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French Vote on EU Constitution

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French chanson is rightly renowned for finding fitting words and melodies to sing the essential feelings of human life.

„Non je ne regrette rien“, sang Edith Piaf: No, I regret nothing!, and this might be a leitmotif of Non-voters in France when they think of the 29th may 2005 when they succeeded in gaining a majority of 54% and blocking the ratification of the European Constitution, for France, and –together with the Netherlands– for the rest of the European Union. The days after, 54% of interviewed Frenchmen confirmed this non, je ne regrette rien, considering themselves satisfied with the NON decision, and only 39% were dissatisfied. (Eurobarometer 6/2005, par 3.1)

But it is also true that many of them may now already have started to ask themselves, in the words of another icon of French chanson, Gilbert Becaud : „Et maintenant, que vais je faire?“, And now, what shall I do ?

This question is not only asked by them, the parties and other political movements which battled for the Non. it is also asked by political leaders who had defended the Oui / Yes, and who find themselves, as in the Socialist Party, with a majority of members who voted Non, or in the government, which had from its top downwards, defended the Yes, and which now faces an electorate which disavowed it resoundingly, and which expects its opposing vote to be heard and to find expression in politics.

But „Que vais je faire?“, this question is also asked beyond the borders of France, in other European capitals and political movements, and in Brussels, the EU's capital. And naturally, the European Union's friends all over the world, also in the United States, are asking what the significance is, of this NON, and what France and what Europe, will do in the months after this disavowal of official French european policy, by its own people. And opinions vary widely.

Listen for instance to prof. Andrew Moravcsik, a colleague of ours at Princeton, who says that the 29<sup>th</sup> May has been the „last gasp of idealistic European federalism, born in the mid-1940, which aimed at establishing a United States of Europe“, but which leaves intact the essential stability and legitimacy of the European Union as it has developed in the last five and a half decades ? Is it this? Or is it something even worse, like „the beginning of the end of the EU“.

Everybody is more or less asking the same kind of questions, and this is what I myself will also do. The lecture will be organized around four questions:

- Volatile or structural, is the French NON here to stay and what does it mean ?
- What consequences for French European policy ?
- What consequences for the European Union's further development ?
- Will it have been „worth it“ for the NON-voters ?

## The French vote of 29 May, volatile or structural ?

### *The failed referendum of 29 May 2005*

In fact why attach much attention to the vote of the 29<sup>th</sup> May ? Is the popular Non-majority not highly volatile ? Did the political establishment not solidly and massively support further European integration via the constitution ?<sup>1</sup> Did the French not have a generally positive attitude which continues to underpin further integration in the EU ? And as for the neighbors, France's vote is not so different from attitudes elsewhere, for instance in the Netherlands, as to make it a radical outsider. So together with the others, may it not already on the short term change its attitude ?

This would also fit with the idea that what expressed itself on 29 May was primarily the eternal French « esprit de barricade », turned against a political establishment considered increasingly incapable and untrustworthy (this confirmed by the force of prior abstention and by the strong role of Ras-le-bol sentiments for the vote - 2nd strongest motive given in the after-the-vote poll), but without any particular dislike towards further progress of integration, a spirit of which the constitution became the innocent victim but which would not persist if new and more convincing political elites came to power.

An additional argument giving comfort to this interpretation, concerns the strongest factor of the Non-front: the members of the biggest opposition party, the PS, and more specifically Socialist dignitary Laurent Fabius, former finance minister and prime minister of France and respected as one of the most serious and capable politicians of the PS. It was his unexpected turn towards the Non in the runup to ratification, in late summer 2004, which gave a seriousness and credibility to this option within the PS and probably also for centrist oriented parts of the population, which it would not have had without him. One may thus maintain that it was just the appearance of Monsieur Fabius, a passing phenomenon, which permitted the NON to collect the decisive additional 6 percent points which it lacked 13 years earlier in the battle against the Treaty of Maastricht.

*Before looking specifically at France*, it is worth to step back for a moment and try to understand why all Europeans may have had a hard time to agree to the constitutional treaty in spring 2005. After all, these are extraordinarily difficult and challenging times in which the European Union has undertaken the adventure of giving itself a Constitution.

