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“Yes to the Europe I want – but No to this one”

Reflections on France’s rejection of the EU Constitution

by Henry Milner

I SPENT THE 2004–5 ACADEMIC YEAR IN EUROPE (THE FIRST TWO months in Sweden, the rest in France), culminating with the May 29 referendum on the European Union Constitutional Treaty. Fifty-five per cent of French voters rejected it. Three days later, 62 per cent of the Dutch did likewise. Across the Channel in Britain, a nasty general election was fought. Had they been able to vote on the EU Treaty, the British too would have rejected it.

In this article I offer some criticism of French politicians, keeping in mind that, as a Canadian, I am not in an ideal position to cast stones, given the sordid revelations of the Gomery hearings and the unsavoury manoeuvrings of Paul Martin to stay in office, which coincided with these events. (The silver lining was that, for once, my colleagues could not dismiss Canadian politics as dull.)

The French campaign was puzzling and ultimately worrisome. In other member states, including the Netherlands, a simple rule generally applies: those whose priority is to strengthen the EU are on the Yes side, while the No is identified with those who emphasize national interests. This makes for reasonably straightforward debates. For example, opponents of adopting the euro in the Swedish referendum in the fall of 2003 were able to convince a sufficient number of Swedes that it wouldn’t be good for Sweden.



They didn't claim that Sweden's rejection of the euro would be good for Europe.

While the Dutch outcome was affected by the still simmering anger over the murder of outspoken filmmaker Theo van Gogh by an Islamic radical (see Paul Lucardie, "A Multicultural Murder?", *Inroads*, Summer/Fall 2005), the No side won essentially because it persuaded enough people that the course being pursued by the EU threatened Dutch interests. To do so, it played on resentment of Brussels for taking Dutch people's money but ignoring their concerns – "the same people who fooled you with the euro are fooling you now with this constitution."

In France, however, many proponents of the Non sounded more pro-Europe than

proponents of the Oui. Thousands of posters and hundreds of op-eds told us: "*Oui à l'Union; non à la Constitution.*" Most Non voters were expressing their vision of French self-interest, a vision they saw threatened by expansion of the EU to the cheap-labour east, by potential inclusion of Turkey and by Muslim immigrants. These Non voters took their cues primarily from the various far-right opponents of the Treaty. But the Non could not have attained a majority without many left-wing voters who favoured EU integration.

The issue is a complex one and, no doubt, many people hold contradictory positions on the Treaty. But we cannot reduce the Non majority to an informed vote of pro-

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test. Especially in the last six weeks of the campaign, the level of political discussion was intense. In a poll asking respondents if they had discussed the issue in the last eight days, five out of six said yes by mid-May. The EU Constitution debate roused my Sorbonne general arts students out of their usual apolitical stance. Unlike their more politically sophisticated confrères and consœurs at “Sciences Po” (the “*grande école*” in the 7th arrondissement which served as my research base), they were instinctively on the Non side. Sciences Po students, on the other hand, identified with the political and administrative elite they were being trained to join – many of whose members live in the 7th arrondissement. (The 7th arrondissement voted 80 per cent for the Oui, the highest Oui score in the country.) But my Sorbonne students were no more anti-Europe than the students at Sciences Po. They saw their Non vote as a statement of hope for a better France, a better Europe and a better world. To make sense of the French decision and its implications, we need to understand this strange phenomenon, the pro-Europe Non.

Two simultaneous referendums

The best way to understand how France, a country where 80 per cent declare themselves in favour of European integration, voted to put a spoke in the wheels of that process is to begin with the fact that, in effect, two referendums took place. As Canadians learned with the referendum on the Charlottetown Accord, political leaders can control the question asked, but not the question or questions answered.

The first referendum, the formal one, asked in effect: is the new (constitutional)

treaty better than the existing one? The Oui won this referendum easily. Those who voted in it perceived that the EU and its members would, on balance, be better off if this imperfect treaty were implemented than if it were not. They approved of the statement setting out the goals and values of social justice and cohesion, international peace and sustainable development in Part I, and of fundamental rights in Part II. They saw the provisions setting out new voting procedures and membership rules as a needed improvement for an EU of 25 members.

In essence, this was the case presented by the French political and economic establishment, right and left, and it was convincing in its own terms. One need only look at the incapacity of the EU members to agree on a budget in the month following the vote to realize that fears of a paralyzed EU, unable to make decisions, were legitimate. And, less visibly, failure to adopt the Treaty will reduce the capacity to cooperate in areas such as cross-border crime and illegal immigration.

This is not to suggest that there are no weaknesses in the Treaty: as a compromise document it is deliberately vague or even contradictory in areas where there is no real agreement, which leaves too large a scope for the unelected judges in the European Court. This is an argument made by former Socialist Prime Minister Laurent Fabius, by far the best-known establishment figure on the Non side. But while persuading no less an authority than *The Economist* magazine to oppose the Treaty, it was an argument with limited resonance in France. Ultimately, those voting on the first question overwhelmingly voted Oui.

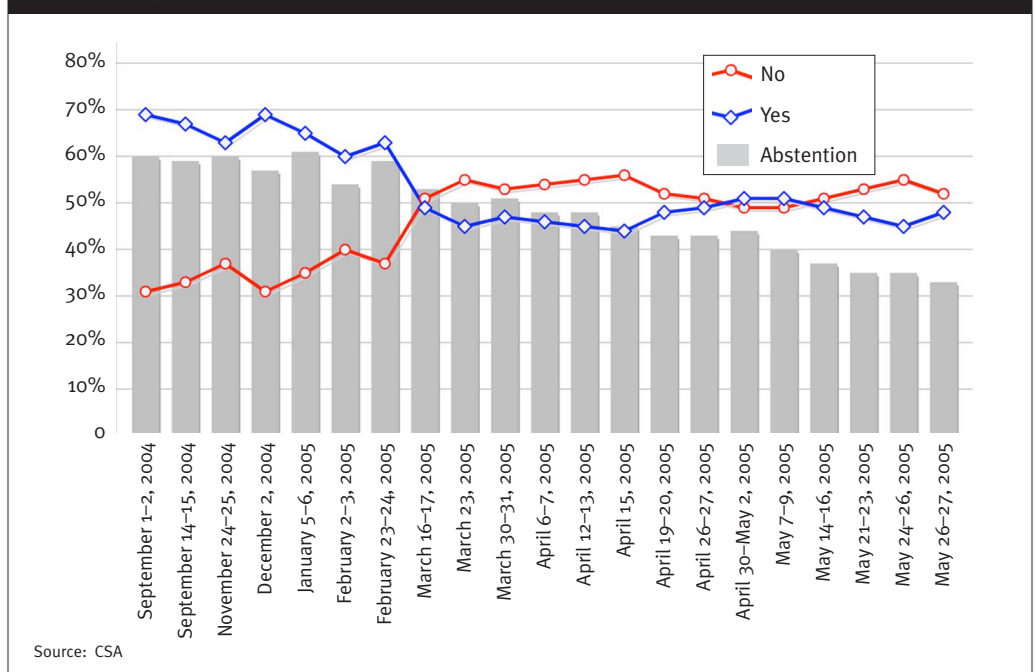
But, to the dismay of the Treaty's backers, the debate increasingly focused on a second question, one defined by the Treaty's opponents, and their definition ultimately won out. Their question went something like, "Am I satisfied with the EU, with what it has done and the direction in which it is heading?" The Communist Party's referendum pamphlet – "Which question should we answer on May 29?" – told us that "in fact, the real question is what kind of society we want, to follow the lines along which Europe is being constructed ... or to carve out a different path?"

