

**REFERENDUM BRIEFING PAPER NO 12
THE FRENCH REFERENDUM ON RATIFICATION OF THE
CONSTITUTIONAL TREATY
29 MAY 2005**

**Sally Marthaler
Sussex European Institute
s.a.marthaler@sussex.ac.uk**

Key points

- France's referendum on the ratification of the constitutional treaty produced a resounding victory for the No camp, with 54.68% of the vote.
- The high turnout (69.34%) contributed to the success of the No vote.
- Supporters of the No vote spanned a broad political spectrum while the Yes vote drew its support primarily from the moderate left and right.
- The result was a humiliating rebuff to President Chirac and his prime minister Raffarin, who was subsequently relieved of his post.
- The Socialists were also left in disarray and Laurent Fabius was removed from the leadership of the party.
- The clear political winners are the disparate elements of the No camp who are now attempting to capitalise on their victory.
- The implications of France's rejection of the constitutional treaty are still being absorbed by the European Union.

Background

The decision to hold a referendum in France on the ratification of the constitutional treaty was announced by President Chirac during his Bastille Day speech on 14 July 2004, one month after the treaty had been adopted by the European Council, when he declared that "the French people are directly concerned and will be directly consulted". The referendum would take place in the second half of 2005. Chirac's original intention had been for the constitution to be ratified by parliament, as in a number of other member states, but two factors contributed to his change of mind. In the first place, public opinion was strongly in favour of a direct consultation. A poll taken in April 2004¹ indicated that 74% of the French wanted ratification by referendum. Secondly, Nicolas Sarkozy, Chirac's Union for a Popular Movement

¹ CSA poll, 21-22 April 2004

(Union pour un mouvement populaire: UMP) rival for the 2007 presidency, was a strong and vocal advocate of this course of action, which was also supported by the majority of his party.

The political risks involved in calling a referendum are considerable, and principal among them is the danger that, rather than answering the question, which in this case related to the constitutional treaty (the text)², the electorate would take the opportunity to pass judgment on the government's performance (the context), as they had done in the 2004 regional and European elections. Given that no other elections were scheduled to take place until 2007, and that, largely as a result of a persistently high level of unemployment (currently 10.2%, rising to 25% among the young), a mood of pessimism prevailed among the French electorate, and both the President's and Prime Minister's popularity ratings were low, the referendum would present the opportunity for a protest vote. However, polls in the months preceding the announcement of the referendum showed a consistently high level of support for ratification at well over 60%, rising to 72% in some polls. Nonetheless, these figures had to be viewed with caution since they were based on the responses of only around 40% of those interviewed, the remaining 60% or so having not yet decided how or whether to vote.

The level of support for the constitutional treaty was consistent with the predominantly positive attitudes of the French towards European construction. A survey carried out on the eve of the June 2004 European elections³ put this at 75%. However, as became clear in the course of the referendum campaign, this fundamentally pro-European position related to a specific model of Europe, in particular a 'social' Europe, and so these positive feelings were accompanied by serious reservations about how the EU dealt with social issues such as unemployment and poverty and by concerns about the undermining of the French social model. High expectations of the EU were not matched by the same level of confidence in its capacity to solve the problems which were closest to the heart of much of the French population.

French public enthusiasm for the EU had also been dampened by the May 2004 enlargement to the ten new member-states from central and eastern European, which had raised questions about the pace and direction of European integration. The issue of Turkish accession had contributed to these concerns. According to a poll in September 2004, 56% of French people were opposed to Turkish entry⁴ (74% National Front [Front National: FN] supporters, 72% Union for French Democracy [Union pour la démocratie française: UDF], 63% UMP), but a majority (55%) of Socialist Party (Parti Socialiste: PS) voters also expressed their antipathy. Holding a referendum therefore risked both rekindling negative attitudes towards the most recent enlargement and fuelling the debate on Turkey, not least within the president's own party. While Chirac himself supported Turkish membership, most of his party did not, and neither did the other party of the moderate right, the UDF or its leader, François Bayrou. The sovereignist right Movement for France (Mouvement pour la France: MPF) strongly opposed Turkey's candidacy for EU membership and its leader, Philippe de Villiers, had called for a referendum on Turkish accession, as well

² The question put to the electorate was "Do you approve of the bill authorising ratification of the Treaty establishing a Constitution for Europe?"