In *integration deepening* came the introduction of the common currency from 1999, and further integration of other important national policies as in immigration. At the same time European parliamentary power increased and inched the Union further forward, in the direction of a parliamentary democracy. In a contradictory movement, the national executives' place in European decision making equally increased to the detriment of the European Commission.

Along with this –and not well ordered after it, as originally intended- came the biggest and most *challenging enlargement* of all EU history, consummated by the accession of 10 more member states in 2004 which could not be more different from incumbent Member states of the old Union.

This enormous movement forward stretches the financial and institutional resources of the Union to the point where their increase would be needed just to preserve the level of Union services and transfers to every one of the incumbent Member states. But it comes together with a reduction of economic growth and an effort of fiscal consolidation which renders any increase of the Union's share in national public budgets impossible.

And the liberalising logic of European integration, together with its competency for foreign trade policy and management, makes it the principal institutional transmitter of globalisation into the national societies of the EU and of its challenges to their established social systems.

Nobody said that this conjunction of challenges would be easy to master, and nobody should be astonished that the peoples of the EU express mixed sentiments facing them. In this general context the French reaction, as that of other peoples, certainly already assumes a structural character. Nevertheless, the French people have reacted in a specially radical way. And turning to them now, the volatility hypothesis appears is less convincing. And neither is

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<sup>1</sup> has not a massive majority of French parliament and senate voted for the OUI when the referendum was decided on, together with the government, and the leaderships of the largest political parties of the country ?

the idea that the vote had more to do with domestic policy vexations than with European issues. To prove this, let us just look at some of the most interesting points which public opinion research had to contribute to our analysis of the 29<sup>th</sup> May. As to volatility, tendencies run in the same direction since a long time:

- The NON has not inexplicably changed its adherents, no, it has developed its support in logical manner. The Maastricht-NONs, in their large majority from rural regions and workers and small employees, have, as for them, persisted in their negative vote. Since Maastricht, it mainly progressed among those who had then still either in their majority voted YES or abstained themselves: the middle classes, the employees, the urban dwellers, and the young (between 18 and 34). Even the farmers have for the first time voted against Europe, in their majority.
- Consistent with this, unemployment and precarity have been on the rise for over twenty years. None of the political strategies have accomplished something against these plights, in spite of certain ponctual successes, as in the shortening of the working week to 35 hours.
- In this same period, the trust in politicians and political concepts has continuously receded, over the Socialist, and the Conservative periods of the last two decades, because of one overriding concern, that unemployment was not reduced by politics, not by national and not by European institutions.

There is a clearly structural logic in these developments which has affected voters' attitude on 29<sup>th</sup> May.

*Did Europe come in?*<sup>2</sup> For the French referendum, especially compared with the Dutch and the Spanish one, it certainly did: after an intense campaign, the French were –and considered themselves– especially well informed on the EU and the issue was central to their vote.

*Where did European integration come in ?* Thinking back of the 1950ies, when in spite of many hesitations France participated in the creation of the European communities, this happened because of the promise of integration to France: protect its social system and its employment, by softening the negative effects of the unescapable liberalization and internationalization of the French economy; render the process more controlable, give more weight to French concerns by uniting the European voices in commercial negotiations, compensate the losers of liberalisation by regional help, agricultural subsidies and social funds. And lay the historic German rivalry and menace to rest. Even stronger promises of more growth and employment were repeated at each of the last two great junctures: the creation of the Single Market in the Eighties, the creation of the common currency in the Nineties.

With economic problems mounting, voters projected even more hopes on the EU:

