

**IDEAS, ARGUMENTS AND TOPICS FOR THE APPROVAL OR  
THE REJECTION OF THE TREATY ESTABLISHING  
A CONSTITUTION FOR EUROPE**

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**WORK IN PROGRESS**

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## INTRODUCTION

In the following pages we will study the arguments, topics, questions and ideas which were used during the campaigns for the referenda for the European Constitution Treaty in Spain and France. The referenda took place on February, the 20<sup>th</sup> and May, the 29<sup>th</sup>, 2005. Our objective is to check whether these arguments, topics and ideas to sustain or back the Yes and the No votes were similar and were similarly used, or –in the other case- to what extent they were different –or were differently used. The distinct result of the referenda, specially the French No, makes our study more interesting, even if our aim is not to analyse the results in each country.

We base our analysis for the Spanish and French cases on a sociological analysis of the discourses published by relevant newspapers during the referendum campaigns in each country. We just consider information about what political parties, politicians, social leaders and relevant personalities said about it (as was published by the newspapers).

For the Spanish case, we have used *El País* and *La Vanguardia* (from February the 4<sup>th</sup> to February the 19<sup>th</sup>, 2005). The first one is the most popular Spanish newspaper and *La Vanguardia* is the most popular one in Catalonia. Since the separatist parties were among those who recommended the No vote, and the regional debate was very important for the No vote, we thought we should take into account the regionalist view (using a regional wide newspaper).

For the French case, we took into account what *Le Monde*, *Libération* and *Le Figaro* (from May 16<sup>th</sup> to May 28<sup>th</sup>) published. In the case of Italy, we use the discourses pronounced at both Chambers by the main political parties' leaders, defending or rejecting the Treaty establishing a Constitution for Europe.

Our methodology is based in the sociological (and political) analysis of the discourses (as understood by Luis E. Alonso in his *La mirada cualitativa en sociología*). We try to point out the historic and contextual situations in which the discourses were issued, linking it narrowly with the political and social situation in each case.

From that methodological approach, we try to re-construct the meaning and sense of the discourses in their micro and macro social and political situations. Therefore, we represent and understand each text in its social and political contexts, in its historicity, taking into account the reconstruction of the interests of those involved in the discourses<sup>1</sup>.

The result of our work is the list of ideas, arguments and topics that we will present in a few minutes. Of course, not all of them were used in all the three countries. In addition, the way in which they were used was different as well.

We have grouped the topics in eight general ideas or big arguments. Some of these topics are very similar and quite related to each other. In our paper we go along that list, describing in what sense each of them was presented to support the Yes or the No votes.

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<sup>1</sup> Luis E. Alonso, *La mirada cualitativa en sociología*, Madrid, Fundamentos, p. 188.

In order to be more accurate with the intentions of those who issued the discourses, we try to use the exact words and expressions of the relevant actors, when presenting our work.

The work is in progress. We have not finished analysing the Italian case, and still have to re-write more properly the Spanish and French parts. That is why today we will go further in the Spanish and French cases, paying less attention to the Italian case.

## **The context of the referendum in Spain**

The President of the Spanish Government decided to call for the referendum on the Treaty for the European Constitution without consulting the leaders of other parties, leaning in the faculties that the legality confers to him. The persistent high levels of “europeism” registered among the Spanish society and the decided support to the Treaty by the main political parties of the country could make think to Zapatero that the affirmative vote would be overwhelmingly majority.

The high levels of europeism of the Spanish society (“euroenthusiasm”, could be said) arise from the entailment or link that exists in the Spanish collective imaginary consciousness between Europe – democracy – modernisation – development – and economic progress. This has been measured since the times of the transition to democracy, in 1977. That “euroenthusiasm” has been present at all the surveys developed since then. Our linkage with “Europe” would be the instrument to take Spain out of its secular “backwardness”.

The domestic context of the referendum is favourable for the Yes vote: The Government calling for the referendum is the one which recently won the general election, which quickly stopped the collaboration of Spain with the international coalition in the Iraq War (listening to the popular outcry that rejected such intervention). And did so in a good economic situation, in which the economic growth is greater than the average of the EU countries, with a nonexistent public deficit, and rates of unemployment somewhat higher to the European average although clearly smaller than those registered in Spain in the last years.

As we will have the occasion to analyse, no political party was against the Treaty thinking it could imply a loss of sovereignty or because the Treaty could imply bad economic and social consequences for Spaniards (due to the integration of new partners in the Union and the loss of economic help coming from European institutions). The arguments for of the small parties, were based, as we will see, on that the Treaty implies a too timid or too little advance in the impulse of a true European Union in the political sense; too few advances in the development of the european social model; insufficient articulation of a true political union with a truly citizenship. The Partido Popular (in the opposition) reproached to the President of the Government that raised the referendum unilaterally, without consulting it with other parties, like a personal bet. They objected almost nothing of the content of the Treaty, except for that Spain was losing capacity or power when taking a common (European) decision, in comparison with Nize Treaty. However, some relevant leaders and representatives of Partido Popular collaborated intensely in the writing of the

Treaty. Their reluctance to support to the Government aroused, solely, from the considering that a clear victory of the Yes vote could be perceived as a personal triumph of Zapatero, whereas insufficient levels of participation would be seen clearly as a failure of the President. However, given the “euroenthusiasm” of the Spanish society, Partido Popular had not other alternative that to ask for the support to the Treaty and to participate in the campaign, even if they did it timidly and ambiguously. The political-electoral price derived from not having do so would have been much dangerous.

A huge majority of the Spanish people was for the Treaty, according to the surveys, even if their level of knowledge about it was very reduced - even after the electoral campaign of the referendum<sup>2</sup>. The campaign in favour of the Yes vote was mainly developed by the Socialist Party (PSOE). After all the bet of the referendum had been of Zapatero. Partido Popular campaign was much less intense. Those making campaign for the No vote were small left-wing parties, regionalist or nationalist parties and social movements. And they did so because they wanted the Treaty to go much further in the construction and development of the European political (and not only economic) integration. Some nationalist parties campaigned against the Treaty because of the treatment it gives to the regions. There are no rightwing, racist or xenophobic parties in Spain. The campaign was cold, with a low profile and with little content, since - according to mass media- “it lacked an electoral adversary”. It is not possible to say that there was a trUE social debate about the Treaty in Spain. In most of the occasion, the campaign was more about clichés that about argumentations and in depth debates. The quite unusual low rate of electoral participation (only 43%) is a good indicator of little that the Spanish society participated in the debate. Out of those who voted, 76.7% did it with a Yes vote, whereas those voting No were only 17.2%; a 6% of the voters chose to vote blank.

### **The context of the referendum in France**

In France, the referendum on the new Treaty was called by the President Chirac, the 14<sup>th</sup> of July, 2004 convinced that the Treaty had a clear support among the majority parties, like the UMP, the UDF, the PS or *Les Verts*. Nevertheless, and in spite of it, there were some signs that the No vote could win one month before the referendum campaign started.

When the shade of a victory of the No appeared, all the alarms jumped, not only in France, but in many countries in Europe and in the EU institutions, generating a considerable change in the messages of the different political parties in the campaign. Up until that moment, the different ideological positions were using a listing of arguments and ideas related to many of the new features of the content of the new Treaty. Once the possibility of a victory of the No vote appeared in scene, the campaign was conditioned strongly by those negative forecasts, by the fight against the No vote, and by the ideas and speculations dealing with what could happen if the majority of the French voters chose the No vote.

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<sup>2</sup> See, Public opinion poll published in *El País*, February, 11, 2005, and *La Vanguardia*, February, 13, 2005. The citizens who said to have a low, very low or null knowledge about the European Constitution were of 90.9% (73% for *La Vanguardia*).

The political parties that had declared themselves more hostile to the constitutional Treaty were the *Front National* and the MPF, followed by other supporters of the parliamentary left<sup>3</sup>. Nevertheless, the great surprise came from the success achieved by the part of the Socialist Party headed by Laurent Fabius, which initiated a campaign against the Treaty and, therefore, opposed openly to the line defended by most of its party.

By all means, all those rejecting the Treaty did not share same arguments and motives to do so. On the case of both first mentioned parties, its opposition was not exclusively based on its traditional vindications (related to racism and the competition with the foreign manual labour, in the case of the *Front National*; related to the defence of the French sovereignty, in the case of the MPF). They expanded its list of arguments, introducing criteria related to social matters in Europe, unemployment, labour conditions, salaries, etcetera<sup>4</sup>. Laurent Fabius, raised the traditional vindications of the left to ask for a No vote, using arguments related mainly to social conditions and programs.

The rejection to the Treaty by a majority which was advanced by survey could be due to diverse causes, but a fact was verifiable: the disparity between the reasons used by the political parties in the campaign and the needs of the citizenship, more worried about the rise of the rate of unemployment (one of highest on the EU), the economic stagnation and the displacement of the French companies to other countries in search of cheaper labour conditions. French citizens feared that the increase of the number of European partners under the Treaty could make such a bad situation even worse. These considerations could have driven to a good number of voters to perceive the referendum as an instrument to protest against the social and economic situation of the country, and against the domestic policies of the Government (perceived as responsible for the bad situation in which was the country). Even if many arguments were raised to reject the Treaty, one of the main reasons to do so was the fear to the raise of the unemployment levels. And that was true even before the campaign started, making the voters quite independent to politicians and mass media messages. Many of them (up to a 56%) had taken their decision before the campaign started. Only 23% of voters decided what they would vote during the campaign, and only 8% in the days before the "D" day<sup>5</sup>.

The results of the referendum confirmed the forecasts: those who chose a No vote were the 54,9% of voters, while the Yes was backed by 45.1% of those who voted. Participation aroused to 73%.

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<sup>3</sup> Between the supporters of the left: ATTAC, Ecolo, the *Confédération Paysanne*, the *Fundation Copérnico*, *Force Militante*, the French Communist Party, the *Ligue Comuniste Revolutionaire*, etc. (El País, May, 22, 2005)

<sup>4</sup> Le Monde, May, 19, 2005.

<sup>5</sup> Le Monde, May, 30, 2005.

