup>418</sup> Cf, *Monar, J.*, Die Außenpolitik der EU, Außenwirtschaftsbeziehungen, in: *Jahrbuch der Europäischen Integration 2005*, Institut für Europäische Politik, Berlin 2005, p. 226.

<sup>419</sup> Cf, *Duval, G.*, l.c., p. 52.

value of 127 billion €. Already around 10% of US-American and 8% of EU importations originated from China in 2003, with a growing tendency. The exports from the EU to China have reached less than half of that value,<sup>420</sup> creating a Balance of Trade deficit for the EU of 78.9 billion €. <sup>421</sup> So, in 2003 China has even overtaken Mexico as the largest exporter to the United States of America.<sup>422</sup>

Hence, even in case of a favourable development of the international business climate, France now has to compete with emerging economies far beyond the borders of Europe, providing more favourable features, concerning production costs, than any country inside the European Union or aiming to access the market. In the eyes of 58% of the French, globalisation represents a menace for employment and companies in France, whereas only 40% see it as chance due to the newly opening markets for their exports.<sup>423</sup> However, as seen above, the economic and social “menace” for Western Europe, at least in the mid-term, does not lie directly beyond the former Iron Curtain, but much further in the East. Therefore, the economic integration within the regional Super Power EU could also be seen as a way of protection from the negative consequences of globalisation.

However, the economic misgivings connected with globalisation and the actual EU enlargements in 2004 and 2007 were not the only perceived “peril” from abroad. Stoked up by systematic propaganda an additional “Tête de Turc”<sup>424</sup> has been created in the minds of a part of the French voters, also to be found in Europe’s East; namely the pretended accession of Turkey to the European Union.

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<sup>420</sup> Cf, *Chavagneux, C./Frémeaux, P.* Une mondialisation à plusieurs vitesses, in: *Alternatives Économiques*, No. 225, May 2004, Paris 2004, p. 53.

<sup>421</sup> Cf, Eurostat Pressemitteilung 109/2005, 09/02/2005, Gipfel EU-China und Gipfel EU-Indien, China zweitgrößter, Indien neuntgrößter Handelspartner von EU25, [http://epp.eurostat.cec.eu.int/pls/portal/docs/PAGE/PGP\\_PRD\\_CAT\\_PREREL/PGE\\_CAT\\_PREREL\\_YEAR\\_2005/PGE\\_CAT\\_PREREL\\_YEAR\\_2005\\_MONTH\\_09/6-02092005-DE-BP.PDF](http://epp.eurostat.cec.eu.int/pls/portal/docs/PAGE/PGP_PRD_CAT_PREREL/PGE_CAT_PREREL_YEAR_2005/PGE_CAT_PREREL_YEAR_2005_MONTH_09/6-02092005-DE-BP.PDF) [state: 05/11/2006].

<sup>422</sup> Cf, La crise des maquiladoras au Mexique, Au Sud aussi, les firmes délocalisent, in: *Alternatives Internationales*, No. 15, July-August 2004, Paris 2004, p. 18.

<sup>423</sup> The French are by far the most sceptical in that context within the EU15. Thus, France belongs to the only three countries, beside Belgium and Greece, where the scepticism towards globalisation outweighs the hopes connected to it.

Cf, Eurobarometer, Flash 151b, l.c.

<sup>424</sup> “Tête de Turc” is a term in the normal French linguistic usage that has no anti-Turkish or xenophobic connotation, meaning “scapegoat”.

### 5.3 Turkey, the “Tête de Turc”

*“Turkey will not accept becoming a toy in the French election campaign.”*<sup>425</sup>

That phrase was related to the presidential elections in May 2007. However, ironically Turkey has already been a “toy” in the “antedated presidential elections”; namely the plebiscite on the European Constitution.

While commenting the currently ongoing negotiations on the potential accession of Turkey to the European Union during a summit, in January 2006, The French Prime Minister Dominique de Villepin made unmistakably clear: *“The outcome of the process will remain open, and the last word will be with the French people.”*<sup>426</sup> How it did come about that the French people can directly decide on the EU admission of Turkey and what role the Eurasian country has played concerning the fate of the European Constitutional Treaty shall be regarded in this chapter.

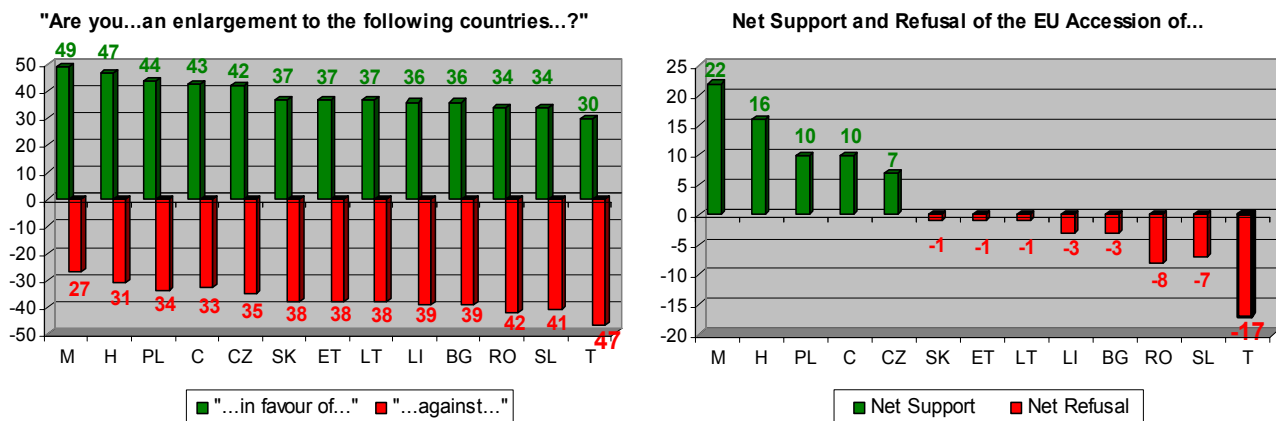
The potential accession of Turkey has more than anything else polarised the political debate in 2005.<sup>427</sup> The country has always been a special case concerning the enlargements of the European Union. In 1999, 3 years before the European Council of Copenhagen took place, which decided on the 10 candidates to join the EU in 2004, the EU15 population was polled by Eurobarometer about their opinion towards the potential EU entry of the 13 candidate countries of that time. The outcome with the outstanding result in the case of Turkey is illustrated by means of the two following graphs.

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<sup>425</sup> The head of the Turkish parliament's foreign affairs commission, Mehmet Dulger said that in May 2006, due to intense disagreements with France concerning Armenian genocide. Cf, *Küchler, T.*, EU-Observer, Turkey and France clash over Armenia 'genocide', <http://euobserver.com/9/21543/?rk=1> [state: 05/09/2006].

<sup>426</sup> Cf, *De Villepin, D.*, l.c.

<sup>427</sup> Cf, *Weidenfeld, W.*, Die Bilanz der Europäischen Integration 2005, in: Jahrbuch der Europäischen Integration 2005, Institut für Europäische Politik, Berlin 2005, p. 20.

Table 42: Acceptance and Refusal of an Accession in the EU15 by Candidate Country in 1999<sup>428</sup>

The graphs reveal that there was a net support only for the Central European and the island states, whereas Turkey's application is faced with by far the strongest refusal from the citizens of the "old" EU member states. In the European average, that seems to have changed over the past years, since according to a survey, conducted by *EOS Gallup Europe* in July 2004, 30% of the EU citizens shared the opinion that a membership of Turkey was in general positive for the EU, whereas just 20% thought it would be negative and 40%, did not state an opinion.<sup>429</sup> That indicates that in the whole EU there has actually been a net acceptance at that time.<sup>430</sup>

However, among the French population, the rejection is very strong, lying well above the EU15 average. According to a survey carried out shortly after the start of negotiations with Turkey, in October 2005, 60% of the French are against the integration of Turkey into the union.<sup>431</sup> Especially the opponents of the European Constitutional Treaty are by a very large majority against the entry of Turkey, as a later survey, in January 2006 has revealed. The following graph reflects the stated refuse of Turkey's accession in relation to the respective vote on may 29<sup>th</sup> 2005, compared to the negative opinion towards the other candidate state Croatia.

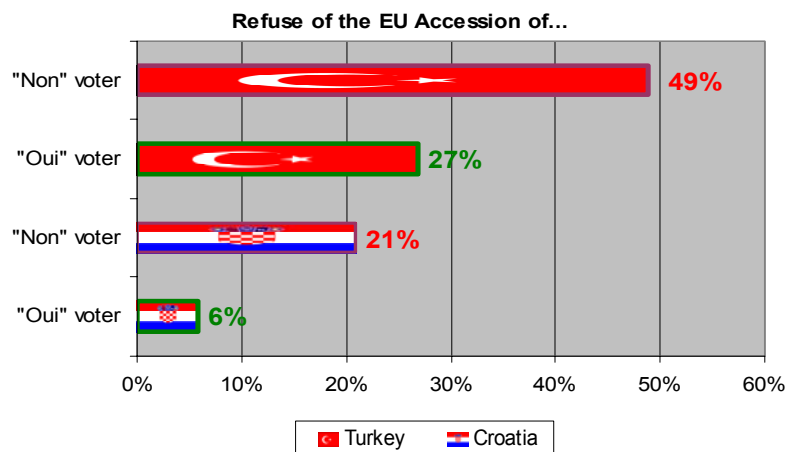
<sup>428</sup> Cf, European Commission, *How Europeans see themselves*, l.c., p. 40.

<sup>429</sup> *Preuss, J./Zand, B.*, l.c., 2004, p. 25.

<sup>430</sup> Despite of the enlargement that had taken place the month before, the survey has been conducted solely in the EU15 member states.

<sup>431</sup> That was the third highest rate of refusal within the EU after Austria with 80% and Germany with 74%.

Cf, *Fredet, J-G.*, *Les difficultés commencent, Feu vert pour Ankara*, in: *Le Nouvel Observateur*, 10/06/2005, p. 90.

Table 43: Refusal of an EU Accession of Turkey and Croatia in relation to the vote on May 29<sup>th</sup> 2005<sup>432</sup>

The graph reveals two striking facts. Firstly, by far the most people who stated to be against Turkey in the EU have also voted “Non” in the referendum on the European Constitution. Secondly, there is not such a strong refusing attitude towards Croatia among the French. As seen, in the case of the recent Eastern enlargement, primarily economic arguments played a role. The “Turkish Question” stands in contrast to that, since here, beside the economic implications, particularly political and cultural aspects are emphasised. Eckart Stratenschulte has couched the reasoning in the words: “*Vielen ist die Türkei zu groß, zu arm und zu anders.*”<sup>433</sup> Medard Ritzenhofen even sees the origin of the critical attitude in France towards Turkey, in “*...rechte Hintergedanken*”.<sup>434</sup> The European Union has never explicitly defined the borders of this subcontinent<sup>435</sup> and according to the French philosopher and Nobel Prize-laureate in literature Henri Bergson: “*Les frontières de l'Europe sont dictées par les valeurs, non par la géographie.*”<sup>436</sup> Also in the scientific discussion, there is a tendency to define Europe,<sup>437</sup> not regarding its religious roots and geographic limitations, but as an idea and a

<sup>432</sup> Cf, Eurobarometer, Flash, Quelle Europe, l.c., p. 39.

<sup>433</sup> Cf, *Stratenschulte, E.*, Wie geht es weiter mit der Türkei, Der Beitrittsprozess braucht eine Rahmenvereinbarung, in: *Internationale Politik*, No. 8, 2005, p. 76.

<sup>434</sup> Cf, *Ritzenhofen, M.*, Viele Gegner, falsche Freunde, Der Ausgang des französischen Referendums ist ungewiss, in: *Dokumente*, Zeitschrift für den deutsch-französischen Dialog, No. 2, April 2005, p. 9.

<sup>435</sup> However, in 1987 the European Communities have refused the application of Morocco due to geographic reasons.

Cf, *Weidenfeld, W./Wessels, W.*, Europa von A bis Z, Erweiterung, Berlin 2006, p. 121.

<sup>436</sup> Cf, *Michnik, A.*, Gloire au plombier polonais, in: *L'Express*, 06/06/2005.

<sup>437</sup> It is interesting to note in that connection, that Turkey has been a member of the Council of Europe since August 1949 and was by that one of the first members of this “European” institution.

mental or cultural achievement.<sup>438</sup> However, a large part of the European population, especially in France is of the opinion that Turkey neither geographically nor culturally nor religiously belongs to “Europe” and thus, does not fit into the European Union. Thus, the Front National and Phillipe de Villiers have warned in their election campaigns on the European Constitution of an “Islamisation de l’Europe” and “l’Europe Turque”.<sup>439</sup> It is a fact that the large majority of Turks is Muslim. However, it is also a matter of fact that there are two constitutionally secularist states in Europe; namely France and Turkey.<sup>440</sup>

The entire campaign against the Turkish membership was irrational since the European Constitution has no direct connection to a potential entry of Turkey, even though this has been claimed by Le Pen and de Villiers.<sup>441</sup> The famous Article 49 of the Treaty on the European Union, which was already concluded during the European Council of Maastricht on February 7<sup>th</sup> 1992, stipulates that “*Any European State which respects the principles set out in Article 6 (1) may apply to become a member of the Union*”. Those principles, outlined in Art. 6. (1) TEU, comprise liberty, democracy, respect for human rights and fundamental freedoms, as well as the rule of law.

The Treaty establishing a Constitution for Europe, defines the conditions of eligibility for accession to the union under its in Art. I-58 (1) as follows: “*The Union shall be open to all European States which respect the values referred to in Article I-2, and are committed to promoting them together*”. The values referred to and stipulated in Art. I-2 TCE, are defined as respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Further the Article states that “*These values are common to the Member States in a society in which*

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Cf, Le Conseil de l’Europe, 800 millions d’Européens, Strasbourg, 2004, p. 7.

<sup>438</sup> Cf, *Mittelstrass, J.*, Europa erfinden. Über die europäische Idee, die europäische Kultur und die Geisteswissenschaften, in: *Merkur*, No. 1 2005, p. 29-37.

<sup>439</sup> See for instance appendix 1, pages XI & XII.

<sup>440</sup> Article 2 of the Constitution of the Republic of Turkey states: “*The Republic of Turkey is a democratic, secular and social state...*”

Article 1 of the Constitution of 5<sup>th</sup> Republic stipulates: “*France shall be an indivisible, secular, democratic and social Republic...*”

<sup>441</sup> See chapter 3.3, page 53.



*pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”*

Hence, apart from a slight redraft of the exact wording of the principal prerequisites for eligibility for accession and a specified and extended description of values or principles, which have to be adhered to, there are no fundamental treaty amendments, which would facilitate the admission of a state like Turkey, proposed by the European Constitutional Treaty. Even a compliance of those prerequisites does not automatically grant a legal entitlement for an admission.<sup>442</sup>

In addition, according to Art. I-58 (2) TCE, the Council of the European Union, as the voice of the member states' national interests, shall decide unanimously on any application to the European Union. This regulation guarantees a veto right for all current member states, like France on the admission of a third country to the union. So, France would still have been able to block an accession of Turkey to the European Union in the Council.<sup>443</sup> Thus, there are no direct judicial or political links between the ratification of the drafted treaty and a potential entry of Turkey into the European Union. However, as already seen with several other alleged factors, notwithstanding the actual facts, the potential entry of Turkey has become one of the main issues in the French debate on the ratification of the Constitutional Treaty, due to the obviously successful propaganda campaign of actors like Philippe de Villiers and the Front National.

