



Václav Klaus and the Constitutional Treaty – Czech Eurosceptis or Eurorealism?¹

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Abstract

The following text looks at the political statements of Václav Klaus in the framework of the given typology, aiming at determining, analysing and reviewing his main theses and arguments on European integration. Part of the text is devoted to the attitudes of Czechs to European integration, exploring whether the critical approach of Václav Klaus goes in line with the majority public opinion. It shows that within a given typology, Václav Klaus can be either labelled as a Eurosceptic or Euroreject rather than a Eurorealist. The data from the public opinion surveys show that the idea of Euroscepticisms of the Czech population needs to be reconsidered.

The Czech Republic is considered to be quite a Eurosceptic new EU member state.⁴ Articulated opinions of the Czech president Václav Klaus who presents his critical remarks on the European integration process in both the domestic and foreign policy spheres are seen as one of the reasons behind such considerations. Klaus's attitude had been formed throughout the 1990s and developed into a compact position in the second half of the decade.⁵ Since then,

¹ The original version of this text was prepared in the framework of the project „Die Legitimität der europäischen Integration: Die Debatte in den alten und neuen Mitgliedstaaten der Europäischen Union“ financed by the Volkswagen Stiftung.

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⁴ See (Bielasiak, 2004, p. 6-11 and p. 22)

⁵ As the Czech PM, Václav Klaus signed the Association Agreement (1993) as well as the country's application to the EU (1996). He perceived the Association Agreement as a marginal (comparing to the transformational efforts) issue and a natural step. In the same way he regarded the signature of the EU application, which he viewed mostly from the pragmatic point of view and first and foremost with the economic benefits in mind. See

he has been speaking primarily against the high level of political integration and the limits to national sovereignty brought about by the EU. To a large extent, his stance has been a determinant for the policy of the current senior government party – ODS (Civic Democrats⁶); he has remained the honorary chairman of the party after being elected the president of the Czech Republic.⁷

The debate on the Treaty Establishing the Constitution for Europe (further referred to as the Constitutional Treaty) gave Václav Klaus an opportunity to express his most critical remarks towards the EU so far.⁸ Unlike the campaign before the accession referendum in 2003, when Václav Klaus was hesitating to give a clear personal statement,⁹ in the case of the Constitutional Treaty he openly opposed the document and its ratification. He thought the negative outcomes regarding the referenda in France and the Netherlands were a success and defended his stance in a number of interviews, essays, and articles as well as by supporting and promoting the translations of famous West European Eurosceptics.¹⁰ The Centre for Economics and Politics (CEP), founded by Václav Klaus in 1998, served him frequently as a platform for carrying out various Eurosceptic events.¹¹ Several times, Klaus's views triggered critical response from the European Parliament and the Commission. The most vigorous

(Interview (in Czech) with Klaus, Václav for MF Dnes daily about our EU membership, December 19, 2001, <http://www.klaus.cz/klaus2/asp/clanek.asp?id=LRy0JgKrBIAX>). After the political developments in the country in 1996 – 7 and the transition of the ODS to the role of the opposition in 1998, the issue of EU accession talks became a matter of political disputes with the senior government party (ČSSD) (Václav Klaus himself considered the negative – in his view - result of the accession talks as a by-product of political developments in 1996-7). The complexity and way of conduct of the accession talks, which according to some significantly contributed to increasing Euroscepticism in the acceding countries from Central and Eastern Europe (Harmsen, Spiering, 2004) most probably influenced the shaping of the Czech President's attitudes towards European Integration process and to the constitutional treaty; another factor was probably also the shift in the ODS and Václav Klaus's discourse from (neo) liberal towards conservative, slightly coloured by nationalism. In this period, Václav Klaus was not alone with his attitudes in the ODS towards the EU – a group of young ODS politicians who got promoted to the senior party posts thanks to the so called "Sarajevo coup" shared the Eurosceptic views, too. The most significant names are Jan Zahradil, who elaborated, together with Miloslav Bednář, Petr Plečický and Petr Adrián, the text "Manifesto of Czech Eurorealism", which served as the background paper for the ODS ideas conferences in April 2001 (<http://www.ods.cz/docs/dokumenty/zahradil-manifest.pdf>).

⁶ See (Hudalla, 1996, p. 126)

⁷ Elected on February 28, 2003.

⁸ Well known is his proclamation: „I am allegedly to criticise the constitutional treaty; it is not correct, I refuse it completely”, see (Rovná, Šlosarčík, Váška, Weiss, Kasáková, 2006, p. 8).

⁹ Unlike some ODS members (Ivan Langer, Martin Říman), Václav Klaus did not oppose the EU accession but declined to endorse the “yes” campaign. According to some, he did not vote “yes” in the accession referendum. See (Four Years of the Non-partisan President Klaus, *Hospodářské noviny*, February 28, 2006, [http://hn.ihned.cz/index.php?s1=5&s2=0&s3=0&s4=0&s5=0&s6=0&m=d&article\[id\]=20540470](http://hn.ihned.cz/index.php?s1=5&s2=0&s3=0&s4=0&s5=0&s6=0&m=d&article[id]=20540470)).

¹⁰ He wrote a preface to the publication “Řekněme své ano nebo ne Evropské ústavě” (Let's say yes or no to the European Constitution), by the Irish critic of the EU Anthony Coughlan. Another example is his chairmanship of the workshop where the translation of the book by Christopher Booker and Richard North „The Great Deception”, with the participation of Christopher Booker was presented.