## **IDEAS AND TOPICS WHICH APPEARED IN THE CAMPAIGNS OF REFERENDA IN SPAIN AND FRANCE ON THE TREATY ESTABLISHING A CONSTITUTION FOR EUROPE.**

1. CONSTITUENT PROCESS
  - 1.1. **Treaty elaborated by consensus, without voting, with participation of representatives of almost all the political parties and countries...**
  - 1.2. **Treaty elaborated with the participation of representatives of institutions of different level of government: European Parliament, European Commission, National Parliaments, National Governments. And as an outcome of an opened, plural, participative, transparent and accountable process.**
  - 1.3. **Treaty elaborated with the participation (through consultations) of non-governmental organisations and other social organisations.**
  - 1.4. **What would happen if the No vote wins?**
  - 1.5. **Use of the No vote as a way to punish the Government (or the party that backs it at Parliament)**
  
2. STRUCTURE AND FUNCTIONING OF THE EUROPEAN UNION INSTITUTIONS
  - 2.1. **The Treaty makes a more democratic and participative European Union**
  - 2.2. **The Treaty generates greater clarity and effectiveness in the normative system of the European Union**
  - 2.3. **The Treaty incorporates better systems for decision making in the European Union: reinforced unanimities, majorities, cooperation-based decisions...**
  - 2.4. **Improvement in the distribution of faculties and principle of subsidiarity**
  - 2.5. **New appointment of President and Foreign Affairs Minister, being permanent positions**
  
3. EUROPEAN IDENTITY
  - 3.1. **European tradition**
  - 3.2. **European way to make and to understand politics**
  - 3.3. **Fundamental rights gathered in the Treaty as distinctive of the European identity**
  - 3.4. **Fostering and defence of the European social model in the Treaty**
  - 3.5. **The Treaty as the instrument for the cohesion and solidarity in Europe**
  - 3.6. **The question of the laicism of the European Union and the absence in the Treaty of a mention to its Christian roots**
  
4. THE TREATY AS THE INSTRUMENT FOR THE GUARANTY OF PEACE AND AS A MECHANISM TO AMPLIFY THE VOICE OF EUROPE IN THE WORLD

- 4.1. **The Treaty as the instrument for the strengthening of Europe's position in the world, as opposed to that of the United States**
- 4.2. **The Treaty will allow a more determined action of Europe in the world**
- 4.3. **The Treaty as the instrument to guaranty peace and pacific ways to solve international conflicts**
- 4.4. **The Treaty and the defence of the European Union**
  
5. **SPAIN AND FRANCE IN EUROPE WITH THE NEW TREATY**
  - 5.1. **How we have been doing up until now, and what we do expect from the Treaty**
  - 5.2. **Structural funds and funds for the European cohesion**
  - 5.3. **The treaty and the question of the national sovereignty**
  
6. **THE TREATY AND THE REGIONS**
  - 6.1. **The participation of the regions in the new institutional system**
  - 6.2. **The lack of recognition in the Treaty of the regional languages as official languages of the European Union**
  - 6.3. **The Treaty as an instrument to reject self-determination of regions within a country**
  
7. **THE TREATY AND THE EUROPEAN PUBLIC POLICIES**
  - 7.1. **Policies on equality of sexes (to put an end to different treatment to women)**
  - 7.2. **Social and labour policies**
  - 7.3. **The Treaty and its model of social-liberal market based on competitiveness**
  - 7.4. **The Treaty and immigration.**
  - 7.5. **The treaty and the fight against terrorism**
  
8. **THE FUTURE EXTENSIONS OF THE EUROPEAN UNION**
  - 8.1. **The possible adhesion of Turkey to the European Union**
  - 8.2. **The Treaty and the enlargement of the European Union with the countries of Central and Eastern Europe**

## 1. CONSTITUENT PROCESS

### **1.1. Treaty elaborated by consensus, without voting, with participation of representatives of almost all the political parties and countries...**

In Spain this argument appeared in repeated occasions in the speeches of the leaders of the big parties (PSOE and PP), given the high positive value that the citizenship attributes to the consensus of the Spanish constituent process. Since the transition to democracy it is considered the best formula to articulate the basic norms of the coexistence by the citizenship. The leaders of these two parties tried to connect both Constitutions and their elaboration processes, emphasizing that in this campaign “there is not an adversary, since both parties, socialist as much as popular support this Constitution, to which elaboration have contributed both organizations”<sup>6</sup>. In a similar sense, they affirmed that the Constitution cannot be completely satisfactory to all actors, since “that is its greatness: all of the, rightist and leftist fit into the Constitution, but all united under the flag that unites all the flags” (Zapatero, PSOE)<sup>7</sup>. The press outlined in several occasions that the Treaty “had been elaborated by consensus, not unanimously, without voting and with debates that were always opened and public”<sup>8</sup>.

However, among those rejecting the Treaty the opposite opinion was assessed: the absence of consensus at the time of writing up the Treaty, just as it was happening during the campaign (also considering the negative effect this image could generate in the Spanish electorate): “those in against the Treaty are being gagged, are being proscribed in the mass media”. “This treaty does not arise from a constituent period, is rather a granted Chart, an agreement between states” (Llamazares, IU)<sup>9</sup>. Some social leaders emphasised the character of “granted “from above” of the Treaty, disguised as an constituent agreement, to conceal the naked reality (...), because this is not Constitution, since is no popular sovereignty, neither accountability, nor separation of powers” (Gil Calvo)<sup>10</sup>.

It is not easy to find this kind of argument in France, since acting by consensus does not add an extra value by itself. Nevertheless, it was used in some occasions by French socialist leaders<sup>11</sup>.

### **1.2. Treaty elaborated with the participation of representatives of institutions of different levels of government: European parliament, European Commission, National Parliaments, National Governments; and as an outcome of an opened, plural, participative, transparent and accountable process**

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<sup>6</sup> El País, February, 16, 2005.

<sup>7</sup> El País, February, 7, 2005.

<sup>8</sup> El País, February, 18, 2005.

<sup>9</sup> El País, February, 8 and 16, 2005.

<sup>10</sup> El País, February, 7, 2005.

<sup>11</sup> Le Monde, May, 16, 2005.

In Spain those in favour of the Yes vote emphasized the participation of all the relevant political instances in the process of elaboration of the Treaty, in a process positively described by them for its plurality and transparency: National MPs, European MPs, politicians representing the governments, Member of the European Commission... In addition, the leaders who supported the Yes vote, considered as not so important the fact that the citizens did not know in detail the content of the Treaty: "it is more important that society knows about the values that are behind this Treaty..." (Zapatero, PSOE)<sup>12</sup>.

However, those in favour of the No vote emphasized the democratic deficit of the Treaty, since it was elaborated "only with the participation of the States, but not with the participation of the regional or sub-state parliaments" (Carod, ERC). For the Galician regionalist leader Anxo Quintana (BNG)<sup>13</sup> "this Treaty has been made behind the back of the citizens. It is not a product of the different peoples, but of the States and the markets [... since] it obeys to an economic and social model in which only a few can produce and the others must be satisfied with being just consumers" (Quintana, BNG)<sup>14</sup>.

Also in France, those in favour of the Yes vote emphasised in the pre-campaign that the constitutional Treaty is the outcome of the work of a Convention integrated by an ample representation of European and national institutions, and within the last ones, coming from members states and from candidate states<sup>15</sup>. It was also outlined the plurality of the ideological tendencies which were taken into account in the Treaty content<sup>16</sup>.

### **1.3. Treaty elaborated with the participation (through consultations) of non-governmental organisations and other social organisations**

In the same line of outlining the open and transparent way of the "constituent" process, those in favour of the Yes vote in Spain emphasized the wide social participation in the elaboration of the Treaty, through non-governmental organisations and others participants from the civil society, trade unions, etcetera. Additionally, they added that the debates and documents being taking into account had been placed in Internet (<http://www.european-convention.eu.int>) so everyone could have open access to all of them<sup>17</sup>. On the other hand, those in against the Treaty criticise the way the Treaty had been written, understanding that the process had been under the control of professional politicians what did not leave too much space for the participation of the society: "It is a decision closed and taken away from people" (IU)<sup>18</sup>.

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<sup>12</sup> El País, February, 7, 2005.

<sup>13</sup> La Vanguardia, February, 6, 2005.

<sup>14</sup> El País, February, 15, 2005.

<sup>15</sup> Ideas expressed by Political Parties supporting the Treaty in "Le Grand débat sur la Constitution européenne", organised in Lille, April, 7, 2005 (<http://grandedebat.free.fr>).

<sup>16</sup> <http://u-m-p-org>

<sup>17</sup> El País, February, 18, 2005.

<sup>18</sup> El País, February, 19, 2005.

In France the only assertions dealing with the consultation to different groups from the society during the constituent process came from those in against the Treaty (mainly from the MPF). They criticized –as in Spain- that the Treaty was elaborated far away from the society and without its participation<sup>19</sup>. Those favouring the Treaty only mentioned -as one of its positive features- the inclusion of the principle by which the European institutions must engage in a dialogue with the representative associations and the civil society, but did not say a word dealing the participation of the society in the writing process of the Treaty.

#### 1.4. What would happen if the No vote wins?

In Spain those in favour of the Treaty tried to identify the rejection of the Treaty with the resignation from the European identity, its social model and all the advances that it has fostered. They tried to identify the rejection with the destruction of the European traditional way of understanding and performing politics. They, nevertheless, did not offered details on what the consequences of a No victory would be. The President of the Government, for example, just said, ambiguously enough, that possibility saying that “there is a lot at stake for Spain in this consultation because if the Yes vote wins, Spain and Europe will win, but if this does not happen, Spain will weaken and Europe will weaken”. “This is the very first time in History Spanish people can say Yes to Europe first than any other one” (Zapatero, PSOE)<sup>20</sup>. The Minister of Industry (Montilla) was to some point more catastrophist, when he said that “the rejection of the Treaty would open a stage of economic and institutional uncertainty” (Montilla, PSOE)<sup>21</sup>. This catastrophist way of seeing the possibility of a No vote victory was surpassed by Lopez Garrido (PSOE)<sup>22</sup>, who affirmed that “if the No wins, it would be like if Spain goes away from the European Union”. Clearing dramatic quality to a possible victory of the No vote, although without explaining the alternatives, Javier Solana mentioned that “I would not send any apocalyptic message: Europe is strong enough to cope with a No vote of the Spanish electorate without being destroyed, although it would be a pity and a contradiction for the Spanish way of seeing Europe” (Solana)<sup>23</sup>.

Other political and social leaders affirmed that in case that the Treaty was not approved, “there will be no another constituent process in the future” (Méndez of Vigo, PP)<sup>24</sup>. The rejection of the Treaty was identify with the disappearance of the European Union itself, as a political orgaNization, opening the door to all the problems that would arise in a globalise world without the European Union voice and way of acting. This identification between vote and disappearance of the EU drove the leaders backing the Treaty to ignore the arguments of those in favour of No vote, and to avoid a debate with them: Who does really want that the EU disappears...? (De Carreras)<sup>25</sup>.

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<sup>19</sup> “Pourquoi dire non à la Constitution européenne”, <http://www.mpf-villiers.com>

<sup>20</sup> La Vanguardia, February, 15, 2005, and El País, February, 7, 2005.

<sup>21</sup> El País, February, 7, 2005.

<sup>22</sup> El País, February, 10, 2005.

<sup>23</sup> La vanguardia, February, 19, 2005.

<sup>24</sup> El País, February, 19, 2005.

<sup>25</sup> Professor of Constitucional Law. La Vanguardia, February, 19, 2005.

The leader of PP (Rajoy), although defending the Yes vote, asked the President of the Government to leave the apocalyptic view of the possibility of a No victory or of a really low turnout. He said that people should not be threaten if they wanted to vote No, since the only person to be blamed for an adverse result would be the President of the Government. He also affirmed that “either the process of European construction would not become paralysed nor would become paralysed the world if the Treaty is not ratified”<sup>26</sup>. As a sample of his little enthusiasm about the Treaty, he affirmed that “it is not outstanding, it will not fix the world, but I do not see any reason to say No to the European Constitution” (Rajoy, PP)<sup>27</sup>.

In a similar position, those against the Treaty tried to clear importance to the apocalyptic descriptions and consequences of a victory of the No vote in the referendum: “it has already happened with previous Treaties in some countries, and the result was a re-negotiation; and those countries are still as involved in the European building up process as Spain”. That re-negotiation “would force to re-think the circumstances, the objective and the path we want the EU to follow” (Llamazares, IU)<sup>28</sup>. From this position, these leaders tried to convince the citizens that there were other alternatives and that the Treaty was not the only possible option, like if to vote No meant to be willing to exit from Europe or the European Union: “Let’s not fall in the trap of confusing or identifying being fond of Europe with voting Yes for the Treaty. (...) Those of us who ask for a No vote are for a social and much more democratic Europe. (...) We are not voting if we will or will not be in Europe, but the social model and the roll of the EU in the world” (Herrera, ICV)<sup>29</sup>. “Another Europe is possible and we should avoid being convinced by the argument that this Constitution is only the possible one” (IU)<sup>30</sup>. The only consequence that would come out of a victory of No in the referendum would be that “it would be necessary to make another European Constitution” (Carod, ERC)<sup>31</sup>.