In answering this second question, the French were indirectly casting a vote on their national leaders' support for further EU expansion to Turkey and further liberalization of trade among the existing 25. This trend need not doom the latest treaty in countries

where the net benefit of EU participation is obvious – countries such as Spain, Ireland and the new eastern European democracies – but it did so in the Netherlands and France, and also likely would have in Germany had the choice gone to a referendum.

It was in March 2005, at the height of trade union mobilization against the EU Commission's Bolkestein Directive on the opening of the services market (see below), that the redefinition took hold. Seeing the *Oui* plummet in the polls, the political elites reacted with frustration, angrily accusing the *Non* exponents of demagoguery. They warned of dire consequences for France and for Europe if France voted *Non* – all 25 states needed to ratify the Treaty for it to come into effect. But their shrillness undermined their credibility. The leaders of the *Oui* found themselves accused of stampeding

Figure 1: Support in France for the ratification of the constitutional treaty



people, of failing to respect people's ability to make up their own minds. As we can see in figure 1, at this time interest in the campaign suddenly rose, coinciding with a surge in Non support. Apparently, by dramatizing the issue, the Oui played into the hands of the Non, bringing into the fray discontented but generally passive citizens who would normally have abstained. The high turnout sealed the fate of the Oui campaign.



To defeat the Treaty in France, however, there had to be something more: merely sending a negative message would not have been enough for my students. This positive element was provided by left-wing opponents of the Treaty who claimed that a

Non vote constituted a statement of hope about the kind of EU France wanted. As the title of the Communist Party pamphlet put it, "*Le Non: un vote d'espoir*" (No: a vote of hope). Or, in the words of a professional-looking flyer inviting us to a May 14 public discussion at the Sorbonne, rejecting the Treaty "is the condition of a new start of cooperation among states and peoples on a truly democratic foundation and freed of ideological fantasies but abandoning not at all the goal of Europe as a space of prosperity and a multinational collectivity carrying its weight in shaping the world's destiny."

The rhetoric sounds less absurd in French, but the very notion on which it is based – as boldly stated in the title of the brochure and the event, "*une autre Europe*" (another Europe) – does belong to the world of fantasy. We cannot know how important this fantasy was in the overall outcome, but it was very much present in the public debate. It was the element that distinguished the leftist factions in the Socialist Party, led by Henri Emmanuelli and Jean-Luc Mélenchon, along with their allies in the various

The pro-European Non

The above analysis explains the Dutch vote. Even more than in France, in the Netherlands the leadership took victory for granted and panicked when faced with increasing support for the opposition. They sought to raise the stakes, attempting to convince the people that a No vote on their part would set back the course of European history. Objectively they had a point, as illustrated by the incapacity of the EU members to agree on a budget in the months following the vote. Nevertheless, this was a difficult proposition to sell, and it became moot once the French voted Non. For most Dutch voters, the referendum was an opportunity, as the No side put it, to send a message to Brussels to pay more attention to Dutch concerns.

Communist, Trotskyist and antiglobalization parties and movements, from the right-wing nationalist opponents of the Treaty.

Laurent Fabius, the best-known Socialist exponent of the Non, maintained a low profile once an internal party referendum in late 2004 failed to support his position (see the accompanying diary by Axel Queval). Given his status as a man of the establishment (Fabius is an “Enarch” – a graduate of the *École Nationale d’Administration*, the most prestigious of the “*grandes écoles*”), his stance was widely seen as opportunistic, applying the lesson taught by François Mitterrand that power in the Socialist Party passes through the left. Fabius’s main contribution to the Non victory was to lend his credibility as former Prime Minister to the accusation that the establishment was exaggerating the dangers of a Non vote.

In debating the issue with the Socialist leadership, Fabius played down possible negative effects of rejection, foreseeing renegotiations to remove certain “offending” clauses – a dubious assertion even at the time. But the spokespersons of the Non-for-a-better-EU position on the left of the spectrum were bound by no such practical considerations. Indeed there was no authoritative individual, organization or document associated with this position. While various leaflets objected to specific passages of the Treaty, especially the reference to an internal market in which competition is free and unobstructed (I:3-2), they relied mainly on a generalized charge that it reflected an “Anglo-Saxon” free market vision of Europe and violated the “social” vision of Europe associated with France.

Strategically the Non forces were wise to avoid any effort at a comprehensive critique. Part III of the Treaty is merely a consolida-

tion of existing constitutional provisions from previous treaties, provisions that are already in force. The rights and principles set out in Parts I and II, for full employment, social and territorial cohesion and sustainable development, are closer to the left than the right in their inspiration. And it was hard to criticize directly the new voting system for the EU Council since the new formula raised the weight of France’s vote. The Non-for-a-better-Europe case was also hard to reconcile with the Treaty’s provisions to strengthen the position of the EU Commission chair and create a foreign minister.

Clearly the very length of the Treaty served the purposes of its opponents. While consolidating existing provisions in Part III

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made administrative sense, its 448 articles of legalistic text played into the hands of the Non forces’ accusations that the fine print of the Treaty contained a hidden free-market agenda. To read this long document is to find what one might expect in a compromise designed to be shared by 25 sovereign and diverse nations: some articles seem more “liberal,” others more “social” in spirit, and a number are deliberately vague so as to allow for different interpretations. But few people read the document textually. The Non forces could thus interpret it as they chose – especially the more demagogic among them. Canada, we should remember, experienced something very similar with the lengthy but still much shorter Charlottetown Accord.