³ Ipsos eve of election poll, June 2004

⁴ Ipsos poll, 28 September 2004

as the constitutional treaty, immediately after the 2004 European elections. Le Pen's FN was also vehemently opposed to Turkish entry. By October, Turkish membership was dominating French political debate and Chirac's fears that the issue would contaminate the referendum campaign prompted him to promise a referendum on Turkish membership "in 10 to 15 years' time" in order to de-couple the two issues. In February 2005, the French constitution was revised so that any further enlargement of the EU (after Romania, Bulgaria and Croatia) would be put to a referendum.

If holding a referendum was politically risky, it also presented Chirac with a major political opportunity, that of dividing the left and in particular the PS. While most of the left were in favour of Turkey joining the EU, there was no consensus on ratification of the constitutional treaty and it was here that Chirac hoped to gain a major political advantage by aggravating divisions. Although the PS had been united over Europe at the time of the 2004 European elections, shortly afterwards Laurent Fabius, the deputy leader of the PS and a former prime minister, expressed his disappointment with the constitutional treaty. This was widely interpreted as a strategic move to challenge Hollande for the leadership of the party and for the PS candidacy for the 2007 presidential elections.

At the PS party conference in August 2004, the minor factions, Nouveau Monde (New World), led by Henri Emmanuelli, and Nouveau Parti Socialiste (NPS), the New Socialist Party, led by Arnaud Montebourg and Vincent Peillon, indicated their support for a No vote. It was to counter this move that Hollande seized the initiative by declaring himself in favour of a Yes vote, which in turn precipitated Fabius into announcing on 9 September that he would vote against the constitutional treaty in a referendum unless (*sauf si*) there was a commitment from the president to take concrete steps at a European level to safeguard French jobs. Since his conditions were unlikely to be met, he was essentially positioning himself at the head of the No camp. Public opinion, however, was behind Hollande at this point, 43% of those questioned (and 52% of PS supporters) saying that he and the Yes camp represented the values of the left better than Fabius and the No camp (cited by 22% of respondents and 23% PS supporters).⁵ Public attitudes towards Fabius were split between those who disapproved of his action because it was divisive (50% of all respondents and 42% of PS supporters) and those who approved because it opened up the debate on Europe (42% overall and 52% PS supporters).⁶

The issue was to be settled by an internal PS internal referendum, held on 1 December, when the party's 120,000 members were directly consulted. A high turnout of 82.6% resulted in a victory for the Yes camp with 58.8% of the vote. Given that a majority of PS supporters (80% according to one poll⁷) were also in favour of the constitutional treaty, this appeared to resolve the question and to marginalise Fabius. It was also a personal success for Hollande, strengthening his position as leader of the party and his claim to be its presidential candidate in 2007. However, this proved to be something of a false dawn as the conflict between the two sides continued and the resolve of the No camp on the left hardened. The French Communist Party (Parti communiste français: PCF) had been against the treaty from

⁵ Sofres poll, 27-28 Oct and 8-9 Nov 2004

⁶ CSA poll, 16-17 Nov 2004

⁷ Ifop poll, 25-26 Nov 2004

the beginning and the Communist Revolutionary League (Ligue communiste révolutionnaire: LCR) and Workers' Struggle (Lutte ouvrière: LO) were also opposed to it. The Greens, like the PS, were divided and held their own internal referendum on 14 February 2004 which saw a small majority (52.72%) in favour of the Yes (41.98% against) on a 54% turnout under their new young national secretary, Yann Wehring. The trade union movement too was split, with the General Workers' Confederation (Confédération générale du travail: CGT), Workers' Force (Force ouvrière: FO) and Sud recommending a No vote.

The divisions on the left were compounded by the inevitable tension between voting Yes to the constitutional treaty and voting Yes to Chirac once again (having been forced to support him against Le Pen in the second round of the 2002 Presidential election). This tension was skilfully exploited by Fabius, who touched a raw nerve among left-wing supporters when he declared that saying yes to Europe meant saying yes to Chirac.

