



## How to Explain the Unexpected: An Assessment of the French Constitutional Referendum

Gaëtane Ricard-Nihoul & Morgan Larhant\*

**Theme:** Seen from abroad the French referendum on the European Constitution appears to be full of paradoxes

**Summary:** When the French referendum on the European Constitution is considered from abroad it appears to be full of paradoxes. First, although the major political parties have officially endorsed the text, there is still an enormous uncertainty as to the outcome. All the polls since mid-march have indeed placed the ‘no’ side in a leading position. Secondly, although only the first two parts of the text present new elements, the debate has so far centered on the third part. Some of the basic principles of the Rome Treaty of 1957, such as free competition and the four freedoms of movement now appear excessively liberal to be ‘engraved’ in a constitution. Thirdly, despite the intensity of the debate the campaign has mainly focused on issues that are unrelated to the Constitution (for instance, the Bolkestein directive and Turkish membership of the EU). These paradoxes underscore the need to analyse the ongoing French debate and to advance a few explanatory factors. Hence, this paper has three distinct parts. The first provides a general description of the main events since mid-July, the second describes the most relevant actors in the campaign and, finally, the third attempts to put forward some explanations

### Analysis

#### I. An unusually long debate

In addition to the unexpected results shown by the polls, the debate is also atypical in its duration. It began on 14 July 2004 when J. Chirac followed the opinion of the vast majority of parties and announced the calling of the referendum ‘in the second half of 2005’. Since then, there have been three phases.

##### *1. Up until the results of the PS’s internal referendum: a nationally scrutinised debate*

From mid-July to 1 December the debate essentially took place within the Parti Socialiste. It was heated but the overall impression was that it was a quality debate. The campaign really started when former Prime Minister L. Fabius, who had so far seemed hesitant, called for a conditional ‘no’ at the beginning of September. He declared that he would oppose the text unless President Chirac succeeded in inclining European policies towards a more social agenda. A week later, he came out in clear opposition.

The political balance within the party was slightly in favour of the ‘no’ side. In addition to L. Fabius and most of his supporters, such as former member of the EU Convention and

---

\* Gaëtane Ricard-Nihoul, Secretary-General of Notre Europe, Morgan Larhant, research assistant, Notre Europe.

current MEP Pervenche Berès, the ‘no’ option enjoyed a majority within the party’s executive body (*le bureau national*), whose composition reflects its numerous internal divisions (named *courants*). It also included some strong regional organisations (M. Dolez in the North) as well as the dynamic *courant* known as ‘the new socialist party’ (A. Montebourg and V. Peillon) and the leftist *courant* ‘New world’ (H. Emmanuelli and J.-L. Mélenchon). The opposite faction included heavy-weights such as J. Delors, P. Mauroy, R. Badinter and L. Jospin as well as most of the elected politicians (at the European, national and local levels) and most of the possible candidates for the 2007 presidential nomination (D. Strauss-Kahn, J. Lang, B. Delanoë and M. Aubry). However, it supposedly had less grass-roots supporters.

The internal referendum took place on 1 December and gave an unexpected advantage to those favourable to the Constitution (59% for, 41% against). Many observers consider both the result and the substantial rate of participation (82%) as a natural reaction of party members to the guidelines given by the party’s leaders. It is also perceived as a personal defeat for L. Fabius in his bid to gain the party’s nomination for the 2007 presidential race. The outcome also seemed to guarantee a ‘yes’ vote at the national level.

## *2. From December to mid-march: the opponents mobilise*

In the aftermath of the PS’s internal referendum, the Constitution’s proponents scaled down their campaign. The debate remained at the institutional level and took two forms:

- *An information campaign led by the Ministry of Foreign Affairs (MFA).* Under the leadership of former EU Commissioner Michel Barnier, the MFA organised an information campaign on the Constitution, known as ‘*Mission Europe*’, with a budget of €10 million. A web-site (<http://www.constitution-europeenne.fr>) was set up, an ad campaign was run on TV and local initiatives were financially sponsored.
- *A political debate in Parliament.* Given the decision of the *Conseil Constitutionnel* that a revision of the French Constitution was required, both Chambers had to vote on the articles to be revised. This was carried out in the *Assemblée nationale* on 27 January 2005 (450 in favour, 34 against and 27 abstentions) and by the Senate two weeks later (262 for, 27 against and 30 abstentions). Both Chambers then united as a Congress at Versailles on 28 February and formally approved the constitutional amendments by 760 in favour, 66 against and 96 abstentions.