PRESIDENT JACQUES CHIRAC submitted the proposed constitutional treaty to a referendum, when a simple parliamentary vote would have sufficed.

What mattered in the end was the context. The left-wing pro-European Non succeeded in defining the standard of comparison not as the existing state of affairs which the Treaty sought to improve, but as an undefined and unattainable ideal of *l'Europe sociale*. In this, they were aided by the Oui forces. Not only the Socialist Oui supporters but also the mainstream centre-right Oui supporters defended *l'Europe sociale*, claiming that the Treaty was a step in that direction. The rhetoric of President Jacques Chirac, and his preferred successor Dominique de Villepin, was replete with references to a European social model that they distinguished from the Anglo-Saxon model of “*ultra-libéralisme*.”

It turned out that, in so doing, they were carving out territory successfully occupied

by the pro-Europe Non, which regularly threw in the word “liberal” when attacking Anglo-Saxon-inspired articles of the Treaty. Since plant closings and “*délocalisations*” were already associated with “liberal” free trade policies, it was an easy further step to associate the EU and the proposed Treaty with unfair competition from cheap labour in the new and future EU members. The Non benefited from the early-2005 release of the Commission’s draft Services Directive associated with former Commissioner Frits Bolkestein. The directive raised fears of “social dumping,” of low-paid Polish plumbers taking the jobs of French tradesmen. It was a godsend to the Non forces. Bolkestein became the Frankenstein of the Non, and the Chirac government’s repudiation of the directive gave credence to the alleged link

between the directive and the Treaty.

The left Non spokespersons tended to be more oblique than the right in damning Polish plumbers since they were expected to support workers' solidarity beyond French borders. Right-wing nationalist elements on the Non side, led by Phillippe de Villiers, had no such obligations to international solidarity, and they played up these "threats." The logic was simple: reject the Treaty and seek to (re)assert greater French control to prevent social dumping. It was the left that took up the question of where this would leave the EU. Without explaining what it would look like or how it would work, the left evoked a different EU, one that protected existing jobs and contracts against market pressures. Hence the left, pro-European Non forces made it legitimate to link *délocalisations* to the Treaty by implying that, once the Treaty was dispensed with, such threats would vanish in the alternative Europe they would build.

This "objective alliance" with the radical right did not seem to worry the anti-Treaty left, a reflection of the fact that Communists, Trotskyists, antiglobalization militants and even some left Socialist supporters remain unreconciled, in rhetoric at least, to liberal welfare capitalism. The referendum provided them with a dramatic opportunity to lash out demagogically against the evils of capitalism: their tracts quoted environmen-



FRITS BOLKESTEIN'S directive raised fears of Polish plumbers taking the jobs of French tradesmen.

talists who claimed that the Treaty was anti-environment, feminists who proclaimed it threatening to women, and

"*altermondialistes*" who warned that it moved Europe closer to NATO and to joining in preemptive U.S.-led wars.

They would, I suspect, dismiss criticism such as mine as a manifestation of the Anglo-Saxon worldview. And in one sense it is true. Compared to northern, Protestant Europe, intellectual discourse in France is less willing to acknowledge the link between the expression of ideas and their implementation. In the lexicon of French ideas, the notion of bottom line, of the inevitability of policy tradeoffs, seems absent – especially on the left. If you raise the minimum wage or unemployment benefits, if you legislate to reduce hours of work, if you strengthen unions or if you protect domestic industry, there will be effects on state finances, prices, investments, consumption, levels of employment and so on. In Protestant Europe, assessing these tradeoffs is generally an empirical exercise in which all engage, while the moral weight to be given each consideration is a matter of ideology. In the French world of ideas, the very act of assessing these tradeoffs, it often seems, is itself a matter of ideology, an expression of Anglo-Saxon liberalism.

There is an irony here that I cannot help noting. The closest comparison that comes

to mind is American conservative intellectual circles that regard an open-minded approach to issues such as abortion, gun control and gay rights as threatening “family values.” And the source of these dangerous ideas? Liberalism, of course.

A failure of institutions?

There is a connection between the weakness of the bottom line in France’s political discourse and its institutions. Supporters of the romantic left are by no means exclusive to France, but French institutions exaggerate their importance. Consider that the president, though sharing executive power with the prime minister, dominates the political system much as does his U.S. counterpart. Almost anyone can get on the first ballot in a presidential election, as it takes only 500 signatures from the hundreds of thousands of elected officials in the country. In Grenoble during the campaign leading up to the April 2002 first ballot, I had the dubious pleasure of watching every night a long interview on national television with one of the more than 15 minor or fringe figures from the left and right who, as official candidates, were as entitled to this exposure as the standard-bearers of the Gaullists (Jacques Chirac, the incumbent President) and Socialists (Lionel Jospin, the Prime Minister). However extreme or irrelevant, each was courteously interviewed. The ultraleftists’ tirades were not interrupted with embarrassing questions about the discredited state socialist economies of eastern Europe. Indeed, such an effort to link ideas to actual outcomes would have been denounced as biased and unfair.

Everyone in France remembers the result: the various marginal candidates took

enough votes on the left from Jospin that the far-right candidate, Jean-Marie Le Pen, made it to the second round. Voters were then forced to rally to Chirac on the second ballot. Between ballots, hundreds of thousands rallied in the streets to disassociate themselves from the ideas Le Pen was spreading. Yet the mobilization soon ended, with no visible effort to learn from this experience of institutional failure.

Those who do not learn from history are destined to repeat it. It was “dépà vu all over again” as I watched the speeches and debates in the weeks before the EU Treaty referendum. This time, Olivier Besancenot, the young Trotskyist, and Marie-Georges Buffet, the old-line Communist, as well as the nationalist sometime-Socialist Jean-Pierre Chevènement, starred on our TV screens in debates with various members of the government and the Socialist leadership. With an equal number of representatives of both sides operating under the same rules as in 2002, the extreme and the mainstream were again on an equal footing. There were commendable efforts in the national press to explain the Treaty, but few read the national press. The main media events were these TV debates in which Non advocates, with no position in government and no expectation of having one, forced the country’s leaders to defend themselves against sweeping condemnations.