- In all of the EU, economic growth and employment have become, over the last years, the first concerns of citizens. But *in France this concern weighed even higher –by a large margin– above the EU average*. What is more, EU citizens increasingly considered the fight against unemployment and poverty the two top priorities for the EU, and *again Frenchmen lying far above the EU average*. They did so, even though the EU treaty and the Constitution clearly assign these policies to the Member States. This could not but produce a strong contradiction between their hopes and the perceived results.
- It was said that the economic and social promise of integration did not, since longtime, materialize in a tangible manner, and the last 25 years coincided with the inexorable increase of unemployment in France. The European Union enlargement of 2004 on the other hand, appears to further increase the pressure of trade and employment competition inside the Union. These risks loom even larger in the perspective of the eventual entry of Eastern European countries and Turkey, and they are more visible than the eventual gains from the new markets in the East. Maybe that without integration, things would have been worse. But in politics that argument has little value.
- Then the enlargement. Since the fall of the iron curtain had opened the possibility of welcoming Central and East European countries in the EU, the people only gave weak support to this project. Worse, a majority turned more and more to opposition in the nineties, and only returned to a more positive view, when the governments had decided for enlargement. As to future enlargements, French public opinion would today only welcome the remaining ,OUTS' in Western Europe, plus Croatia and Bulgaria. All others, and most of all Turkey, encounter clear refusal.

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<sup>2</sup> The following informations are mainly drawn from the public opinion poll, by TNS-Sofres and Unilog, for Le Monde, RTL and TF1, carried out by telephone, with a representative sample of the population, published in Le Monde, no. 18770, May 31 2005

Now we can zero in on how all of this affected voters' attitude towards the **Constitution**, on 29<sup>th</sup> May ? When we leave the *ras-le-bol* and *esprit d'opposition* sentiments aside, which also played their role, there are evident links:

- As to the *substantial content* of the Constitution, NON voters disapproved the lack of a social policy and the overly liberal orientation of the Constitution (34 percent). The most *important sentiment* underlying the NON was the fear that a further deepening, enlargement, and a constitutional sanctification, of this liberal market oriented integration of the EU, would lead to still more competition for French producers, still more dislocations of French companies, and to still more unemployment and precarity in France (TNS-Sofres, 46 % of answers). Voters did not any more feel protected by the EU, they even felt vaguely and increasingly threatened. And voters did not want to condone further enlargement either, by voting for the Constitution.
- As to the *institutional and procedural content* of the Constitution, it was especially a lack of transparency and an exaggerated complexity which people disapproved. Let me open a parenthesis: This answer must also, I think, be attributed to a campaign where all actors were positively interested to give their own reading of the document to prove their points, and thus confused the voter even beyond the level of confusion already created by a rich and complex text itself.
- Finally, the notion of „Constitution“, in France reserved to a document of especially high rank and legitimacy, added to the voters' refusal to concede this rank to the document which would render ,untouchable' all the aspects of that Union which they resented more and more.

If these were views shared across partisan boundaries, they were underpinned by nationalist euro-sceptic considerations on the *right* wing of the political spectrum, and by concern for the social aspects, with demands for more protectionism and high social norms for the EU, on the *left* wing.

Thus the refusal of constitutional consecration to *this Union* did not have to signify that French opinion was, and is, against further advance of integration, neither against the objective of a European political union, nor, in consequence, against a European Constitution which would consecrate this Union, and which would make it more powerful, more efficient and more democratic.

( In fact, May-June 2005, Union-wide opinion polls still saw the principle of a Constitution for the Union maintaining a very honorable majority support among citizens in the majority of EU countries, of 60% on average, and in France. And French public opinion still supported the goal of a European political union, with 54% (against 38%), and 53% hope that the Union will play a greater role in their life in the future, whereas only 30% do not hope so.)

But according to a veteran public opinion researcher like Roland Cayrol, director of the well-known research institute on public opinion trends in France, CSA, behind these declared positions of spring 2005 hid already deep scepticisms about the orientations of further integration, and the challenges they would bring to cherished French institutions like the Social system and the French way of life. In a kind of „coming out“, as one could interpret this dramatic process, these scepticisms broke into the open over the referendum campaign and fused into the negative vote. In this view, they now threaten to restructure French public opinion on the EU in a more negative way than hitherto, with a majority of the population today more reserved if not hostile about European integration and its further progress in a general way. Asking Frenchmen whether they think EU membership was a good thing, CSA found a descent from 60% Yes to only 40% after the referendum. Majority attitudes to EU integration switched from 46% enthusiastic before, to 52% worried or hostile, after the referendum.

French voters refused to grant constitutional consecration to a Union which would not follow their priorities for Europe, as to present policies and as to its projects for the future. And evidently they did not consider the OUI as so essential for France's and the Union's well-being, at this time, that they were prepared to forget about their own priorities.