In the meantime, the Constitutional treaty’s opponents became very active in the debate. This was illustrated on 12 December by the decision of ATTAC, the main *altermondialistes* movement, to officially oppose the text. It was the first time in its short history that this movement had taken an electoral stance. Likewise, on 3 February, the Assembly of the CGT, one of the main trade unions, voted by a huge majority of 81% against the Constitution. This was a clear setback for its leader, B. Thibault, who had previously argued in favour. The mobilisation was underscored by the resonance given during this period to the Bolkestein directive, which was presented by these movements as a natural emanation of the Constitution. As a result, it was no surprise when the polls started to indicate a possible victory of the ‘no’ faction in mid-march.

## *3. Since mid-march: negative polls and campaign cacophony*

All the polls since this date have shown a clear advantage for the ‘no’ side, although the ‘yes’ side seems to have regained some ground in the past two weeks. The difference

remains slim ( $\approx 5\%$ ) but the most recent polls indicate that opposition to the Constitution is stabilising. Whereas until recently a majority of interviewees declared they would vote against but hoped that the 'yes' vote would prevail, there is now a majority that hope that France will not ratify the Constitution. Opposition to the Constitution is particularly strong among the middle-aged (25 years old and above), whereas the strongest supporters of a 'yes' vote are the elderly (65 and above). Secondly, whereas for a long time education and social status were positively correlated to the likelihood of supporting European integration, the situation has now changed. For instance, those with two years of higher education and employees (especially in the public sector) are more likely to vote against the Constitution. Finally, professionals, who used to be strong supporters of European integration, now appear to have switched sides. This is also paradoxically the case with farmers, who happen to be amongst the greatest beneficiaries of the Union's policies.

The proponents of the Constitution had to react to address this groundswell of discontent. First, whereas it had so far seemed hesitant, the government agreed to reimburse campaign expenditures of up to €800.000. This guaranteed that the major parties would have an incentive to carry out an effective information campaign. Likewise, the rules for access to air-time during the official campaign favour the main parties, which generally support the Constitution. Secondly, the heavyweights of French politics, among them President J. Chirac, intervene directly in the campaign, while influential figures, such as the former President of the European Parliament (EP) Simone Veil, have also started campaigning. Finally, the proponents of the treaty received the support of various foreign leaders, both institutional, such as J.L. Rodríguez Zapatero and G. Schröder, and partisan actors, such as the European Socialist Party. Nevertheless, these interventions are often considered inappropriate, which could be seen as a symptom of a divided political landscape.

## **II. A sharply divided political landscape**

The description of the three periods of the debate highlights the campaign's major dynamics. The result today is a stable but politically divided landscape.

### *1. Divided political parties*

As was frequently the case in the past, the parties' positions on this issue follow the centre/periphery representation. Nevertheless, whereas the extremist parties are almost unanimously against the treaty, new divisions have occurred at the centre of the political spectrum.

Although they have been relatively discreet so far, the extreme-right parties such as the FN and the MNR have adopted a clear position against the Treaty. Likewise, the far-right parties (MPF and RPF), claiming to defend national sovereignty, have sharply criticised the Constitutional Treaty. In this regard, whereas veteran C. Pasqua has been practically absent from the debate for personal reasons, maverick P. de Villiers has been particularly vocal.

The 'no' front is also very united on the extreme-left. The LCR's opposition to the Treaty was instantaneous, while more debates took place within the LO. The latter, a Trotskyist party, has traditionally been reluctant to take a position on national referendums. For instance, Arlette Laguiller issued a call to abstain from voting in 1992 for the Maastricht

Treaty. But this time the LO's leaders have decided to oppose the Treaty, although they will not campaign with the other extreme-left groups. Finally, the PCF executive has officially advocated a 'no'.