¹¹ CEP is a partisan think-tank. It was founded after ODS left the government in 1997.

dispute took place in April 2005; Klaus claimed an offence to his person and function was done and demanded unsuccessfully a meeting with then EP President Josep Borell.¹² German and Spanish MEPs, Jo Leinen (SPD, PES) and Alejo Vidal Quadras (PP, EPP-ED, then and current Vice-president of the European Parliament) were accused of offending Václav Klaus by publishing a declaration stating that Klaus consciously used incorrect information during his campaign against the Constitutional Treaty.

In January 2007, Jo Leinen (MEP) again interfered with the Czech debate when stating that according to his opinion Václav Klaus was leading the Czech Republic into isolation.¹³ Criticism of the president's position concerning the European constitutional treaty also started to emerge from Czech politicians.¹⁴

The notion of *Euroscepticism* or *Euroscopsis* is perceived with pejorative connotation both in political and scientific debate. Euroscopsis is not considered to be a rational critique or contribution to discussion but is regarded instead as a system of anti-European persuasive arguments, which can be operationalized and measured but starting from different assumptions, but it is difficult to challenge it or succeed with a counterargument.¹⁵ A Eurosceptic places him or her *a priori* out of the main political or scientific discourse; therefore, labeling someone as a Eurosceptic is also sometimes used for discrediting the critics of European integration.¹⁶ Observing formulations of Eurosceptic theses from a neutral point of view, besides the typology of Eurosceptic forms of argumentation¹⁷, one can distinguish three different forms of discourse: *political Euroscopsis* (or *party Euroscopsis*), i.e. the sceptical statements of politicians, with Václav Klaus being a good example of such a

¹² See (Klaus fordert von Borrell Distanzierung, FAZ, April 25, 2005, p. 6)

¹³ During the period of negotiations on the coalition government led by ODS (June 2006-January 2007), the voice of Václav Klaus was perceived abroad as a decisive factor for the future Czech position towards the constitutional treaty. Jo Leinen's interference - a MEP from Germany, who is considered to be a leftist federalist, had a rather unfortunate impact in the Czech milieu. The responses to his interventions boosted one of the specific features of the Czech debate - anti-German resentments calling attention to the historical connotations. See, for example, reaction of Czech MEP, Vladimír Železný, expressed in the open letter to the president of the European Parliament from February 5, 2007: „... given her painful historical experience, our country and its public is very sensitive towards patronizing judgments and arrogant advice coming from the German representatives. I am surprised by such an arrogant assault on the head of state of another country, by the lack of elementary manners and empathy for historical reminiscences, which can be triggered by such a sermonizing and protectoral statements made in German and by a German politician”. (<http://www.klaus.cz/klaus2/asp/clanek.asp?id=dVdyxsfJqNz1>)

¹⁴ See, for example, the letter by members of the political party SNK-ED from April 2005, published on the website of the Delegation of the European Commission in the Czech Republic (<http://www.evropska-unie.cz/cz/article.asp?id=3487&page=1>).

¹⁵ See (Schröder, 2003, p. 2); (Dauderstädt, 1998)

¹⁶ Representatives of these views themselves complain about it, for example Miloslav Bednář.

¹⁷ See (Brusis, 2003, p. 8-10); (Sorensen, 2006, p. 3-7)

form; secondly the *public Eurosceptis* which is closely linked to the previous form of discourse (articulated within the common public space, for instance in the media, so it can be expressed by journalists, etc.); and finally the *scientific Eurosceptis*, examples of which are present in the Czech Republic as well, e.g. in the works of the philosopher Miloslav Bednář.¹⁸ This threefold typology is contradictory to the typologies of argumentation critical to integration; in these the different argumentation layers can be identified in every form of discourse, with scientific discourse requiring even more complicated taxonomy due to its complexity.¹⁹

In the Czech milieu, the notions of Eurorealism and Eurosceptis are rather confused and their dividing lines rather blurred.²⁰ For distinguishing these two terms, a two-dimensional conceptual map is used in this paper to explore the attitudes of the different political subjects towards European integration (Kopecký, 2004). The model operates with *diffuse* and *specific support* to the European integration process; *diffuse support* being support for general ideas of European integration (underlying the European integration), *specific support* means support for general practice of European integration (EU as it is developing).²¹ A *Eurosceptic* is thus defined as a supporter of general ideas of European integration who is, on the other hand, sceptical about the EU being the best system/way to comply with these ideas. A *Eurorealist* corresponds within this typology with a *Europragmatist*, who can be defined as someone neither supporting the general ideas of European integration, nor necessarily opposing them, but as someone who often supports particular developments of the EU for purely pragmatic reasons. Two other categories of this schema include the *Euroenthusiast*, who supports both the general ideas of the European integration and how they are or soon will be embodied by the EU, and the *Euroreject*, who resents both the general ideas and the way they are being implemented. The described typology is displayed by the Following chart (Kopecký, 2004):

¹⁸ (Bednář, 2003)

¹⁹ (Schimmelfennig, 2006)

²⁰ One of the main reasons is that ODS, as the only democratic political party critical towards the EU, prefers the Eurorealist label.

²¹ See (Kopecký, 2004, p. 231). The typology is originally used for distinguishing parties' positions towards the EU.