The networks could have invited representatives of the major civil society organizations, such as employers’ representatives and trade unions (all of the former and the majority of the latter favoured the Treaty), to express their opinions. But to do so would have been denounced as bias, as favouring the establishment. Not doing so, however, contributes to the weak link between the ex-

pression of ideas and their implementation. What distinguishes extremists in political debate is the absence of any obligation to address whether the ground from which they criticize is in any way firm. If the extreme and the mainstream are given equal legitimacy, then the very need to test ideas against the “bottom line” becomes a debatable question.

Yet the problem lies less with the media than with the political institutions. Is it too much to ask that access to the presidential ballot be tied to being the candidate of a party with a minimal level of support? In the case of the Treaty, it has to do with calling a referendum in the first place, with forcing everyone to take a simple Yes or No position on a complex issue. As the quite politicized taxi driver taking me to Orly put it, “I drive a taxi; that is my *métier*. I know nothing about European treaties. That is why we elect political leaders. It is their job to inform themselves and decide on such complex matters, not mine. That is why we elect them and that is why we pay them.”

Why, unlike their German counterparts, did French leaders succumb to pressure to “let the people decide”? It is easy to blame the politicians, but the blame here lies most of all with the EU idealists who drafted the Treaty. It is hard to say no to such a demand when the document is heralded not as a treaty to restructure institutions for an enlarged union, but as a constitution, with former French President Giscard d’Estaing as its Jefferson. Once it was termed a constitution, even the Dutch found themselves voting in a national referendum, something they hadn’t done in more than 200 years.

Calling it a constitution raised the stakes: there is an expectation that something fundamental and permanent is being done,

something in which the people must be directly involved. As Canada found with the Charlottetown Accord, all aspects of the deal that fail to meet the highest standards become a basis for denunciation – even when these standards are contradictory. For example, while most feminists supported the Treaty as a real advance, radical groups denounced the absence of a guaranteed right to abortion, contraception, sexual orientation and a life free from violence.

I am not arguing against ratification of constitutions through referendums. But certain minimal conditions must be in place. One is that the consequences of a Yes or No be clear. This is impossible when the docu-

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ment is a treaty among many countries and the vote is taken in one country at a time. It is too easy to play down the long-term positive consequences of ratification and play up short-term negatives. The recent addition of 10 new members, most of them from eastern Europe, necessitated changes in institutions. A new treaty incorporating these changes could have been ratified in the usual way, by votes in national parliaments – except in those few member states where a referendum is required by the national constitution. It was foolhardy to go beyond this and proclaim a new constitution.

Drafting a new constitution and ratifying it by referendum should take place if and

when the integration of the new members has reached the appropriate stage, and the choice should be simultaneous in all member states, so that voters in each would see that they were acting as part of a wider process. Hence, if such a constitution attained the support of most voters overall and the support of a majority in most member countries, the EU would be morally justified in asking the minority of member states voting No to reconsider. In sum, a referendum is appropriate only when we have good reason to expect most people to decide on the value of the document per se rather than use it – as a subgroup – to define a new question.

What it all means

The fundamental problem revealed by the referendum defeat is not that the EU emperor has no clothes, but that he is a respectable commoner whom his Europhile defenders insist on parading as an emperor. The EU embodies Europeans' profound desire to resolve their differences through peaceful cooperation based on mutual respect and never again resort to war. This is no small thing, of which Europeans are justifiably proud. But Europhiles create a myth that cannot be lived up to in portraying the 25-member EU as a "soft power" alternative, defending multilateralism against the United States's unilateral exercise of "hard power." Beyond this, Treaty opponents in France skilfully used continental discomfort with Anglo-Saxon diplomatic unilateralism to vaunt an ill-defined EU socioeconomic project fundamentally different from the Anglo-Saxon market model. It is another myth that such a project could be realized through the institutions of a 25+-member Union. The achievable goal is a union of

states benefiting from a framework in which they are able to pursue projects consistent with their own social and economic priorities. The EU's role is to make manageable and predictable rules to allow for this. This is no small virtue, but it is hardly the stuff of a European social project.

Since no single set of constraints will ever satisfy every member, an explicitly "multi-speed" Europe in which those who wish to build an EU along more centralized lines would, in effect, create a distinct grouping, is inevitable. Allowing for this is no easy task given the lack of appetite for reform after the Treaty referendum setback. But a saving grace of the setback would be to give greater legitimacy to such "*coopérations renforcées*," forcing the Europhiles behind the Constitution to abandon their one-size-fits-all vision of a federal Europe.

This was not, however, the first reaction of the treaty drafters in Brussels and beyond. In various post-mortems, the response was to blame national politicians who, whenever anything goes wrong, make the EU the scapegoat. An accurate critique, perhaps, but did they expect politicians not to act as politicians?

By inviting people to cast a vote on whether the EU was living up to its notices, the drafters of the EU "constitution" reaped the whirlwind. France illustrates just how pernicious the appeal to political myths can be. The fact that the "social partners" were missing from the televised debates reflects the absence of corporatism, the absence of understanding of the need for tradeoffs and cooperation if economic progress is to be combined with social justice. And, as a result especially of the attitude of the Socialists, there was no cooperation among politicians of the centre-left and centre-right