Aware of the unpopularity of an EU enlargement to Turkey and the falsely established connection with the European Constitution, the French president Jacques Chirac, who is a downright supporter of an accession of Turkey to the European Union, aimed to disconnect the “Turkish Question” from the debate on the European Constitution in France, with a strategic move. He initiated an amendment of the French Constitution that any accession of additional states to the European Union after the admission of Bulgaria, Romania and Croatia, has to be ratified in terms of a plebiscite in France. This intention met high backing by

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<sup>442</sup> Cf. *Hummer, W.*, Die Union und ihre Nachbarn – Nachbarschaftspolitik vor und nach dem Verfassungsvertrag, in: *Integration* No. 2, 2005, p. 234.

<sup>443</sup> Historically, France made two times use of its veto right against the accession of the UK, Ireland and Denmark, under its then president Général Charles De Gaulle.

almost any political party in France and could therefore put in practice on March 1<sup>st</sup> 2005, thus about three months before the referendum on the European Constitution.<sup>444</sup> But the primary goal of this amendment, at least for Chirac, i.e. a decoupling of the two, anyway different, issues in the public debate could not be achieved. The alleged doorway for the entry of Turkey to the EU stayed one of the most important arguments of the Constitution's opponents, particularly on the right political side. Hence, it was until the end of the election campaign, the major argument used by FN and MPF, appearing practically on any poster, sticker or brochure of the parties, as well as being used in a very polemic way during each panel discussion, by the parties' representatives. Therefore, 6% of the French stated explicitly the pretended admission of Turkey as reason for their refusal of the treaty. Taking into account that the "Non" has won with a difference of 4.68% those 6% have been crucial. Paradoxically, the strategic amendment of the French Constitution was not only without effect for the fate of the European Constitution, but it also gave way to the situation, Dominique de Villepin alluded to in January 2006. After the potential EU entry of Croatia, any further EU enlargement will depend on the benevolence of the French people. Hence, taking into account the general rejection of enlargements among the French, future extensions of the union will probably be faced to immense difficulties; and especially an entry of Turkey has become unlikely, at least in the mid-term.

According to Matthias Wächter, there is a strong connection between the "Turkish Question" and the general fear of losing national sovereignty in France. He supposes that with regard to sharing sovereignty within a supranational body, as the EU, a particular uneasiness towards the Turkey prevails among a large share of the French population. He described that presumed feeling as: "*Wir liefern uns da den, dann 80 Millionen, Türken aus, die uns überstimmen können...*"<sup>445</sup>

This general aversion against a potential loss of national sovereignty shall be regarded briefly in the following chapter.

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<sup>444</sup> **Article 88-5** was added to **Title XV** (on the European Communities and the European Union) of the Constitution of the 5th Republic. The article stipulates that: "*Any legislative proposal authorising the ratification of a Treaty pertaining to the accession of a State to the European Union and to the European Communities shall be submitted to referendum by the President of the Republic.*"

<sup>445</sup> Cf. *Wächter M.*, l.c., page XXVII.

## 5.4 The “Grande Nation” in the European Melting-Pot

*“La France ! Voici un mot que l’on ne prononce pas assez souvent. [...] La France c’est une nation qui a souvent montré le chemin au monde...”*<sup>446</sup>

According to a share of the citizens of that “Grande Nation”, the increasing role of the European Union and that pretension of their fatherland are incompatible.

The preamble of the refused constitution points out that its signatories are: *“Convinced that, while remaining proud of their own national identities and history, the peoples of Europe are determined to transcend their former divisions and, united ever more closely, to forge a common destiny”*.

The European Union is a compound “sui generis” and not least due to its uniqueness in the world very difficult to classify. There is a number of different definition attempts in the scientific debate, ranging from the simple intergovernmental notion of an “International Organisation”,<sup>447</sup> over the famous definition as a confederal “Staatenverbund” by the German Federal Constitutional Court,<sup>448</sup> further over a kind of “fédéralisme coopératif sans État”,<sup>449</sup> up to the already very supranational approach of a “post-modern state”<sup>450</sup> or even the “supranation-state of Europe”.<sup>451</sup> Thus, dependant on the respective author, there is a magnitude of totally different concepts of what the European Union actually represents. Most of those concepts are settled between the two diverse ideas of a kind of “Confederation” or a more supranational “Federation”, which are defined by partly overlapping characteristics.

<sup>446</sup> Nicolas Sarkozy, the current president of the governing party UMP and aspirant for the French presidency with good prospects, during a speech at a UMP summer university in 2005. Cf. *Sarkozy, N.*, quoted in: *Le premier prône la « rupture », le second le « sursaut »...*, Sarkozy – Villepin, in: *Le Nouvel Observateur*, No. 2133, 09/22-28/2005, p. 60.

<sup>447</sup> Cf. *Rittberger, V.*, *Internationale Organisationen. Politik und Geschichte*, Opladen 1994, p. 27.

<sup>448</sup> Cf. *Bundesverfassungsgericht : Urteil vom 12. Oktober 1993, (2 BvR 2134, 2159/92)*, *Maastrichtvertrag*, in: *Entscheidungen des Bundesverfassungsgerichts*, No. 17, Tübingen 1994, p. 156.

<sup>449</sup> Cf. *Quermonne, J-L.*, *De l’Espace public au modèle politique*, in: Mény/Muller/Quermonne (ed.), *Politiques Publiques en Europe*, Paris 1995, p. 345.

<sup>450</sup> Cf. *Caporaso, J.*, *The European Union and Forms of State*, *Westphalian, Regulatory or Post-Modern?*, in: *Journal of Common Market Studies* No. 1 1996, p. 44 et seqq.

Jean Monnet emphasised in his integration approach the so-called “fusion de parcelles de souveraineté”. Hence, in a limited area, real sovereignty is to be given to a higher level, i.e. the European Communities.<sup>452</sup> At the same time however, Monnet, who was a partisan of a political union, constantly underlined his intention of a “finalité fédérale”. Hence, he wanted to progressively build up a European Federation.<sup>453</sup> This intention has forthrightly been stated by Robert Schuman during his revolutionary declaration on May 9<sup>th</sup> 1950, making clear that the ECSC, in the eyes of Monnet and him, was the “...*première étape de la Fédération européenne*...”<sup>454</sup> Also the former President of the European Commission Jacques Santer is likewise convinced that “*l’Union politique se fera par le fédéralisme ou ne se fera pas*.”<sup>455</sup> Hence, also the European Constitution would mean a further “fusion de parcelles de souveraineté”, à la Monnet.

In institutional terms, the two major changes proposed by the Treaty establishing a Constitution for Europe, were the establishment of a Foreign Minister of the European Union,<sup>456</sup> as well as the election of a single President of the European Council for a term in office of two years and a half, by a Qualified Majority of its members.<sup>457</sup> Those treaty changes would signify a symbolically significant transfer of national sovereignty to the supranational level.

In the first survey carried out on behalf of the European Commission after the first presentation of the constitutional draft’s actual contents, the population of the EU15 and the candidate countries of that time were, among other things, asked

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<sup>451</sup> Cf, *Isensee, J.*, Integrationsziel Europastaat?, in: Due/Lutter/Schwarze (ed.), Festschrift für Ulrich Everling, Baden-Baden 1995, p. 569.

<sup>452</sup> Cf, *Wilkens, A.*, Interessen verbinden, Jean Monnet und die europäische Integration der Bundesrepublik Deutschland, Bonn 1999, p. 8.

<sup>453</sup> Cf, *Pinder, J.*, Some Problems of Economic Union in the EEC, in: *World Today*, 24<sup>th</sup> edition, 1968, p. 88–110.

<sup>454</sup> Cf, *Schuman, R.*, La Déclaration du 9 mai 1950, on: Europa, Symboles de l’Union européenne, La Déclaration du 9 mai 1950, [http://europa.eu/abc/symbols/9-may/decl\\_fr.htm](http://europa.eu/abc/symbols/9-may/decl_fr.htm) [state: 05/30/2006].

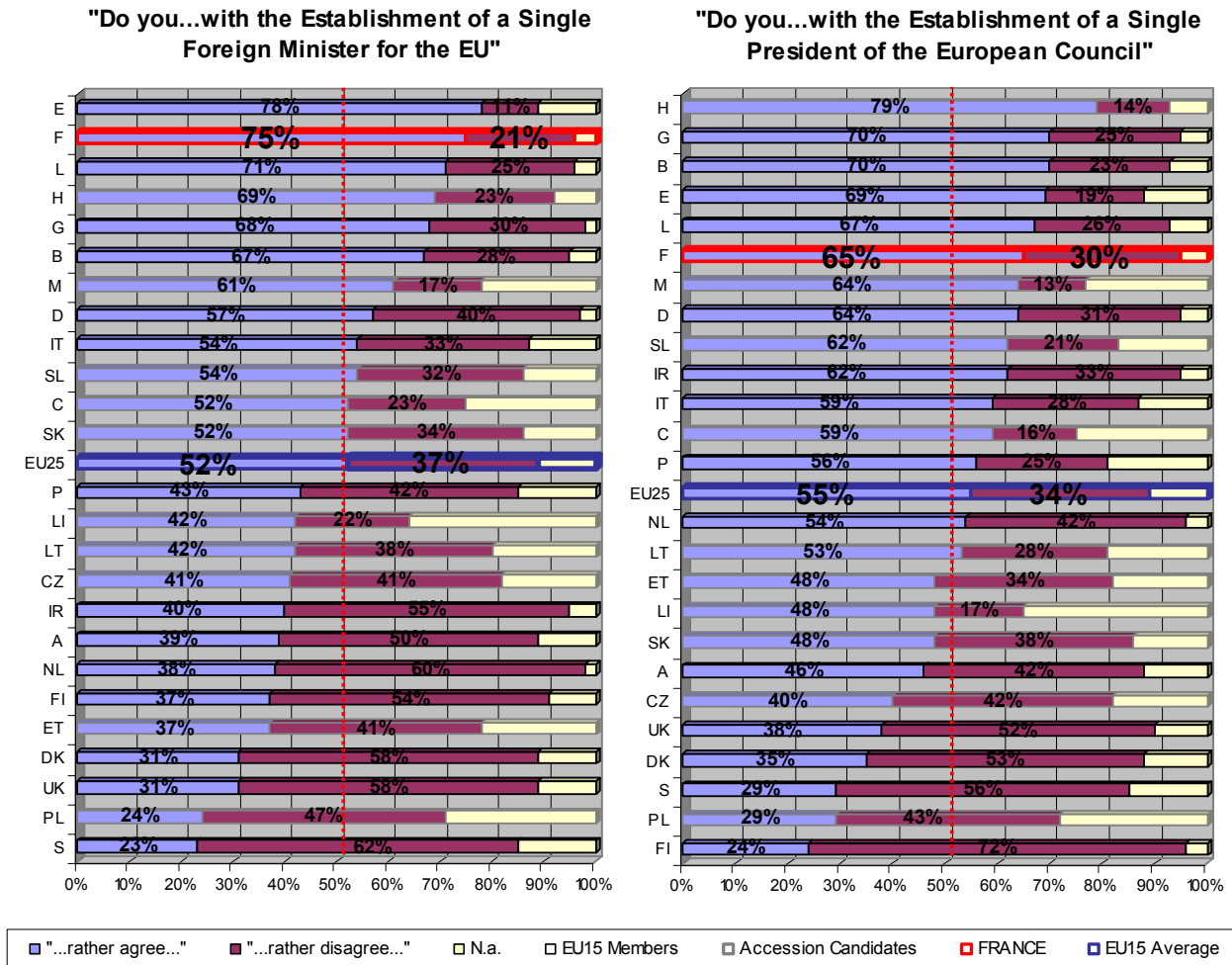
<sup>455</sup> Cf, *Santer, J.*, quoted on January 23<sup>rd</sup> 2001, l.c.

<sup>456</sup> **Art. I-28 TCE**, proposed the election of a single Foreign Minister for the European Union by the European Council, which would replace the High Representative for the common foreign and security policy, whose role is defined by to **Art. 207 TEC**, (lastly amended by the **Treaty of Nice**).

<sup>457</sup> **Art. 203** of the **TEC**, which stipulated a rotational presidency of 6 months respectively by each member state, should be substituted by **Art. I-22** of the **TCE**.

concerning their opinion towards those two major institutional changes of the drafted treaty. The outcomes are presented in the following graphs.

Table 45: Approval and Refusal of the potential Establishment of a European Foreign Minister and a single President of the European Council by the EU population and the Accession Candidates in June 2003<sup>458</sup>



The outcome reveals the interesting fact that a very large majority of the French actually agreed with the two proposed treaty changes, having a considerable symbolic impact on the sovereignty of their fatherland. A similar result arose, in the case of the more concrete question about the preferred voting procedure in the Council, regarding a common foreign policy and common defence policy of the EU. Also here, the French proved a rather "supranationalist" bias,<sup>459</sup> belonging to

<sup>458</sup> Cf. Eurobarometer, Flash 142, l.c., p. 46 & 50.

<sup>459</sup> In the case of a common foreign policy, France was one in only five countries, where a majority would renounce the unanimity principle in the Council. Regarding a common defence policy, only a slight majority of 52% preferred to maintain the national veto

the greatest supporters of majority voting in foreign and defence policy matters within the EU.<sup>460</sup> Also the secret service of the United States of America, CIA, has identified France to be “...*the forefront of efforts to develop the EU's military capabilities to supplement progress toward an EU foreign policy...*”<sup>461</sup>

The apparently inconsistent approach of France towards Europe has always been determined by a mélange of an “excessive ambition” for Europe, which is supposed to be powerful and independent and an ambitious reluctance, when it comes to sharing sovereignties.<sup>462</sup> In his famous book *The Uniting of Europe*, Ernst Haas has defined political integration as a process in which political actors are persuaded to direct their loyalties, expectations and political activities to a new centre. As obvious, the latter does not seem to be very much contested by the French, in contrast to the first two defined issues.<sup>463</sup> According to Alfred Grosser, it is one of the characteristics of nowadays' France that: “*Man will überall dabei sein [...] ohne dass dabei wirklich geklärt wird wie man der Stimme Europas mehr Einfluß verschaffen könnte, ohne dabei auf die eigene zu Gunsten der Union zu verzichten...*”<sup>464</sup>

Hence, due to the propaganda, from the very right wing, saying that the constitution would mean a loss of sovereignty and the end of “La France”, some parts of the French population have interpreted the European Constitution as one of the final steps on the way to a “European Federation”. Ferdinand Kinsky has pointed out in a book from 1978 that “*Mythen*” and “*bewußte Fehlinterpretationen*” in that context traditionally have been used by certain political actors.<sup>465</sup> Beside that, he stated in his interview, that the French have due to their lack of experience with “Federalism” a very special perception of the actual meaning of that notion. According to him, the French tend to “...*es mit*

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possibility. In both cases, the EU average was clearly more reluctant towards an abandonment of a part of national self-determination in those areas for the sake of a common EU approach.