While mainly confined to the moderate left, dissidents also existed on the mainstream right, in the form of a sovereigntist faction in the UMP, *Debout la République* (The Republic Stands Up), led by the neo-Gaullist Nicolas Dupont-Aignan.

The Campaign

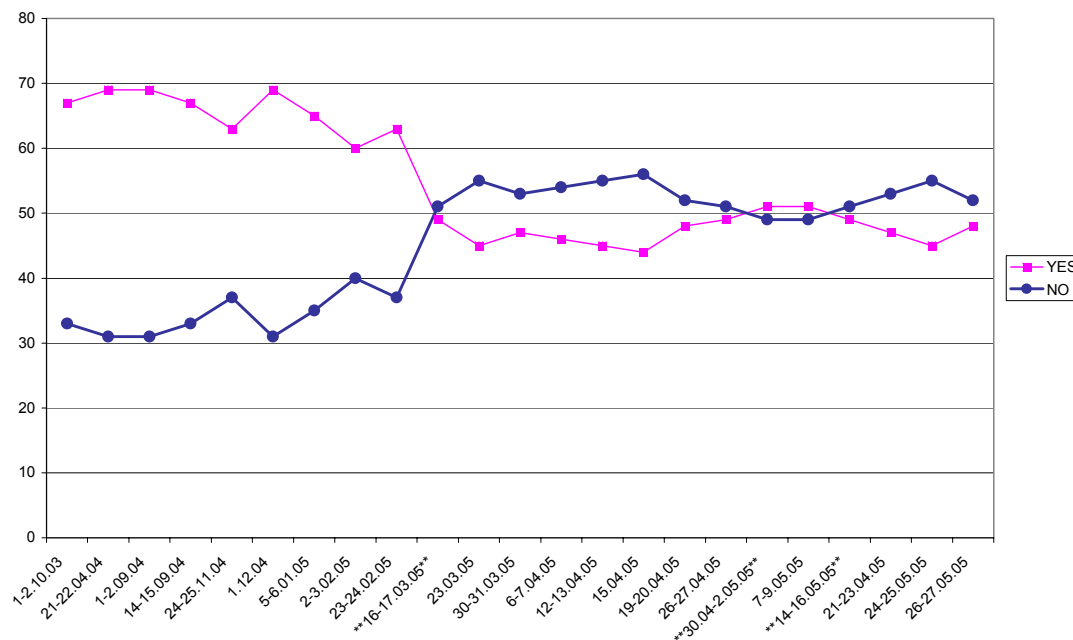
Chirac's original plan to hold the referendum in the second half of 2005 was modified in the light of the positive outcomes of the PS' and Greens' internal referendums, which, together with the Spanish Yes vote on 20 February, encouraged the president to move earlier. An announcement was made on 4 March that the French referendum would be brought forward to 29 May. This would be the third referendum on Europe under the French Fifth Republic, the first having been held in 1972, under Georges Pompidou, to ratify the treaty on the enlargement of the EC to the UK, Ireland, Denmark and Norway, and the second in 1992, under François Mitterrand, to ratify the Maastricht treaty. In both cases, the vote was in favour of ratification.

At the time of Chirac's announcement, all the polls gave a majority (of between 55% and 60%) to the Yes vote. However, within two weeks, the first poll was published putting the No vote ahead (BVA 18 March) and in the weeks up to the launch of the official campaign on 16 May, French public opinion was highly volatile, with the majority switching between Yes and No on three occasions (see Table 1 below).

The key event preceding the rise in the No vote was the debate over the Bolkestein services directive (what de Villiers referred to in populist tones as 'Frankenstein Bolkestein') designed to open up free movement of services within the EU and which came to be symbolised in France by the 'Polish plumber'. This directive, although in fact quite unconnected with the constitutional treaty, aroused the latent fears of many French voters about the threat represented by an influx of workers from the ten new member states in central and eastern Europe. It was only after Chirac had tackled the directive in the European Council and it had been withdrawn that the polls began to pick up. Jospin's appearance on television also contributed to this trend but it did not last. The ill-feeling surrounding the cancellation of the Whit Monday holiday, together with the strikes and demonstrations which took place earlier in the campaign

and a scandal which led to the resignation of the Finance Minister, had a negative effect on public support, and the No vote again took the lead. An intervention by the European heads of state in the final week of the campaign did nothing to reverse this trend, although Chirac's last appearance on television produced a slight rise to 48%.