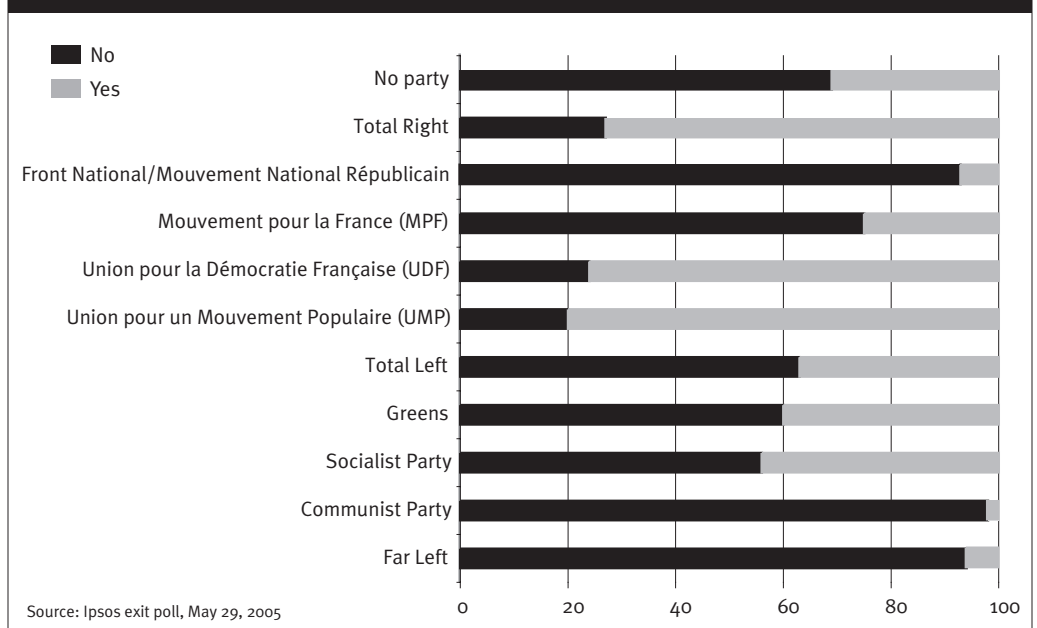
on the Oui side. There is in reality far more agreement than disagreement on the main policy issues of the day between French Socialists and Gaullists. To disguise this fact so as to ward off attacks from the far left, the Socialist leadership went out of its way to avoid cooperating with Chirac or the government of Prime Minister Jean-Pierre Raffarin, denouncing them in the same harsh language the far left used.

For example, the Socialist charge that Chirac and Raffarin were to blame for chronic high unemployment is belied by the fact that France has had 10 finance ministers in the past decade, some Socialist and some Gaullist, with little effect on the unemployment rate. There is a palpable sense among those working, especially in the small businesses that are the backbone of French society, of being overwhelmed by the taxes and charges needed to maintain

the present system. Unemployment remains unacceptably high, and economic growth falters. The underlying sense that the existing model, cherished by the political class, isn't working is now reflected in articles and op-ed pieces not only in the conservative *Le Figaro* but also in the left-leaning *Le Monde* and *Libération*.

A common theme among these commentators is that two European alternatives are actually succeeding: the Scandinavian and the British. *Le Monde* and *Libération* understandably prefer the former. But that model requires tradeoffs, for which France lacks the institutional base; in particular it lacks large representative trade unions. France's small union sector is simply unable to play such a role and France's political culture – in which unions frequently organize symbolic strikes and disruptive work stoppages as expressions of discontent – is antithetical to the

Figure 2: Breakdown of referendum vote by party support



practical, socially responsible role required of trade unions in Scandinavia.

The Sarkozy alternative

With 70 per cent of France's 41.8 million registered voters casting ballots, it was the Socialist leadership that failed to deliver. Eighty-one per cent of blue-collar workers voted Non. Over half of those planning to vote Socialist rejected the position of their party (see figure 2), compared to only a quarter of supporters of the governing Gaullist party, the Union pour un Mouvement Populaire (UMP). This was an endorsement less of Chirac or the Raffarin government than of Nicolas Sarkozy.

The fundamental problem revealed by the referendum defeat is not that the EU emperor has no clothes, but that he is a respectable commoner whom his Europhile defenders insist on parading as an emperor.

Sarkozy, president of the UMP, is a charismatic, articulate and ambitious politician, a nemesis to Chirac and a possible presidential candidate in 2007. He is the only significant political actor who criticizes the French social model. Sarkozy resigned his position as Minister of Finance in the fall of 2004 when Chirac ruled that it was incompatible with his new position as head of the UMP. At the time of writing, an uneasy truce prevailed between Chirac and Sarkozy. When Chirac replaced Raffarin with de Villepin as Prime Minister following the referendum, Sarkozy accepted the number two position in this reconfigured government.

Sarkozy aside, no one on the government side in the debate that preceded the referendum discussed how EU institutions provide a necessary complement to the French social model, a useful corrective to keep it from becoming moribund. For this required doing what Sarkozy did, and what neither Chirac nor de Villepin could do: seeing the Gaullist dream of France permanently prevailing over Europe as just that – a dream. And this is not the first time that Sarkozy has taken on French sacred cows. Again quite alone, he has addressed the misgivings among the French about Muslim immigrants. On the one hand, as Minister of the Interior he adopted a “tough on crime” position and arrested radical imams; on the other, he has argued for affirmative action measures for visible minorities, something alien to the Republican virtues of *égalité* and *laïcité*.

I heard Sarkozy speak at “Sciences Po” on May 19. He is a small, intense man with no trace of the Enarch in his speaking style or body language. His speech stressed the historical accomplishments of the EU in creating a Europe without war and bringing eastern Europe into the democratic fold. In doing so, he denounced the ultraleft: if they had had their way, eastern Europe would still be in Soviet chains. The language was at times homey, often pungent: “If my family is imperfect [a poignant statement given his well-known marital difficulties], I do not throw it away ... Europe is my family ... The Non advocates say they love Europe. How would they vote if they didn't love Europe?”

Sarkozy embraced rather than rejected the imposition of market discipline on EU member countries. France would benefit from being submitted to such discipline in



NICOLAS SARKOZY was the only politician on the government side who saw the Gaullist dream of France permanently prevailing over Europe as just that – a dream.

election. The debate will be here, rather than in the contest among contenders on the left where even “realists” such as former Finance

sectors where it was falling behind – like higher education. If it did not modernize its overregulated services to adapt to new knowledge and technology, he insisted, France would fail to achieve the goals of any model – social or otherwise. In other words, France needs the EU to free it from the interest-group rigidities of its own model.

Without quite contradicting Chirac, Sarkozy distanced himself from Chirac’s claim that strengthening the EU would strengthen the “*modèle français*” against the predations of the liberal Anglo-Saxons: “Only blind ideology closes our country to what has succeeded elsewhere, and the best social model is one that gives work to all – that is no longer our model.” What he had in mind, clearly, was the British model. Indeed, if anywhere, it is on the French centre-right that the debate over the Blairite alternative will take place. A likely forum will be the contest – probably between Sarkozy and de Villepin – for the privilege of representing the right in the 2007 presidential

Minister Dominique Strauss-Kahn and Socialist Party Secretary François Hollande have followed Fabius’s rhetorical move to the left.

As someone whose sympathies lie with Scandinavian-style social democracy, I surprised myself: were I able to vote in the 2007 presidential election, I concluded, I would vote for Sarkozy. France needs a president who speaks honestly from the bully pulpit, someone who will tell France what it needs to hear rather than what it – or at least its elites – want to hear. If anyone can drag the thinking of his fellow citizens into the “bottom-line” world of globalized markets for goods and services, it is Sarkozy.