<sup>460</sup> Cf, Eurobarometer, Flash 142, l.c., p. 12 & 18.

<sup>461</sup> Cf, United States, Central Intelligence Agency, World Fact Book, France, l.c.

<sup>462</sup> Cf, *Toulemon, R.*, La Construction de l'Europe (1979 – 1999), in: *Politique étrangère* No. 3, 1999, p. 584.

<sup>463</sup> Cf, *Haas, E., B.*, l.c., p. 16.

<sup>464</sup> Cf, *Grosser, A.*, *Wie anders ist Frankreich*, Munich 2005.

*Zentralismus gleichzusetzen und befürchten, daß ein föderales Europa, Frankreich verschwinden lassen würde.*<sup>466</sup>

Hence, those “deliberate misinterpretations” fall on fertile ground. In fact, as seen above, 10% of the stated reasons for a vote against the treaty were related to the fear of losing sovereignty.<sup>467</sup> But, apart from the important psychological and symbolic unity, provided by a common “Constitution”,<sup>468</sup> the treaty would not change the legal status of the European Union to a large extent, transferring it into a more supranational federation. The draft even attributes particular significance to the notion of subsidiarity.<sup>469</sup>

However, according to Jean-François Aubert, the delimitation between the notions of “Federation” and “Confederation” emanates rather from emotional than rational terms.<sup>470</sup> As seen above, also the French fear of “Federalism” comes rather from emotional than practical terms, since they strongly agreed to the proposed practical changes in the European Constitution. Hence, although France belongs with its 60 million out of around 450 million inhabitants, to the largest EU member states, there are misgivings among certain groups in France that the French cultural patrimony could be drowned within the huge melting pot of different cultures and the urge for uniformity in the EU. As Général Charles de Gaulle has already realised in 1946: “*La France ne peut-être la France sans la grandeur.*”<sup>471</sup> Arguments, highlighting the grandness of France and claiming for the preservation of the cultural sovereignty of the “État-nation” have again

<sup>465</sup> Cf, *Kinsky, F.*, Die Diskussion über Regionalismus und Föderalismus in Frankreich – zentrale europäische Bedeutung, in: Regionalismus, Phänomen, Planungsmittel, Herausforderung für Europa, Munich 1978, p. 106.

<sup>466</sup> Cf, *Kinsky, F.*, in his interview, l.c., page XXXI.

<sup>467</sup> See the arguments reflected in the bar-diagram, in chapter 1.2, page 19.

<sup>468</sup> It is interesting to note that the name “Constitution” for the new EU treaty has been determined by Valéry Giscard d’Estaing, thus a son of the “Grande Nation”.

<sup>469</sup> Subsidiarity is defined as a fundamental principle. **Article 9 (1) TCE** stipulates: “*The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality*”. The definition of the notion “subsidiarity” and its implications are given in **Art. 9 (3) TCE** and do not differ from the previous legislation in the Nice Treaty, provided by **Article 5 TEC**.

<sup>470</sup> Cf, *Schmitt, N.*, Petit aperçue comparatif du fédéralisme en Suisse, en Allemagne et aux États-Unies, in: L’Europe en formation, No. 3, 2003, p.26.

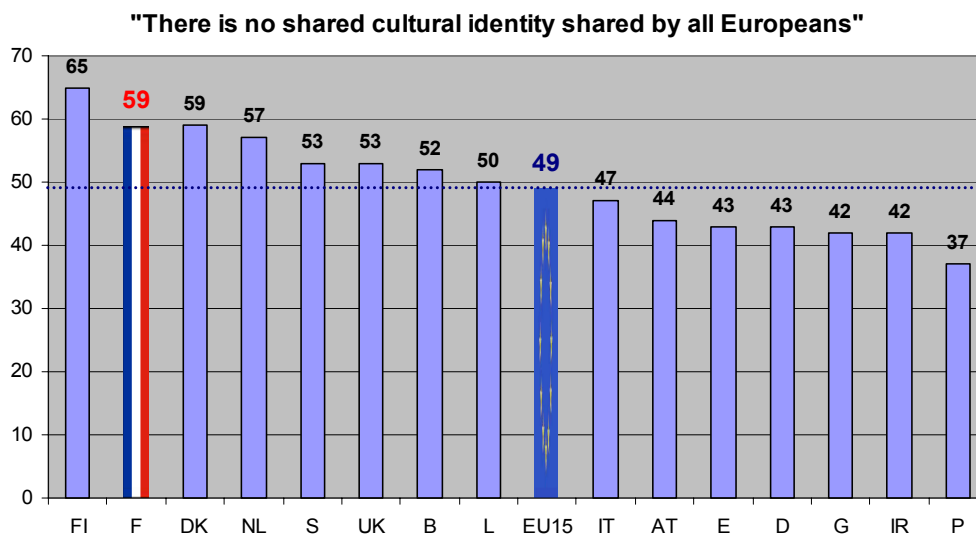
<sup>471</sup> Cf, *De Gaulle, C.*, quoted on: Homme politique, citations, Général Charles de Gaulle, <http://www.homme-politique.com/citations.php> [state: 02/02/2006].

especially been used by the extreme right wing protagonists like FN or Phillipe de Villiers, in their campaigns against the European Constitutional Treaty.

In an article published in the French periodical *Politique Internationale*, the French socialist, vice president of the European Parliament and former French Minister for European Affairs Pierre Moscovici, takes also the current French European policy sharply to task. According to his view, also the constitution's proponent Jacques Chirac still stands for the Gaullist European policy of an "exception française", with the intention to create Europe according to a French pattern and French principles.<sup>472</sup>

A conclusion to draw from those identifications is that the notion of "sovereignty" in the eyes of a large number of Frenchmen is not so much associated with typical practical considerations, for instance in the area of foreign policy, but rather with aspects connected to culture and cognitive identity. In fact, 59% of the French surveyed by Eurobarometer, in 1999 claimed that there is no common cultural identity in Europe. As made obvious in the EU15 comparison underneath, solely the Finnish population sees less common cultural ground in Europe.

Table 46: A common European cultural Identity in the Eyes of the EU15 population, in 1999<sup>473</sup>



In the course of the same survey, it was found out that also the feeling of being attached to Europe does not have a very broad ground in France.

<sup>472</sup> Cf, *Moscovici, P.*, Pour une autre politique étrangère, in: *Politique Internationale*, No 106, 2005, p. 284-295.



For the sake of the functioning of Internal Market, there is a requirement for harmonisation and homogenisation of certain cultural peculiarities.<sup>474</sup> However, since the Treaty of Maastricht in 1992, the European Union has been committed in preserving the cultural heritage of the European nations, under the motto: “*Building a Europe of the peoples*”<sup>475</sup>. This is emphasized by Art. 6 (3) TEC of the same treaty, which obliges the union to respect the national identity of its member states.

This principle is also retained in the draft constitution and highlighted in a special way by the motto of the European Union, stipulated in Art. I-8 TCE as “*Unity in diversity*” which is also the official goal to be achieved by the integration process.<sup>476</sup> Moreover, the European Constitution explicitly stresses the term “European Peoples”, instead of speaking about one “European People”.

In addition, with the democratisation efforts aspired by the treaty, there would have been even more involvement of the member states’ citizens and their parliaments in the European decision making processes and thus more possibilities to defend the peculiar national interests by means of the new subsidiarity mechanism.<sup>477</sup>

Hence, also a European Constitution would not deprive the “patries” like France entirely from their vehemently defended sovereignty and drown them in a centralistic melting-pot Europe. But as commonly known it has been refused, in part due to the fears from all the pretended “Peril from abroad”, created by a large degree by the most extreme political actors of the country.

The next and last chapter shall draw a brief conclusion on how all those findings are to be interpreted concerning the fate of the rejected Treaty establishing a Constitution for Europe in the mid-term and at the same time on the future of the European Integration itself.

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<sup>473</sup> Cf, European Commission, How Europeans see themselves l.c.

<sup>474</sup> Cf, *Buzan, B.*, l.c., p. 2.

<sup>475</sup> Cf, European Commission, Ein Europa der Völker bauen, Die Europäische Union und die Kultur, Series: Europa in Bewegung, Luxembourg 2002, p. 14.

<sup>476</sup> Cf, European Commission, Muitas línguas, uma só família, As línguas na União Europeia, Series: A Europa em movimento, Luxembourg 2004, p. 3.

## 6. CONCLUSION AND COMMENT

In July 2005, shortly after the refusal of the European Constitution by the French as well as the Dutch population, the very “europhile” Karlspreis-laureate Jean-Claude Juncker made the following ostensibly surrealistic statement:<sup>478</sup>

*“Je veux croire obstinément que ni les Français ni les Néerlandais n’ont rejeté la Constitution.”*<sup>479</sup>

As observed, the victory of the “Non” was above all a success for the extreme forces in France. It is interesting to note that the very political right and the very political left partly, employed a quite comparable jargon in order to catch votes. The extreme right wing resorted to the slogan: “*La France seule*”, whereas the communist camp, propagated the idea of: “*Le socialisme dans un seul pays*.”<sup>480</sup> Thus, both sides played the nationalist card in their argumentation, trying to stoke fears among the French of a national economic and social disadvantage or loss of sovereignty for the benefit of a non-French individual, nation or institution.

Ironically, this overlapping of right-wing and left-wing arguments reminds slightly to a famous quotation of Adolf Hitler, who said in 1932: “*Unser Nationalsozialismus ist die Zukunft Deutschlands. Trotzdem diese Zukunft wirtschaftlich rechts orientiert sein wird, werden unsere Herzen links orientiert bleiben. Aber vor allem werden wir niemals vergessen, dass wir Deutsche sind.*”<sup>481</sup> It is even more ironic to see that Jean-Marie Le Pen, the leader of the extreme right wing party Front National, has apparently been inspired by that

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<sup>477</sup> See chapter 2.2.1, pages 27 – 29.

<sup>478</sup> The magazine *Le Monde diplomatique* that quoted Juncker and which was one of the most important partisans of the “Non”, actually was mocking the politician in the article for his alleged loss of touch with reality.

<sup>479</sup> Cf, *Juncker, J-C.*, quoted in: Clefs pour l’après-29 Mai, Pour une Europe de l’innovation démocratique, in: *Le Monde diplomatique*, July 2005, p. 4 & 5.

<sup>480</sup> Cf, *Ritzenhofen, M.*, l.c.

<sup>481</sup> Adolf Hitler made this statement during his closure speech, in the course of the NSDAP party congress in 1932.

Cf, *Leopold, M.*, Medien-Kontor, Notizen,

[http://www.medien-kontor.de/logbuch/2002\\_05\\_01\\_archive.html#76033837](http://www.medien-kontor.de/logbuch/2002_05_01_archive.html#76033837)

phrase, when he, in the course of the presidential election campaign, exactly 70 years later, stated: “*Socialement je suis de gauche, économiquement de droite et nationalement, je suis de France.*”<sup>482</sup>

The national-oriented strategy was obviously effective, so that at the end nationalistic arguments played a peculiar role in almost any discussed issue. From the feared loss of the “modèle social français”, over the highly polemic “Plombier Polonais” up to the pretended threat of Turkey and of course the drowning of the “Grande Nation” in the European melting-pot. A feeling of “we against them” has been created in the minds of a broad part of the population.

This reasoning could indicate the emergence of a general bias of nationalism and xenophobia among the sons and daughters of the “Grande Nation”. And indeed, election outcomes and opinion polls seem to confirm this argumentation. In May 2002, the world bewilderedly looked at France, when, Jean-Marie Le Pen, who had distinguished by applying racist vocabulary, agitating against immigrants and publicly playing down the existence of the national socialist concentration camps, reached the second ballot of the presidential elections with almost 5 million votes, representing roughly 17% of the electorate.<sup>483</sup>

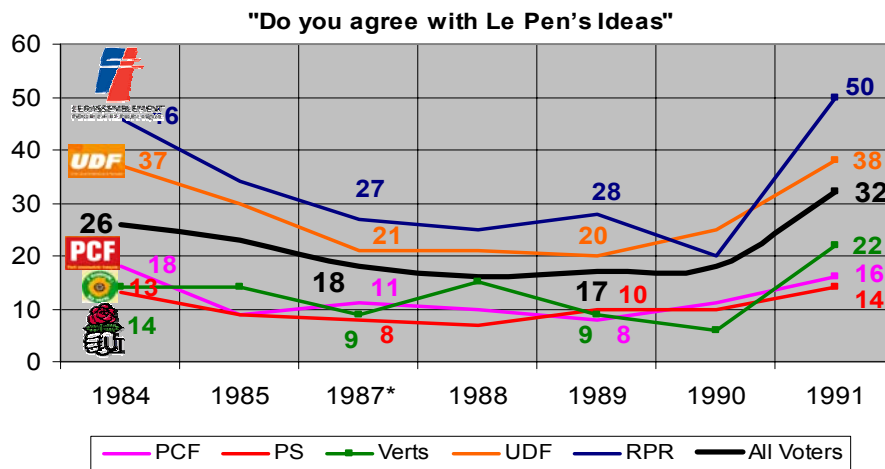
That this lapse into such ideologies is not a new phenomenon and can be recorded throughout the entire political spectrum in France, has already been proven in a study conducted by the French opinion research institute *SOFRES*, in 1993. Between 1984 and 1991, supporters of 6 political parties of that time were asked if they “agree with Le Pen’s ideas” and registered in relation to the interviewees’ party support. The outcome of the survey is reflected below.

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[state: 05/13/2006].

<sup>482</sup> Cf, L'Humanité, les archives intergrales de l'Humanité, Le Pen c'est ça, <http://www.humanite.fr/journal/2002-04-25/2002-04-25-32819> [state: 03/03/2006].

<sup>483</sup> Cf, *Votants.com*, site français, Présentation de candidats, d'élus et de résultats électoraux, Présidentielle 2002, 1er tour, <http://votants.free.fr/resp2002-1nat.htm> [state: 05/12/2006].

Table 46: Agreement with the Ideas of FN among Supporters of selected French political Parties, between 1984 and 1991<sup>484</sup>

The illustration shows that, especially in 1991, preceding the Treaty of Maastricht, there was a high general support of the nationalistic paroles of Jean-Marie le Pen, among the whole French population. Especially the supporters of RPF under the current French President Jacques Chirac, but interestingly also a comparably high number of Communists, Greens and Social Democrats were receptive vis-à-vis the racist right-wing slogans of Front National.<sup>485</sup> In fact, according to the 2005 report of the French *Commission Nationale Consultative des Droits de l'Homme*, 33% of the interviewees stated to be racist, in the course of the latest surveys on racism and xenophobia. In 2004, that figure was still much lower with the yet comparably high value of 25%.<sup>486</sup>

However, to identify xenophobia and blind nationalism among the French as decisive factors would surely be disproportionate and address the issue at the wrong level. France is not the only country in the European Union, which focuses ever and anon especially on national interests and it is historically proven that in times of economic crisis, nationalist populism and agitation can meet

<sup>484</sup> Cf, SOFRES, *L'état de l'opinion*, Paris 1993, p. 65.