In France the question of “ what would happen if the No wins” acquired an additional importance when TSN-Sofres survey was published in the newspaper Europe-1 (on April, the 11<sup>th</sup>) and in Le Figaro (on April, the 12<sup>th</sup>). According to these data, if the referendum had taken place that day, the No would have won with a 53% of the votes. These data alarmed those political leaders backing the Treaty, and conditioned the campaign of the French referendum. The threat of a No victory in France was active during all the campaign, mostly for those who were in favour of the Treaty, since they had to fight back the main stream. That same survey revealed that 63% of those interviewed thought that if there was a victory of the No, France would get a re-negotiation of the Treaty<sup>32</sup>. Trying to reduce the wideness of this opinion the

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<sup>26</sup> La Vanguardia, February, 16 and 17, 2005

<sup>27</sup> La Vanguardia, February, 11, 2005

<sup>28</sup> El País, February, 16, 2005.

<sup>29</sup> La Vanguardia, February, 7, 2005

<sup>30</sup> El País, February, 19, 2005.

<sup>31</sup> El País, February, 7, 2005.

<sup>32</sup> It indicated the main defender socialist of No, Laurent Fabius, that “a renegotiation of the constitutional Treaty in case of the non ratification will be, considering that is archprobable that several countries vote No. It will be necessary that the government and Chiefs of State, that are realistic people and that has will to listen their towns, consider the question. What will happen then. They will be put around a table. France, in this account. It has happened several times in

President, Jacques Chirac, said: “we can vote Yes or we can vote No; we can be for or against Europe; but -let me tell you at once- there will not be re-negotiation. It is necessary to be clear and straightforward on this point”. And added: “I am astonished by the lack of realism of those who are convinced about such hypothesis. Most of chiefs of state and presidents of government have emphasized it would not be possible to re-negotiate neither from the political nor from the legal point of view... How can they think that, because of France saying No to the Treaty, our partners would say: Very well, let’s start all over again”<sup>33</sup>.

Like in Spain, in France the argument of the highly negative consequences of a rejection of the Treaty was widely used by those supporting the Treaty too along the campaign. Those backing the Treaty thought they should be careful about using “any” argument to support the Treaty -like the negative one of the fear to the victory of the No-, since they had to affirm there were many positive ones to defend it. Nevertheless, they displayed the rejection of the Treaty as if it “would lead to a political crisis that would drive us to a large and long economic crisis”. In the words used by the President of the Government (Raffarin, UMP), “if the No wins, it would be evident during the following months or years that an uncertainty atmosphere would weigh over the economic decisions taken by the great actors”. According to one of his party MPs “the victory of the No would stop growth the morning of May 30<sup>th</sup>, (...) and there will be much more uncertainty. We will have to pay a high cost over the time”<sup>34</sup>.

### **1.5. Use of the No vote as a way to punish the Government (or the party which backs it at Parliament)**

In Spain the No vote appeared as a possible way to punish the Government (that had called for the referendum without previously consulting it with the main opposition party, by means of a personal decision of the President Zapatero). The leaders of the Government and the PSOE blamed those of the PP for not campaigning intensely and truly enough for the Yes vote, saying people from the PP wanted a very low turnout to blame it to Zapatero, as a personal defeat. PP leaders affirmed in several occasions that “those that are asking for a No vote in the referendum are not the members of the PP but leaders and members of the parties that support to the Government at Parliament [communist IU and separatist ERC]”; and that “a turnout below 50% would be a defeat and a personal failure for Zapatero who is the one who called for the referendum” (Rajoy, PP)<sup>35</sup>. Next to it, to disguise that subliminal message, the leaders of PP had to reiterate very insistently and in several occasions that they were for the Constitution and for the advance of Europe, and ask for “a Yes vote, not for the Government nor against the Government, but because of common sense and because it is good for Spain”. “We will vote the Treaty with a Yes in spite of the Government” (Rajoy, PP)<sup>36</sup>. The former PP

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history that we have said No. That has never damaged to Europe nor France. On the contrary”  
El País, May, 23, 2005

<sup>33</sup> Libération, May, 19, 2005.

<sup>34</sup> Libération, may, 19, 2005.

<sup>35</sup> La vanguardia, February, 6 and 18, 2005.

<sup>36</sup> El País, February, 18, 2005. la Vanguardia, February, 6, 18 and 19, 2005.

Minister of Foreign Affairs argued, in this same sense, that “there is too much at stake for Spain in this referendum as to fall in the temptation to vote No to punish the Government, or to understand that the Yes option means to support the President of the Government in a plebiscite” (De Palacio, PP)<sup>37</sup>.

In France, the leader of the extreme right, Le Pen, viewed the referendum as a revenge against the President Chirac, who had defeated him with the the biggest electoral difference of the history of the French Republic, in 2002. That is why Le Pen asked the President to resign in the even of a victory of the No. Doing so he was calling for a punishment use of the No vote, for those who were not very satisfied with the position in which the country was due to Chirac’s decisions<sup>38</sup>. All the rest of the parties which were against the Treaty, joined Le Pen’s request for the event of a rejection of the Treaty<sup>39</sup>.

The event of a high use of a punishment vote was so evident that the President Chirac said in his last speech before the referendum that “on May 29<sup>th</sup> each one of us will have to make responsible and conscious election. Above all, we should not misunderstand the question at stake. The decision that we have ahead is very far from traditional political cleavages (...) It is not about saying yes or not to the Government”. The President of the European Parliament, Borrell, acknowledging the existence of a potential high vote of punishment against Raffarin-Chirac, asked to avoid “a kick to the Government in the bottom of Europe”<sup>40</sup>.

## 2. STRUCTURE AND FUNCTIONING OF THE EUROPEAN UNION INSTITUTIONS

### 2.1. The Treaty makes a more democratic and participative European Union

In Spain those in favour of the Yes vote repeatedly mentioned that with this Constitution the stage of economic integration was giving the way to that of a truly political integration “making it a more democratic and participative Europe; a Europe of the elites opens the door to a Europe of the citizens” (Lopez Garrido, PSOE)<sup>41</sup>. “All its decisions will be taken in a much more democratic and transparent way. (...) This Constitution makes us European citizens” (Almunia, PSOE)<sup>42</sup>. Also PP leaders used the argument of a European Union subject to more democracy and transparency in its decisions and procedures, and more citizens participation (De Palacio, PP)<sup>43</sup>. There were

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<sup>37</sup> El País, February, 10, 2005.

<sup>38</sup> El País, May, 22, 2005.

<sup>39</sup> Le Monde, May, 23, 2005.

<sup>40</sup> Le Monde, may, 19, 2005.

<sup>41</sup> El País, February, 18 and 19, 2005. Idem, Javier Solana’s opinion in La Vanguardia, February, 15, 2005.

<sup>42</sup> El País, February, 14, 2005.

<sup>43</sup> El País, February, 10, 2005.

some leftist and unions leaders who shared this view, like Gutierrez (ICV)<sup>44</sup> or Méndez (UGT)<sup>45</sup>.

The same argument - although understood all the way around- was used repeatedly by those rejecting the Treaty. They emphasized the democratic deficit of the EU that the Treaty does not reduce. Some of them, in an ironical way, remembered that “if the Union wanted to become member of the European Union, it would be rejected due to its democratic deficit” (Taibo, close to IU positions)<sup>46</sup>.

In France, during some months before the campaign, those favouring the Treaty outlined that it was going to foster the democratic principle. They based this assertion in examples, like the stronger control of the European Commission by the European Parliament, or the popular initiative (that would allow a million citizens to ask the EU to legislate on a topic of general interest) or the collective right of petition<sup>47</sup>. President Chirac underlined this strengthening of the democratic principle in his last speech of the campaign, in a very similar way to that used by those asking for a Yes vote in Spain. Chirac synthesized these positions saying that “the Treaty makes a Europe more democratic, closer to the citizens”<sup>48</sup>. During the pre-campaign this topic appeared in public debates, where the new functions of the European Parliament were explained. Nevertheless, during the campaign, most of these topics were put aside, and were not even mentioned by those favouring the Treaty<sup>49</sup>. Only *Les Verts* mentioned that they would have preferred the European Parliament had expanded its functions and faculties.

## **2.2. The Treaty generates greater clarity and effectiveness in the normative system of the European Union**

This topic was scarcely used in Spain to ask for a Yes vote, although some jurists mentioned it. It was outlined that most of the content of the Treaty was already in the previous ones, although in a very complicated way. That was a positive feature of the new Treaty: to rearrange and systematize these contents, to make it more intelligible, clearer, efficient and accessible.

Also in France those in favour of the *Yes vote* outlined the advances in the simplification of the normative instruments of the UE, that would –in their opinion- drive to a more effective action. This was not, nevertheless, a strong argument along the campaign<sup>50</sup>.

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<sup>44</sup> La Vanguardia, February, 6, 2005.

<sup>45</sup> El País, February, 12, 2005.

<sup>46</sup> El País, February, 19, 2005.

<sup>47</sup> See last intervention of Jacques Chirac in the campaign. Le Figaro, May, 27, 2005, and Le Monde, May, 27, 2005.

<sup>48</sup> Le Figaro, May, 27, 2005.

<sup>49</sup> Ideas expressed by Political Parties supporting the Treaty in “Le Grand débat sur la Constitution européenne”, organised in Lille, April, 7, 2005 (<http://grandedebat.free.fr>).

<sup>50</sup> Ideas expressed by Political Parties in “Le Grand débat sur la Constitution européenne”, organised in Lille, April, 7, 2005 (<http://grandedebat.free.fr>).

### **2.3. The Treaty incorporates better systems for the decision making in the European Union: reinforced unanimities, majorities, cooperation-based decisions...**

This topic showed up several times in Spain during the campaign, usually linked to the democratisation of the European institutions. But those asking for a Yes vote did not explain it in detail. They just mentioned some capacities of the national parliaments or the European Parliament<sup>51</sup>. Only some newspapers dedicated some space to explain how the new ways of decision making, which –in their opinion- improve transparency, openness and democracy, tending to improve the democratic deficit of the EU. However, this topic was also mentioned as a negative element of the Treaty, as long as in some cases unanimity is required when dealing with labour matters, wages, or foreign policy, whereas only a majority is required to adopt decisions dealing economic or market matters (Méndez [UGT], and Llamazares [IU])<sup>52</sup>. The system of votes inside the UE was criticized by PP leaders, since they defended the Nize system, with which Spain had more decision power.

In France, all political parties supporting the Yes vote praised in the pre-campaign the new features of the constitutional Treaty dealing with the decision making system. The most mentioned one was the extension of the qualified majority system to a greater number of matters. But this topic was used also by those asking for a No vote, arguing that the new Treaty meant a decrease of power for France, which would have less possibilities to veto any decision that go against its interests. This was denied by the President Chirac: “France doubles the number of its votes in the European Council. All together, the six EU founding countries -those having a higher and intense European culture, France, Germany, Italy and the three countries of the Benelux, have 50% of the votes”<sup>53</sup>.