That is how I would vote if I were French. However, as a visitor, at times when I was savouring the food, or my eyes lingered on the designs in Paris’s galleries and shops, I couldn’t help sharing the thoughts of a long-term Canadian resident in France: “Let France remain a quaint backwater that lives in self-delusion,” he said. “It makes it a wonderful place for the rest of us.” ■

The Yes men and the No vote

A French referendum diary

by Axel Queval

A party divided

June 18, 2004

The European Council adopts a modified version of the European Constitution. The original version had been agreed on by an ad hoc pan-European convention of senior politicians and had been well received, at least by the media. The revised version, adopted after some nasty negotiations among heads of state typical of EU summits nowadays, is generating less enthusiasm than the original version, but little controversy.

June 28, 2004

Laurent Fabius, the number two in the Socialist Party hierarchy, has invited his supporters in the party to a get-together in a restaurant in the Bois de Boulogne to explain his position on the Constitution. I'm invited. I have supported Fabius ever

since 1988 when President Mitterrand made it known that he preferred Laurent as his successor. But recently, Laurent has been voicing strange ideas, saying the proposed Constitution has serious flaws, and the Socialist Party would have difficulties in supporting it. I decide to go, though mainly out of curiosity. I'm what we call a federalist, and have been strongly in favour of the European Union ever since I can remember. Indeed, it was the main factor in my getting involved in politics and joining the Socialist Party in the first place, as a reaction against the crazy nationalist policies of President de Gaulle.

Laurent knows that many people in the audience will need convincing. Most of the people present are technocrats and bureaucrats from the ministries, hardly the most likely people to support an anti-establishment stance. There are few party stalwarts



LAURENT FABIOUS, man of the establishment, took an anti-establishment stance and opposed the Constitution.

from the provinces. He is extremely cool and collected, as always, but also quite funny. He explains that the Constitution, if approved, will be nearly impossible to reform, and make it harder to get the necessary approval for the famous “*coopérations renforcées*,” under which some countries can move forward on their own. (France has always been rather sceptical about expansion to eastern Europe, and it looks back longingly to an idealized vision of a union composed of the original six: France, Germany, the Netherlands, Belgium, Luxembourg and Italy.)

Laurent then addresses the looming problem of the “*délocalisations*” of factories from France and western Europe generally to eastern Europe, North Africa, China or wherever. While most experts ignore the anxiety this is generating among workers, he insists that it is a real problem with real consequences in much of the industrial

heartland, and that it is not going to go away. It is related to lack of fiscal harmonization so that eastern European countries attract investment thanks to extremely low levels of taxation.

Fabius stresses the fact that the forthcoming referendum is a trap for the Socialist Party. Our party is divided on the issue, and our voters unenthusiastic at best, as the referendum on Maastricht in the early 1990s made abundantly clear. “One thing is certain,” he concluded. “We must talk about the issue as little as we possibly can.” Of course, we shall have to make a decision as a party, but we must do so as late as possible, for as of that date we shall be prisoners in Chirac’s hands, since he sets the calendar. In the meantime, the party must talk about things that our voters, and indeed French people generally, want to hear: pensions, deficits, unemployment, health care and housing.

I come out of the meeting shaken in my convictions. Three or four days later, my decision is made: I’m against this Constitution.

July 14, 2004

Jacques Chirac announces that there will be a referendum, something he did not have to do. Most European states leave the decision to Parliament. Politics had something to with it since Chirac’s UMP party was savaged

Axel Queval worked for the French Socialist Party from 1975 to October 2005, and was in charge of the 1981 election campaign in which François Mitterrand was first elected President of the Republic. He now works for the United Nations in Côte d’Ivoire.

in the three most recent elections (county councils, regional councils and the European Parliament). With the polls saying that the vast majority of French people will vote Yes, and the Socialist Party left wing opposed to the Constitution, it presents Chirac with, apparently, an ideal opportunity to divide his opposition and gather his own rather fractious majority around him.

August 27, 2004

At its annual Summer University gathering of leaders and rank and file at the start of the political year at La Rochelle, without warning, our leader, François Hollande, declares that the Socialist Party will hold an internal referendum on the European Constitution

“One thing is certain,” Fabius concluded.

“We must talk about the issue as little as we possibly can.”

on December 1, and that he will lead the Yes men (and women), i.e. campaign for a Yes vote. Clearly he expects the party to support him, and the French to vote Yes massively, with the result that his potential rival for the party nomination in the next presidential election, Laurent Fabius, will be marginalized. I leave the meeting with some foreboding: the party will be talking about nothing else for the next eight or nine months.

November 2004

The battle lines inside the party are drawn. Everybody is telling us that the Yes vote is supported by all and sundry on the European left, apart from a few mavericks like us in France. I decide to check for myself. My

old friend Arjen Berkvens, from the Dutch Labour Party, tells me there will be a “consultative” referendum in his country (how can you have a referendum and then refuse to take the result into account?) and the most probable result is that the Dutch will vote No. I’m astounded. No newspaper has ever mentioned such a possibility. My Swedish contacts tell me there will be no referendum, in spite of many people demanding one. But, if there were a referendum, the Swedes would vote No. Further research again shows that in Poland and in the Czech Republic, the issue is far from certain, while the referendum stands no chance in Britain. My colleagues at head office share my concerns, but the leadership will not listen.

December 1, 2004

After a hectic campaign that started on a high note with a stimulating debate, but deteriorated into incessant intimidating calls from the leadership to unite behind them for the good of the party, the party referendum (with a relatively heavy turnout of 78 per cent) gives 58 per cent for the leadership and the Oui. But the National Bureau, the regional presidents, the headquarters staff and even the parliamentary group are split, with 40 to 50 per cent for the Non. The divisions run deep after three months of campaigning. How are we all going to be able to unite behind a common position?

December 17, 2004

The European summit in Brussels decides to open membership negotiations with Turkey. Chirac approves, even though his own party is at best lukewarm. The Socialist Party remains divided on the issue.

The Non surges ahead

January 2005

It is already abundantly clear that getting the party to unify behind the majority position after a heated and hard-fought three-month debate is going to be no small feat. One of my friends, former chief of staff during Mitterrand's first term, had made it clear if the Non vote won, she would leave the party; she wasn't the only one on either side.