The situation remains much more complex at the centre of the political spectrum. In the Green Party, most of the leaders, such as N. Mamère and D. Voynet, as well as Y. Wehring, who was recently elected party chairman, expressed their support for the Constitution. However, many members and the former party leader G. Lemaire seem reluctant to vote for what they consider a neo-liberal text. An internal referendum took place by mail and resulted in a 53% majority in favour of the Constitution. Opposition within the party has however remained, as illustrated recently when one of the top elected officials in the Greens, Francine Bavay, called for an 'ecologist no', which was endorsed by 450 party members (including many local officials).

Divergences are also important in the socialist movements. Whereas it seemed natural for J.-P. Chevènement's newly created party, the MRC, to oppose the Constitution in the name of French Republicanism, the intense debate within the PS was less expected. The internal referendum should have put an end to the intra-partisan debate but the socialist opponents of the Constitution still publicly oppose the text. Some of them (H. Emmanuelli and J.-L. Mélenchon) even participate in political meetings that are organised by other parties, whereas L. Fabius has adopted a more cautious strategy. So far, F. Hollande has been unable, or unwilling, to impose sanctions on those participating in these activities.

Even on the Right, certain divergences have re-emerged. In the government party (UMP), the so-called *souverainistes*, represented by the MP Dupont-Aignan, as well as the Catholic faction of the party (led by C. Boutin), have announced their opposition to the Constitution. Even in the most pro-integration party, the UDF, whose leader is F. Bayrou, voices have been raised linking the position on the Constitution with the issue of Turkey's membership of the EU. Nevertheless, the two parties should remain the strongest supporters of the treaty.

## 2. *A divided civil society*

Similarly to the political parties, civil society is also sharply polarised between those in favour and those against the Constitutional treaty:

- *In the trade unions.* On 13 October 2004 the European Trade Union Confederation (ETUC) officially endorsed the Constitution. On this occasion, the five French members, namely CFDT, CFTC, UNSA, CGT and FO, expressed diverging opinions. While the CFDT and the UNSA voted in favour of the resolution, the CGT and the CFTC abstained and the FO was the only European trade union to vote against (the overall result being 68 in favour, 7 abstentions and one against). Since then, opposition to the treaty has grown in trade unions circles, as shown by the vote of the CGT. The division is also important among non-members of the ETUC. The two main teachers' trade unions (FSU and SNES) have serious doubts about the Constitution, the latter denouncing the 'serious dangers' implied by the text. At the same time, the main agricultural trade union (FNSEA) refused to officially endorse the text but underlined the need for 'the clarification of the rules' in the EU. Unlike the FNSEA, the growing *Confédération Paysanne*, previously led by José Bové, opposed the text. Finally, the so-called 'groups of 10' (which include some important trade unions, such as the SUD which has about 90.000 members) called for a 'no' vote.

- *In the rest of civil society.* Civil society has been just as divided. Although debate is still limited, some trendsetters have already announced their positions. On the left, the Copernic Foundation, which is close to the Communist Party, has been the most vocal in favour of a 'no' vote. On 20 October, a list of 200 names, mainly from the *altermondialistes* and the anti-liberal Left, called for a 'Left no'. Included in the list were political leaders (F. Wurtz and M. Dolez) as well as actors (J.-P. Daroussin and A. Ascaride) and members of trade unions (J. Bové, FSU, CGT). At the same time, the 'yes' side also started to unite. On 16 November 2004, several organisations, such as New Republic, Europa Nova, Femmes Débats et Société, the Robert Schuman Foundation and others, organised a joint meeting in Paris to launch the 'platform for 'yes''. Likewise, in March, the PS set up a support Committee chaired by J. Delors, which includes prominent intellectuals such as B.-H. Lévy, A. Grosser and R. Rémond, as well as both national and international artists (P. Almodóvar, J. Semprún, F. Chandernagor, etc).