<i>Specific support/ backing the EU development</i>	<i>Diffuse support/backing the general ideas of European integration</i>		
		+	-
	+	Euroenthusiast	Eurorealist (Europragmatist)
	-	Eurosceptic	Euroreject

Source: (Kopecký, 2004, p. 231)

In the light of this typology, the political discourse of Václav Klaus will be examined further; aiming at determining and analysing Klaus's main theses and arguments on the European integration. The second question deals with the possible link between the attitudes of the Czech public on European integration and Klaus's discourse. Is his extreme position in line with the Czech public opinion? Using the selected typology, it seems that Václav Klaus can be labelled a Eurosceptic or Euroreject; he does not fit into the definition of Eurorealist. The data extracted from the public opinion polls show that the perception of the Czech public being rather Eurosceptic needs to be reconsidered and modified.

Argumentation of Václav Klaus and its critique

Klaus's main theses on European integration, EU development, and the Constitutional Treaty²² can be summarized in the following way:

1. European integration deviated from its original goal, which is economic deregulation and liberalisation, and since then (the process started roughly with the adoption of the Maastricht Treaty), there has been embracing harmonisation, homogenisation, and political integration in all areas. European integration is undermining competitiveness of the Member States, trying to impose on them an inappropriate model of social-market economy (or welfare state).²³
2. Klaus explains such development by employing arguments evoking an neo-functional approach, especially the political and cultivated spill-over effect. He talks about a close elite within the Member States who is driving European integration and

²² The main objections by Václav Klaus towards the Constitutional Treaty were summed-up and included in the so-called "Klaus's Ten Commandments on the Constitutional Treaty" published in many dailies; (See, for example http://zpravy.idnes.cz/nazory.asp?r=nazory&c=A050301_112111_nazory_mhk, March 2005).

²³ See (Klaus, Václav, Los Angeles World Affairs Council, Los Angeles, April 25, 2006); (Klaus, 2006)

benefits from it; this elite is thus striving for the isolation of the decision-making and policy-making in the EU of any democratic and external influence.²⁴

3. Constitutional Treaty adoption would have brought about further and unacceptable sovereignty pooling and Member States sovereignty restrictions. The decision-making process would have shifted further towards the qualified majority voting system and new powers would have been transferred to the EU in the new domains. Moreover, the European Union would have become a state in all its “fundamental features”.²⁵ Watering down the European countries into “provinces and regions” would have been another effect of the Constitutional Treaty, aiming at the gradual weakening and retreat of the nation state and simultaneous rise of “post-governmental” totality of particular elites, profiting from European integration.²⁶
4. Václav Klaus advocates the thesis of social legitimacy; supranational governance through the EU is not legitimate because there is no European nation or *demos*; democratisation of the EU through strengthening the European Parliament is thus impossible.²⁷

Martin Brusis²⁸ classifies the argumentation of Václav Klaus as liberal-conservative Eurosceptis. The European Union is criticised for its non-liberal character, its bureaucracy, red tape, and restrictive regulations.²⁹ Such an account seems to correspond well with the core of Klaus’s arguments. Due to his economic background, Klaus supports the liberal idea of minimal state.³⁰ In his eyes, the EU represents an unviable third way how to establish a social-market economy and welfare state in Europe. There are two fundamental limits in his argumentation: Klaus designs an inaccurate dichotomy (“there are only two ways”³¹) – either the “market economy without attribute” or the social-market economy, allegedly followed by most Europeans.³² Inaccuracy of drawing such a dichotomy makes the author inconsistent in his statements as far as this part of his argumentation is concerned. For example, in an

²⁴ Ibid

²⁵ See (Coughlan, 2005, p. 13)

²⁶ Ibid

²⁷ See (Ich habe Angst um Europa, FAZ, March, 2005, p. 5); (Schimmelfennig, 1996, p. 20)

²⁸ (Brusis, 2003)

²⁹ See (Brusis, 2003, p. 8)

³⁰ See (Dauderstädt, 2005, p. 52-53)

³¹ (Klaus, 2006)

³² See (Evropský půvab a šarm, Euro, 51/2004)

interview for Focus weekly³³, he said: “There is no way how to create a “social” economy; it does not mean I ignore the social issues in the economy. I advocate a market economy with reasonable and rational social policy; social policy that would not be a part of the market economy but its complement”.³⁴ Secondly, such a dichotomy does not correspond with the real development of the European integration and the welfare state in the EU Member States. The European Union is not a model for a uniform welfare state but rather for liberal policy of the single market (although not yet accomplished), which is exactly what Václav Klaus calls for. The attempts to integrate the social areas meet with strong opposition as the Member States decide on their social systems. Unlike his other statements, Klaus’s liberal vision would be backed by many in this regard; advocating the Scandinavian social democratic model has gradually gone out of fashion in the European debate. Klaus’s observations do not correspond with the real situation of the welfare state in Europe. Also the Constitutional Treaty, criticized by Klaus for “attempting to accelerate and deepen European integration”³⁵, would not have brought any substantial change in terms of social policy.³⁶ Indeed, the first part of the treaty mentioned the economy with social aspects; however, the same formulation can be found in the previous treaties. At the rhetoric level, the document harbours declarations and definition of goals related to the social area but the actual possibility to enforce such a declaration and goals by the EU would have been minimal. At the practical level (competences, activities, procedures), the Constitutional Treaty assigned the EU only with supporting and coordination activities in this domain; while unanimity was retained for legislation adoption. The question of social rights, stipulated in the Charter of Fundamental Rights, which constituted the second part of the treaty, and their enforcement, remains to be discussed. The practical impact of the Charter was in fact limited by two factors: despite its binding character (having become the second part of the Constitutional Treaty), the stipulated rights are binding only with regard to EU law (already respecting fundamental rights to a large extent), so the Member States would have not been obliged to comply with them in case of “purely domestic situations” (though the distinction may often be difficult to discern). The second important limiting factor is that the social rights were declared (being criticised from Europe’s competitiveness standpoint) as

³³ Interview with Focus posted in Czech on May 27, 2005 on the president’s official website, http://www.hrad.cz/cms/cz/prezident_cr/klaus_projevy/2327.shtml.