Coming back to the question at the outset of this chapter, the evolution of the NON has thus too significant a structural logic, to permit an uncomplicated swing-back on the next occasion, if the circumstances do not change appreciably, beforehand.

When we wanted to draw one encouraging conclusion from this analysis, it would be the following: if unemployment is at the center of growing disenchantment and even hostility towards the EU as expressed in the

refusal of the Constitution, then a clear reduction of unemployment in France would also hold the potential to turn the general attitude around again, especially if European politics could be shown to have a part in it. Voters might then once more want to demonstrate more of that European idealism which was their mark in former times. And at least they would again move closer to average European attitudes, shaken as they are by the present developments.

But unfortunately, other and very specific sources of risk for French cooperation in European integration are liable to remain, of even more durable character and which may be the survival of deep-seated differences of political culture in France which continue to set the country apart from its European neighbours and to render its co-operation in the European integrated decision making difficult and controversial. A recent analysis of Thierry Chopin, directeur d'études of the pro-European think tank Fondation Robert Schuman and professor of political science in Paris, has tried to take the measure of these differences. For him, France continues to have the ideal of a unitary and centralised decision making process which accepts the culture of co-operation and compromise of Brussels only with difficulty. Its political discourse cultivates a declared aversion to economic liberalisation which rhymes badly with the basic logic of EU integration, especially at times of accelerating globalisation. And its culture of international politics, at its center the idea of having to pass a very special FRENCH message to the world, in which Europe would become the image of France, and the spokesman of this message, this is ever less compatible with an enlarging EU in which French influence is decreasing. Even beyond the NON to the Constitution, these enduring marks of French political culture will bedevil French participation in European integration.

Looking back, one can find confirmation of this, the French relation with European integration never having been without difficulties. From the refusal of the European Defense and Political Community of 1954, by the French Assemblée Nationale, via the difficult beginnings with Charles de Gaulle's policy of the empty chair in 1965-6, over the almost failed referendum over the Maastricht treaty in 1993 ??, French political elites and voters have demonstrated their willingness to disavow the Union when it did not meet their demands, altogether with contributing some of the most important initiatives and much political energy for making it progress. This balance between support and

## Consequences in French European policy after the 29 May, which orientations, and which influence in Europe ?

The emergence of a new popular actor, the VOTER, who overturns the project of integration deepening proposed by the political elites, has consequences for these and for their strategies.

First, the defeated elites pay a price

President Chirac has refused resignation, which was already demanded by some, but conceded already in the voting night that he and his government would have to heed the majority position of the population. But he did sacrifice his prime minister Jean-Pierre Raffarin and his government who had born the brunt of the YES campaign, and replaced him by Dominique de Villepin who is since then trying to conduct a European policy which takes account of the motivations demonstrated by the NON.

*The post-29th may government of Dominique de Villepin has meanwhile shown clear signs of wanting to fulfill some of the voters' expectations.*

As to the *machinery of government*, there is a strong symbol of its willingness to gain more « political » control and co-ordination of European policy-making, of better identifying points of « national interest » in European politics, and of better defending them, and French citizens, against the challenges of the modern world.<sup>3</sup> The instrument is the longtime discontinued and now re-animated interministerial committee for Europe, to be presided by the prime minister himself. It's sessions are well-publicised on the Prime minister's website. Ministers are shown to take clear stands for French interests in Brussels.

In an effort to close the transparency gap and reduce the distance between the „decisions of Brussels“ and the citizens, *parliament* also is going to be joined closer to French decision making in European matters, by giving it the chance to express itself on more European texts than formerly. In addition, other actors will be drawn into this European process at the national level: political parties, employers and trade unions, regions and cities, and organisations of civil society.<sup>4</sup>

As to the *different policies*, the government tries to integrate the concerns of the NON.