\* There was no survey carried out in 1986.

<sup>485</sup> RPF (Rassemblement pour la République) was a Gaullist party, founded by Jacques Chirac in 1976 out of the former UDR (Union des Démocrates pour la République) and was again merged into UMP (Union pour un Mouvement Populaire), together with Démocratie Libérale and a part of UDF (Union pour la Démocratie Française), in 2002.

<sup>486</sup> Cf, *Mboungou, V.*, Afrik.com, Un Français sur trois se dit raciste, <http://www.afrik.com/article9635.html> [state: 03/22/2006].

extraordinary approval in any country in the world.<sup>487</sup> Ferdinand Kinsky even wrote: “*Il suffira d’une crise économique majeure pour susciter un tremblement de terre politique et permettre aux extrémistes de droite ou de gauche de refaire surface et même d’arriver au pouvoir.*”<sup>488</sup> Several observers see the cause for this development in a national identity crisis, leading to a regression to the “Etat-nation.”<sup>489</sup> It is not to be forgotten, that as the surveys have proven, the most important arguments, derailing the European Constitution, as well as the largest “Non” voter groups were actually settled in the left wing.

Hence, the observed phenomena like nationalism, xenophobia or irrationality are not the roots of the hostile attitude towards the European project or this concrete treaty. They are characteristics of a more deeply lying problem; namely fear. Thus, if all the different, partly overlapping, partly contradictory, partly comprehensible, partly irrational factors are to be summarized in one common denominator, than it is fear; eventually giving rise to public protest. Fear of losing something, fear of the unknown,<sup>490</sup> the incomprehensible, fear of the future. As identified above, it has widely been taken advantage off, by the several protagonists in the course of the campaign for the “Non”. Spectres like the “Plombier Polonais” and the “Tête de Turc” have been created in the minds of the people prone to such arguments. Since fear of a common danger can unite, this wondrous informal “coalition” against the European Constitution emerged between the usually antagonistic political camps.

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<sup>487</sup> There are numerous examples for similar voting behaviours. An example is the success of the German extreme right wing party Deutsche Volks Union in the Eastern Land Sachsen-Anhalt, which reached 12.9% of the votes cast in 1998. Surveys, carried out afterwards have revealed that a great majority of the voters explicitly stated that their decision has solely been motivated by protest against the government of the Land.

Cf, Infopartisan, online archiv 1998, Rubrik Faschismus Rassismus Neue Rechte, <http://www.infopartisan.net/archive/trend/trend98/fa/t380598.html> [state: 10/05/2000].

<sup>488</sup> Cf, Kinsky, F., *De l’ignorance à l’idéologie*, l.c., p. 128.

<sup>489</sup> Cf, *Schwall-Düren, A.*, l.c., p. 19.

<sup>490</sup> An indication for this assumption, in connection to the EU enlargements could be the fact that only one fifth of the French has ever been to any of the ten new member states, compared to the EU15 average of one third. Only from Spain and Portugal less people have visited the entrants of May 2004, due to geographic reasons. Therefore the comparison is led by the Austrians who have travelled to Eastern Europe by over 80%.

Cf, *Mehr Einheit und mehr Vielfalt*, l.c., p. 14.

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The fear has been caused by a vast variety of different factors. Some are existent, rational and coherent. Others however are visionary, irrational and created by an encounter of ignorance, systematic propaganda and lies. History taught us that fear can be one of the most powerful, far-reaching and ultimately also dangerous movers for individuals and masses. Fear has already several times played a crucial role in the comparably brief history of European Integration. So, has inter alia the fear of a rearmament of the Germans provided for the non-ratification of the Treaty for a European Defence Community and by this the European Political Community, by the French Assemblée Nationale.<sup>491</sup> However, that particular fear has proven to be entirely unsubstantiated. It actually gave indirectly rise to the entire European Integration process, since intense attempts were made to eliminate its foundations.

So if there is a conclusion to be drawn of this European “debacle” and its backgrounds; and a policy is to be set up in order to preclude similar events for the future; then it should tackle the problem of ungrounded and irrational fear. This could be achieved by significant investment in education, especially concerning international issues, politics and the European Integration, with the aim to bring the hitherto inscrutable issues closer to the common citizen, transforming the former elite project in a publicly supported “grassroots movement”. But it is certainly not up to the European Union to provide for education and attempts of interfering deeper in the national education systems would be likely to reencounter fierce resistance from the side of certain member states, presumably including France.

In the mid-term however, the fate of the European Constitution has to be determined. After Estonia had symbolically ratified the European Constitutional Treaty with an overwhelming parliamentary majority on May 9<sup>th</sup>, the official “Europe Day”, the EU Commission spokesperson Mikolaj Dowgielewicz, stated:

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<sup>491</sup> See preface, page 2.

“Every ratification counts. Those voices who voted 'no' should be heard but it is equally important to listen to the voices of those who voted 'yes'...”<sup>492</sup>

This is certainly right, above all taking into account that with Estonia, up to now, a majority of 15 member states has ratified the treaty and also Finland has started its parliamentary ratification process by May 12<sup>th</sup>.<sup>493</sup> However, this democratic advantage can only be of a symbolic character,<sup>494</sup> since according to Art. IV-447 of the treaty itself, it can only come into force after the “...*ratification by the last signatory State...*” of the 25.<sup>495</sup>

Général Charles de Gaulle once said: “[Français] *je vous ai compris.*”<sup>496</sup> Now, almost a century later, it is very advisable for the leading political class in the whole of Europe, to try to do the same. As William Butler Yeats rightfully noticed: “*In dreams begins responsibility*”!<sup>497</sup> The European Integration was based on such a dream. Nowadays it is no dream anymore, but none the less, responsible acting is now maybe more required than ever. In the context of the failed plebiscite on the Treaty establishing a Constitution for Europe, responsibility means to make the right interpretation of the outcome. That means, to try to really “comprendre les Français” as de Gaulle pretended to do.

So, what conclusion is now to draw from those findings? The most important one is probably that notwithstanding, or maybe even because of all irrationality having played its role in the decision, taken by just under 55% of the French voters, this

<sup>492</sup> Cf, *Spongenberg, H.*, EU-Observer Estonia ratifies EU constitution, <http://euobserver.com/9/21546/?rk=1> [state: 09/05/2006].

<sup>493</sup> Cf, *Balzan, A.*, EU-Observer, Finnish parliament starts EU Constitution ratification process, <http://euobserver.com/9/21586/?rk=1> [state: 05/12/2006].

<sup>494</sup> In this context it has to be admitted that according to recent opinion polls, a public majority in Finland as well as Estonia respectively, is against the ratification and prefers a renegotiation of the treaty.

Cf, *Beunderman, M.*, Estonia and Finland press ahead with EU constitution, <http://euobserver.com/?aid=21329&rk=1> [state: 04/06/2006].

<sup>495</sup> Unanimous ratification has traditionally been the requirement of the coming into force of all treaties amending the basis of the European Union.

<sup>496</sup> During his famous balcony-speech in Algiers on June 4<sup>th</sup> 1958.

Cf, *De Gaulle, C.*, quoted on: L'Internaute, Histoire, Je vous ai compris, [http://www.linternaute.com/histoire/motcle/1791/a/1/1/je\\_vous\\_ai\\_compris.shtml](http://www.linternaute.com/histoire/motcle/1791/a/1/1/je_vous_ai_compris.shtml) [state: 05/25/2006].

<sup>497</sup> See the introductory quotation, in the preface, page 1.

decision has to be taken seriously.<sup>498</sup> Again, according to Général Charles de Gaulle: “*La démocratie, c’est le gouvernement du peuple exerçant la souveraineté sans entrave.*”<sup>499</sup> However, it has to be taken seriously not as a refusal of “this Europe”, as some authors polemically have identified it, but as a protest against “this situation”; this is to say a protest against all the different background factors, that have in part been identified in this project.

The failure of the referenda in France and in the Netherlands has caused a veritable “mood of crisis”, in which the entire European Integration process has categorically been put into question by certain protagonists.<sup>500</sup> So published for instance the German magazine *Der Spiegel* a week after the plebiscite an article with the title “*Europa im Jahr Null*”, in which it argued that the EU’s problems were beyond remedy.<sup>501</sup> In the same issue, the magazine sharply challenged the entire European Project in an article named “*Die Macht vom anderen Stern*”, alleging the union of interfering with “...*ungebremster und unkontrollierter Regelungswut...*” in the life of her citizens and denied it any democratic legitimacy.<sup>502</sup>

It may be true that the identification of “Euro-scleroses” or “crises of paralysis”, in regular terms belongs to the constants of the European Integration debate.<sup>503</sup> It is also a fact that already before the referenda in France and the Netherlands some authors have observed an alleged “Malaise” within the European Union.<sup>504</sup> However, political leaders, journalists and scientists should abstain from destructive and polemic interpretations and rather dedicate them more to the backgrounds. Prophecies of doom can maybe easily draw the attention of the public, galvanize and mobilize votes, but they can also create facts.

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<sup>498</sup> Particularly due to the very high turnout of almost 70%, which constitutes a considerably high figure for a referendum. Therefore, the vote has actually to be regarded as representative for the entire French population, what would have been challengeable in the case of a significantly lower turnout.

<sup>499</sup> Cf, *De Gaulle, C.*, quoted on: *Homme politique*, citations, Général Charles de Gaulle, <http://www.homme-politique.com/citations.php> [state: 02/02/2006].

<sup>500</sup> Cf, *Diedrichs, U.*, Europäische Kommission, in: *Jahrbuch der Europäischen Integration 2005*, Institut für Europäische Politik, Berlin 2005, p. 91.

<sup>501</sup> Cf, *Europa im Jahr Null*, in: *Der Spiegel*, No. 23, 06/06/2005.

<sup>502</sup> Cf, *Die Macht vom anderen Stern*, in: *Der Spiegel*, No. 23, 06/06/2005.

<sup>503</sup> Cf, *Brunn, G.*, *Die europäische Einigung von 1945 bis heute*, Bonn 2004, p. 228-229.

<sup>504</sup> Cf, *Beck, U./Grande, E.*, *Kosmopolitisches Europa*, Frankfurt/Main 2004, p. 11.



The psychological phenomenon of “self-fulfilling prophecy” should not be underestimated.<sup>505</sup>

In the course of a lecture on Franco-German relations after the fateful plebiscite in France, Helmut Kohl, who was a strong opponent of the idea to carry out a plebiscite on the European Constitution, called for the sanity of European leaders and for an ending of the continuous promulgations of the constantly new “evil tidings”, by saying “*Lassen Sie sich von dieser Berliner, vielleicht auch Pariser Infektion nicht anstecken [...] ich kann nicht den geringsten Grund sehen, sich über die Entwicklung in Europa sorgen zu machen...*” and he added, alluding to the overcoming of the so-called “Eurosclerosis” in the 1980’s, that also this event “*...nur ein Zwischenfall ist, aber nicht das Endstadium in Europa.*”<sup>506</sup>

This opinion is also shared by one of his political opponents in Germany, Angelica Schwall-Düren,<sup>507</sup> who noted in an article about the Franco-German role in Europe after the referendum: “*...ich lehne es ab mich von den Schwarzsehern überzeugen zu lassen, [...] das europäische Projekt könne die letzte Erweiterungsrunde nicht überleben.*”<sup>508</sup> It remains to be seen, if this optimistic “grand coalition” among certain representatives of the political elite will be able to infect also the European public with that confidence.

Coming back to political science theory and considering the definition of “Output Legitimacy” by Robert Dahl and the five principles he has listed for that notion,<sup>509</sup> one of those principles is particularly striking in the context of the refusal of the European Constitution. According to Dahl, in order to speak about a veritable “Output Legitimacy”, there must be an “*enlightened understanding of the matters to be decided.*” Not only taking into account the outcome of the analysis of this project, but in the first instance, according to the statements of the French

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<sup>505</sup> The term stands for the consequence of preconceptions and biases born in mind or publicly expressed on the actual behavior of a person or the actual outcome of an issue.

Cf, Lexikon sociologicus, Wissenswertes zur Erwachsenenbildung, self-fulfilling prophecy, [http://www.socioweb.de/lexikon/lex\\_geb/begriffe/selffulf.htm](http://www.socioweb.de/lexikon/lex_geb/begriffe/selffulf.htm) [state: 04/26/2006].

<sup>506</sup> Cf, Kohl, H., l.c., p. 45.

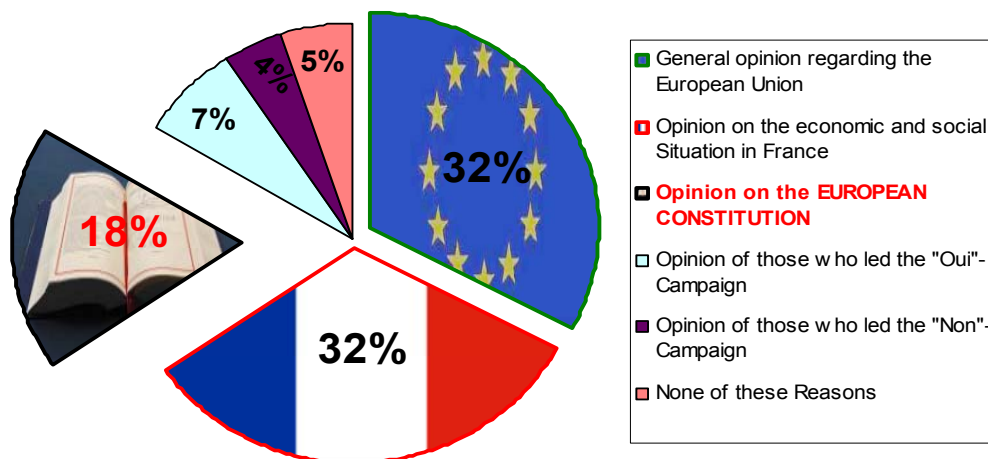
<sup>507</sup> Angelica Schwall-Düren is deputy chairperson of the social democrats group (SPD) in the German Bundestag.

<sup>508</sup> Cf, Schwall-Düren, A., Gemeinsame Herausforderung nach dem 29. Mai, Es gilt, die anderen Länder mitzunehmen, in: Dokumente, Zeitschrift für den deutsch-französischen Dialog, No. 4, August 2005, p. 17.

population itself, it is highly doubtful that this requirement has been fulfilled. During the Eurobarometer post-referendum analysis, the voters were also asked about the key elements that determined their respective decisions. The extremely meaningful outcome is presented in the pie diagram underneath.