³⁴ Václav Klaus was not applying completely the market economy without attributes when being the Czech PM and he was even respecting some social policy settings inherited from the communist regime.

³⁵ See (Interview for Focus weekly, May 27 2005, posted on the president’s official websites, http://www.hrad.cz/cms/cz/prezident_cr/klaus_projevy/2327.shtml)

³⁶ French socialists even thought the Constitutional Treaty was too “liberal”.

“principles”; binding in principle (as a general element for elaboration of EU law or interpretation tool) but not judicially enforceable.³⁷

As far as the second argument is concerned, Václav Klaus advocates downsizing the supranational elements of European integration; he criticises the absence of political clashes and the lack of control at the supranational level. He calls for abolishing the “second face” of Europe which, unlike the first face – the liberal one (“Europe as a free area”) – embodies “the need of unification, harmonisation, regulation, control, and prefabrications of various kinds”³⁸, and which dominates since Jacques Delors became the President of the European Commission. Strengthening the intergovernmental aspects of the European integration is his recipe for turning Europe into a free area and for the return to “good old democracy and politics“. However, the particular proposals on how to strengthen the EU’s intergovernmental aspects, while ensuring that Member States respect their commitments, are not being stated. Klaus does not offer a solution how to preserve the functioning single market without employing some regulation, harmonisation and common legal framework. He rather often resorts to defamation of his foes, both during the public debates and in his articles, in which he criticises mostly the “Europeists“ and Brussels officials who he accuses of promoting “apolitical post-democracy“.³⁹ This position of his, which embraces also argument number three listed above, could be labelled as “Westphalian conservatism“.⁴⁰ To strengthen the role of national parliaments in the EU decision-making process rather than the power of the European Parliament would be the expected suggestion of such criticisms of the lack of legitimacy at the supranational level.⁴¹ However, for the time being, Klaus has not been advocating such a position. Instead, he offered a new way of organizing European cooperation

³⁷ See (Argumentář ke Smlouvě o ústavě pro Evropu, 2005, p. 34)

³⁸ See (Interview with Václav Klaus for MF Dnes daily about Czech membership in the EU, December 19, 2001, <http://www.klaus.cz/klaus2/asp/clanek.asp?id=LRy0JgKrBIAX>)

³⁹ “...Hence, their (Europeists) brazen defence of post-democracy and their complacent smile over obsolete and out of date advocates of good old democracy and good old “political politics”. Since they are far from citizens (and they like that) and with their “macro-view opera-glass” (this is my expression from 1960s designating the central planners) they do not see the citizens and do not reach them directly, they need some groups and entities they can deal with on a large scale (in order to follow them blindly or complicate their life). That is why they like corporatist concept of social dialogue, and that is why they want big business and big trade unions, that is why they want Galbraith’s model of balance of powers (at the macro level, not the market functioning at the micro level). Since they do not want to be accountable to citizens, they like talking to various NGOs, which give them – they hope so at least – legitimacy they lack and “the voice of the people”, even though such people is weird. Europeism is a categorical way of being dependant on new things – would-be progressive, neither retrograde, nor traditional nor conservative. This is why it puts up with feminism, homosexuality, multiculturalism and with other similar attitudes that dismantle long standing European cultural-civilisation basis.“ (Klaus, 2006)

⁴⁰ (Schimmelfennig, 1996)

⁴¹ See, for example, Jens-Peter Bonde and his proposition “Europe of Democracies“.

– the so-called Organisation of European States⁴², which would work as a standard international organisation on an intergovernmental base. Recently, he pointed out that his idea of the Organisation of European States was rather conceived as an attempt to attract attention, a conscious overstatement and discussion trick meant to provoke reactions.⁴³

The third argument of Václav Klaus underlines the fact that the ongoing European integration process is threatening national sovereignty and that the EU is becoming a “superstate”, as he coined the term during the Constitutional Treaty debate.⁴⁴ He often refers to the presence of external attributes of a state, which had been in fact designed and implemented long before the Constitutional Treaty.⁴⁵

The first complicating factor of such an argument is that one cannot apply strictly the standard political sciences terms and concepts related to the nation-state to the EU. The EU is a *sui generis* entity that displays some features of a federal structure (Euro, powers of the European Central Bank, the principle of supremacy of the EU law, the European Court of Justice), but one can dispute the pertinence of these “state attributes“. The important feature differentiating the Constitutional Treaty from the constitutions of the Member States is that the EU cannot decide on the range of its competences. The EU is allowed to act only within the limits of its powers assigned (transferred) to it by the Member States; it cannot act and negotiate in the areas where it was not empowered to do so. The EU respects the political and constitutional structures of the Member States, including the system of decentralisation and local government. Such setting rules out any attempt to harmonise constitutional systems of the Member States (e.g. unification of electoral systems for parliamentary elections) or interference with the internal regional structure (e.g. obligatory strengthening of regions’ powers vis-à-vis the central government). Furthermore, EU citizens⁴⁶ remain above all the citizens of their countries; their European citizenship has not a state character and is founded