It was also mentioned the expansion of the matters susceptible to be regulated by reinforced cooperation, what was displayed as a way to increase French opportunities to foster advances in whatever France was interested in. Those rejecting the Treaty criticized there were too few chances for the “principle of free cooperation among European nations members”<sup>54</sup>.

### **2.4. Improvement in the distribution of faculties and principle of subsidiarity**

The president of the Spanish Parliament was one of the few leaders who mentioned the higher participation of the national parliaments in the European decision making process as one of the Treaty positive new features. The adoption of decisions emphasised like a positive element of the Treaty: “they were dumb

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<sup>51</sup> Javier Solana said this Treaty “simplifies the decision making, which was necessary in a Europe of 25”, *La Vanguardia*, February, 13, 2005.

<sup>52</sup> *El país*, February, 4 and 8, 2005. In opinion of Llamazares the exigency of unanimity for the adoption of decisions in foreign policy is highly negative, since subordinate the UE to the position of Great Britain, nearer the form to see the world like the United States.

<sup>53</sup> *Le Monde*, May, 5, 2005.

<sup>54</sup> “Pourquoi dire non à la Constitution européenne”, <http://www.mpf-villiers.com>

witnesses in the process of elaboration of the European laws, whereas with the Treaty they can stop its approval". He emphasized that "the new Treaty considerably extends the citizens' decision power through its national parliaments with the subsidiary and proportional principles" (Marín, PSOE)<sup>55</sup>. Peculiarly there were no more references to this question in the campaign, even if the opinion of the democratic deficit and deficit of legitimacy of the UE institutions is widely extended.

In France, the greater clarity in the Treaty differentiating the faculties of the EU and those of the member states was recognised as very positive by those favouring the Yes vote, as an important argument in favour of the Treaty. Nevertheless, the leaders who were worried about the cession of sovereignty to the EU saw in the new distribution of faculties another way of transferring important national sovereignty faculties and powers to the European institutions<sup>56</sup> (see 5.3.).

## **2.5. New appointment of President of the Commission and Foreign Affairs Minister, being permanent positions**

This topic was not very relevant in the Spanish campaign. It was mention scarcely as an element of stability and coordination for the action of the Union, as well as to confer greater presence to the European voice in the world.

In the campaign in France, some leaders mention the greater stability the European Council would get with the existence of a two years long presidency, as well as of a permanent foreign affairs minister. This topic was not mentioned very often. On the other side, some of those rejecting the Treaty used it to criticized the loss of power and sovereignty for member States: with a permanent European Foreign Affairs Minister the French Foreign Affairs Minister will have no functions and duties.

## **3. EUROPEAN IDENTITY**

### **3.1. European tradition**

This was a very important argument in the campaign in Spain, given the good image the European tradition has always had among the Spanish people. Those favouring the Yes vote considered the Treaty as a continuation of what Europe has been doing during the last 50 years: "The Constitution just continues whit this tradition: it is just another step forward in the building up of an integrated Europe. It follows that tradition (...). Who is reasonably in agreement with the path walked until now, the only thing he or she can do is to vote Yes in the referendum" (De Carreras)<sup>57</sup>. This European tradition was linked

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<sup>55</sup> President of the Spanish Parliament. El País, February, 5, 2005. Also the Syndical Lider Fidalgo (CCOO) emphasized the positive balances of the Treaty in this subject (El País, February, 12, 2005).

<sup>56</sup> "Pourquoi dire non à la Constitution européenne", <http://www.mpf-villiers.com>

<sup>57</sup> Professor of Constitutional Law, La Vanguardia, February, 17, 2005.

or became related with ideals and principles that anyone could hardly not share: “dreams of freedom, solidarity, tolerance, mutual respect, dialogue, consensus...” (De La Vega, PSOE)<sup>58</sup>. The President of the Government enumerated those principles in an article published the previous Sunday to the referendum, in a series of identifications which tried to link the idea of Europe with the European Constitution and the Yes vote in the referendum: peace, dialogue, democracy, freedom, justice, tolerance, prosperity, pluralism, equality, solidarity, security, cohesion, education, citizenship, modernisation, cooperation... “It is necessary that now we adopt a good organizational structure so that Europe continues moving forward with these values and principles”, to continue improving in all those dimensions, strengthening the roll of Europe in the international scene, from the unity that generates the diversity... “the Spanish people will give an example of democratic maturity and will renew its commitment with the European project” saying Yes to Europe, saying yes in the referendum (Zapatero, PSOE)<sup>59</sup>. At the same time, the referendum was seen as a historical decision for the Spaniards, with the argument of the “responsibility” of those who can approve this Constitution: “History calls to take us a step forward of enormous importance”. “The new Treaty is going to consecrate a *momentum* of historical change and Spain is going to have a pioneering roll in its eagerness to mark the path for the rest of Europe” (Zapatero, PSOE)<sup>60</sup>. At the end, the European tradition (highly valued by the Spaniards) was being tied with the referendum, being the Yes vote the only way to go in the foster for the attainment of those European traditional values and principles.

But this same topic was used by those rejecting the Treaty, but from the point of view that the Treaty would not drive us towards these values and principles which constitute the European traditional identity. They asked for a Constitution more orientated towards the achievement of these values and principles, criticising those favouring the Treaty for identifying these values with their own point of view, as if it meant that someone voting No in the referendum does not share these values and principles: “I will vote No because the Europe under this Treaty is just the Europe of freedom, the Europe that forgets about equality and brotherhood [fraternity]. (...) The Constitution fails in what is its most important task, the best thing of the European tradition: social justice and effectiveness of rights for all” (González Faus, CJ)<sup>61</sup>.

The reference to the European tradition, to the History of Europe, and therefore, to the responsibility that weighed on the citizens at the time of pronouncing themselves in favour or against the Constitution was used, also in France, even if it did not have the relevance it had had in Spain. President Chirac warned: “What responsibility if France, one of the founders countries of Europe, takes the risk of breaking the union of our Continent! (...) it is an outstanding responsibility for which the History will look at us”<sup>62</sup>.

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<sup>58</sup> Vice-President of the Government, El País, February, 5, 2005.

<sup>59</sup> El País, February, 13, 2005.

<sup>60</sup> El País and La Vanguardia, February, 13, 2005.

<sup>61</sup> La Vanguardia, February, 14, 2005.

<sup>62</sup> Le Monde, May, 26, 2005.

### 3.2. European way to make and to understand politics

This argument was intensely used in Spain during the campaign of the referendum, being linked with the previous one (the European identity): For those in favour of the Yes vote, the Treaty gathers and develops –within the European tradition- the way of understanding politics in the Continent, what is part of the identity that links us. The new Constitution was tied and identified with that traditional European way of thinking in politics (always displayed in highly positive but very ambiguous and non defined terms): “the values, ideals and principles that during decades have been part –simultaneously- of europeism and of catalanism: Peace, freedom, democracy, progress and the enterprising spirit. This equation inexorably takes us to support the new European Constitution”. “We want a future of freedom and progress (...) so that this 21<sup>st</sup> century is not one of wars and dictatorships but of peace and freedom” (Zapatero, PSOE)<sup>63</sup>. “Europe is today the best bet for a future with prosperity, respect for the others and peace. We have life styles and values that are becoming universal due to it implementation around the world, but that have their roots and home here in Europe” (Bru de Sala)<sup>64</sup>.

The values that supposedly represent the European way of understanding politics were enumerated as freedom, equality of treatment, open and public deliberation, solidarity, respect for human dignity, democracy, pluralism, tolerance, justice, rights for the minorities, respect of human rights respect for the Law, etcetera. For those favouring the Treaty, this way of understanding politics would be guaranteed with the European Constitution, which it opens the door “to a cosmopolitan society, with a cosmopolitan citizenship, that makes its own personal voice a voice that is different from that of the United States, drawing the outlines of an European identity” (Cortina)<sup>65</sup>.

For those who rejected the Treaty, “it will lead us to a de-construction of the European Union social and identity model”. It would be a backward movement with respect to all those values that have illustrated the path of Europe in the past (Llamazares, IU)<sup>66</sup>.

In France, UMP leaders also emphasised this argument, although tying and identifying that special form to make and to understand politics in Europe with the French approach, outlining there is a different way to understand it in each country. For them, the text of the Constitution was a reflection of the “French vision” of Europe, to which an Anglo-Saxon vision, on the contrary, more individualistic and market based and orientated. President Chirac emphasised “the exceptional French values which are in the constitutional Treaty”<sup>67</sup>: “This Constitution, has a certain number of merits: the first is that it assumes all the values that we have been sharing for a long time in France and constitute its identity”<sup>68</sup>. In the same sense, the leaders of the Socialist Party emphasised that, as opposed to the “Anglo-Saxon conception of free-market,

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<sup>63</sup> El País, February, 12, 2005, and La Vanguardia, February, 18, 2005.

<sup>64</sup> La Vanguardia, February, 19, 2005.

<sup>65</sup> El País, February, 8, 2005.

<sup>66</sup> El País, February, 19, 2005.

<sup>67</sup> Le Monde, May, 20, 2005.

<sup>68</sup> Le Monde, May, 3, 2005.

the Constitution draws another political project that is inspired fundamentally by the French-German project<sup>69</sup>.

### **3.3. Fundamental rights gathered in the Treaty as distinctive of the European identity**

This argument was profusely used in Spain to support both positions, the Yes and the No to the referendum. Among those in favour of the Yes vote, the Treaty contains a binding Bill of Rights wider than any other known constitution, and that, by itself, already would be reason to vote Yes to the referendum. The President of the Government emphasized that “there is no any other place in the world with such a wide regulation of the individual and social rights” (Zapatero, PSOE)<sup>70</sup>. For the trade union leaders the treatment of the human, political and social rights in the Treaty was the highly positive, emphasizing the importance “of including in the Treaty the Bill of Rights with legally binding character for all the member states, so that citizens can demand their fulfilment in front of the national courts as well as in front of the European Justice Court. What was not reached with Nize Treaty is achieved in now. (...) And it is on the field of union rights where the greater advance takes place: specially collective negotiation and collective action” (Fidalgo, CCOO)<sup>71</sup>.

For those in favour of the No vote, this same argument of the gathered fundamental rights in the Treaty was used to reject it since, in their opinion, “it allows the capital punishment in war time, in imminent war time, in the case of flight of a prisoner and in the event of a possible rebellion. (...) If the EU wants to have a progressive position it must say that the capital punishment is abolished without exceptions”. On the other hand, they understood that the Treaty did not sufficiently develop the social and fundamental rights, whose regulation they preferred to see considerably extended (at least as much, they said, as the one for the economic and markets fields: “The Treaty aims to put an end to social and fundamental rights” (Llamazares, IU)<sup>72</sup>. “It devaluates the rights, turning them “fundamental principles”: the equality between sexes does not take shelter in articles 1 and 2” (Attac)<sup>73</sup>.

In France this argument did not have the resonance that reached in Spain. All the French political parties supporting the new Treaty saw as a positive fact the inclusion of the Bill of Rights in the Treaty. President Chirac said that “for the first time in History, the fundamental rights and liberties will be recognised by the own European Union and guaranteed for all the European citizens”<sup>74</sup>.