Table 47: Key Elements determining the Voters' Decisions in the French Plebiscite on the European Constitutional Treaty on May 29<sup>th</sup> 2005<sup>510</sup>

**"What was the Key Element that led to your Vote in this Referendum ?"**



As obvious, solely 18% of the voters have primarily been driven to their respective vote by the treaty itself. The importance of this finding is highly considerable. It means above all that, according to their own statements, 82% of the electorate did not principally respond to the question they were asked; and consequently can be concluded that, according to themselves, **the French did actually not refuse the European Constitutional Treaty.**

Coming back to the assumedly surrealistic statement of Jean-Claude Juncker,<sup>511</sup> it seems that he obviously is not out of touch with reality and he has eventually proven right; at least in the case of the French. The survey's outcome is even more interesting when regarding the answers according to the voting behaviour. Indeed, only 17% of the "Non" voters were basically motivated by their perception of the European Union itself, whereas 47% of them stated to be primarily led by the economic situation in France. On the other hand, the positive votes were by 52%

<sup>509</sup> See footnote 93, in chapter 2.2.1, page 28.

<sup>510</sup> Cf, Eurobarometer, Flash 171, l.c., p. 20.

<sup>511</sup> See Conclusion and Comment, page 129.

driven by a generally affirmative attitude towards the EU. Thus, **the refusal of the treaty has almost entirely been motivated by national issues.**

Hence, contesting the European Integration itself because of that outcome would actually be a complete misinterpretation of the voter's will.

Also the scientific debate is dominated by a certain consentaneousness that the constitution's opponents should not be stigmatized as anti-Europeans.<sup>512</sup>

Obviously the question that was put to the voters on May 29<sup>th</sup> 2005 has not really been answered by the largest share of them. This is a general problem of plebiscites addressing issues of an international level and there have already been several resembling examples in the course of the history of European Integration. One very recent instance was the refusal of the Treaty of Nice in the Republic of Ireland by public referendum in 2001 and its subsequent ratification in 2002.<sup>513</sup> The Irish Referendum Commission conducted surveys after the plebiscite day in 2001. It discovered that solely 16% of the population adequately understood the subject of the plebiscite and over 40% of the sample was unable to articulate any issue related to the treaty they decided on. Hence, the electorate was misled with fear stoking campaigns of certain political parties including "Sinn Féin",<sup>514</sup> in order to distinguish and draw political advantages of it;<sup>515</sup> a phenomenon that also appeared in France.<sup>516</sup> A conclusion could be that a certain degree of irrationality belongs to the normal deficits of direct participation and has to be accepted for the

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<sup>512</sup> Cf. *Hrbek, R.*, EU: Quo vadis? Das europäische Einigungsprojekt in der Krise, in: *Wirtschaftsdienst*, No. 8, 2005, p. 484.

<sup>513</sup> On June 7<sup>th</sup> 2001 a referendum was held for the ratification of the Treaty of Nice. But only 32% of the population, (997,826 voters out of 2,867,960) entitled to vote, went to the polls and surprisingly the amendment of the Constitution and with that, the approval of the Nice Treaty was refused by the Irish people. 53.57% of the electorate voted against and 46.13% for the ratification. This meant that a difference of just 76017 people within the nearly 400 million EU citizens prevented the ratification of the Treaty of Nice.

Cf. *Crucifix, I./Grosser, A.*, Les pays d'Europe occidentale, les études de la documentation Française, Paris 2002, p. 150.

<sup>514</sup> Sinn Féin (translated: "ourselves") is a radical nationalist party founded in 1905. Nowadays it represents the political wing of the Irish Republican Army, which is violently fighting for the independence of the 6 Ulster counties belonging to the UK.

<sup>515</sup> The campaigns of the treaty's opponents concentrated almost exclusively on the foreign policy aspects of the Nice Treaty, by showing pictures of children at war, saying the treaty would lead to a military union

This statement is based on personal experiences, made by the author in Ireland during the time preceding the second referendum in 2002.

<sup>516</sup> See chapter 3.3, pages 51 – 56.

sake of democracy. However, it could also be concluded that plebiscitary instruments should be avoided when deciding about issues with international implications. But such a conclusion would be strongly against the current trend, as not least proven by the various announced referenda on the European Constitution. For the fate of the European Constitutional Treaty, those considerations would anyway come too late.

A quick ratification of the European Constitution would have meant a “*saut qualitatif*” as already intended by Altiero Spinelli in 1984.<sup>517</sup> As generally known, his proposed foundation of a European Union failed. However, only two years later the Single European Act was signed and eight years later, a European Union has actually been established. It has not been the big leap, aimed by Spinelli, but it was a return to the “Monnet-Method” of small steps, which eventually led to the proposal of another Constitution for Europe 20 years later.

It remains to be seen what the future will bring for this union of 460 million politically mature citizens, which will soon be enriched by 31 million more. For the future of the European Constitutional Project, as well as the entire European Integration itself, there is a multitude of different options, which are currently fiercely discussed.

Though, whatever conclusion will be drawn by our representatives, interpreting the voice of the sovereign, two things seem to be certain. Firstly, it is not possible to turn back the wheels of time; and notwithstanding all factors of irrationality, the decision has to be accepted. Secondly, from now on, the will of the people will be one of the most decisive factors and has to be taken into account, whatever way will be pursued. However, to speak again with the words of the great European thinker and one of the fathers of the modern European Union, Helmut Kohl:

**“... Was auch immer jetzt passieren wird –  
mit Europa wird es weiter gehen...”<sup>518</sup>**

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<sup>517</sup> Cf, *Spinelli A.*, Manifest der Europäischen Föderalisten, Frankfurt a. M. 1958.

<sup>518</sup> Cf, *Kohl, H.*, l.c., 2005, p. 45.

## IV. Appendix 1: Selected Posters of the 8 leading Parties

### 1. Union pour un Mouvement Populaire (UMP)<sup>I</sup>



### 2. Parti Socialiste (PS)<sup>II</sup>



<sup>I</sup> Cf, Election-politique.com, Référendum du 29 Mai 2005, Les affiches de la campagne officielle, UMP, oui,

[http://www.election-politique.com/images/divers/2005\\_ump\\_oui.gif](http://www.election-politique.com/images/divers/2005_ump_oui.gif)

<sup>II</sup> Cf, Election-politique.com, Référendum du 29 Mai 2005, Les affiches de la campagne officielle, PS, oui,

[http://www.election-politique.com/images/divers/2005\\_ps\\_oui.gif](http://www.election-politique.com/images/divers/2005_ps_oui.gif)

### 3. Union pour la Démocratie Française (UDF)<sup>III</sup>



### 4. Les Verts<sup>IV</sup>



<sup>III</sup> Cf, Election-politique.com, Référendum du 29 Mai 2005, Les affiches de la campagne officielle, UDF, oui,

[http://www.election-politique.com/images/divers/2005\\_udf\\_oui.gif](http://www.election-politique.com/images/divers/2005_udf_oui.gif)

<sup>IV</sup> Cf, Election-politique.com, Référendum du 29 Mai 2005, Les affiches de la campagne officielle, LV, oui,

[http://www.election-politique.com/images/divers/2005\\_lv\\_oui.gif](http://www.election-politique.com/images/divers/2005_lv_oui.gif)

5. Le Front National (FN)<sup>V</sup>

**LE 29 MAI, dire "OUI" à la CONSTITUTION, c'est dire "OUI" à la TURQUIE... qui a déjà signé l'Acte Final !**

**LE 29 MAI, ALLEZ VOTER ET DITES 2X NON**

**NON à la Constitution européenne**

**NON à la Turquie en Europe**

Je garde la France !  
www.jevotenon.com

Europe et les Européens méritent mieux que ce texte technocratique, mondialiste, antinational et antisocial. Les grandes entreprises européennes, Airbus, Alcatel, ne doivent absolument rien aux technocrates de Bruxelles. C'est ce modèle qui a prouvé son efficacité. C'est ce modèle qui doit servir à l'Europe de demain.

Jean-Marie LE PEN

L'Europe que veut le FN, c'est :

- Une Europe des Patries souveraines indépendantes, qui coopèrent librement, sur une base volontaire, au service d'objectifs concrets et à leur bénéfice mutuel.
- Une Europe qui refuse l'uniformisation des lois et des politiques, et qui s'enrichit de ses différences.
- Une Europe dont les responsables doivent rendre des comptes aux citoyens.

ADHÉREZ !

Nom :  
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\* Désire souscrire un cadre au FN du Front National  
À retourner au Front National - 8, rue Volpuyon, 92010 St-Cloud  
www.frontnational.com - ☎ 01 41 12 10 00

6. Parti Communiste Français (PCF)<sup>VI</sup>

**NON à la constitution Giscard**

**OUI à une autre Europe**

**PCF**  
Parti communiste français

<sup>V</sup> Cf, Election-politique.com, Référendum du 29 Mai 2005, Les affiches de la campagne officielle, FN, non,

[http://www.election-politique.com/images/divers/2005\\_fn\\_non.gif](http://www.election-politique.com/images/divers/2005_fn_non.gif)

<sup>VI</sup> Cf, Election-politique.com, Référendum du 29 Mai 2005, Les affiches de la campagne officielle, PCF, non,

[http://www.election-politique.com/images/divers/2005\\_pcf\\_non.gif](http://www.election-politique.com/images/divers/2005_pcf_non.gif)

7. Mouvement pour la France (MPF)<sup>VII</sup>8. Rassemblement pour la France (RPF)<sup>VIII</sup>

<sup>VII</sup> Cf, Election-politique.com, Référendum du 29 Mai 2005, Les affiches de la campagne officielle, MPF, non,

[http://www.election-politique.com/images/divers/2005\\_mpf\\_non.gif](http://www.election-politique.com/images/divers/2005_mpf_non.gif)

<sup>VIII</sup> Cf, Election-politique.com, Référendum du 29 Mai 2005, Les affiches de la campagne officielle, RPF, non,

[http://www.election-politique.com/images/divers/2005\\_rpf\\_non.gif](http://www.election-politique.com/images/divers/2005_rpf_non.gif)



## V. Appendix 2: Interview with Bruno Boissière<sup>IX</sup>

### Secretary General of the “Union of European Federalists”, European Parliament, Strasbourg France, 04/06/2006

**Bernhard Metz:** Bruno, en 1992, les Verts français ont été divisés 50% pour, 50% contre le Traité de Maastricht, mais la majorité du groupe des Verts français dans le Parlement Européen, était contre, alors maintenant, pourquoi ?

**Bruno Boissière:** Parce que la grande tendance du Traité de Maastricht était de créer l'union monétaire, ça s'appelait « Union Economique et Monétaire », mais la partie de l'union économique était pratiquement inexistante, alors c'était une union monétaire, et nous avons toujours pensé que c'était la politique qui devait précéder – l'union politique qui devait précéder l'union économique. Et en plus, après avoir fait le marché, on faisait donc une monnaie et les objectifs. Ce n'était pas un objectif de développement soutenable, mais au contraire d'aider la croissance et ça allait se faire d'après nous contre l'environnement.

**B.M.:** Alors, du point de vue politique, les Verts ont pensé que ça ne va pas assez loin, mais du point de vue économique ou financier, c'était trop. Alors, ce n'était pas du tout politique la décision, contre l'aspect fédéral ?

**B.B.:** C'était équilibré. Un député qui n'était pas de notre groupe a dit que c'était un avion qui allait se casser la gueule parce qu'il avait une aile développée et l'autre qui était quasiment inexistante. Dans ces cas-là, c'était complètement déséquilibré.

**B.M.:** Et depuis Maastricht, est-ce qu'il y a eu un développement, une évolution dans les Verts français ?

**B.B.:** Maastricht, c'était Maastricht et on a donné notre réponse qui était donc divisée, et finalement, nous étions exactement comme la population française parce que le Traité de Maastricht est passé avec une majorité très faible. Donc, c'était à peu près la même situation dans

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<sup>IX</sup> Beside his position as head of the Union of European Federalists, Bruno Boissière currently organises an “Intergroup” in the European Parliament which is engaged in the ratification of the European Constitution. Furthermore, he was vice president of the Greens' group within the European Parliament at the time of the ratification of the Treaty of Maastricht

la population et le Traité Constitutionnel ou les autres questions sont d'autres questions. Nous avons depuis toujours, ça fait partie des fondements de la politique verte, en France en tous les cas, un positionnement pro-européen, à condition que ce soit une position fédéraliste. L'expression qui a été employée le plus souvent, et les Verts restent fidèles à cette vision-là, c'est une Europe des régions et des peuples solidaires, sous-entendu, une Europe fédérale des régions et des peuples solidaires.

**B.M.:** OK, mais l'argument, au moins de la partie de Fabius dans le PS français, était que, comme vous avez dit à Maastricht, l'argument des Verts, ou quelque part des Verts, qu'il y a des ailes. – [at this point the language has changed from French to English] - There are two wings and not both of them are developed. The economic wing is more developed than the social wing in this context or the political wing if you want so. So, the opinion of the Greens at this time on the Constitutional Treaty was not like this. The opinion of the Greens is that those, how do you say, the social reasons which were brought up by left-wing or the PS are not justified ?

**B.B.:** This time, this is quite different. The attempt of the Constitutional Treaty is to draft a constitution, which means that it is something political. A constitution is a political object if you want.

**B.M.:** But at least a part of the Social-Democrats in France said something different.

**B.B.:** Yes, and it is true that the ecological and the social aspects are behind what we expected, what would be necessary. But globally speaking, because in politics, you have to choose between a yes and a no and it was the no for the MEPs when I was a MEP, the treaty is a progress. Within the party, there was no unanimity, but there was a significant majority in favour of a yes towards the draft, because we thought it was a step forward and it was a stop of the IGC method behind closed doors. It has been a long process with a parliamentary dimension, a convention, where all political forces, including the Greens, were represented and they found a compromise which was far better than the Nice Treaty. So we have to be realistic and say "look, if we say no to the draft treaty, we would keep the Nice Treaty, which is one of the worst treaties ever and it would stop the process of going toward the political union". The "no" towards the Maastricht Treaty was just a stop of the procedure of always giving priority to economical and market dimensions of the EU.

**B.M.:** So, two questions now. Firstly to your personal and view secondly the view of the majority of the French Green Party. Do you, or does your party respectively think that the social arguments, in France against the treaty, are wrong ?

**B.B.:** Yes, partly they are wrong.

**B.M.:** In France, UDF, UMP, les Verts, PS – or at least the part under François Hollande of PS, said approved the Constitutional Treaty and told their voters to say "yes". Did they have exactly

the same approach or did they have different approaches. Hence, did they have different reasons why to vote “yes”, and which was the big difference between the right-wing parties’ “yes” and the left “yes”.

**B.B.:** According to me, they shared the same answers to the question of the referendum. They were in favour of the treaty, but I think that their vision of Europe is different. Anyway, Europe has always been a dividing line, not so much, or not at all between the left and the right, but within every single party, with some exceptions. But even in the Greens, there is a minority of Euro-sceptics, which is maybe not the appropriate word, but some are rather “anti”. But they are a minority and in the Socialist Party as well, as in the UMP too. I would make an exception with the UDF. Although I noticed that even one UDF député in the national assembly was against the Constitution. They probably have also a very small minority of “antis” in the UDF. Maybe because they are a liberal movement, they accept minorities like this. But globally and in the large majority, they are pro-Europeans and, theatrically at least, they are federalists in the UDF. But they did not have to agree on this, or that, or that; they just had to decide whether they were in favour of the Constitutional Treaty or against it. For many reasons they had the idea that globally speaking, it should be supported.