⁴² See below

⁴³ See (Žádné ničení planety nevidím a nikdy jsem ani neviděl, Interview with Václav Klaus, Hospodářské noviny daily, February 9, 2007, http://ihned.cz/1--23103405-000000_print-31)

⁴⁴ In Klaus discourse, this argumentation level has been weakening, having been replaced by reference to the relation between individual and supranational entity, replacing nation-state. “For the last centuries, the usual European model has been the “citizen-state“, which allowed for the democracy and civil rights in our continent to emerge. This model should now succumb to another one – relation “individual-supranational body“, which cannot secure democracy and civil rights because it is leading to post-democracy and human rights. It is an absolutely different model of social organisation and political system from what we are used to.“ (Klaus, Václav, Nalejme si čistého vína ohledně evropské ústavy, MF Dnes daily, January 22, 2007)

⁴⁵ Supremacy of the EU law, for example

⁴⁶ Václav Klaus said in an interview for MF Dnes daily (December 19, 2001) that he was not looking forward to the EU citizenship and that he was hoping he would always be the citizen of the Czech Republic.

on the citizenship of the Member States that decide on their citizenship award criteria. The Constitutional Treaty did not specify the borders of the EU either; the Union is not a state with a territory. Moreover, the treaty enabled a state, for the first time in the EU's history, to quit the EU under the article I-60.⁴⁷ Therefore, it is questionable whether the Constitutional Treaty, had it come into effect, would have established "top-down managed, regulated and coordinated Europe, in which the historically created nation-state would not have been the elementary unit but it would be a supranational European organisation"⁴⁸.

Whereas Klaus does not enjoy much support of his stance that the Constitutional Treaty constitutes a European state, the claim of the absence of a European nation (article 4 of the above-mentioned argumentation) is shared by many. It is debatable though whether a European *demos* is a necessary precondition for democracy. Critique of the absence of a European nation, the so-called thesis of social legitimacy, is the main type of criticism, mainly within the scientific discourse, aiming at the lack of legitimacy of EU. According to the supporters of this theory, legitimate governance requires a collective identity, a *demos*, or a nation, without which the EU legitimacy cannot be boosted, not even by parliamentarisation.⁴⁹ Václav Klaus follows exactly this line of argumentation against the theses of input legitimacy, which demand strengthening of the role of the European Parliament: "For democracy and parliamentary democracy, we need a *demos*, a nation, and we do not have it in Europe. I cannot imagine that a European nation will emerge in the future. (...) There is no *demos* in Europe. One can see it on a daily basis when looking at the way the European Parliament works. It is not a question of its weak powers, as it is often said; enhancing its powers cannot compensate the absence of a *demos*."⁵⁰

Critics of an absence of a European nation or *demos* justify their thesis by referring to the necessity of minimal socio-cultural and sometimes ethnical homogeneity. This requirement is, in their view, accommodated fully by the nation-state, which is often considered as the only

⁴⁷ As far as the other state attributes are concerned, the EU has no army of its own. When the rapid reaction forces will be finally formed, their deployment will have to be approved by all Member States anyway (it is difficult to imagine that deployment of the federal army would be blocked by one federate state). The EU does not levy taxes (the EU budget amounts of 1.1% of GDP of the whole EU territory); the right to levy taxes is a definition feature of each state. Tax systems of the Member States are different from each other and any EU measure in this area must be approved by unanimity, even according the Constitutional Treaty.

⁴⁸ See (Klaus, Václav, Nalejme si čistého vína ohledně evropské ústavy, MF Dnes daily, January 22, 2007)

⁴⁹ See (Kielmansegg, 1996, p. 53); (Scharpf, 1998, p. 7).

⁵⁰ See (Ich habe Angst um Europa, FAZ, March 15, 2005, p. 5)

legitimate form of political governance and an ideal of democratic theory.⁵¹ Klaus agrees the nation-state, as a model contrary to the supranational political integration, is a guarantee of democratic and legitimate governance.⁵²

Klaus shares two fundamental problems with the advocates of the social legitimacy thesis: the critics of European integration, building on the social legitimacy thesis, usually only condemn further deepening of the process by transfer of competences, but they accept the status quo of the integration. Václav Klaus accepts the integration in its current state, too, but he is strongly against the Constitutional Treaty, which he sees as a dangerous step forward. Regardless the above-mentioned arguments that the Constitutional Treaty does not imply far-reaching changes (as Václav Klaus asserts – some of the most bizarre changes, from his point of view, are already part of the current treaties, others are wrongly interpreted), it is problematic that the social legitimacy thesis does not allow for fine distinction of legitimate and illegitimate forms of integration. As long as this argument is used for criticising the European integration, it ought to lead to rejection of all forms of supranational political governance and stand for complete re-nationalisation of competences. One has to admit that Václav Klaus sometimes articulates a demand for far-reaching re-nationalisation; in this context, he hints at the Maastricht Treaty as the ideal state of play he would like to re-install but even then, his argument is inconsistent. Those who insist on social legitimacy cannot accept a far-reaching integration at the same time; even if we talk about the state of play before the Amsterdam Treaty, or after the Treaty of Nice. From the social legitimacy perspective, unless there is a European nation, legitimate governance can exist only within the (nation) state.