February 2, 2005

The ruling council of the CGT, probably still the most important trade union in France, meets. Its leader, Bernard Thibaud, who favours the Oui, proposes that the union not take a position on the Constitution. He is repudiated: 81 votes against the Constitution to 18 in favour with 17 abstentions. This was a wake-up call, and increasingly Socialist leaders start voicing their penchant for the Non. Proponents of the hard Oui, led by former finance minister Dominique Strauss-Kahn, call for sanctions against those who break party discipline. François Hollande, as always, seeks compromise. When Jean-Luc Mélenchon, a left-winger and senator, comes out publicly and unequivocally for the Non, the leadership, after some delay, issues a reprimand, but no real sanction is imposed against him. All of this at a time when the media are increasingly focusing on the looming economic crisis, the *délocalisations* and the Bolkestein Directive (see the accompanying article by Henry Milner).

February 20, 2005

Spain, our friendly southern neighbour, ratifies the Constitution (76.7 per cent in

favour, but only 42.3 per cent turnout). As in Spain, the churches in France are in favour of the Treaty. But support of the Catholic Church is not entirely a blessing in France, which is deeply secular. And when it appears that the most militant Muslim organizations are also campaigning very actively in favour, questions are raised. Could it be that the ambiguous phrasing of the Constitution will allow French laws on *laïcité*, which in the schools in particular symbolize for many the very essence of the Republic, to be overruled?

February 28, 2005

A joint meeting of the Senate and National Assembly modifies the French Constitution to make it compatible with, and subservient to, the European Constitution, 730 to 66 against, with 96 (mainly Socialist) abstentions. Comforted by the result, the Yes men seem to think they need not mobilize for the campaign.

March 4, 2005

Jacques Chirac announces that the referendum will take place on May 29. Now that people are answering a real question, with a real date, polls should be more meaningful and thus reliable. Sure enough, the Oui starts to falter, down to only 56 per cent in both the Sofres and BVA polls.

March 5, 2005

During a meeting in the centre of France, outside his own constituency, François Hollande is pelted with snowballs in protest against the dismantling of public services in rural parts of the country. The fact that we, the opposition, should be targeted should serve as a warning.

FRANÇOIS HOLLANDE, First Secretary of the Socialist Party, was pictured side by side with Gaullist party President Nicolas Sarkozy on a magazine cover. The photo was not a fabrication.

March 10, 2005

Large demonstrations throughout the country protest the government's social and economic policies. On the same day, an opinion poll places the *Non* ahead. There is shock and disbelief in party headquarters. From now on, the network TV news programs deliver two messages. The first part, about Politics with a capital P, leans very heavily in favour of the *Yes*. The mainstream anchors openly show their disdain for anybody advocating the *No*. The Conseil Supérieur de l'Audiovisuel, created by the Mitterrand government to see to it that the media remain fair, feels obliged to intervene officially, but its powers of enforcement are minimal in the case of a referendum.

But the second part is different. There are regular reports, prepared by lower-ranking journalists, of examples of *délocalisations*, of companies like France Telecom employing foreign workers at illegal low wages, of the non-enforcement of labour laws in eastern Europe, the invasion of Chinese textiles, contrasted with such cases as the golden parachute (€38.05 million) given to the head of the French supermarket chain Carrefour.

March 17, 2005

Paris-Match, a glossy weekly, has a cover in which François Hollande and Nicolas Sarkozy are sitting together on a posh sofa, dressed in identical blue suits, as if they were plotting together the future of the country. The photograph is not a fabrication, as I first



thought. Most party stalwarts are appalled. The *Yes* vote slumps further. In the Socialist Party, the mood is increasingly despondent. It turns out that the leadership had no concrete plans for an active campaign, thinking it was all a foregone conclusion. Now they begin to act. The website which had been used for the *Yes* campaign during the internal referendum becomes the official referendum website of the party. Its tone was healthily aggressive, as was appropriate for an internal debate. The tone remains the same, even though the website is now directed at a much wider public.

The leadership comes out with a good campaign poster, for once, called *LEurope sociale*, but to little avail. Word is spreading about a campaign for the *Non Socialiste*, joining forces with the Trotskyites, trade unionists, the antiglobalization movement and many Green activists. Despite limited funds, they seem to be able to organize pretty decently, if reports are true that there are more people at their meetings than at those organized by the party.

April 2005

The No is now clearly in the lead in the opinion polls. Left-wing voters are massively voting No, with those planning to vote Socialist split with a slight majority for the Oui. Panic is gripping the leadership. A war room is set up with phones and computers to respond to emails and answer telephone calls. But efforts are hampered by the growing mistrust at the central office. The leadership finds itself with a staff at whose upper echelons are many former Mitterrand supporters, often close to Fabius. The lower echelons increasingly reflect the attitudes of their families and neighbours in the outer suburbs where they live. (Housing prices in Paris are well beyond their means). Some openly scorn the leadership. What campaign there is depends more and more on inexperienced student volunteers.

April 14, 2005

With supporters of the Oui increasingly worried, President Chirac decides to come on television to reply to the questions of a platform of young people. It is a disaster. He seems to be completely out of touch. The students listen to him politely, some barely concealing their boredom. The opinion polls worsen.

The war room

April 25, 2005

Though there are few phone calls, there are many emails, and the volunteer workers in the war room have fallen three weeks behind in answering them. Snail mail also lies unanswered, some dating back to November. With the party in crisis, without waiting for the leadership to react, the staff takes action.

I am asked to take charge of the war room. On April 27, with the volunteers answering emails from April 7, I give the volunteers their first-ever, as it turns out, briefing. Answers must be short, precise, polite and extremely considerate. Our goal is to catch up on the backload in five days with myself and a few colleagues agreeing to work every day for the duration.

May 2005

Having caught up, I start writing a daily report for the leadership on the campaign as seen from the letters and calls. Indeed, we are able to tell what the next opinion polls are going to be like three or four days in advance. Our worst fears are quickly confirmed. The campaign is going very badly indeed. Eighty per cent of mail is negative, some of it extremely virulent. It is also clear that many voters are taking the issue extremely seriously, reading the proposed text of the Constitution with great attention, and asking very precise questions. It is of little value to say that Europe is good, good for France, good for peace and so on, when the questions being asked are specific and sometimes telling. The text itself is a compromise seemingly written by lawyers. It is hard to give clear answers, especially to critics trained in law, economics, etc. The more we delve, the more we realize that much will depend on the interpretation and jurisprudence delivered by the European Court of Justice. Emails indicate that some Oui sympathizers are having second thoughts.