**B.M.:** But maybe the minorities, who were against or respectively for the treaty, in all the different parties, in the different political camps, did come to the same, outcome, but did have different ways, different reasons for reaching that attitude.

**B.B.:** For sure, for sure. As I said, they had to give an answer to a very complex question - the Constitutional Treaty. But if you look at the European elections where every single party defends its own vision and project of Europe, you can see more the differences between the parties; even between the official line of the party and some minorities, because there are minorities in these parties. So the projects are more visible and clear to define when there is a European election. It is easier than when it is a referendum on a Constitution.

**B.M.:** A very general and difficult, or maybe a very easy question, it depends on your approach. Why, in your personal view, did the French, or better around 55% of the French electorate say “Non” to the Constitutional Treaty ?

**B.B.:** You already asked me this question in Brussels two days ago; and I think that I said it was a kind of provocation. I mean they didn’t know much about this Constitution, actually, they were more in favour of a Constitution than of a Treaty. But, they decided that it would not have a big effect, neither on France, or on Europe, and that *they had reasons to complain and to make this provocative act; and a clear majority of them did it*. And they were sensible to the arguments, even if it is not true, that the treaty is not social or that it is less social than the Nice Treaty, which was not the case at all. So, they say “if that is so, I am against the constitution”. *Very few went and read the text of the Draft Constitutional Treaty*. The politicians on TV for example, they

manipulated the text of the Constitutional Treaty, because they just took one bit of every article and presented it out of the context. So, an accumulation of reasons to protest made the result.

**B.M.:** You say “reasons to protest”, maybe protest against something which doesn’t have anything to do with the Constitution ?

**B.B.:** *Against Chirac.* You know that French politics is mainly oriented by the presidential elections. So the French never really accepted that they had to vote in favour of Chirac when it was the second round of the previous election. Hence, they do not want him anymore and as he had decided that there would be a referendum on the European Constitution, some of them, of the voters, they said “*Ok, this time, we will say “no” to Chirac*”. So they did. Besides, the people sensible to their arguments, they felt “oh, maybe it’s a good opportunity for us to say “no” to this Europe which is not really facing globalisation and which is not social and ecological enough”. I think there was a very small minority of people who said “ah, it’s not good enough, not perfect, so”, but I think this attitude has not made the result.

**B.M.:** So, what you say concerning this “voting against Chirac”, which actually doesn’t have anything to do with the Constitutional Treaty means that for many of the people, the reasons for voting against the Treaty were irrational.

**B.B.:** *Yes, according to me, they were irrational. I said they were “schizophrenic” and many of the reasons that were expressed to vote “no” could find a solution in the Constitutional Treaty.* So, it is a paradox that the new text that was proposed would have, not solved, but contributed to an improvement of the situation they were criticising.

**B.M.:** It was about 55% of the French electorate who said “no”. It is probably difficult to put this into figures, but what do you think; just in your personal opinion, how large is the share of the people that really had their rational reasons speaking against that Constitutional Treaty and how big is the share of the people who were irrational and voted against Chirac, against Raffarin, against - I don’t know what - the political elite in general, or something like this; thus totally irrational ?

**B.B.:** There are probably surveys which I don’t know, but *I think that at least, half of the voters did not really answer the question that was put to them.* Actually, what the voters should have done is not to read the Constitution, they should have read the current treaty which is implemented now, and the other text which aimed at improving the weaknesses or the failures of the previous treaty. And they would have compared the two photographs and said “I prefer that one. It is not perfect, it is not what I would dream for Europe, but in many ways, it is an improvement, with the aim to improve it further at the first occasion possible.

I came to Strasbourg; that was before the referendum; and I discussed with a taxi driver here in Strasbourg, about Europe and the European Constitution. He said “I shall vote “no”, although I’m in

favour of Europe. I'm even in favour of the Constitution, it's far better than a treaty, but I will vote no because we have to say no to all these politics. I know it is silly, but I shall do it", OK. Completely irrational ! He knew it and he confessed that it was completely irrational, but he wanted to do it.

**B.M.:** This brings me to an interesting question. What do you think, how many supporters of PS or any other opposition party were actually in favour of the Constitutional Treaty, or maybe did not mind at all about the Constitution, but voted against the Treaty; in this more or less rational thinking "OK, if I vote against the Constitution, this means I vote against Chirac, I will weaken Chirac, I will weaken Raffarin and I will lead to, what actually has happened, the withdrawal of Raffarin. What do you think, is there a big share of people who are, actually as you said, for of the Constitution but voted against it for reasons of domestic politics ?

**B.B.:** Quite honestly, I cannot say the reasons for the votes of the voters like those from the Socialist Party. But there are national challenges, the coming presidential election, the post-frustration of the moment with Raffarin and *there was a challenge within the Socialist Party*. They have had their kind of internal referendum. It was a kind of two tour referendum. One was in favour of Hollande and they said "*we will see whether that remains the same in the figures, in the true referendum*". So, that was probably used and misused for this reason as well by the members of the Socialist Party. It was a question of tactic, or even of strategy, internally to the Socialist Party, but also globally in the national French politics.

**B.M.:** If you want to give your personal point of view on this, could imagine that maybe Fabius or the other parts of the PS, which were against the Constitutional Treaty, actually were not against the Constitutional Treaty, but found it as a possibility to profile themselves; Fabius inside PS, and the PS, or at least the part which was against the treaty, within France - leading a winning team, in this principle ?

**B.B.:** *Yes, I think so*. But if you look more in detail at the group behind Fabius, there were people who claimed to be federalists; Fabius himself, and many others. But there were also groups, which traditionally are rather Euro-sceptic and not federalist; more aligned to the globalisation movement positions. So it was a heterogeneous coalition of "no's" within the Socialist Party; but not only within the Socialist Party. As I said to you two days ago, I think that a divided PS and *the reasons that I mentioned why the "no" won would not have been possible without the influence of a movement like ATTAC, with their political influence, and the good organisation, since they know how to campaign and to win votes one by one. It was huge machine that they had*. I would even say that they are better at this than the Socialist Party. So, in some ways, *the ATTAC movement was a plus and a benediction for those, that were against the treaty, among the Socialists. And the pro-Europeans were amateurs, very amateurs in doing the same job*.

**B.M.:** Merci beaucoup Bruno, tu m'as véritablement aide.

## V. Appendix 3: Interview with Matthias Wächter<sup>x</sup>

**Head of the “Diplôme des Hautes Études Européennes et Internationales”,  
Institut Européen des Hautes Etudes internationales, Nice France, 04/21/2006**

**Bernhard Metz:** Zunächst zur Rolle des französischen Präsidenten. Ist Ihrer Meinung nach, der derzeitige französische Präsident Jacques Chirac bezüglich seiner Rolle in der französischen Innenpolitik eher als stark oder als schwach anzusehen ?

**Matthias Wächter:** Schwach – und zwar aus folgenden Gründen. Er hat sich geschwächt, zunächst einmal durch die Auflösung der Nationalversammlung 1996. Damit hat er für einen Großteil seiner Präsidentschaft jegliche politische Handlungsmöglichkeit verloren.

**B.M.:** Aber zunächst nur über die fünf Jahre seiner ersten Amtsperiode ?

**M.W.:** Ja, über diese fünf Jahre hat er in der französischen Innenpolitik faktisch nichts zu sagen gehabt.

**B.M.:** Aber konnte er sich mit der neuen Legitimität der darauf folgenden Wiederwahl nicht stärker politisch profilieren ?

**M.W.:** Die Wiederwahl hätte ihm natürlich die Chance gegeben sich stärker innenpolitisch zu profilieren. Aber ich interpretiere seine Weise die Präsidentschaft auszufüllen so, daß er die innenpolitische Agenda seinem Premierminister überläßt um sich selbst eine präsidentielle Aura zu bewahren, die es ihm einerseits erlaubt außenpolitisch gewichtig auftreten zu können und andererseits in innenpolitischen Krisensituationen den überlegenen Schiedsrichter oder Schlichter zu spielen, der in einer solchen Situation richtungsweisende Entscheidungen gibt.

**B.M.:** Könnten Sie ein Beispiel für ein solches Verhalten nennen ?

**M.W.:** Sichtbar war dies in der Krise um den CPE, wo letztlich die Entscheidung durch Chirac kam, dieses Gesetz zwar zu verkünden, aber es erstmal nicht zu praktizieren.

**B.M.:** Welches politische Kalkül steckte Ihrer Meinung hinter diesem Verhalten ?

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<sup>x</sup> Matthias Wächter is a distinguished expert concerning the French society and politics and has written his doctoral thesis about the phenomenon of Gaullism.

**M.W.:** Dies ist eine Taktik, einer Regierung einerseits einzuberufen, diese zu unterstützen und ihr gewisse Aufgaben zu geben, sich aber gleichzeitig zu einem gewissen Teil von der selben Regierung zu distanzieren – oder sich die Möglichkeit offen zu lassen, sich zu einem gewissen Grade von dieser Regierung distanzieren zu können.

**B.M.:** Und somit den Premierminister quasi als Sündenbock einzusetzen, der die unpopulären domestischen Programme in die Tat umzusetzen hat ?

**M.W.:** Genau – und der dann auch, um auf das Thema des Referendums zu kommen, die Niederlage im Referendum sozusagen einstecken muss. Das scheint mir in dem Falle ganz deutlich. Das Referendum war eine Idee des Präsidenten, da der Präsident entscheidet ob ein Referendum statt findet oder nicht – ihm obliegt die Initiative.

**B.M.:** Somit kann man sagen, daß ein Plebiszit in Frankreich immer einen besonderen persönlichen Bezug zum jeweiligen Staatspräsidenten hat ?

**M.W.:** *Ja, von der Verfassungstradition her und dem Verfassungsgeist der fünften Republik, ist ein Referendum immer auch eine Abstimmung über den Präsidenten. So ist es von De Gaulle gemeint gewesen, von ihm praktiziert worden und von ihm unmissverständlich bei jedem Referendum so verkündet worden. „Ihr stimmt nicht nur über die Sachfrage ab, sondern über mich“.*

**B.M.:** War dies nur bezeichnend für De Gaulle ?

**M.W.:** Ja, Sie wissen ja, daß er 1969 nach einem gescheiterten Referendum zurückgetreten ist. Diese Tradition ist natürlich unter den anderen Präsidenten der fünften Republik etwas abgeschwächt worden. Auch angesichts der teilweise unbedeutenden Fragen die zur Disposition standen – etwa hat Mitterand ein Referendum über den Autonomiestatus von Neu-Kaledonien machen lassen, was natürlich kein Thema ist, an dem man eine allgemeinpolitische Entscheidungsfrage für oder gegen diesen Präsidenten aufhängen kann. Ähnlich Chirac's Referendum über die fünf-jährige Amtsperiode des Präsidenten.

**B.M.:** Aber das Referendum über die europäische Verfassung, allein schon aufgrund des Begriffes „Verfassung“ war doch eher in einer höheren Ebene einzuordnen – oder ?

**M.W.:** Ja ganz richtig, das Referendum über die europäische Verfassung hingegen, hat diese Dimension gehabt und Chirac in dieser Frage so gehandelt, dass er Jean-Pierre Raffarin die Arbeit hat machen lassen und ihn danach die Verantwortung hat einstecken lassen.

**B.M.:** Aber glauben Sie, dass viele Franzosen dachten, daß Chirac genauso verfahren könnte wie De Gaulle zuvor und mit einem negativen Ergebnis in dem Plebiszit zurücktreten würde, was natürlich auch einer der Gründe für das „Nein“ vieler Franzosen, zumindest aus den Reihen der Unterstützer der Opposition, gewesen sein könnte ?

**M.W.:** Nein, das glaube ich mit Sicherheit nicht. Wohl haben viele Franzosen mit Sicherheit „Nein“ gestimmt, um Chirac zu schaden, oder ihn zu ärgern. „Pour embêter Chirac“, das las man danach in der Presse. *Als „Nein“-Stimmer interviewt wurden, sagten sie, die Verfassung sei ihnen gleichgültig, sie hätten nur „Nein“ gestimmt „pour embêter Chirac“. Aber, dass er zurücktreten könnte, damit konnte man nicht rechnen.* Damit hat niemand gerechnet und vielleicht nicht niemand, aber die große Mehrheit der „Nein“-Stimmer ist nicht davon ausgegangen, dass Chirac über das „Nein“ zurücktreten würde.

**B.M.:** Nun, eine ganz interessante Frage, da ich dazu schon mehrer verschiedene Antworten gehört habe. Warum hat Chirac entschieden den europäischen Verfassungsvertrag per Referendum zu ratifizieren, beziehungsweise über die Ratifikation das Volk zu befragen, was ja bekanntlich durch die französische Verfassung nicht vorgeschrieben ist ? Es gibt da beispielsweise diese Theorie, die Jean-Pierre Jardell vertritt, dass Chirac in der gaullistischen Tradition eher Europa-skeptisch sei, so wie dies De Gaulle in sehr intensiver Weise war, und daß er somit dachte, daß eine Unterstützung der Verfassung durch ihn, in Anbetracht der, zu dieser Zeit, relativ niedrigen Beliebtheit seiner eigenen Person beim Volk, zum einem Scheitern der Verfassung führen könnte, was insgeheim in seinem eigenen Interesse läge. Was halten Sie von dieser Theorie ?

**M.W.:** Ja, das hat natürlich eine gewisse Plausibilität insofern, als Chirac in seiner politischen Karriere, sich nicht gerade als Europäer profoliert hat. Er war ja bekanntlich Gegner des Vertrages von Maastricht. Gleichzeitig ist die Verfassung von seinem ewigen Widersacher auf der Seite der französischen Rechten Giscard, weitgehend verfasst – oder durchgebracht worden. Insofern kann man da eine gewisse Rivalität vermuten. Das ist eine rein spekulative Frage, für die es keine konkreten Anhaltspunkte gibt. Schlicht weg gehen wir einmal davon aus, von den europäischen Grundentscheidungen, über die in Frankreich Referenden stattgefunden haben – das letzte war der Maastrichter-Vertrag, welcher mit der Einführung des Euros vielleicht letztlich von politisch größerer Tragweite als es die europäische Verfassung war.

**B.M.:** Jedoch hatte aber die Verfassung, wie bereits angemerkt, allein schon aufgrund ihres Namens eine psychologisch weitaus größere Bedeutung in Frankreich als der Vertrag von Maastricht – oder ?

**M.W.:** *Ja genau, allein durch den Namen „Traité Constitutionnel“ hat diese Verfassung eine Tragweite bekommen, die ein Referendum geradezu nahe legt, in einem Land mit einer plebiszitären Tradition. Das denke ich ist das normalste und unangreifbarste Argument, zu sagen,*



*man hatte über den Maastrichter Vertrag abgestimmt und wenn man das gemacht hat, kann man nicht über die Europäische Verfassung nicht abstimmen.*

**B.M.:** Als die Entscheidung, ein Plebiszit abzuhalten vom Präsidenten getroffen wurde war es bekanntlich der Fall, daß die Franzosen noch sehr starke Befürworter einer – und auch dieser Verfassung waren. Meinen Sie er dachte vielleicht er könne sich und seinen Premierminister als sozusagen „Leader of the Winning Team“ stärken, beziehungsweise auf eine mögliche Spaltung der PS hinwirken – welche schließlich auch eingetreten ist – um dadurch die Opposition zu schwächen ?