Secondly, the requirement of socio-cultural homogeneity aims at criticising the lack of legitimacy and the democratic deficit but it is being justified exclusively on the basis of the theory of stability. The theoretical thesis of stability is a decisive argument in this regard, as it pleads for democracy with relatively homogenous nations because such democracy is more stable, its decision-making procedures are more efficient and its policy outcomes are acceptable for a wider majority. Václav Klaus usually employs democratic-functional

⁵¹ See (Kielmansegg, 1996, p. 54); (Isensee, 1989, p. 708); (Weiler, 1995, p. 12-16)

⁵² “It is dangerous that Europe is turning away from democracy and liberty. I cannot conceive a democratic society without the state having a tie with a nation (or several nations). I do not hint at “ethnic pure” nation state, it is not my preoccupation. Democracy needs to be based in the state, otherwise we are in post-democracy. The European Union is a kind of post-democratic institution in my opinion.“ (Ich habe Angst um Europa, FAZ, March 15, 2005, p. 5.); (Braun, 2006, p. 9)

arguments as well.⁵³ As most advocates of the social legitimacy thesis, he does not justify the shift from a theoretical perspective of stability to the perspective of legitimacy theory. Yet, the stability of the political system cannot be considered equal to legitimacy. Stability is neither a necessary nor a sufficient precondition for legitimacy – stable political system is not legitimate due to its stability; for the close link of these two terms a well-founded argument needs to be presented.

What makes Klaus's European policy specific is that his views, articulated in his publications, are not only meant as politician's statements but aspire evidently for a certain theoretical significance as well. Considering this, the main problem of his critique of European supranationalism and centralism, resembling socialism, and also of the illusion of global governance,⁵⁴ is his method, namely his categorical statements and in some cases also a conscious ignoring of reasoning. The part of Klaus's critique of European integration, which could be regarded as theoretically trustworthy and embraceable easily by scientific support is the social legitimacy thesis. The possibility to link to this argumentation stream is, however, hindered by Klaus's deviation from the social legitimacy reasoning by refusing communitarism categorically; communitarism is considered to be the best way to vindicate social legitimacy.⁵⁵ Communitarism is the main candidate for such a normative justification but Václav Klaus, surprisingly, criticizes communitarism together with supranationalism as an ideology, which causes a legitimacy deficit in the EU.⁵⁶ We can conclude that Klaus's social legitimacy thesis is both inconsistent and lacks reasoning. Václav Klaus does not offer arguments for the thesis, which if followed consistently would subsequently force him to refuse any form of governance beyond the nation-state level, not only the recent EU development.

Václav Klaus statements on the future EU development vary from a proposal to establish a new international organisation on a strictly intergovernmental basis, the so-called Organisation of European States, to a solution which would allow for blocking the "creepy unification" by well-defined division of competences between the Community and the

⁵³ See (Klaus, 2006)

⁵⁴ See for instance the dispute over the issue of global warming (Vývoz revoluce se nezdařil, Euro weekly, 13/2007, p. 48 and elsewhere)

⁵⁵ See (Walkenhorst, 1999, p. 31 and 266-268)

⁵⁶ "Today's communitarism in Europe and/or supranationalism are for me - and for many in Europe, dangerously linked with democratic deficit and post-democracy." See (Die heutigen Probleme der europäischen Integration, Speech of Václav Klaus in Rede im Management Center in Innsbruck (February 24, 2006), German version of president's official website, February 27, 2006, <http://www.klaus.cz/klaus2/asp/clanek.asp?id=tVUmsIqkeDfn>)

Member states; i.e. communitarian, shared and exclusive competences of the Member States. Such an optimal division would have to be envisaged for a long-term and it could not draw on the Constitutional Treaty proposals; Member States maximum level of sovereignty would have to be kept in accordance with the traditional Westphalian notion of the term (sovereignty). The new document would have to be based on intergovernmental negotiations; no bodies like Convention on the Future of Europe could be involved. The idea of the Organisation of European States, disputed by its author recently by being called rather a rhetorical overstatement aiming at attracting attention to the main argument (strengthening the intergovernmental principle), was elaborated elsewhere. In the recent Klaus' statements, these two arguments are in fact merging.

Václav Klaus' discourse is bound to the sovereignty term. He rejects any further strengthening of supranational institutions as it results in national sovereignty and identity weakening. The nation-state is the largest thinkable entity, which is able to accommodate various identities by virtue of the citizens' loyalty to this entity; only nation-state institutions have the legitimacy to decide on the future development of society. This principle or way of loyalty construction cannot be transferred to the supranational level. Overall, the need to retain the nation-state sovereignty is placed above the gains resulting from pooling sovereignty at the supranational level.⁵⁷ Klaus's opinions are often compared to the argumentation of the British Conservatives, who also follow the sovereignty and identity-based discourse. Particularly, they can find common ground in their views on the Constitutional Treaty, EU finality, and future EU enlargements. On the other hand, the current development in the British Conservative party is not seen by Klaus with much sympathy.⁵⁸ Klaus's argumentation on sovereignty and EU bureaucracy, which aims to create a state-featured supranational entity, meets with that of the French "sovereignist" Philippe de Villiers.⁵⁹ Also the traditionally sovereignty-based Danish Euroscepticism⁶⁰ is close to Klaus's argumentation; the similarities can be found between his proposal and that of Danish Eurosceptic Jens-Peter Bonde⁶¹ who suggested creating a "Europe of democracies"⁶². Jens-

⁵⁷ (Sørensen, 2006)

⁵⁸ With the new leadership of David Cameron, Václav Klaus sees the British Conservatives as "going green" and shifting towards the political centre. See for instance (Klaus se pustil do ODS kvůli spoléhání na přeběhlíky, Novinky.cz, January 7, 2007, http://www.novinky.cz/domaci/klaus-se-pustil-do-ods-kvuli-spolehani-na-prebehliky_105890_sg3d0.html). The discourse of the British Conservatives differs from Klaus's namely on the environmental issue, particularly global warming, and on social elements in the market economy.