- more economic policy co-ordination between the European Central Bank and the Eurogroup is once again demanded for the Eurozone, without clearer formulations up to now.
- The French discourse on the common agricultural policy has become more affirmative, *externally* as to the current preparations for the DOHA WTO conference in which the Commission is already accused to sell French interests out to the Americans, and *internally* with the declared intention to „sanctuarise“ EU agricultural policy as much as possible against internal challenges for further reform.
- As to industry, more French « economic patriotism » has been demanded by the government, with a more self-assured support and defense of French enterprises in international competition. Government is drawing up a list of 10 strategic sectors to be shielded from foreign take-overs and „sparking warnings“, in the words of the Financial Times, from the Conseil d'Etat, that this could contravene EU law. The French president has been coming out with strong language in demanding from the EU to better defend the economic, financial and social interests of Europe.
- French opposition against the «Bolkestein» directive draft on the opening of the national services-markets is considered to have been successful for the moment, re-negotiation being scheduled for autumn-winter 2005.

<sup>3</sup> Cf. again [http://www.premier-ministre.gouv.fr/acteurs/interventions\\_premier\\_ministre\\_9/discours\\_498/europe\\_premier\\_ministre\\_se\\_53614.html](http://www.premier-ministre.gouv.fr/acteurs/interventions_premier_ministre_9/discours_498/europe_premier_ministre_se_53614.html). Links to more documentation on policy adaptation can be found at that address, especially a recent policy article of M.de Villepin on European policy : « Une nouvelle Europe politique », published in Le Monde, and in six other European newspapers on 29 June 2005.

<sup>4</sup> checken auf pm-website

- Again on the social agenda, the handling of immigration is promised to become less permissive, with stricter application of the « French nationals first » for jobs, more rapid expulsion for illegals, and the introduction of immigration quotas for certain qualifications.<sup>5</sup>
- On the Turkish candidacy to the EU, France has explicitly raised the conditions, seizing on the recent Turkish refusal to recognize the Republic of Cyprus.<sup>6</sup> The recent official opening of entry negotiations has been accompanied by making such recognition an official condition of eventual entry, of underlining the absorptive capacity of the Union as a decisive criterion of eventual accession, and of finally introducing an explicit alternative option to accession, the „closest possible link“ between the Union and Turkey, for the case that accession could not come about. For all of these changes, the government claims some of the merit.
- Finally, has the government given any indication of changes to the constitutional text, which it would hope to introduce ? For this it is interesting to regard the kinds of expectations that public opinion expressed as to the new prime minister's European work ? (Cf. Flash EB 171) It expected:
  - a chance to renegotiate the Constitution (with 62% of French, 83 of NON, 30 of OUI),
  - with a new Constitution, a better chance to defend French interests than in past (59%),
  - a chance to influence the referenda of other Member States.
  - But for the case that the question came up of having a renewed vote on the Constitution in France, in case of 4/5 of Member States having finally ratified the text, then a clear majority preferred a definite shelving of the Constitution, with 36%, against 35% who would prefer a new vote in the Member States which had refused.

In clear accordance with this, the government has not touched at the institutional question up to now, at least nothing of the kind has become known. Changes in the policies, or at least in their appearance, is the first concern of the government. The new foreign minister has given some indications already at the end of July, of the ranking of priorities to „give new confidence in Europe“ to Frenchmen.

- first came the most urgent current policy issues, to be managed with more French assertiveness,
- Second came the launching of new European projects in certain policies, such as RDT, or defense,
- and only beyond came the strategic issues of how better to define and deepen the European integration project of the Future, to be further discussed in the coming European councils.

Let us also cast a look at the most dynamic actor of the referendum battle, the Socialist Party, the members of which, formerly the staunchest holders of positive convictions towards integration, have in their majority refused the Constitution. The party prepares a debate of its positions and a reelection of its leadership on the occasion of its convention in November 2005. The defenders of the Non will try to impose their European policy position, and new leaders, on the party. But it remains to be seen how far they can succeed.<sup>7</sup> As to the positions there may be a certain inflexion of the party line. On the leadership this is far less certain because the leaders of the left wing which headed the NON campaign, are not united: they will not lend enough support to their best known spokesman Laurent Fabius to topple party chairman Francois Hollande.