I am now invited to go to the campaign strategy meeting. The room is full, many people I've never met before. Some are obviously volunteers. Should they all be coming to strategy meetings? This was not

how it was done in Mitterrand's time. Be that as it may, François Hollande launches the meeting by declaring that we have to get rid of anything that smacks of *arguments d'autorité*. People hate it and no one is convinced. We must use real arguments, meet people, distribute leaflets in front of the stations, at the markets and so forth. "This is great," I say to myself. "Finally they are getting the message."

Alas, the rest of the meeting proceeds exactly as if the leader's words had never been spoken. The talk is about a joint event at party headquarters with the leadership of the German SPD in favour of the Yes, of bringing all Socialist members of the European Parliament from the 25 member states to Paris to a meeting in the National Assembly, of drawing attention to the support of top-level intellectuals for the Constitution. This is exactly the last thing the ordinary voters were looking for.

The meeting ends with a promise by a representative of the Radical Party (a small left-of-centre party invited to plan the campaign with us) that they will do their best for the Yes. But, he warns, we are weak in rural France, and encounter stiff resistance among railway workers (an institution in France), postal workers, even teachers. His warning is unheeded. In the end, seven of the nine Radical Party MPs go over to the Non.

I go back to the war room, and decide not to waste any more time with the strategy meetings: they're useless.

Increasing numbers of emails are responding to the *argumentaires* that we are sending out, the most controversial of which, labelled *Intox*, are supposed to fight against the Socialist Non. They invariably start with "They are lying to you." Each release brings a massive response by sympathizers angered

by the aggressive tone we are using. We are convincing no one. Some of the most extreme (*To Hell with the Shitty Nation-State* by Antonio Negri, for example) dismay even some of our own Oui supporters. I explain in my daily briefings to the leadership that the negative and aggressive arguments actually mobilize the Non supporters, while positive arguments mobilize our own sympathisers. But nothing changes.

Bringing in the heavy guns

May 1, 2005

Laurent Fabius returns from a series of lectures at U.S. universities. He has said very little since December. There are now only three weeks left before the vote. Stating that his position has been misrepresented by the Oui, he weighs in for the Non, talking quietly about ordinary people's anxiety, the failings of the Constitution, repeating the arguments that we heard during the internal Socialist Party debate but have not been aired on television by any leader of his stature.

May 4, 2005

The Socialist Party leadership decides to play its trump card: Lionel Jospin, the former Prime Minister, a controversial figure who is still respected by many of our voters. He comes out clearly in favour of the Oui. He is calm, cool and collected, and mercifully short. Emails improve all during the long weekend that follows. The polls pick up, and the Oui again has a majority.

As things again get worse, our website's arguments are getting more and more aggressive. All sense of nuance is being lost. Our original position of being in favour of

the Constitution because it is a step forward without being a panacea is forgotten, and our statements now replicate the right's campaign of intimidation. All is well, you must vote Yes – if not ...

May 18, 2005

President Mitterrand's widow comes out for the Non. She is old, and not the most experienced politician, but there is no denying her courage going right back to the Resistance movement during the Second World War; she is popular, especially among our core voters. The leadership is dismissive: why not ask Mitterrand's dog, Baltique, what he feels about the Constitution? Some of my colleagues who had voted Yes in the internal referendum out of loyalty to the leadership now say they are going to vote No.

With every new poll showing the Non edging ahead, slowly but surely, Jospin intervenes again, this time stressing the link between support for the Yes position and the leadership of François Hollande. The reaction in the emails is instant and negative. As the Non continues to advance, the party's weekly magazine, sent to all our members, is increasingly strident in tone. Panicked telephone calls from sympathizers in various parts of the country tell us that there is no Oui campaign to be seen, that all the posters favour the Non.

May 29, 2005

Referendum Day has come at last. Having worked nonstop for 45 days, I decide to vote early and go hiking. I arrive at the party headquarters around 8 p.m. The Yes men and women have had a meeting at 6 p.m. Apparently they believed to the last minute that the Oui would scrape through. Few party workers are present. Apparently some

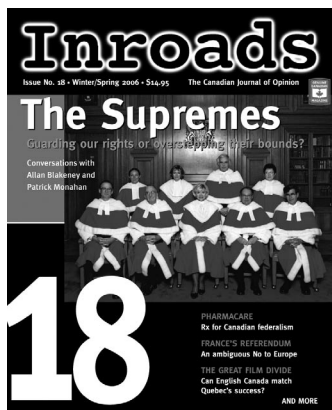
70 per cent have voted Non. Results show a landslide for the Non in Socialist strongholds. In the mining districts of the Pas-de-Calais, where many British pilots were hidden by the Resistance when they were shot down on their way to bomb Germany during World War II, the Non reaches 70 per cent. The mood is gloomy. The official line is that it's all Chirac's fault; the unofficial line is that it's all Fabius's fault. There is no sign of introspection. Jean-Pierre Chevènement, a former Socialist minister and one of the leaders of the No campaign, says the result is a stinging rebuke for a political class that is both lazy and blind. I seldom agree with Chevènement, but he's right.

Jean-Pierre Chevènement, a former Socialist minister and one of the leaders of the No campaign, says the result is a stinging rebuke for a political class that is both lazy and blind. I seldom agree with Chevènement, but he's right.

June 5, 2005

The leadership, its back to the wall, decides to force the resignation of all Fabius's supporters from the party secretariat: discipline must be enforced. Nobody seems to realize that this kind of discipline, a legacy of the days when parties were like armies, is just not adapted to advanced democracies in the 21st century. Fabius has now been transformed into a martyr, courtesy of the leadership.

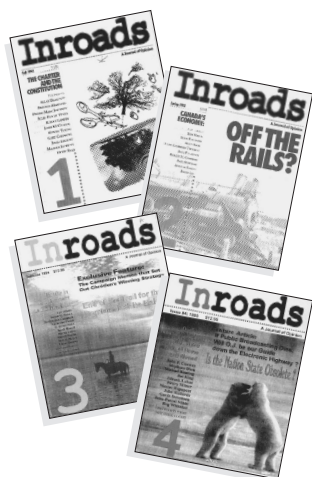
The party congress where we elect a new leadership and redefine our policies is brought forward to November 18–20, 2005. All the members of the party get to decide. Will they endorse Yes men, or ...? ■



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