**M.W.:** *Ja, ich denke wenn man jetzt ein innenpolitisches Kalkül dahinter vermutet, würde ich mir das vermuten, die Linke, durch die Entscheidungsfrage, für oder gegen die Europäische Verfassung zu spalten, was ja, wie Sie bereits festgestellt haben, bestens gelang. Aber, er hat natürlich nicht damit gerechnet, daß das „Nein“ gewinnen könnte und nach allen Umfragen, die im längeren Vorfeld des Referendums stattfanden hatte das „Nein“ keine Chance. Ein Jahr vor der Verfassung, wie Sie bestimmt bereits erforscht haben, lag das „Ja“ unerreichbar vorne. Von daher schien es völlig risikolos das Referendum anzusetzen. Auch das Kalkül, daß die Verfassung eventuell auf ein „Nein“ stoßen könne, konnte vor diesem Hintergrund gar keine Plausibilität haben. Also würde ich eher die Strategie vermuten, die Linke über diese Frage zu spalten, da ein Referendum mit politischem Gehalt, wie es dieses war, der Linken eine Gelegenheit gibt, sich gegen den Präsidenten zusammen zu profilieren. Aber bei der stark konsensuellen Frage der Europäischen Verfassung, war dieser Sammlungsaspekt extrem erschwert. Das Chirac'sche Kalkül könnte dann sein – „Es wird auf der Linken Seite Politiker geben, die sich diese Chance, gegen die Rechte zu mobilisieren, nicht entgehen lassen – und das stimmte. Das trat ein durch die Sezession von Fabius von der Hauptlinie des PS, was ja letztlich das Scheitern der Verfassung eingeleitet hat.*

**B.M.:** Nun zu einer Frage bezüglich der Legitimation der derzeitigen Amtsperiode von Jacques Chirac in den Augen des französischen Volkes. War es bis zu den Präsidentschaftswahlen in 2002 wahrscheinlich, daß Jacques Chirac für eine erneute Amtszeit wiedergewählt werden würde ?

**M.W.:** Er ist sehr geschwächt in die Wahlen von 2002 gegangen. Er war der erste Präsident, der fünften Republik, der keine eigene innenpolitische Bilanz zu verteidigen hatte.

**B.M.:** Wie war es denn bei seinen Vorgängern ?

**M.W.:** Mitterrand zum Beispiel ging 1988 auch als Präsident einer Kohabitationsregierung in die Präsidentschaftswahl, aber er hatte immerhin fünf Jahre extrem wichtiger politischer Entscheidungen zu verteidigen. Wie unter anderem die Abschaffung der Todesstrafe, die Regionalisierung, soziale reformen, etc. Das war bei Chirac nicht der Fall. Er hatte keine Bilanz die er 2002 ins Feld bringen konnte. Jospin hatte eine und war dadurch natürlich auch angreifbar.

Chirac war geschwächt, weil er als Präsident nichts zu verteidigen, nichts anbieten hatte – andererseits allerdings auch wenig angreifbar, weil man ihm letztlich auch nichts zur Last legen konnte. Da der Präsident in den letzten fünf Jahren ja nicht die Innenpolitik bestimmt hatte, konnte er natürlich nicht für die schlechte Wirtschaftslage oder die hohe Arbeitslosigkeit verantwortlich gemacht werden. In sofern würde ich sagen, er war geschwächt aber wenig angreifbar. Jospin, war lange Zeit ein sehr starker und erfolgreicher Premierminister. Er ist letztlich gescheitert an seiner „Gauche plurielle“, diesem Modell einer linken Koalitionsregierung, die sich vor den Wahlen in ihre Stückchen auflöste, wo jedes Bestandteil dieser „Gauche plurielle“ mit einem eigenen Kandidaten ankam und damit die ja eigentlich vorhandene linke Mehrheit beim ersten Wahlgang kaputt machte.

**B.M.:** Letztlich war es ja so daß Chirac beim ersten Wahlgang nur einen sehr leichten Vorsprung vor Jospin und einen noch etwas geringeren vor Le Pen hatte. Heißt dies, daß eigentlich ca. 80% der Franzosen Chirac gar nicht mehr wollten und er einfach nur aufgrund des Erstarkens der Front National bzw. Jean Marie Le Pen's und eben der Spaltung der Linken in 7 verschiedene Präsidentschaftskandidaten gewann. Sprich, daß Chirac eigentlich nicht mehr gewählt worden wäre, wenn diese anderen Faktoren, keine Rolle gespielt hätten ?

**M.W.:** Ja, daß kann man sagen. Jedoch, so einfach ist es wiederum nicht, ich würde Ihnen zustimmen, die Leute die nicht Chirac gewählt haben, wollten lieber einen anderen Präsidenten haben. Ebenso wie die große Mehrheit der Franzosen, die 1995 nicht Chirac gewählt hat, wo er ja auch in der ersten Runde kein berühmtes Ergebnis erzielte und Jospin vorne lag, einen anderen Präsidenten wollten. Aber nun gibt es einen zweiten Wahlgang und hier scharrt sich das Volk um sein Lager – Das linke oder das Rechte Lager. Grundsätzlich kann man sagen, diese Lager sind recht konsolidiert und es gibt eine Marge an der linken und der rechten Mitte um die gekämpft wird. Ich halte es absolut für nicht ausgeschlossen, daß bei einem zweiten Wahlgang zwischen Chirac und Jospin, Chirac als Sieger hervorgegangen wäre.

**B.M.:** Gut, aber welche Auswirkung hatte seine Wiederwahl Ihrer Meinung nach auf die Einstellung des Volkes ihm gegenüber, sowie generell bezüglich der Politikverdrossenheit in Frankreich. Sprich, möglicherweise hätte Chirac im zweiten Wahlgang gegen Jospin gewonnen, wenn Le Pen nicht weiter gekommen wäre. Aber meinen Sie daß die Bürger das auch im Kopf hatten, oder eher extrem viele, so wie einige mit denen ich mich persönlich unterhalten habe, dachten „ich muß nun Chirac wählen um ein Zeichen gegen Le Pen zu setzen, obwohl ich gegen die Rechte bin und der Linken näher stehe“. Und daß genau diese Bürger sich von dem Wahlausgang quasi betrogen fühlen, und sie das Gefühl haben, daß dieser Präsident zu Unrecht Präsident ist, was eine Steigerung der Politikverdrossenheit nach sich zog ?

**M.W.:** Sie haben mit Sicherheit Recht. Die linken, die im zweiten Wahlgang Chirac wählten, taten das unter Selbstverleugnung und das führte dazu, daß sich die Linke plötzlich 2 Jahre später als Siegerin der Regionalwahlen wieder fand, ohne groß etwas dafür tun zu müssen, da sich die PS in

2004 in einem, keinen Deut besseren Zustand als 2002 befand. Also man hat sich sozusagen 2004 gerächt für das Wahlergebnis 2002.

**B.M.:** Worauf ich hinaus will, meinen Sie, daß man sich auch 2005 und zwar genau genommen am 29. Mai 2005 immernoch etwas für dieses Präsidentschaftswahlergebnis gerächt hat. Also meinen Sie daß ein spürbarer Anteil der knapp 55% der Franzosen, die am 29.05.2005 „Non“ gesagt haben, „Non“ gesagt haben, genau wegen dieses „Schmerzes“ der ihnen immernoch im Kopf saß, daß sie damals Chirac quasi wählen mußten, obwohl sie eher auf der linken Seite stehen.

**M.W.:** Gut möglich. Vor allen Dinge aber die Enttäuschung über die drei weiteren Jahre Chirac die dazwischen lagen. Aber ich würde wesentlich vielschichtigere Gründe einfließen lassen, um das „Nein“ zu erklären. Die Person Chiracs und der Hintergrund der Präsidentschaftswahl 2002 ist wichtig. Aber es gehören in das Bild noch verschieden weitere Faktoren, die das „Nein“ erklären. Aber es ist mit Sicherheit ein Aspekt.

**B.M.:** Also ein Aspekt, der in Zahlen vielleicht fünf Prozent ausmachen könnte, die ja bekanntlich entscheidend waren ?

**M.W.:** Ja, mit Sicherheit.

**B.M.:** Ein anderer Punkt der teilweise schon angeschnitten wurde aber nicht in dieser konkreten Ausführung. Hat Chirac, im Gegensatz zu De Gaulle damals, es versäumt die öffentliche Meinung bezüglich der eigenen Agenda zu beeinflussen. De Gaulle hat ja bekanntlich ständige Fernsehansprachen abgehalten, um die öffentliche Meinung in seine Richtung zu lenken und an sich zu binden, was auch sehr erfolgreich war. Denken Sie Chirac hat dies insgesamt Versäumt und insbesondere im Zuge des Plebiszites über den europäischen Verfassungsvertrag, um welchen er sich dem Anschein nach nicht allzu sehr gescheert hat ?

**M.W.:** Ja, ich bin mir sicher, daß er das versäumt hat. Er hat es bewußt versäumt, da er den Stil seiner Präsidentschaft beibehalten hat, der darin besteht sparsam in der innepolitischen Szenerie aufzutreten.

**B.M.:** Aus den Gründen, welche Sie zuvor bereits genannt hatten ?

**M.W.:** Wenn er sich stärker in die Kampagne eingemischt hätte, wäre das Anliegen der europäischen Verfassung stärker mit der Person Chiracs identifiziert worden und eine Niederlage im Referendum wäre viel, viel stärker als eine persönliche Niederlage Chiracs auszulegen gewesen. Er hat es versäumt das Potential zu nutzen, welches die Präsidentschaft im Formen der öffentlichen Meinung besitzt. Wie beispielsweise mein Freund Jean-Louis Bourban vom Europaparlament sagte, würden seine Großtanten bei einem Referendum so stimmen, wie es ihnen der Präsident sagt. *Da hat der Präsident ein hohes Potential ein solches Thema zu erklären,*

*plausibel zu machen und dafür zu werben daß in seinem Sinne gestimmt wird. Dies hat Chirac auf schmähliche Weise vernachlässigt. Die politische Pädagogik, die im Präsidentenamt ansässig ist und welche De Gaulle ständig gebraucht hat, hat Chirac vernachlässigt.*

**B.M.:** Meine nächste Frage entfernt sich nun etwas von der Person Jacques Chirac und geht in Richtung der französischen Gesellschaft als solche. Worin sehen Sie die Gründe der ständigen Demonstrationen, Streiks und anderer öffentlicher Aufrühre dieser Art, wie wir es zuletzt im Zuge der CPE-Debatte erlebt haben. Sind die Gründe für diese Phänomene des Protestes in der französischen politischen Kultur selbst zu suchen, welche möglicherweise zu einer Rebellion gegen die Obrigkeit neigt ?

**M.W.:** Die Gründe für die Häufigkeit konfliktueller sozialer Beziehungen sehe ich wesentlich in der Rolle des Staates, der den Akteuren der Zivilgesellschaft nicht genügend Autonomie läßt Konflikte selber zu regeln. Was dazu führt, daß man sich vom Staat einen maximalen Schutz erwartet. Sehr prominent in der französischen politischen Kultur ist die Vorstellung, daß der Staat das Gemeinwohl definiert.

**B.M.:** Das geht zurück auf die Quellen des französischen politischen Denkens, wie der Rousseau'schen „Volonté Générale“ oder ?

**M.W.:** Genau, oder auch der Jakobinismus in der französischen Revolution hat sich ganz stark in dieser Sichtweise des Staates, als bestimmter des Gemeinwohles hervorgetan.

**B.M.:** Aber akzeptieren das die Bürger ?

**M.W.:** Tja, damit hat sich bereits das Buch von Pierre Rosanvallon, mit dem Titel „Le modèle politique français“ und dem Untertitel „La société civile contre le Jacobinisme“ auseinander gesetzt. Hierin geht es um das Verhältnis zwischen Staatlichkeit und dem Anspruch des Staates das Gemeinwohl zu definieren und die Zivilgesellschaft zu kontrollieren und einer nach Autonomie strebenden Zivilgesellschaft. Das Ergebnis ist im Grunde genommen: Immer schon hatte es mehr Streben nach autonomer Zivilgesellschaft gegeben, als es die Verfechter des jakobinistischen Staatsmodells zugestehen wollten.

**B.M.:** Was für eine Rolle spielt die Auffassung von Elite – politischer Elite in Frankreich. Wie ist die Einstellung der Bürger gegenüber dieser Elite und der politischen Klasse generell zu sehen, insbesondere bezüglich eines Auftretens von Phänomenen wie Politikverdrossenheit ?

**M.W.:** *Die Bevölkerung hat eine sehr hohe Erwartungshaltung gegenüber dem Staat und hängt sehr stark an dem kontrollierenden, sorgenden, waltenden, einflußreichen Staat.*

**B.M.:** Aber hat die Bevölkerung nicht auch das Gefühl quasi vom Staat übergangen zu werden. „Die da in Paris, die so weit entfernt sind vom einfachen Bürger“. Könnte es somit nicht sein, daß aufgrund des Umstandes, daß das Volk keine intensiven Möglichkeiten zur Mitbestimmung hat, etc., es seiner Stimme bei jeder ihm gebotenen Möglichkeit versucht Gehalt zu geben, in dem es beispielsweise auf die Straße geht und demonstriert oder vielleicht gar bei einer plebiszitären Entscheidung, ungeachtet des eigentlichen Inhaltes negativ entscheidet, um gegen die Obrigkeit zu rebellieren und seinem generellen Protest Gestalt zu geben.

**M.W.:** Proteste, wie der gegen den CPE werden von benennbaren Gruppen organisiert, die eine Chance gesehen haben, gegen die Regierung zu mobilisieren und das sogenannte „Mouvement social“ zu stärken. *Es gibt keine institutionalisierten Kanäle der Konsultation signifikanter Akteure.*

**B.M.:** Hängen diese ständigen sozialen Konflikte in Frankreich mit dem Umstand der extremen Zwispaltung Frankreichs, sprich mit der Existenz der sogenannten „Deux France“ zusammen. Also der, im internationalen Vergleich, relativ extremen Spaltung der Gesellschaft zwischen rechts und links, jakobinisch oder katholisch, etc. ?

**M.W.:** *Ja sicher. Es ist eine alte Sichtweise der französischen Gesellschaft, daß Frankreich seit der Revolution immer sehr polarisiert war.*

**B.M.:** Und nicht zum Konsens neigt ?

**M.W.:** *Ja, nicht zum Konsens neigte und die Repräsentanten beider Lager den Konsens nicht wünschten und den Konflikt bevorzugten.* Später haben Staatsmänner wie De Gaulle versucht diese ständigen Konflikte zu überwinden. Nun hat die fünfte Republik durch die Form der Präsidentschaftswahl und durch ihre verfassungsmäßige Gestalt und auch die Weise wie das System gelebt wird, die Bipolarisierung der französischen Politik verstärkt. Es ist extrem bedeutungsvoll, daß im zweiten Durchgang der Präsidentschaftswahl zwei Menschen einander gegenüber stehen. Dies ist meistens ein Rechter und ein Linker, wodurch sich die politische Szenerie ganz natürlich polarisiert und Konsens zwischen links und rechts stark erschwert werden.