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



Source: CSA

Chirac's part in the campaign was key. In his constitutional role as president he was the de facto leader of the Yes camp, as Mitterrand had been in 1992. However, he did not enter the campaign until 14 April, when he made the first of three televised appearances, this time debating the constitutional treaty with young voters. His performance was lacklustre and he seemed out of touch with and was visibly disconcerted by the attitudes of the 18-29 year-olds, whom he openly admitted to not having understood. This intervention by the president, among others, was damaging to the Yes camp and subsequent calls were made, by proponents of the treaty both on the right and left, for him (and Raffarin) to feature less prominently in the campaign. The president had more success when he assumed his role of statesman, as in a joint appearance with Schröder to highlight the importance of the Franco-German partnership within the EU.

While both Bayrou and Raffarin wanted to form a united front with the socialists in the Yes camp, Hollande preferred to campaign separately in favour of a "clear, strong and socialist Yes". This was for two reasons. Firstly, he wanted to avoid an over-identification with Chirac since many PS voters were still resentful of having had to vote for the president in 2002. Secondly, he wanted to make it transparently clear that the Socialist Party itself was supporting a Yes vote, since the split within it and within the Greens risked creating confusion in the left-wing electorate over their party lines. To this end, the PS banned joint meetings with the right and the Greens joint meetings

with any other party, although Daniel Cohn-Bendit, a Green MEP, disregarded this instruction, and was attacked for doing so.

There was no single leader of the No camp as there had been in 1992 when Philippe Séguin had been its figurehead. De Villiers was a constant presence in the media, which he exploited with great skill and success, overshadowing Le Pen, who was ill during the campaign, but also kept a low profile for strategic reasons since his own support was secure and there was a danger that his association with the No camp might alienate other potential sources of support. Fabius was also a dominant actor in the campaign but distanced himself from the right wing and for the most part campaigned independently, although he did appear alongside José Bové.

By the time the official campaign began on 16 May, the battle lines had already been drawn. Despite Fabius' efforts to create a cleavage between left and right by claiming that they represented two different kinds of European construction, this was not a straight left-right fight, but a more complex affair pitting the mainstream against the margins and with populist, xenophobic and revolutionary elements on both sides.

Among the supporters of the constitutional treaty, essentially the moderate parties of the right and left, there was consensus on the importance of the political dimension of the EU and the strengthening of Europe's role on the world stage. Chirac stressed that an enlarged Europe was the sole guarantor of peace and democracy and emphasised the importance of the Franco-German engine. He argued that, contrary to the claims of his opponents, a more 'political' and less liberal Europe would emerge from the constitutional treaty. The PS was at pains to underline that the new text would create a political and social Europe whose objective was to achieve full employment and in which rights and freedoms were protected, the European Parliament had greater powers and citizens greater influence.

The No camp encompassed far more disparate themes, with the sovereignist and Far Right continuing to campaign against Turkish membership, despite Chirac's efforts to kick this issue into the long grass, and highlighting the need to define Europe's cultural (essentially religious) identity and geographical limits. On the right, campaigners such as the UMP dissident Dupont-Aignan criticised the constitutional treaty for being undemocratic while the various left-wing components (the PCF and parts of the PS and Greens) focused on the threat to the French social model and the competition for French jobs which would result from social and fiscal dumping. The constitutional treaty was attacked for "carving in stone" the Anglo-Saxon vision of a liberal free-market Europe in a text which would be impossible to revise since this would require unanimity (rather than a majority as under the current Nice treaty) and for the Atlanticist drift of defence arrangements with NATO. Other strands of the No argument were represented by the ecologists and the anti-globalisation organisation, Attac.

A fundamental argument of the No camp was that there was a 'Plan B', which meant that once rejected the treaty could be renegotiated to conform more with French preferences. This line was consistently rejected by the Yes camp who repeatedly asserted that failure to ratify would simply mean continuing with the less socially-oriented Nice treaty and would be damaging to the position of France within the EU, where it would be the 'black sheep', and to the position of the EU in the world. The

doomsday scenario painted by some of the supporters of the treaty did not convince the doubters and probably alienated some.