### III. How can the picture be made clearer?

When J. Chirac announced his intention to call a referendum on the Constitutional Treaty, he declared that no political leader could seriously oppose the text. Today, at least half of the French electorate plans to vote against it. This was, however, predictable. It derives from the resurgence of political opposition, which has appeared since the early 80s, as well as from the ongoing transformation of the French political scene.

#### 1. *The divisions on Europe*

Whereas the pro-/anti-integration cleavage had structured the Maastricht debate, polarising the opposition to the Treaty on the extremes of the political spectrum, the dividing lines of the current debate are more blurred. If the cleavage is still visible, another structural cleavage is emerging based on the idea that another Europe is possible.

- *The emergence of the 'pro-/anti-integration' cleavage.* This cleavage appeared as soon as the EU developed into a polity. Highly visible during the Maastricht debate, this factor remains pertinent to explain most of the anti-constitutional positions on the Right (FN, RPF, MPF and a few members of the UMP) and some of the positions on the Left (MRC). They reject the idea of transferring additional powers to the EU. The inclusion of the Charter of Rights, the supremacy of EU law, the use of qualified majority voting in the CFSP field, the creation of a permanent President of the European Council and the omnipotence of the ECB are some of the most criticised clauses. The cleavage is inconsistent since it implies for some the end of the deepening of European integration (De Villiers) and for others the promotion of intergovernmental enhanced co-operation (Chevènement).
- *The emergence of an 'alter-Europe' cleavage.* Although heterogeneous, this cleavage is based on the assertion that another Europe is possible and should be achieved. Such an assumption reflects both the growing distrust towards the neo-functionalist method with its incremental spill-over effects and the doubts regarding Europe's identity as a result of the successive enlargements. There are two variants, but they both share the view that the social dimension of the EU has been neglected for too long and that a political Constitution should not incorporate such a bias.

The first variant, which also partly plays on the sovereignty idea, focuses its criticism on the EU's liberal bias. Arguing that the neo-functionalist method of integration has had no impact on the development of a truly European social system and that it may even harm national welfare systems, this faction supports a more socially-oriented Europe. Inspired by the French social system, it wants a new Stability pact, political control over the ECB's policies, a stronger emphasis on the social aspects of the Constitution and recognition of the French '*service public*'. This view derives most of its support from the left of the Socialist Party (the '*New World*' *courant*), the left of the Green Party, the extreme-left parties (PCF, LO, LCR and the PT) and the *alter-mondialistes*. Amplifying the PCF slogan used during the last EP elections ('Europe, yes, but not this one'), they also denounce the idea that European policies should be included in the EU Constitution (part III). The recent debate on the Bolkestein directive provided them with an opportunity to illustrate their thesis.

The second variant, based on the same criticism towards the social bias of the Constitution, is promoted by L. Fabius. It holds that the Constitutional Treaty dilutes the European project. For Fabius, Europe needs to be powerful, which the Constitutional Treaty does not guarantee. His ambition is to remodel Europe into three circles: a first circle including France, Germany, Spain and some smaller countries, a second circle with the other current members and a third circle linking the EU with other countries such as Turkey and the Maghreb through special partnerships. This is partly based on the idea that France is losing its pre-eminence within the EU and that the EU's original identity needs to be reasserted. In this regard, the '*realist no*' is an idealistic return to the past.

The rise of this cleavage is largely based on a Left/Right divide. In fact most, if not all, the supporters of the '*alter-Europe*' cleavage are located on the left side of the political spectrum. This explains why its leaders are largely using arguments that have more to do with the government's economic and social record than with the Constitutional Treaty itself.

## *2. The current evolution of the French political scene*

Although European issues are fuelling the debate, domestic political concerns still remain in the background. Consequently, the current debate also needs to be analysed through the lens of personal and partisan realignment, as well as global distrust of the political system.