**B.M.:** Ist Frankreich, Ihrer Meinung nach politisch stärker gespalten als andere Länder. Ist beispielsweise die Linke in Frankreich weiter links als in anderen Ländern ?

**M.W.:** Mittlerweile schon, würde ich sagen. Die französische Linke ist traditioneller geblieben als andere europäische Linke das sind. So wurde beispielsweise Ségolène Royal in der PS stark angefeindet weil sie positiven Aspekte des Modells von Tony Blair hervorhob. Die Rechte auf der anderen Seite ist viel Milleu-gebundener als beispielsweise in Deutschland. Es sind keine echten Volksparteien. Sie werden nie einen Arbeiter finden, der UDF wählt.

**B.M.:** Könnte die praktizierte nicht-Beteiligung der Bürger in der Gesetzgebung, wie beispielsweise im Zuge der sogenannten Exekutiv-Gesetze, bei deren Verabschiedung das Parlament als Stimme des Volkes quasi übergangen wird, oder zum Beispiel durch den Umstand, daß es im zentralistischen Frankreich keinerlei Beteiligung in Form föderaler Institutionen gibt, ein Grund für die ständige „Außerparlamentarische Opposition“, wie ich sie einach einmal nenne sein und dafür sorgen, daß die Bürger jede Gelegenheit nutzen sich politisch auszudrücken. Also, daß wenn die Möglichkeit der Partizipation einmal besteht, nicht unbedingt nur auf den jeweiligen Sachverhalt eingegangen wird, sondern die gesamte angestaute Unzufriedenheit bei der Gelegenheit ausgedrückt wird. Konkreter gesagt, daß im Kontext des Plebiszites zur europäischen Verfassung, manch ein Bürger gedacht haben könnte: „Gut, jetzt drücke ich meinen Unmut mit der Politik, oder mit Chirac, oder mit der wirtschaftlichen Lage generell aus. Es ist mir völlig gleichgültig um was es genau hier geht, aber jetzt habe ich endlich die Chance gehört zu werden, und protestiere somit.“

**M.W.:** *Das ist mit absoluter Sicherheit richtig was Sie sagen.*

**B.M.:** Nun eine Frage deren Antwort eigentlich klar ist trotzdem möchte gerne Ihre Meinung hierzu hören. Warum hat Chirac, oder bzw. die beiden Kammern des französischen Parlamentes die französische Verfassung im Februar 2005 dahingehend geändert, daß ab sofort alle weiteren Beitritte zur Europäischen Union nach Bulgarien Rumänien und Kroatien in Frankreich per Plebiszit ratifiziert werden ?

**M.W.:** Der Grund liegt auf der Hand. Die Türkei-Frage sollte aus dem Verfassungs-Referendum herausgehalten werden. Die einzige Möglichkeit dies zu tun war, zu sagen „darüber stimmen wir auch nochmal ab, wenn es soweit ist. Vergesst das erstmal jetzt und konzentriert Euch auf die Verfassung. Und wenn es zu einem Türkei-Beitritt kommen sollte, stimmen wir darüber auch ab.“

**B.M.:** Aber diese Rechnung ging bekanntlich nicht auf. Warum ?

**M.W.:** Aus verschiedenen Gründen. Ein Argument, welches von den rechten Gegnern der Verfassung vorgebracht wurde, war „gerade weil die Türkei eventuell beitreten wird, müssen wir diese Verfassung verhindern, die von ihrer Gestalt her einem neuen Mitgliedsstaat Türkei, starke Einflußmöglichkeiten sichern würde.“

**B.M.:** Wissen Sie ob es auch die, an sich rationale, Argumentation gab, daß man ohne diese Verfassung mit ihren institutionellen Reformen, die Türkei gar nicht aufnehmen könne, da dies die Handlungsfähigkeit der Union nach dem Vertrag von Nizza zum erliegen brächte ?

**M.W.:** Die Geschichte ist sehr kompliziert, wenn man sich die Türkei-Frage und die Verfassungs-Frage zusammen ansieht. Da gibt es Türkei-Befürworter und Verfassungs-Befürworter. Da gibt es in Frankreich sehr viele Verfassungs-Befürworter und Türkei-Gegner. Einer der prominentesten

Europäer in Frankreich, Bayrou, der mit der UDF, die klassische europäische Partei in Frankreich vertritt, ist ein Türkei-Gegner. Giscard ist Verfassungs-Schöpfer und Türkei-Gegner.

**B.M.:** Aber ungünstigerweise wurden diese beiden Themen vermischt, was das „Nein“-Potential erheblich gestärkt hat. Oder ?

**M.W.:** Ja, denn das Argument der Euro-skeptischen Verfassungs- und Türkei-Gegner, ist, daß in einem stärker supranationalisierten Europa, ein Mitgliedsstaat Türkei zusammen mit anderen Staaten Frankreich überstimmen kann. Und da es kaum noch Veto-Möglichkeiten mehr gibt, Frankreich ausgeliefert ist und seine Souveränität völlig abgibt. Das Argument der rechten Verfassungsgegner ist ja das Souveränitätsargument. *Das verbindet sich dann mit dem Türkei-Argument. „Wir liefern uns da den dann 80 Millionen Türken aus, die uns überstimmen können“.*

**B.M.:** Die europäische Verfassung hat eine gewisse Gemeinsamkeit mit dem einstigen Projekt der europäischen Verteidigungsgemeinschaft in sofern, als sie beide nach eigentlicher primär französischer Initiative durch Ablehnung von Entscheidungsträgern ein und des selben Staates gestoppt wurden. Sehen sie Ähnlichkeiten in der Mobilisierungsfähigkeit bezüglich der öffentlichen Meinung in den beiden Projekten ?

**M.W.:** Die Frage der europäischen Verteidigungsgemeinschaft hatte eine viel, viel stärker mobilisierende Kraft. Um die europäische Verfassung wirklich zu politisieren, mußte man sich schon sehr anstrengen und teilweise Lügen erfinden, oder solche Gespenster wie den polnischen Klempner aufbauen. Das mußte man mit der europäischen Verteidigungsgemeinschaft nicht.

**B.M.:** Zum Abschluß noch eine sehr generelle Frage. Was ist Ihrer Meinung nach der wichtigste Grund für die Ablehnung des europäischen Verfassungsvertages durch die Franzosen ?

**M.W.:** Ich denke daß sich das „Nein“ an einem generellen, wahrgenommenen Trend des europäischen Einigungsprozesses entzündete. Und dieser Trend ist die Liberalisierung. Nichts ist in Frankreich zu einem schlimmeren Schimpfwort geworden, als „liberal“ oder „neo-liberal“. Insofern hat man sein „Nein“ gegenüber diesem Entwicklungsprozess der europäischen Einigung ausdrücken wollen. Da ist der „Plombier Polonais“ nur ein Symbol für. Dies ist irrational insofern als der neo-liberale Gehalt der europäischen Einigung durch den Verfassungsvertrag nicht verstärkt wurde. Der besteht nach wie vor. In den bestehenden Verträgen ist ein marktliberaler Gehalt. Dieser Prozess wird weitergehen ungeachtet der Verfassung oder nicht. Insofern kann man sagen, es ist eine irrationale Entscheidung gewesen, weil sie sich nicht an dem eigentlichen Thema des Vertrages aufhängte. *Meine Auffassung ist, bei Referenden über solche Fragen wird generell irrational abgestimmt. Es liegt einfach im Wesen des Referendums über eine Sachfrage von komplexem Gehalt irrational abzustimmen.*

**B.M.:** Dann kann man also als Schlußfolgerung sagen, es ist falsch über derartiges Referenda abzuhalten – oder ?

**M.W.:** *Es ist generell total falsch, ja.*

**M.W.:** Eine Sache die ich wirklich für entscheidend halte und wo ich auch den Zusammenhang sehe mit dem was wir besprochen haben, über die Rolle des Staates und Protestkulturen. *Das entscheidende Thema, womit sich Frankreich auseinandersetzt ist das der Gefährdung des Nationalstaates durch die Globalisierung und Europäisierung.* Das ist das Grundthema der französischen Debatten. Das „Modèle sociale français“, an dem die Franzosen vorraussichtlich mit großer Mehrheit festhalten. Sie möchten das angesichts seiner Bedrohung durch die Globalisierung und Europäisierung verteidigen. Die Grundfrage ist, kann das französische Gesellschaftsmodell bewahrt werden. Ein wichtiger Inhalt dieses Sozialmodells ist die Rolle des Staates – „le service public“. Die Essenz der gegenwärtigen französischen Auseinandersetzung ist die Frage, kann dieses als besonders empfundene Gesellschaftsmodell erhalten werden.

**B.M.:** Was auch in der Verfassungsdebatte eine exorbitante Rolle gespielt hat.

**M.W.:** Genau, den linken Verfassungsgegnern, allen voran Fabius, ist es gelungen, die Verfassungsdebatte auf diese Frage zu bringen. *Die Verfassung als ein Element dieses Gefährdungsprozesses des französischen Sozialmodells. Indem er gesagt hat „es sei nicht genug soziales drin. Und nachdem das jetzt eine Verfassung wird, wird unsere sozialere Verfassung gefährdet“.*

**B.M.:** Merci beaucoup Monsieur Wächter.



## VI. Appendix 3: Interview with Ferdinand Graf Kinsky<sup>XI</sup>

**Vice president of the “Centre International de Formation Européenne”,  
Institut Européen des Hautes Etudes internationales, Nice France, 04/10/2006**

**Bernhard Metz:** Herr Kinsky, lassen Sie mich mit einer sehr allgemeinen Frage beginnen. Was ist Ihrer Meinung nach der Hauptgrund dafür, daß ca. 55% der Franzosen gegen den europäischen Verfassungsvertrag gestimmt ?

**Ferdinand Kinsky:** *Einerseits gab es solche die gegen Chirac gestimmt haben. Dies war schon oft vorher bei Referenden der Fall, vor allem bei denen die De Gaulle vorgeschlagen hatte.*

**B.M.:** Was er bekanntlich selbst gewollt hatte und letztlich, in 1969, auch seine politische Karriere beendet hatte.

**F.K.:** Ja, 1969 gab es ein Plebiszit über die Regionalisierung und eine Reform des Senats. Die Franzosen waren laut Umfragen im Grunde dafür, aber die Leute haben, nachdem er erklärt hatte, er würde zurücktreten wenn sein Vorschlag nicht voll angenommen werde, voll für, beziehungsweise gegen De Gaulle gestimmt. Die Franzosen haben sehr schnell die Schnauze voll von Politikern. De Gaulle war sehr lange an der Macht und wurde durch das Plebiszit „entfernt“. Chirac ist bereits ähnlich lange an der Macht.

**B.M.:** War diese Personalisierung der eigentlichen Sachfrage, auch im Zuge des Plebiszits zu dem Vertrag von Maastrich der Fall ?

**F.K.:** *Ja, auch bei Maastricht war es so, daß viele Leute, die gegen den Vertrag gestimmt haben, eigentlich gegen Mitterrand gestimmt haben. Dies war im Fall der Europäischen Verfassung auch so.*

**B.M.:** Somit ist die momentane Unbeliebtheit Jacques Chirac's in Ihren Augen einer der Hauptgründe für die Ablehnung des Vertrages gewesen ?

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<sup>XI</sup> Ferdinand Graf Kinsky has been the director of the “Centre International de Formation Européenne” and the president of the Europäisches Bildungsinstitut in Bonn over many years. Academically he is analyzing issues of federalism and has published a series of articles and essays, partially dealing with problems of public opinion and irrationality.

**F.K.:** Ja, hinzu kommt auch noch, daß Chirac im Fernsehen sehr ungeschickt war. Dies ist sowieso eine seiner Schwächen. Im allgemeinen kommt er nicht gut an im Fernsehen.

**B.M.:** Können Sie ein konkretes Beispiel für das schlechte Bild, welches er als Unterstützer der Verfassung in der Öffentlichkeit hinterlassen hat, nennen.

**F.K.:** *Seine erste Stellungnahme zur Verfassung hat er nicht direkt gemacht, sondern in einer Diskussion mit Jugendlichen. Die Jugendlichen haben ihn angegriffen und er reagierte beleidigt. Es hatte eigentlich nicht viel mit Europa zu tun. Er kam sehr schlecht an bei den Leuten.*

**B.M.:** Hatte dieser Auftritt nachvollziehbare Auswirkungen auf die Akzeptanz der Verfassung ?

**F.K.:** *Oh ja, unmittelbar nach diesem Gespräch sind die Meinungsforschungs-ergebnisse über das Referendum negativ ausgefallen.*

**B.M.:** Aber die Ablehnung der Verfassung ist wohl nicht nur dem schlechten Marketing seiner Befürworter, sondern vor allem auch dem wirkungsvollen Marketing seiner Gegner zu verdanken - oder ?

**F.K.:** Die Gegner, vor allem De Villiers und Le Pen auf der rechten Seite haben Argumente gebracht, die entweder falsch waren, oder nichts mit der Verfassung zu tun hatten, wie zum Beispiel die Türkei oder die Bolkestein-Richtlinie.

**B.M.:** Aber neben der extremen Rechten hat sich vor allem auch die extreme Linke in der Verfassungsdebatte sehr stark profilieren können – oder ?

**F.K.:** *Von links kamen eigentlich nur die Argumente, daß es zu liberal sei. Der Verfassungsvertrag würde ein „liberales Europa“ schaffen. Die linke Seite hat eigentlich nicht das Bolkestein-Argument verwendet.*

**B.M.:** Könnten Sie noch etwas zur Rolle der wichtigsten französischen Zeitungen wie *Libération* und *Le Monde* auf der links-liberalen und *Le Figaro* auf der rechten Seite sagen.

**F.K.:** *Le Monde, Libération und Le Figaro waren insgesamt positiv zum Vertrag eingestellt, haben aber kritische und irrationale Artikel abgedruckt.*

**B.M.:** Das Stichwort „irrational“, bringt mich zu einer sehr wichtigen Frage. Sie beschäftigen sich sehr viel mit dem Thema Irrationalität und Ignoranz, beziehungsweise Unwissenheit der Bürger. Welche Rolle haben diese Phänomene bei der Bildung der Perzeption der Franzosen bezüglich der Verfassung gespielt ?

**F.K.:** *Der Durchschnittsbürger in Frankreich ist sehr schlecht informiert. Ein Beispiel: De Villiers sagte immer wieder, auch im Falle von Maastricht, Amsterdam und Nizza, diese Verträge würden ein „föderales Europa“ herbeiführen.*

**B.M.:** Ein Begriff, der für einen Franzosen, wenn ich nicht irre, wohl eine andere Konnotation hat als für, beispielsweise einen Belgier oder einen Deutschen ?

**F.K.:** *Genau, da die Franzosen keinerlei Erfahrung mit Föderalismus haben, neigen viele dazu es mit Zentralismus gleichzusetzen und befürchten, daß ein föderales Europa, Frankreich verschwinden lassen würde.*

**B.M.:** Vielen Dank Herr Kinsky.

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