Those rejecting the Treaty did not talk about this topic. Only Les Verts mentioned that they missed the inclusion of some rights in the Treaty, as the right to have a house, the right to divorce, the right to a minimum salary, even if they saw as highly positive the inclusion of the Bill of Rights in part II of the Treaty.

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<sup>69</sup> Jean-Pierre Raffarin, Prime Minister (PS), *Le Monde*, April, 11, 2005.

<sup>70</sup> *La Vanguardia*, February, 15, 2005.

<sup>71</sup> *El País*, February, 12, 2005.

<sup>72</sup> *El País*, February, 16 and 18, 2005.

<sup>73</sup> *La Vanguardia*, February, 18, 2005.

<sup>74</sup> *Libération*, May, 25, 2005.

### 3.4. Fostering and defence of the European social model in the Treaty

This was one of the main arguments used along the campaign in Spain, either to ask for a Yes or to ask for a No vote for the Treaty. Nevertheless, no one of the relevant actors considered Europe has gone too far developing the European social model, but rather by the opposite. Most of them consider that social welfare and non individual and market orientated development has to be fostered further in the future. Those rejecting the Treaty, do so because they consider it does not develop the social model far enough and under the new Constitution it is not guaranteed sufficiently.

Those in favour of the Yes vote used this argument saying the Treaty indeed supposes the guaranty of the European social model, based on social services, solidarity, cooperation, integration, and social cohesion. Some of these leaders have affirmed fully that “this Constitution recognises the social model and makes Europe the most pro-social model in the world” (Montilla, PSOE)<sup>75</sup>. “The Constitution fosters the political facets of Europe and it does not step back in the path towards the social Europe” (Nogueira)<sup>76</sup>.

The leader of one of the main labour union organisations affirmed repeatedly that “the Constitution is a great tool to guarantee the European social model”, in which “education, health and attention to the old people are obligations of the states towards the citizens”. “That is the main profit of the Treaty, the reinforcing of the social policy”. In addition, he affirmed that this social model could be present in the world thanks to a strong Europe that, under the umbrella of this Constitution, “balances the practises of wild capitalism in other latitudes, and the transfers of companies to third world countries due to the degradation of the labour costs” (Méndez, UGT)<sup>77</sup>. In a similar sense the leader of the other great Spanish union said that “the Treaty contains advances in the social model, sometimes significant, without any step back, which forces us to support the Yes vote” (Hidalgo, CCOO)<sup>78</sup>. Nevertheless, some of those favouring the Yes vote criticized the way in which the social model had been gathered in the Treaty: Cohn-Bendit, for example, complained in Spain about those writing the Constitution, because in his opinion they “did not reach an agreement to define what is the social model, whereas the Constitution does talk in long paragraphs about the liberal model, the market economy, the importance of the economic competitiveness, etcetera” (Cohn-Bendit).

For those rejecting the Treaty, it does not gather sufficiently the social model, since it does not develops social rights to make it a reality, being at the end rather a tool of a neo-liberal, individualistic vision a of economy-based model of the society and the policy. That model is, in their opinion rather far away from the social model of the European tradition: “The liberal hare denies the democratic turtle and the social crab. (...) The Treaty speaks 78 times of the necessity of the market competitiveness, 28 times of the stability of prices, while the times it talks about social aspects are counted with the fingers of one

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<sup>75</sup> Minister of Industry, La Vanguardia, February, 15, 2005.

<sup>76</sup> El País, February, 14, 2005.

<sup>77</sup> La Vanguardia, February, 10, 2005.

<sup>78</sup> El País, February, 12, 2005.

hand (...). This Constitution increases the imbalance between the economic Europe and the social Europe” (Llamazares, IU)<sup>79</sup>.

For those leaders, the Treaty “does not recognise the social rights that are present in other already existing Constitutions, like the German, the Nordics or the Spanish one. (...) The European Constitution does not contain more than a set of ambiguities and principles without concretion dealing the social field” (Puigcercos, ERC). Under the same point of view, other social leaders considered that the Treaty “recognises social rights that apparently form an European social model, but without contemplating the necessary guaranties to make it a reality” (Taibo, close to IU positions)<sup>80</sup>. In their opinion, the recognition of social rights in the Treaty “remain as mere recommendations: Title III leaves very well tied the neo-liberal and financial interests, while leaving the social interests opened and unprotected” (González Faus, CJ)<sup>81</sup>.

All these positions defended the rejection of the Treaty because it does not go further enough in developing the social aspects of Europe and the Union. It is not a matter of “too much Europe”, as was the case in other countries but rather the opposite: a matter of “not enough Europe” in the social domain. The references to this topic were permanent throughout the campaign. All it could be synthesised in one of the mottos to reject the Treaty: “To achieve the Europe of the social rights, vote No to this Constitution” (ERC)<sup>82</sup>.

In France, the opinions dealing with the way in which the Treaty gathered the European social model were also diverse. Whereas for some the approval of the new Treaty would mean “a general a social regression” (PCF)<sup>83</sup>, others praised the social model that takes shelter in the Treaty. President Chirac asked: “Does this Treaty support our social model?” and he answered to himself: “Yes, because it locates the social progress and the employment in the heart of Europe”<sup>84</sup>. In his opinion, the defence of this European social model was sustained in three pillars: “our social security system, our right to work and our public services. Three vital elements in our social balance that, for me, is unquestionable”<sup>85</sup>. Similarly, Jacques Barrot (UMP) added: “in social matters, the Union is involved in a double process. It respects the social systems of the member States, and it has never hindered the development of relatively high social standards. And, at the same time, helps to the poorest in increasing their own standards”<sup>86</sup>. For the Socialist Party “the social Europe need a Yes”, since “the Constitution anticipates a certain number of guaranties for the maintenance of the present European social model, that are perceived as too hard by the liberals, but not quite rigorous by those favouring the No in the left” (Henri de Bresson)<sup>87</sup>.

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<sup>79</sup> El País, February, 8 and 19, 2005.

<sup>80</sup> El País, February, 19, 2005.

<sup>81</sup> La Vanguardia, February, 14, 2005.

<sup>82</sup> El País, February, 13, 2005.

<sup>83</sup> «La victoire du non au référendum serait la chance d'une autre Europe et d'une autre politique», <http://www.pcf.fr>

<sup>84</sup> Le Monde, May, 26, 2005.

<sup>85</sup> Le Monde, May, 20, 2005.

<sup>86</sup> Le Monde, May, 18, 2005.

<sup>87</sup> Le Monde, May, 16, 2005.

### **3.5. The Treaty as the instrument for the cohesion and solidarity in Europe**

In Spain this topic was frequently used to point out positive outcomes of the Treaty, linking it with cohesion and solidarity among different European countries. It was positively seen, taking into account that Spain has largely benefited from European structural and cohesion funds in the last years, and hopes to continue benefiting in the following ones). That prosecution of territorial cohesion inside the Union was shown as positive enough as to vote Yes to the Treaty (Rajoy, PP)<sup>88</sup>. For the socialist leaders the Constitution is synonymous of solidarity and equality of opportunities between European citizens (Zapatero, PSOE)<sup>89</sup>. This topic was frequently used by those in favour of the Yes vote, whereas those who rejected the Constitution criticized it for not aiming to a sufficient social cohesion and solidarity.

The leaders of the French Socialist Party considered that, “fostering the possibilities to develop values and principles, the Constitution will favour de development and the diffusion of an European model of social cohesion” (Eric Besson)<sup>90</sup>.

### **3.6. The question of the laicism of the European Union and the absence in the Treaty of a mention to its Christian roots**

The absence of a reference to the Christian roots of the EU in the Treaty provoked that Catholic Church insisted on the deficiencies of the Treaty, emphasising – to subliminally recommend the No vote or the abstention- that if there was a low turnout it would be the responsibility and a failure of the Socialist Government that called for the referendum<sup>91</sup>. The Conference of Bishops of the Catholic Church said that the Treaty had positive parts for the Catholics (as the freedom of creation and election of the teaching institution for the children according to religious convictions of their parents, or the recognition of the churches and its roll in the European societies). They understood there were, nevertheless, many others parts that could cause that a catholic rejected the Treaty: “the absence of references to the Christian roots of Europe, (...), a certain tepidity in the definition of the right to live or of the marriage - understood as the union between man and woman-, or the protection to the family, (...) or the references to the prohibition of children adoptions by gays, or the lethal investigation with human embryos, the abortion or euthanasia” (Conferencia Episcopal)<sup>92</sup>. The political party leaders did not discuss about the absence of the reference to the Christian roots in the Treaty. There was not, either, any congratulation for the elimination of that reference from previous versions of the Treaty.

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<sup>88</sup> El País, February, 16, 2005.

<sup>89</sup> La Vanguardia, February, 8, 2005.

<sup>90</sup> Le Monde, May, 16, 2005.

<sup>91</sup> La Vanguardia, February, 19, 2005.

<sup>92</sup> La Vanguardia, February, 6, 2005.

The traditional absence of any linkage with religious confessions of the French State caused that this was not an important topic in the campaign of the French referendum. There were just some positive comments due to the absence of such a reference to the Christian roots of Europe (*Les Verts*).

#### 4. THE TREATY AS THE INSTRUMENT TO GUARANTY PEACE AND AS THE MECHANISM TO AMPLIFY THE VOICE OF EUROPE IN THE WORLD

##### **4.1. The Treaty as the instrument for the strengthening of Europe's position in the world (as opposed to that of the United States)**

This topic appeared recurrently in the Spanish case, to support both positions in the referendum. Those in favour of a Yes vote mentioned it several times, linking it with the different way of understanding international relations and international Law in Europe and in the United States (as was seen during the Iraq War. The objective was to point out that with the Treaty the European way would be more strong and able to oppose to the United States one. Thus, the Treaty was shown as making possible a frame in which - in opinion of Zapatero "Law is called to carry out a protagonist roll that goes further its own meaning, to extend its consequences as the right and only instrument for the resolution of international conflicts, to become a powerful force of fusion of values in which we the European believe" (Zapatero)<sup>93</sup>. For Solana one of the greater virtues of the Treaty was that "it gives an impulse to which must be the great challenge for Europe in the near future: that is its roll and mission in the world (...). The most important consequence of the Constitution is the impulse of a Europe with greater international weigh, as the European and world citizens demand". "In the world there is a great demand of EU and its European way of seeing the world, with its values and the way we make things, different from that of other powerful nations (Solana)<sup>94</sup>.

Without saying, they were identifying the Treaty with the opposition to the United States way of seeing the world and acting in the international scene, what was very much in line with what most of Spanish people think. From that same point of view, the possibility of a victory of the No in the referendum was perceived or displayed as "a backward movement, since it would strengthen the unilateralism of the United States" (Montilla, PSOE)<sup>95</sup>. Social leaders also used this topic to campaign for the Treaty, saying that "the Constitution can make Europe powerful enough to propose alternatives to the world-wide policy of the United States". "A No vote would pleased the north Americans (Cohn-Bendit)<sup>96</sup>.

For those rejecting the Treaty, it was possible to criticize it because it did not establish with sufficient clarity the necessary mechanisms to mark the difference and to take us away from the United States visions of the world: in their opinion, the Treaty rather approximates and leads us to following the United States power: "The Constitution prevents the construction of a true UE

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<sup>93</sup> El País, February, 16, 2005.

<sup>94</sup> La Vanguardia, February, 13, 2005, and El País, February, 15, 2005.

<sup>95</sup> Minister of Industry. La Vanguardia, February, 15, 2005.