- *Personal political realignment.* The 2005 referendum on the EU Constitution will be the last national plebiscite before the presidential elections of 2007. Consequently, potential candidates have used this issue to raise their own political profiles. This is particularly the case with L. Fabius. Other party leaders have made the same calculation. Among the Greens, former leader D. Voynet was one of the first to advocate a '*yes*' vote, in spite of the absence of an official position of her party. Immediately after, the other potential candidates (N. Mamère and A. Lipietz) came out in favour of the Constitution also. Last but not least, the active engagement of F. Bayrou in the campaign can be understood as a way of banking on the sympathy created by an issue in which the UDF has traditionally had a comparative advantage.

- *The partisan realignment.* Parties are taking advantage of the referendum to redefine their strategic lines. On the extreme-left, the debate over the Constitution has created a broad coalition including the PCF, LCR, LO but also civil society bodies such as ATTAC and the Copernic Foundation. Still on the left of the PS, J.-P. Chevènement's party has regained media coverage after its catastrophic electoral results in the spring of 2004. The realignment of the PS remains, however, a controversial issue. Whereas the results of the party referendum were considered to be latest move towards a social-democratic stance, as initiated in 1983, the situation may yet change depending on the outcome of the national referendum. Indeed, a 'no' at the national level would force the party to bridge the gap on the left, which could lead to a partial reconstitution of the former *gauche plurielle* (the government coalition with the PS, the PCF, the Greens and Chevènement's party that ruled France from 1997 to 2002). On the contrary, a 'yes' vote will only strengthen the PS's current line if it manages to differentiate its support from that of the Right. This explains why a broad coalition going from the centre-left to the centre-right, a project that has inspired the UDF since its creation in 1978, would be doubtful.
- *The rising distrust of the French electorate.* The gap between the French electorate and its political representatives has grown in the past twenty years. This is expressed in various ways, such as a rise in extremist movements (both on the Right and the Left), lower turnout and a tendency to adopt a moody electoral behaviour. This combination led to the chaos of the 2002 elections, when the socialist leader L. Jospin was ousted from the second round. Some observers already predict a similar scenario, with people voting 'no' simply in protest.

**Conclusion:** Whatever the result of the French referendum, we can draw three conclusions. First, certain conditions have to be met before calling for a referendum on European issues. One is that it is necessary for public opinion to be well informed. The 'explanation deficit' characteristic of European issues in France or the usual use of 'Europe' as a scapegoat for unpopular political reforms are not conducive to a sound debate. Secondly, European issues have a tendency to blur the traditional lines between political parties and to thoroughly transform the political landscape. Thirdly, and most importantly, the debate highlights a growing incomprehension, and in some cases an obvious dissatisfaction, with the way European integration is being implemented. Many do not recognise the ideal they formerly fought for. These doubts, more than any partisan strategy, are promoting the utopia of 'another Europe'.

### List of Acronyms

ATTAC: Association pour une Taxation des Transactions financières pour l'Aide au Citoyen

CFDT: Confédération Française Démocratique du Travail

CFTC: Confédération Française des Travailleurs Chrétiens

CGT: Confédération Générale du Travail

ECB: European Central Bank

EP: European Parliament

ETUC: European Trade Union Confederation  
EU: European Union  
FN: Front National  
FNSEA: Fédération Nationale des Syndicats d'Exploitants Agricoles  
FO: Force Ouvrière  
FSU: Fédération Syndicale Unitaire  
LCR: Ligue Communiste Révolutionnaire  
LO: Lutte Ouvrière  
MEP: Member of European Parliament  
MFA: Ministry for Foreign Affairs  
MNR: Mouvement National Républicain  
MP: Member of Parliament  
MPF: Mouvement Pour la France  
PCF: Parti Communiste Français  
PS: Parti Socialiste  
RPF: Rassemblement Pour la France  
SNES: Syndicat National des Enseignants du Second degré  
SUD: Solidaires, Unitaires, Démocratiques  
UDF: Union pour la Démocratie Française  
UMP: Union pour un Mouvement Populaire  
UNSA: Union Nationale des Syndicats Autonomes