⁵⁹ Chairman of the French Mouvement pour la France

⁶⁰ (Sørensen, 2006)

⁶¹ Elected MEP (since 1979) for June Movement, Danish Eurosceptic party.

Peter Bonde argues for members of national parliaments to elect members of the European Commission in order to underline the legitimacy of the national institutions. However, concrete proposal like this can be hardly found in Klaus's statements and works; he rather follows the method of counter-arguing the drafted solutions.

Public Opinion in the Czech Republic

Although the Czechs are believed to be Eurosceptics, the public opinion polls undertaken regularly in EU Member States (Eurobarometer) show a slightly different picture. In the last ten years, the overall support for the integration process in the EU peaked around the time of the ten new countries accession in May 2004⁶³, and then lowered again,⁶⁴ reaching the level of 55 per cent support in spring 2006.⁶⁵ The declared EU support in the Czech Republic copied this pattern; like in the rest of the EU, the support dropped after the 2004 enlargement but reached a higher number in 2006 than that of 2004.⁶⁶ The Czech Republic scores just under the European average and is quite far away from the figures of traditional Eurosceptic countries such as the United Kingdom, Austria, or Sweden display; in these countries the level of EU support does not exceed 40 per cent.⁶⁷ Another survey, indicating the perception of benefits resulting from EU membership, shows that the Czech Republic is even above the EU average.⁶⁸ Therefore Czechs cannot be labelled Eurosceptics; the number of those who reject the EU in these surveys (11%) scores under the EU-average (16%).⁶⁹ The Czech Republic has also not experienced the sharp post-accession drop of membership support recorded in the 1990's in Sweden, Finland, and Austria where it decreased from 80–90 per cent below 40 per cent after they joined the EU.⁷⁰

⁶² (Bonde, 2002)

⁶³ The most significant (8%) increase between two surveys of the Eurobarometer (taking place every 6 months) was recorded in the autumn 2004 when 56% citizens of the EU-25 perceived European integration as positive. Such a support was recorded only in 1995. The highest figure ever was recorded in 1991 (72%) and has been dropping throughout the 1990's, reaching under 50% in the second half of the 1990's. At the end of the decade it ranged from 48 to 54%. See (Eurobarometer 62, p. 66; Eurobarometer 52, p. 25)

⁶⁴ It went down to 50% in autumn 2005. See (Eurobarometer 64, p. 51)

⁶⁵ See (Eurobarometer 65, p. 9)

⁶⁶ After the accession, the EU support level decreased to 45% in the Czech Republic. Currently, it reaches 52%, 51% respectively. See (Eurobarometer 65, p. 11; Eurobarometer 66, p. 3)

⁶⁷ See (Eurobarometer 64, p. 51; Eurobarometer 65, p. 24).

⁶⁸ 62% of respondents think the membership in the EU brings benefits. The EU25 average is 54%.

⁶⁹ See (Eurobarometer 64, p. 54)

⁷⁰ See (Dauderstädt, 2005, p. 1)

However, two reservations can be brought up in this regard: the share of undecided respondents who neither support nor refuse European integration is still substantive in the Czech Republic.⁷¹ Furthermore, only a low percentage of respondents feels positive about a European identity;⁷² but this result should not be automatically explained as EU refusal.⁷³ Even though the above mentioned figures cannot be interpreted as unreserved support for the EU and the integration process, the recent data for the Czech Republic show that the number of Eurosceptics is relatively low. The Czechs see the political situation in the EU distinctively more positively than the EU average and also more favourably than the developments in their domestic political scene.⁷⁴

In his foreword to the Czech translation of Irish Eurosceptic Anthony Coughlan's essay from April 2005 as well as at the events supporting the release of this publication, Václav Klaus heavily criticised the draft Constitutional Treaty and stated clearly he was against a referendum on the issue in the Czech Republic.⁷⁵ Klaus's campaign for a clear No to the Constitutional Treaty started already in March 2005 when the Czech dailies published the so called "Klaus's Ten Commandments on European Constitution" where he articulated his reservations to the draft⁷⁶ and it peaked in May 2005 by organising number of events mentioned elsewhere.⁷⁷ Even though his critique of the ratification process and the Constitutional Treaty itself continues, the campaign culminated in the spring and summer months of 2005. How did the campaign impact the Czechs' opinion on the Constitutional Treaty? It is necessary to mention that Václav Klaus is the most trusted politician in the country according to opinion polls⁷⁸, and that he is even more trusted than his predecessor Václav Havel.⁷⁹ According to Eurobarometer, in parallel with the negative outcome of the

⁷¹ See (Eurobarometer 64, p. 52)

⁷² The Czechs are the second last in this sense (the last are the Britons). Only 10% of Czechs feel European, 49% do not feel this way. See (Eurobarometer 64, p. 43); (Pollack, 2004, p. 35)

⁷³ As some media put it

⁷⁴ (Eurobarometer 65 and 66) Also the surveys polling for trust in state and EU institutions prove it. In the spring, autumn 2006 respectively, 60%, 62% respectively of Czech respondents rather trusted EU institutions (EU average 48%, 45% respectively), the level of trust in the national government reaches about half of this support, national parliament and the political parties scored yet even lower. The level of support to the EU developing into the political union may serve as another indicator. In autumn 2006, 69% of the Czech citizens supported it.