## Germany

Of the two roles of Germany, one as a menacing rival for France, domesticated by European integration, and the other as a privileged ally for propagating French ideas in EU councils, the second might be seen to have suffered setbacks, and the first one to have regained a certain importance in recent years – with the European Council of

<sup>5</sup> Villepin in France 2 Television on 9 June 2005, [http://www.premier-ministre.gouv.fr/acteurs/interventions\\_premier\\_ministre\\_9/dans\\_les\\_medias\\_497/entretien\\_dominique\\_villepin\\_journal\\_53234.html](http://www.premier-ministre.gouv.fr/acteurs/interventions_premier_ministre_9/dans_les_medias_497/entretien_dominique_villepin_journal_53234.html)

<sup>6</sup> Cf. [http://www.premier-ministre.gouv.fr/acteurs/interventions\\_premier\\_ministre\\_9/dans\\_les\\_medias\\_497](http://www.premier-ministre.gouv.fr/acteurs/interventions_premier_ministre_9/dans_les_medias_497)

/interview\_premier\_ministre\_sur\_53718.html with the text of a radio interview of the prime minister on 2 August 2005

<sup>7</sup> According to a public opinion poll of July 2005, the vote of 29 May has definitely changed the ranking of PS leaders in the sympathy of socialist party supporters. It is true that the first secretary, and most ardent defender of the OUI, François Hollande, has slid from 85 per cent positive opinions down to 66-67 per cent. But Laurent Fabius, socialist leader of the NON-vote, has also fallen, from 70 per cent, before starting his NON-campaign, to around 55-58 per cent and thus even below F.Hollande. And another defender of the OUI, Dominique Strauss-Kahn, even though punished for this position by an initial fall from 73 to 58 per cent between March and June, has recovered to an honorable level of around 67 per cent. in July. Public opinion poll of IFOP institute in July 2005, published in Le Monde of 5 August 2005, p.6



Nice perhaps the best-known case of a sharp conflict of power between France and Germany and for the Union having them brought to a compromise – and not the other way around ! The bilateral closing of ranks over Iraq has certainly been over-interpreted as the defining event for coming years. Right now, the prestigious „révue des deux mondes“ is bringing out a special issue consecrated to the question of whether the Franco-German alliance is at its end.

But the question is not as simple to answer as that. Because French and German minds may still well meet on a number of backwards, and forwards oriented issues. Backwards against the draft directive on services liberalisation, on limiting the EU budget, on rejecting Turkish membership and on better protecting the EU markets from Chinese textiles and Polish plumbers. But forward there may also be internal and external security, defense, environment and Research and Development. Thus, space remains for cooperation, if and insofar confidence can be rebuilt into the ability of France to be a reliable partner on common initiatives, for the longer term.

What appears less probable on the other hand, is that Germany will become an ally for today's French government, in the latter's efforts to adapt European social and economic policies to the positions of the French adherents of the Non.<sup>8</sup>

What is interesting, is that both countries remain in comparative socio-economic situations. Germans were very close to Frenchmen, in 2002-3-4, in their above-average concern as to the negative influence which Eastern enlargement would have on employment and on the social security in their country, as to growth and employment, and globalisation, becoming the greatest concerns, and as to the battle against unemployment and poverty having to become the prime objectives for EU politics.

And yet, German politics appear to draw different consequences out of a common dilemma and view: in Germany Hartz IV, and an all-out battle on external competitiveness, which will not marry well with a policy line in France which puts forward protection, defense of French interests, economic patriotism and so on, in new variations of a state-aided economic and social policy. There are important and deepreaching differences as to the ways in which the two governments and societies try to prepare society, economy and the legal framework for the interaction of both, for the future. Here, a positive French-German alliance appears very difficult to establish !

This is a sobering analysis at a moment that a so-called consensus is evolving at Paris, around the idea that a group of EU countries lead by France and Germany might form a new avant guard for moving the Union out of the immobility of the post-referendum period.

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<sup>8</sup> A somewhat confusing example of these speculations is Nicolas Sobczak, in: Euroland Weekly Analyst Goldman Sachs Economic Research, 1st July 2005 Issue No:05/25 : Whoever is elected, the German election will also have a strong impact on France. After the rejection of the EU Constitution, France and Germany might be tempted to form a closer alliance, raising protections and going for a more federalist structure (tax harmonisation, social harmonisation, high public spending etc). But for that to work, France obviously needs German support. Faced with a reformist German government, France will have no other choice than to follow.