<sup>96</sup> La Vanguardia, February, 9, 2005, and El País, February, 7, 2005.

common foreign policy, that will continue to be tied and being dependent of the United States" (IU)<sup>97</sup>. The Treaty deserves to be rejected because it approaches with too much "detail the military questions and subordinates the European military capacity to NATO" (Olivares, Justicia y Paz)<sup>98</sup>.

This argument was not used in the French campaign for the referendum. It was just mentioned once when Aubry (PS) said that the Treaty should be voted because it "makes a stronger Europe able to fight against the great power of the United States"<sup>99</sup>.

#### **4.2. The Treaty will allow a more determined action of Europe in the world**

Linked to the previous topic, this one was also used quite frequently in Spain to support the Treaty: It will open the door to a stronger Europe, more active and effective in its action toward the world (Zapatero, PSOE). A stronger Europe with a more united voice in the world thanks to the new foreign and common security policy" (De Arístegui, PP)<sup>100</sup>. A Europe which voice is heard in the world, with its own identity, and values and principles that have characterised its history (Cortina)<sup>101</sup>.

Those in favour of the Yes vote in France agreed in emphasising that the existence of a EU Foreign Affairs Minister was another important reason to support the Treaty, since it would result in a greater presence and visibility of the EU in the international scene and, therefore, it would increase its roll in the international relations. On the contrary, those in favour of a No vote said that with this Treaty "Europe would not be able to have a particular opinion on the globalisation process"<sup>102</sup>.

From a different point of view, MPF leaders perceived in a negative way that the EU would acted in international scene, since that would mean a loss of the States' sovereignty and the end of the national based foreign policies<sup>103</sup>.

#### **4.3. The Treaty as the instrument to guaranty peace and pacific ways to solve international conflicts**

This topic was quite used in the Spanish campaign, due to the general rejection a among the Spanish citizens of the Iraq War and the support the Spanish Government pay to the international war coalition under the Aznar mandate. For that reason, those in favour of the Yes vote repeatedly identified the Treaty with peace, in a equation where those voting No to the Treaty appeared as being against peace. Thus, Zapatero considered that the

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<sup>97</sup> El País, February, 19, 2005.

<sup>98</sup> La Vanguardia, February, 17, 2005.

<sup>99</sup> Mme. Aubry (PS), Le Monde, May, 23, 2005.

<sup>100</sup> La Vanguardia, February, 19, 2005, and El País, February, 17, 2005.

<sup>101</sup> El País, February, 8, 2005.

<sup>102</sup> Le Monde, May, 16, 2005.

<sup>103</sup> «Pourquoi dire non à la Constitution européenne», en <http://www.mpf-villiers.com>

European Constitution “is the most accurate peace-orientated product known in history”, “is a reserve for peace in Europe, but also in the world. The Treaty is opening the widest ever known path towards the ideal of perpetual peace (...). It conforms a Europe that has resigned from any temptation of violence and its strongly committed with the Law observance”<sup>104</sup>. “Peace is an identifying symbol of Europe and of this European Constitution” (Zapatero, PSOE)<sup>105</sup>.

The Treaty was shown by the Socialists as the instrument to assure that the international conflicts are solved only through the application of the international Law and not by means of the use and abuse of the force (in a criticizing the way United States usually acts): “To vote Yes is to vote for Peace and the solution of the conflicts without wars.” “The Union, collectively, cannot go to war. Member States will be required just for military collaboration for peace operations”<sup>106</sup>.

But being a sensitive topic for the Spanish electorate, it also was present in the campaign of those rejecting the Treaty. For them, the Treaty does not defend the disarmament, but fosters it, locating the EU in the armament and warmongering wake of the United States: “There is no word in the Treaty on disarmament while there are many calls to increase the military capacity of the EU” (Llamazares, IU)<sup>107</sup>. This one, along with the deficiencies for the social model, and the question of the roll of the regions in European politics, was one of the arguments that appeared more frequently in the No campaign.

In France this topic was not used in the campaign, although it appeared in some occasion to support the Treaty, like when the *Les Verts* emphasised that, for the first time, the prevention of the conflicts and the guaranty of peace are asumed as political objectives.

#### **4.4. The Treaty and the defence of the European Union**

In Spain the argument on the defence -in the way exposed in the previous topic- was linked, by the defenders of the No vote, with the relation with the United States and NATO. Those in favour of the Yes vote insisted on which with the Treaty the European defence would become more effective and independent (respect to the United States). It was outlined, in a different way, that the member states would cooperate in the common fight against terrorism.

In France the leaders of the *Les Verts* saw as positive the suppression of the linkage between European defence and NATO. Communist Party leaders viewed it in the opposite way, considering the Treaty defined “a defence policy linked to NATO and, therefore, to the United States, including arms development policies”<sup>108</sup>.

### **5. SPAIN AND FRANCE IN EUROPE WITH THE NEW TREATY**

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<sup>104</sup> El País, February, 8, 2005, and La Vanguardia and El País, February, 16, 2005.

<sup>105</sup> La Vanguardia, February, 18, 2005.

<sup>106</sup> El País, February, 18 and 19, 2005.

<sup>107</sup> El País, February, 16, 2005

<sup>108</sup> «La victoire du non au référendum serait la chance d'une autre Europe et d'une autre politique», <http://www.pcf.fr>

### 5.1. How we have been doing up until now and what we do expect from the Treaty

This was another of the most used topics along the campaign in favour of the Yes vote in Spain: the good experience being a member of the UE was outlined frequently in very positive ways: “Last 20 years, since Spain became a member of the UE have been full of progress, in comparison with other attempts to organise our coexistence in accordance with democratic principles and norms” (Zapatero, PSOE)<sup>109</sup>. With manifestations of this type the Spanish leaders wanted to emphasise the great benefits (not only of economic type) that have been derived from our participation in the European Union, reason why the Spaniards did not have to doubt to continue affirming our position and commitment with the EU: from their point of view, the Yes vote was inescapable. The socialist leaders considered the approval of the Treaty the mechanism to consolidate integration and cohesion that Europe can cause. “That Europe that generates a future more surely for all, with more stability, economic progress, more democracy, more social protection, new opportunities for the young people, civil rights, more solidarity and a future based in peace” (Zapatero, PSOE)<sup>110</sup>.

This topic was used to favour the Yes vote, linking the Treaty with Spanish integration in the EU, and it with the consolidation of the democracy, the incorporation of Spain to modernity, the economic and social development, the progress and the modernisation of the country, etcetera. Once again, the equation linked Europe-progress-wellbeing-referendum:

“With this Constitution we will confirm that we leave back those stages in which Spain arrived behind schedule at all the historical appointments with modernity” (Zapatero, PSOE)<sup>111</sup>. “The European Constitution is a great guaranty of future for Spain. Our interests will be better protected; our foreign policy will be more effective; and our entailment with Europe will be irreversible (...). If Spain votes Yes, Europe will advance better and Spain will be stronger in Europe” (PSOE). “Next Sunday the unit of Europe is at stake, but it is also the strength of each country in the European Union (Zapatero)<sup>112</sup>. “Voting Yes to the Constitution before than any other country, we will be stronger within Europe; they will know that Europe is important for” (De La Vega, PSOE)<sup>113</sup>.

Almunia, synthesized all these assertions saying that “Europe, in the mind of all the Spanish democrats, has always been synonymous of more freedom, more democracy, more progress, more social welfare and more equality. (...) In Spain there are demands of more Europe, and that is the reason why now it is necessary to deepen and to continue advancing in the construction of Europe” (Almunia, PSOE)<sup>114</sup>.

The reference to “how well we have been doing up until now under the UE” did not appear in the French campaign to favour the Treaty approval. On

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<sup>109</sup> La Vanguardia, February, 12, 2005.

<sup>110</sup> El País, February, 4, 2005.

<sup>111</sup> La Vanguardia, February, 6, 2005.

<sup>112</sup> El País, February, 18, 2005.

<sup>113</sup> Vice President of the Government. La Vanguardia, February, 17, 2005.

<sup>114</sup> El País, February, 14, 2005.

the contrary, French showed to be afraid of a decrease of their well-being, a harm in their life-standards, in the public services, the possibility to find a job or to lose the one they have, their development, etcetera<sup>115</sup>. As a general rule, these fears were fed by the detractors of the Treaty, when they warned: "Use your vote, since it is the last opportunity vote. Because if the Yes vote wins, everything will continue as bad as it is today: the haemorrhage of the employment and the transfers of companies to other countries with less labour costs, the migratory outbreak, the opening of negotiations with Turkey... But if the Yes vote does not win, Europe will have a healthful change (...). My No vote will save Europe"<sup>116</sup>.

On the contrary, those in favour of the Treaty emphasize the benefits that would be extracted for France under the Constitution: "Will France be stronger in Europe under the Treaty? Yes, our country will be more influential". "Is my duty to warn you about consequences of the No vote: The world will continue advancing in an accelerated way. France will be less strong to defend its interests" (Chirac)<sup>117</sup>.

## **5.2. Structural funds and funds for the European cohesion**

This argument appeared several times along the campaign of the referendum in Spain, to remember the population how much Spain has benefited from these funds as well as to show worry about what could happen in the near future (given there are new partners who might have priority in receiving them). From the Yes vote campaign, there was some kind of linkage between what we vote and how we will be treated in Europe, dealing with these funds in the near future. There were no linkages between the Treaty, the EU enlargement and the deviation of these funds to Central and Eastern new European member States.

Since France is not one of the countries benefiting from the structural and cohesion funds, this argument did not appear along the campaign.

## **5.3. The Treaty and the question of the national sovereignty**

This topic was not present in the Spain campaign, given the generalised europeism that characterises to the Spanish society from the times of the transition to the democracy. Europe was tied in the collective consciousness with the ideas of democracy, progress, development and modernity. That is why there is not any suspicious dealing with enlarging the size of the UE institutions. There was not any complain about the eventual cuts in the national sovereignty due to the Treaty and its project of European integration. Rather the contrary, there were some claims asking for a more ambitious project.

On the other hand, in France the campaign provoked an approach between those worried about national sovereignty in the left and in the right. All

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<sup>115</sup> Henri Bressons (PS), Le Monde, May, 16, 2005.

<sup>116</sup> Le Figaro, May, 21, 2005.

<sup>117</sup> Le Figaro, May, 27, 2005.

of them founded a common current, denominated the “national-republicans”<sup>118</sup>, in which they profusely used the argument of the loss of national power due to the Treaty, since –in their opinion- it transfers quite a lot of capacities and power from member States to European institutions. Philippe de Villier, President of the MPF, indicated in this sense: “I do not want that France loses the dominion of its borders, its laws and its foreign policy. This Constitution puts an end to national democracies. (...) National parliamentarians will vote the smaller laws, and a simple regulation of the Commission will be legally superior to the French Constitution”<sup>119</sup>.