⁷⁵ For details on the ratification debate in the Czech Republic see (Král, 2005).

⁷⁶ See above

⁷⁷ The press conference took place during the book launch in April 2005. CEP seminar "What would the European Constitution change?" took place on May 15, 2005.

⁷⁸ In February 2007 Václav Klaus' support reached the record level of 73%. See (CVVM, Důvěra k vrcholným politikům, February 2007)

⁷⁹ Václav Havel's popularity had varied from 50 to 60% since 1999; in September 2003 it dropped to 45%. See (CVVM, Důvěra ústavním institucím, February, 2003)

French and Dutch referenda (May 29, June 1, 2005), the level of support to the Constitutional Treaty⁸⁰ in the EU slightly increased between spring and autumn 2005.⁸¹ In the same period, the general support for adoption of an EU constitutional document dropped in the Czech Republic reaching 10 per cent below the then EU average. According to three surveys of the Public Opinion Research Centre (CVVM) covering the period in question (February – June 2005), the following development occurred: 51 per cent supported the general idea of an European constitution in February 2005, 51 per cent in April 2005 and 43 per cent in June 2005. The number of undecided remained at 24 per cent. 65 per cent of respondents supported the approval of the Constitutional Treaty in a referendum. The turnout at such referendum would, according to these surveys, reach 55–60 per cent. In case a referendum took place, 56 per cent would vote Yes in February 2005, 58 per cent in April 2005 and 41 per cent in June 2005. In June 2005, the number of respondents who would vote for the Constitutional Treaty decreased significantly; also the number of respondents rejecting the treaty increased by 8 per cent (21%, 26% and 34% opposing the treaty adoption in the given period). In comparison to the results of the survey from April 2005 the number of undecided respondents increased from 15 to 25 per cent in June.⁸²

This pattern follows partly the dynamic of the Václav Klaus campaign even though the April survey still recorded favourable results for the Constitutional Treaty if submitted to a referendum. The June decline can be explained at least by two factors; firstly, by the negative outcome of the French and the Dutch referenda, secondly, by Klaus's campaign. However, the results of Eurobarometer 66 from autumn 2006 show that the number of Czechs supporting the Constitutional Treaty increased in the last six months by about 8 per cent. In total, the Constitutional Treaty is supported by 50 per cent of respondents, 30 per cent is against and 20 per cent of respondents remain undecided.⁸³ With his ongoing activities in the framework of the debate against the Constitutional Treaty adoption, it seems that Václav Klaus's campaign experienced either a short term success or that other factors including the outcome of the two referenda played a more important role as far as public opinion polls are concerned and at the given time worked in synergy with Klaus's campaign. It is evident that the Czechs neither reject the process of European integration, nor the Constitutional Treaty.

⁸⁰ It rather concerned the support for the general idea of a European Constitutional document, not the specific proposal. See (Eurobarometer 64, p. 122)

⁸¹ From 61 to 63% (Eurobarometer 64)

⁸² These data include the respondents who declared they would take part in the referendum only.

⁸³ The set of questions on the Constitutional Treaty was carried out only in the Member States where the Constitutional Treaty was not submitted to the ratification process. (Eurobarometer 66)

Conclusion

In the given typology of the four attitudes towards European integration and the EU, based on his statements and their changes, Václav Klaus can be identified as a Eurosceptic. He cannot be labelled as a Eurorealist since he rejects the current development of the EU embodied by the Constitutional Treaty seeing no advantages and pragmatic gains for the Czech Republic from a nation-state point of view.⁸⁴ Klaus does not argue on the pragmatic discourse basis, but starts from ideological (sovereignty) positions. Looking at some of his statements, the Czech President oscillates between Eurosceptic and Euroreject views, but the latter category is less frequent. Though he declares that consistency is the virtue of his statements, this is not always so. That can be ascribed, first, to the strong dichotomies and parallels he constructs and articulates in the debate and which are consequently hard to defend; and, secondly, since he is primarily a politician, to a certain disagreement with his strong views amongst the ODS electorate and within the ODS itself.

As far as the second question is concerned, based on the presented statistics, Czech do not seem to reject either the process of European integration or the Constitutional Treaty. The campaign Václav Klaus carried out against the Constitutional Treaty adoption in the Czech Republic peaked in the spring and summer of 2005 and displayed a short-term impact on the level of citizens' support of the document. However, it seems it was successful mainly due to other contributing factors, especially the negative outcome of the French and the Dutch referenda.

⁸⁴ "If the Constitutional Treaty is not ratified, I imagine flourishing future of the European Union; and that is my Eurooptimism. The European Union and its people need as few as possible of such documents for their happy and successful lives. So I think nothing will happen really. It is not true the essential harm will be done. Not really. I know it is a fashionable cliché in European circles. A great cyclist Romano Prodi uses his famous cyclo-parallel: if you ride a bicycle, you cannot stop padding even for a second, because if you stop padding, you fall down. I consider this to be totally entrenching and impertinent comparison. The European Union is not a bicycle. It is not necessary to treadle all the time and keep producing one such document after another. Nothing would happen in Europe without it." (Record (shortened) of the press conference organised in connection to the launch of the publication Let's say our yes or no to the European Constitution by Anthony Coughlan with the foreword by Václav Klaus, 2005)

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