## **Which effects on the EU and its trajectory ?**

It has already been said that the challenges of the post-cold-war decade of the Nineties had placed integration politics under higher stress, already before the referendum came about. Intergovernmental logic on the rise, and a reduction of supranationalism in European Union decision making, this did not result from the failure of the ratification. But the Constitution was just an instrument to establish a new basis of confidence. Without it, things are likely to become even more difficult for a time.

Coming back to effects, they touch first the Constitution itself: as already said, seen from France, there is little chance that it can follow the precedent of the treaties of Maastricht and Nice which were both ratified, even though with small modifications, after a second referendum.

But certain consensual parts of the Constitution already are or will be implemented without ratification –a consensus of the Member states suffices– and with French consent. Think of the reform of the Euro group, the Defense Agency plus closer co-operation in defense issues, a Foreign Minister with a European foreign service, more –some more– anti-terrorist co-operation. Other advances will be possible where France and other Member States are interested, as in research and development, in foreign affairs and defense, or in internal security.

But in the fields of specific concern to the Non voters, French policy is unlikely to have great success. Neither its opposition against engagements already taken, nor its half-hearted push towards advancing in directions demanded by those voters, will carry very far, with the other Member States, where majority voting is demanded. It is only in slowing down as much as possible, the effects of further EU liberalisation, and in preserving national competencies in all social policy and labor market related policies, that France can act. And even where French refusal can stop an initiative, as for the Turkish entry, using that possibility too often can be highly perilous for a Member state which still wants to influence European affairs in a positive way.

The Union will thus probably continue to evolve along its already engaged trajectory, but for a time more slowly, and with more stops and blockades than expected 6 months ago. It would also appear that all policies which presuppose a higher degree of mutual solidarity and trust, especially and the launching of which might have profited from a Constitution, must again be deferred to a more distant future. With its wishes for more protectionism, more social norms, less liberalisation, for goods, services and people, the modified French approach to these themes risks to contribute strongly to these blockades and to a rise of new national assertiveness in integration.

Will integration, or will the evolution of its political system, for all this, stop at this stage, as certain American political scientists think ? Like my colleague Andrew Moravcsik, I tend to think that the EU is not in decline or beginning to see its end. Functional pressures for more integration will persist and further increase in future. Perhaps there will be spill-back, why not in agriculture or in certain kinds of social funds. But there will also be new spill-over forces.

But contrary to him and other interpretations of this same kind, I do not expect that federal-state-building in the EU will come to full stop after the 29<sup>th</sup> of May. Yes, the treaty reform of Nice, which is the valid version of the Union treaty today, marks a certain consensus about what appeared possible at that moment, in the year 2000. But given the unsatisfactory treaty and the prospect of further widening of EU competencies in important areas, we will again get a constitutional debate as the one before 2002, which led up to the Convention. So there is not, in my opinion, a „pragmatic settlement“ which is destined to remain. The Convention and the constitutional text, reached in 2004, are the clear proof of the continuing dynamic potential in institutional development of the EU.

Will closer co-operation among certain Member States, in integration, to advance in the directions favored by them, come about ? Very probably Yes, but more in informal circles outside the treaty, than in the explicit manner stipulated by the treaty. On the other hand, some kind of explicit avant-garde of large EU Member States, in a wider and more formal sense, even though it is being debated again, appears highly improbable. And to come back to public opinion: the French one is rather reserved towards such ideas : 53% are against it.

### *The contradiction between the objectives and the stakes*

In a way, French European policy is thus also paying the price for having too long persisted in limiting EU competencies, and full application of EU integration, mainly to certain aspects of economic, financial and

monetary policy. France is especially responsible for this state of affairs, having been –together with the UK– the most reticent Member State as to a Europeanization of core sovereignty competencies, and as to keeping the autonomous legitimacy-base of the EU as narrow as possible. It accepted the contradictions inherent in this posture.