## 6. THE TREATY AND THE REGIONS

### 6.1. The participation of the regions in the new institutional system

The treatment given to the regions by the Treaty was one of the main topics in Spain to favour or to reject the new Constitution, specially in Catalonia, Basque Country and Galicia. The socialist leaders defended that under the new Constitution the regions would be much better treated than were under Nize Treaty, which does not even mention the regions like a piece of the European construction. They pointed out, as well, that the new Constitution allows the regions to participate in the decision making processes and to participate in the Councils of Ministers. The argument to favour the acceptance of the Treaty was built on the way Europe was integrating the regions, as the best way to defend the regional interests and the respective regional identity, understanding Europe as the new mother-country: “in the referendum we will vote for the great mother-country: the nation is no longer Catalonia nor Spain: it is Europe”. “Neither Catalonia nor Spain are strong enough to have any presence in the world; we needed a Constitution that turns into the new mother-country and nation the biggest democracy in the world: Europe. (...) The Yes vote to the Constitution will be the formula so that the Spaniards and the Catalans count and participate in the new Europe”. “Europe gives common identity without drowning the own identity that feels each one, like the deep Catalan identity” (Maragall, PSOE)<sup>120</sup>. “The sovereignty? What happens with the sovereignty? With the new Constitution it is no longer of Spain, nor of Catalonia. It is of the people, the citizens over organisations, flags and colours”. “Europe allows us to coexist together and, simultaneously, to feel the identity of each one, for example, the deep Catalan identity” (Zapatero, PSOE)<sup>121</sup>.

Also some of the parliamentarians of the first opposition party (PP) mentioned in their speeches the advances of the regionalism under the Treaty, when compared to its situation under Nize Treaty, and pointing out the various

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<sup>118</sup> Words used by Raphaëlle Bacqué, in “Referéndum: la campagne des souveranistes et de l’extrême droite”, *Le Monde*, may, 18, 2005.

<sup>119</sup> *Le Figaro*, May, 21, 2005.

<sup>120</sup> President of the Government of Catalunya, *El País*, February, 2005, and *La Vanguardia*, February, 12 and 18, 2005.

<sup>121</sup> *La Vanguardia*, February, 18 and 13, 2005.

ways the regions will be able to use to participate in the decision making process (Vidal-Foch, PP)<sup>122</sup>. Similar arguments were used by some leaders of regional or nationalistic parties to recommend a Yes for the Treaty. That was the case of Convergència i Unió (the party which governed in Catalonia during 24 years, until 2004 regional election). In their opinion, the Treaty is not the ideal for Catalonia, but it opens the route to significant advances for the recognition of Catalonia in Europe.

Also the Partido Nacionalista Vasco (the party that has governed the Basque Country since the transition to democracy) was for the Treaty, even if it was defending at the same time a strategic plan to turn the Basque Country into an associated free State within Spain -as Puerto Rico is within the United States. And it did so because its leaders thought the Treaty “recognises and protects the interests of the nations that are not a State. (...) This new reality (the new EU under the Treaty) is based [the went on] on the free admission and in citizenships that coexist without annulling nor refusing the respect for the principle of subsidiarity, what is indeed what the PNV raises with the Ibarretxe’s Plan. (...) If Germany and France coexist with Spain in the EU, the Basque Country will also be able to do so under the new Treaty”, they concluded (Ortuondo, PNV)<sup>123</sup>.

But on the contrary, other nationalistic parties understood that the treatment the new Treaty pays to the regions is completely unsatisfactory, which is by itself a strong argument to reject it voting No. In their opinion, “It is a text written by the States and for the States, that keeps out regions like Catalonia, considering them a sub-state organisation without capacity to defend its interests in front of the EU institutions”. In their view, “to vote No to the Treaty is a matter of national dignity for catalonian people (since ...) in this Constitution Catalonia [or any other region] does not appear (...)” They asked for a massive No vote in order “to locate Catalonia in the map of Europe whereas to vote Yes would drive us to dilute [Catalonian identity] in a magma in which Catalonia is invisible”. The separatist Catalan leader summarized their statements saying: “It is a Constitution that does not recognise the national diversity of the Union; it does not recognize the fundamental right of all the countries to the self-determination, nor allows the participation of the nationalities without State in the processes of decision making at the European level” (Carod, ERC)<sup>124</sup>.

In the Basque Country, terrorist group ETA made public statement in which, under the title “European Constitution: a goal for the countries without State”, rejected the Treaty because in its opinion “it does not

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<sup>122</sup> El País, February, 15, 2005.

<sup>123</sup> MP, European Parliament, El País, February, 16, 2005.

<sup>124</sup> La Vanguardia, February, 19, 2005, and El País, February, 18 and 19, 2005. Also this perspective was put in relation to the Catalanian economy, considering that Catalonia, not being able to participate directly in the European instances, “is defenseless to defend its economic interests before Europe, defenseless before the decisions that are taken on the part of the States, (...), staying as a subordinated country, of second order, like a substate organization” (Carod, ERC, La Vanguardia, February, 17, 2005). In a similar line Puigercós was pronounced (ERC), when affirming that “the formula of participation of the regions with legislative capacity in the architecture of the Union does not look for. We are outside. Everything what is going to obtain is going to be by cession of the States. We want more Europe (also as far as the social model)” (Puigercós, ERC, El País, February, 11, 2005).

gather the rights of the Basques as a nation to self-determine itself” (Statement by ETA)<sup>125</sup>.

With regards to France, its lack of regional tradition provoked that this topic was completely absent in its campaign, either to favour or to reject the new Constitution.

## **6.2. The lack of recognition in the Treaty of the regional languages as official languages of the European Union**

Same positions could be found in Spain dealing with the recognition of the regional languages as official languages of the EU. State-wide party leaders and some regional-wide ones considered regional languages could become official languages of the UE in a near future under the Treaty (Zapatero, Montilla, Durán and Pujol), whereas other nationalistic leaders understood that the Treaty denied the possibility for the regional languages of becoming recognised as official languages in the EU. That was by itself enough to vote No in the referendum (Carod, ERC).

As happened with the treatment for the regions, this topic was not raised along the French campaign.

## **6.3. The Treaty as an instrument to reject self-determination of regions within a country**

Just a short time before the Spanish referendum, the President of the regional Government of the Basque Country (Ibarretxe, PNV) had explained in Parliament his Plan to turn the Basque Country into a free associated state within Spain, challenging the legality which specifically excluded that possibility. Such plan was still upon the table by the time the referendum took place. That is why this topic became an important argument in the campaign.

For the Spanish politicians the approval of the Treaty would be the best instrument to restrain the independence plans for the Basque Country (or, eventually, for Catalonia). Since most of Spanish citizens were against Ibarretxe’s independency Plan, and given that they considered the Treaty excluded any such possibility, they campaigned for the approval of the Treaty alleging this topic: under the Treaty there would ever be any secession from any European Union member state.

In that sense, the Vicepresident of the Spanish Government declared that “the European Constitution supposes a vaccine against the self-destructive shoves of the intolerant and exclusive nationalism affirming their aggressive self-determination” (De La Vega, PSOE)<sup>126</sup>. Leaders of the conservative affirmed this “Constitution is an antidote against the violent nationalism, because it defines the States and the citizens as the constituent subjects; it is an antidote against xenophobic nationalism, because it defines territorial

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<sup>125</sup> La Vanguardia, and El País, February, 9, 2005.

<sup>126</sup> El País, February, 9 and 10, 2005.

integrity as one of the signs of identity of its member States” (Rajoy, PP)<sup>127</sup>. The Constitution was perceived as “an obstacle for secession and territorial disintegration, for Ibarrtxe’s Plan” (Méndez of Vigo, PP)<sup>128</sup>.

Surprisingly, Basque Nationalist Party leaders considered Ibarrtxe’s Plan was viable under the Treaty, as we have seen above (6.1.).

As expected, this topic did not have any presence in the French campaign.

## 7. THE TREATY AND THE EUROPEAN PUBLIC POLICIES

### 7.1. Policies on equality of sexes (to put an end to different treatment of women)

Even if there are quite a lot of unequal treatment situations in Spain, this topic only appeared scarcely in the referendum campaign. Only when the Director of a Women’s Institute was interviewed by the press the topic arouse. And it did so to support the Treaty, since in their opinion it “endorses the principle of equality between men and women, forcing to guaranty it in all the levels, and supporting the positive discrimination as a tool to reach equality. (...) The Treaty makes is more specific and ambitious that the Spanish Constitution in this field, establishing different instruments to guaranty the effectiveness of the equality between men and women in all the fields and opening ways for women to demand its effective fulfilment” (Murillo, PSOE)<sup>129</sup>.

In France, the Socialist Party organized the “Leftist Women’s Committee for the Yes vote”, outlining the importance conferred to equality between men and women, since it was included as one of the objectives of the Constitutional Treaty. However, other feminist groups, like *Femmes solidaires*, *Femmes, Genre ET Mondialisation d’ATTAC*, or *Initiative féministe européenne pour unites autre Europe*, formed a common platform against the Constitutional Treaty, since they believed that “far from representing one step forward in the acknowledge of women rights, the constitution contains serious threats of regression” in this field<sup>130</sup>. In their opinion, being women the first victims of poverty, the liberal direction which they considered the Treaty has can not do other thing that “to aggravate the effects of the patriarchal domination”<sup>131</sup>. They missed some women rights they considered as being basic, as the abortion, the contraception or the divorce.

### 7.2. Social and labour policies

This was another of the topics used to ask for a Yes vote as to defend the No one. The former thought that the Treaty allows the European Union to regulate in all the scope of the social field, except dealing with the strike and

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<sup>127</sup> El País, February, 13, 2005.

<sup>128</sup> El País, February, 12, 2005.

<sup>129</sup> General Secretary for equal policies. El País, February, 7, 2005.

<sup>130</sup> Le Monde, May, 18, 2005.

<sup>131</sup> Le Monde, May, 18, 2005.

syndication rights and salaries. They considered the Constitution fosters an advanced social policy, full employment, social progress and social-economy of market as objectives of the Union. They defended the social and labour policies regulation in the Treaty since in their opinion, in the Treaty's Bill of Rights more social rights were recognised than in the Spanish Constitution" (Lopez Garrido, PSOE)<sup>132</sup>.

A trade union leader and president of the European Confederation of Unions defended in several occasions the Treaty considering it highly positive from the point of view of the "reinforcement of the social policies", and because in his opinion it recognises new rights and opens the door to direct appeals in front of the European Courts of Justice for social and labour cases. He perceived the Treaty as meaning an important improvement of the social protection for workers. Nevertheless, he criticizes there are some limitations and insufficiencies in the Treaty dealing with the social and labour field, like the "few references to the labour matter in comparison with that dedicated to the freedom of market and the competitiveness; or that decision making in labour matter (social security, dismissal, conditions of work of the immigrants) is to be adopted by unanimity of all member States, whereas in economic and monetary policy the decision making by majority becomes the general rule". However, in opinion of the unionist, "if these insufficiencies are compared with those under Nize regulation, the new Treaty is much better" (Méndez, UGT)<sup>133</sup>.

From the point of view of those rejecting the Treaty it was argued that "since the Treaty does not recognize some basic social or labour rights and since it does establish protection and welfare standards for all the UE member States, the Treaty does not vertebrate an European social orientated model of society (ERC). They consider "it is a Constitution that steps back in social rights" (IU)<sup>134</sup>. In a more detailed consideration, the Treaty was criticized as well because "the enumeration of rights and principles of Title remain as just mere recommendations" (Gonzales Faus, Cristianismo and Justicia)<sup>135</sup>.

In France almost all those in favour of the Yes vote agreed in acknowledging that the Treaty provisions dealing with social policy were a serious advance towards a more social orientated Europe. On the other hand, those rejecting the Treaty understood that it would mean a general regression in the social field. The way in which the social topic was sheltered by the Treaty provoked a split in the rows of the Socialist Party. Fabius and his followers did not believe the Treaty was to mean any step forward in social policy within the

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<sup>132</sup> El País, February, 18, 2005.