To be sure, EU competencies extend beyond this narrow field. But even so, the core contents of sovereignty remain in the hands of national states. One important result of concentrating so strongly on the economic policy aspects would appear for European Integration not being able to partake of the "normal" sources of states' legitimacy which lie in the core contents of sovereignty, like internal and external security. Certainly, this also limits the EU's exposure to the consequences of failures in these very sensitive policy fields. But it also contributes to narrow very seriously the legitimacy base of integration. Its public acceptance in France becomes hostage to every economic downturn. This is what happened in May 2005 and what will happen again.

The most tangible of these contradictions was and is the inadequacy of French concessions made on behalf of « Europe puissance », Europe as powerful actor (including military power) on the world stage, which would be able to speak eye-to-eye with its American partner. This objective has been promoted since Charles de Gaulle and the Fouchet plans of the 1960ies. Gaullist, Centrist and Socialist dominated governments have demanded a stronger orientation of integration towards "Europe puissance". But never have they wanted – in this field – to concede the important transfers of sovereignty and the strong federal policy-making structure to the EU, which a dependable and effective European foreign, security and defense policy would necessitate. Never have they been willing to even concede a defense guarantee against foreign aggression, to Member States, which would be as credible or more so than the defense assurances given under the NATO Treaty. France has always insisted on preserving its liberty of action as to the engagement of its armed forces and refused their integration in constraining European structures of deployment or armament. No wonder then that none of the Member States would exchange a proven alliance in NATO, and the remaining autonomy of disposition over its national defense force, for an "Europe puissance" of highly uncertain dependability and effectiveness.

The Constitutional Treaty has been the first EU document in which a mutual defense assurance of MS has been laid down. Its Defense Agency holds out the perspective of more cost efficient armaments development and procurement, and a more cost efficient and rational distribution of roles in a European defense. The institutions for deciding about and for directing European defense action exist since the Treaty amendments of Amsterdam and of Nice.

Can these achievements be preserved and further developed even without a European Constitution ? In part the answer is positive: the Defense Agency has been created and is becoming operational. A kind of Foreign Minister with a foreign service is evolving out of the Special Representative of the EU. The EU governments could decide to advance further in that direction, and France could play a leading role in such an initiative. In the next international crisis such an investment might pay off. The same kind of advance might be possible in police cooperation. In judicial cooperation, France would like to advance further towards a European prosecutor. But judicial systems being very different, things are very difficult indeed.

The decisive step ahead in these areas would nevertheless have to come at a higher level of engagement. The French government and political forces would have to declare themselves willing to enter into more binding security arrangements, with their EU partners, than they have hitherto been willing to. An advance in this direction, and were it only together with a certain number of partner countries, might be an important stepping stone to get out of the conceptual and political morass of the post-NON period, and the imbalance of the French European vision.

### **Has the NON been „worth it“ ?**

Non voters will thus most probably not be getting what their political advocates made them believe they could. In France, neither the credibility of politicians nor that of European integration will be strengthened by this experience. And in the European Union, an isolated France has more chances to frustrate its partners than to help them to advance.

Edith Piaf, ladies and gentlemen, ended her chanson on the radical note of disappointed love, a sentiment not completely absent from the French NON to the referendum: „Balayés les amours, Et tous leurs trémolos, Balayés pour toujours, Je repars à zéro ...“, „Swept away, the old loves with all their tremolos, for ever swept away, I will restart from zero.

I trust that French love for Europe will not be as radically swept away as was Edith Piaf's love affair, but it is sure that there are trying times ahead, for both sides of an old couple, France as well as Europe.

## Bibliography

CAYROL, Roland (2005), L'opinion publique et l'Europe en France: 50 ans de sondages, in: Les Entretiens d'Europartenaies, 22 June 2005

MORAVCSIK, Andrew, Europe without illusions: A Category Error, in: Prospect no.112, July 2005

Eurobarometer (2005) EU Commission, Flash EB 171, The European Constitution. Post referendum survey in France, Fieldwork 30-31 May 2005, Brussels: Eurobarometer, June 2005

Eurobarometer (2005) EB 63 (Standard). Public Opinion in the EU. Fieldwork May-June 2005. Brussels: Eurobarometer, July 2005

Eurobarometer (2005) EB 63.4 (Standard). Public Opinion in the EU. National Report France. Spring 2005. Brussels: Eurobarometer, 2005