<sup>133</sup> El País, February, 4, 2005.

<sup>134</sup> El País, February, 19, 2005.

<sup>135</sup> La Vanguardia, February, 14, 2005. Also the nationalistic Catalanian party, *Ezquerra Republicana de Catalunya* (ERC), criticized the model of health that contemplates the new Treaty, which misses its own existence: "the Treaty ignores the joint of an European system of health. She would have to allow that the sanitary organizations of each country could harmonize their services until getting to make them of gradual form to all the European citizens (...). the article that regulates the sanitary benefit for the citizens is absolutely insufficient by its enormous degree of abstraction and ambiguity, and we do not want that the ambiguity of the Treaty makes possible a future cut to basic rights (...) the present sanitary model of the European Community is "save who can do it", and this is not suitable for the European social model, that differentiates to us from the Anglo-Saxon model" (Puigercós, ERC, La Vanguardia, February, 8, 2005).

UE. They considered “the right wants to use Europe and the low protection level of some European countries to dismantle the French social system”<sup>136</sup>.

### **7.3. The Treaty and its model of social-liberal market based on competitiveness**

The market model of the Treaty was an argument mainly used to criticize the Treaty. Partido Popular was the only party that outlined as a positive feature of the Treaty that it adopted the right economic model: “a system of free-market economy that defends competitiveness and the budgetary stability”, a model – one of its leaders said- with which Spain has managed to advance and to progress in the last years (Acebes, PP)<sup>137</sup>.

But this topic was often used to reject the Treaty, considering that it opened the door to a neo-liberal and noticeably individualistic market model, which prioritises the market, finances and competitiveness to public services or to well-being of the citizens, and disassembles the welfare state built up by social democrats (Llamazares, IU; Fresnillo, Països Catalans; Beiras, BNG).

In French campaign the Treaty was perceived as being at the same time liberal and social orientated. Some leaders considered it was not liberal enough (“EU is not that liberal orientated: It refuses blind interventionism, but favours well orientated toward innovation and research subsidies” [Barrot, UMP]<sup>138</sup>), while others though it was too neo-liberal orientated (“This Treaty is written to favour big financial, commercial and industrial companies” [Laguiller]<sup>139</sup>).

But dealing with the social-economic model gathered in the Constitutional Treaty a question acquired special protagonism in France: the possible liberalization of the public services anticipated in the project of the Bolkestein Norm (directive). Even if this norm or its content is not a part of the Treaty, those leaders rejecting it warned about what they perceived as potential dangers for French public services system. They remembered that the Treaty did not contain any norm protecting public services, since they are not even mentioned. In their opinion, the Treaty did not prevent public services from privatisation. Chirac defended each country capacity to adopt its own public services policy and public service financing system.

### **7.4. The Treaty and immigration**

In Spain there were no references to immigration in the electoral campaign for the referendum. In the few occasions this topic was mentioned it was used to ask for an European common policy, or to show that the Treaty was a guaranty for the fight against irregular immigration (Acebes, PP)<sup>140</sup>.

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<sup>136</sup> Le Figaro, May, 17, 2005.

<sup>137</sup> El País, February, 8, 2005.

<sup>138</sup> Le Monde, May, 18, 2005.

<sup>139</sup> Le Monde, May, 17, 2005.

<sup>140</sup> El País, February, 7, 2005.

Although the problem of immigration, with enough probability, weighed in the French citizens at the time of expressing its vote, *Le Monde* synthesized during the campaign: “immigration, greater question in Europe, secondary in the campaign”<sup>141</sup>. In fact, politicians did not mention this topic, except dealing with Turkey becoming an UE member State, since it could mean a lot of new immigrants arriving to France. That possibility was used to foster the rejection of the Treaty, since such an arrival of Turkish immigrants provoked fears among the French population at large. In this sense, Le Pen warned: “We are not protected against those coming (to France) willing to be lodged, fed and maintained with the taxes of French contributors”<sup>142</sup>.

On the other said, those favouring the Treaty emphasized –although in very few occasion- the benefits coming from the Treaty in this respect, since all member States could fight better against clandestine immigration and the bands that favour it<sup>143</sup>.

### **7.5. The Treaty and the fight against the terrorism**

This argument appeared in repeated occasions in Spain, given the importance this question has for its citizens, as much in its international slope as in the Spanish one due to ETA's terrorism. It reinforced the support for the Treaty, since its approval was linked to the effective fight against the terrorism. Fuelling that linkage, Zapatero affirmed: “with the Treaty it will be easier to fight against terrorism in Spain and in Europe, since with this Constitution all the European countries are united in the fight against terrorism”<sup>144</sup>. The leaders of PP also used this sensible topic in their campaign for a Yes vote: “If there is a region in Europe that needs the construction of a common space of justice, freedom and security, that is the Basque Country, and the European Constitution will guarantee it” (Acebes, PP)<sup>145</sup>. The cooperation of France in the fight against terrorism during the last years also served to guaranty the Yes vote, like example of the good that goes to us with European integration.

The fight against terrorism was not a relevant topic in French campaign, since it is not important for its citizens.

## **8. THE FUTURE EXTENSIONS OF THE EUROPEAN UNION**

### **8.1. The possible adhesion from Turkey to the European Union**

This topic was almost not mentioned in the campaign for the referendum in Spain. The only occasion it appeared was when the Minister for Economy of the regional Catalanian Government remembered the necessity to help the

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<sup>141</sup> Christiane Chombeau and Thomas Ferenczi, *Le Monde*, May, 16, 2005

<sup>142</sup> *Le Monde*, May, 15, 2005

<sup>143</sup> *Le Monde*, May, 16, 2005

<sup>144</sup> *El País*, February, 7 and 19, 2005.

<sup>145</sup> *La Vanguardia*, February, 17, 2005.

Turkish citizens in their development, modernization and democratisation, “but being simultaneously conscious that it is good for the EU member States to be united and to have just one voice in the world. I am not very sure that the Turkish adherence to the Union will foster these objectives” (Castells, PSOE)<sup>146</sup>.

In France, the most extreme groups, like the ultraconservative FN or soberanist MPF, supported the rejection of the Treaty linking the new Constitution with a possible adhesion of Turkey to the EU. For the MPF leaders, under the Constitution Turkey would be one of the first line European actors. Taking that into account, they proposed a new regulation that of a new kind of privileged partnership (or association) for the countries of the Mediterranean area, including Turkey, that replaced the possibility of their adhesion to the Union. The President of MPF warned that “a Yes vote in the referendum would be as well a Yes to an irreversible process of adhesion of Turkey to the Union, whereas a No vote will put an end to this entire question”<sup>147</sup>. FN leaders acted with a similar speech<sup>148</sup>.

In the other hand, there were other parties, like the UDF and Les Verts, whose leaders outlined that there was no bond between the vote for the Constitution and the possible adhesion of Turkey to the EU.

## **8.2. The Treaty and the enlargement of the European Union with the countries of Central and Eastern Europe**

This argument was absent of the campaign of the Spanish referendum, what could cause surprise if it is considered that the enlargement of to the EU with other countries from Eastern Europe would, most probably, mean a reduction of the structural and cohesion funds Spain receives from the European Union.

In France this topic had a lot of influence in the campaign benefiting the No vote due to the fear to the consequences of these new extensions. That consequences had to do with eventual reduction of salaries, an enlargement of the labour day and the loss of great part of the social advances that were obtained in the past. The symbolic figure of the “Polish plumber” (ready to work harder, more time, and for a lower salary) served as the image of those fears during the campaign. An additional fear raised dealing with this EU enlargement: that of the transfer the facilities of many companies to other countries looking for cheaper labour force and cheaper economic conditions.

Eric Besson understood that the use of this argument against the Treaty was an exercise “of bad faith”. He affirmed that the new Eastern member States “constitute neither for France nor for Europe the danger described with ostracism”<sup>149</sup> and indicated that, on the contrary, their adherence to the Union will opens new markets for labour force.

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<sup>146</sup> Minister of Economy of Catalunya, La Vanguardia, February, 17, 2005.

<sup>147</sup> Le Figaro, May, 21, 2005.

<sup>148</sup> Le Monde, May, 18, 2005, and Le Figaro, May, 21, 2005.

<sup>149</sup> Le Monde, May, 17, 2005

## MAIN FINDINGS

The main topics used in the campaigns did not completely agree, either in their content nor in the way politicians used them in each country. The social and political context of each country by the time of each referendum was held had a lot to do with the arguments and the way they were displayed.

In Spain, the main topics were the reinforcing or the weakening of the European social model; the development of the values, principles of the European identity and tradition; and the treatment of the regions under the Treaty (including the consequences for possible secessionist plans). It was according to the Spanish euro-enthusiasm that there were no calls to reject the Treaty because it meant too much Europe, but only because it meant too little Europe, favouring a more extended development of the EU.

Those favouring the Treaty linked the No vote with the exit from the EU and with the refusal of the European values, identity and principles (refusal which would be at odds of most Spanish people, who unanimously identify the EU with progress, development, economic progress, democracy, peace, justice and so on.

From that point of view, the No vote was associated with apocalyptic and catastrophic consequences for Spain and its future, even if they did not debate about it, or if they did not specified what these consequences would be. Many of their messages were more slogans, *clichés* or mottos than arguments.

On the other hand, those rejecting the Treaty linked it with the weakening of the European model of society, the ultra-liberalism, and an association with the United States, its unilateral way of understanding the world and the militarism.

In France, the main ideas and topics used in the campaign were the fostering of the European and French social model with the Treaty; the EU enlargement and the way in which it could improve or make worse the labour, social and economic conditions for French people; the economic-liberal model of the EU under the Treaty, with a special reference to the question of the worsening of the public services; and the topic of the possible loss of national sovereignty. Additionally, there were some messages which opened the door to an eventual re-negotiation if the No vote was to win.

It could be said that the national context in which each referendum took place and –therefore- the domestic arguments and ideas were the most important ones in each case. The perceptions about the relationship of Spain or France with the EU -both in a retrospective and prospective way- were quite relevant during the campaigns. Many of these domestic considerations affected or “contaminated” European-wide considerations, ideas and arguments appeared in the campaign, both in a positive way (in Spain) and in the negative one (in France).

## LIST OF ABBREVIATIONS

- CCOO: Comisiones Obreras, the most important labour union in Spain, formerly linked to the Communist Party.
- CiU: Convergencia i Unio, Catalan, majority and governing party in Catalonia for more than 20 years. Defends nationalism positions.
- CJ: Cristiniano y Justicia, an ong.
- ERC: Esquerra Republicana de Catalunya, separatist party that supports PSOE Government in the Spanish Parliament. It has leftist and separatist positions.
- ICV: Initiative to per Catalunya-Els Verds. Leftist party in Catalonia that participates in the present Catalan Government in coalition with PSOE and ERC.
- IU: Izquierda Unida (United Left). Former Communist Party, that supports PSOE Government in the Spanish Parliament.
- MPF: Mouvement Pour le France.
- PCF: Parti Comuniste Française.
- PP: Partido Popular, centre-right party, head of the opposition in Spain.
- PS: Parti Socialiste.
- PSOE: Partido Socialista Obrero Español, centre-left party, governing in Spain, and whose leader called for the referendum.
- UDF: Union pour the Démocratie Française.
- UGT: Unión General de Trabajadores, labour union linked to PSOE.
- UMP: Union pour a Mouvement Populaire.