Unlike in the European elections, then, the issue of Europe was central to the campaign. The referendum acted as a catalyst for a debate on the impact of Europe on France and on the kind of Europe the French wanted. A wide variety of material was published on the subject and it was discussed at great length in the media. The high level of interest generated reflected the intensity and divisiveness of the debate, and was similar to that registered towards the end of the campaign for the Maastricht referendum (see Table 2).

Table 2: Interest in the 2005 referendum campaign, % respondents

28-31 August 1992 ⁸	9-10 March	1-2 April	15-18 April	27-28 April	9-10 May	11-12 May
63	47	64	61	61	69	60

Source: Sofres

An innovative aspect of this campaign was the significant part played by the non-traditional media such as the internet with its weblogs, chats, forums and chain e-mails, which were particularly exploited by the No camp, adding to its 'alternative' image and providing it with a highly effective way of mobilising its disparate elements. Only the eight parties which had won more than 5% of the vote in the 2004 European elections, the UMP, UDF, MPF, Rally for France (Rassemblement pour la France: RPF) and FN on the right and the PS, PCF and Greens on the left, were given air-time for campaign broadcasts. In the case of the PS and the Greens, the allocated time was dedicated entirely to the Yes camp, and the Far Left was also totally excluded. This, and the fact that the media were also perceived as having a pro-European bias, meant that the Yes campaign was strongly associated with the establishment line, which to some extent benefited the No camp who were seen to be challenging the dominant thinking (*la pensée unique*).

The Result

In the week leading up to the referendum, polls were predicting a victory for the No camp. However, with a third of voters saying that they were not sure if they would vote and 29% of those saying that they were going to vote not yet having decided how to cast their ballot, turnout was crucial to the result. Low mobilisation was expected to favour the Yes camp, whose supporters were more likely to turn out. When, on the evening of 29 May, the television channels announced, ahead of the actual result, an estimated turnout of around 70%, the fate of the constitutional treaty appeared to be sealed. The final official figure was 69.34%, almost identical to the turnout for the Maastricht referendum (69.69%), slightly lower than the turnout for presidential elections but considerably higher than for European elections. This low rate of abstention was largely attributed to the intensity of the debate and the likelihood of a

⁸ The referendum on the Maastricht treaty was held on 20 September 1992.

very close result. The 10% margin between the Yes vote (45.32%), representing around 12.7 million votes, and No vote (54.68%), representing about 15.4 million votes, was far wider than expected and the shock created comparable with that of 21 April 2002.

84 of the 96 departments in mainland France voted against ratification, with the highest No vote in the economically depressed Pas-de-Calais (69.5%) and the highest Yes vote in Paris (66.45%). The No vote was also over 60% in the Languedoc-Roussillon and Picardy regions and lowest in Brittany and Alsace. A socio-demographic breakdown of the vote indicates a clear division between a highly-educated, affluent and secure section of the population and those on low incomes and in more insecure employment or unemployed. A majority of the No vote came from blue-collar (79%) and white-collar (67%) workers. 71% of the unemployed also voted No and there was a strong correlation between the No vote and areas of high unemployment and poverty levels. The No vote was also strong in rural areas where reforms to the CAP have alienated small farmers.

64% of public sector employees also voted against ratification, apparently having been swayed by arguments about the threat to French public services. This category includes teachers and is made up of traditionally loyal PS supporters who voted for the Maastricht treaty but on this occasion rejected their party's line and voted against the constitutional treaty for being too economically liberal and encouraging inequality. The only occupational categories in which a majority voted yes were professionals and executives. It is only in the 65-plus age-group that there were more Yes than No voters. The other categories in which the Yes vote predominated were practising Catholics and those living in greater Paris.

Table 3: % vote in 2005 French referendum on the constitutional treaty by party proximity

	YES	NO
Far Left	6	94
PCF	2	98
PS	44	56
The Greens	40	60
LEFT	37	63
UMP	80	20
UDF	76	24
MPF	25	75
FN/MNR*	7	93
RIGHT	73	27
No party	31	69

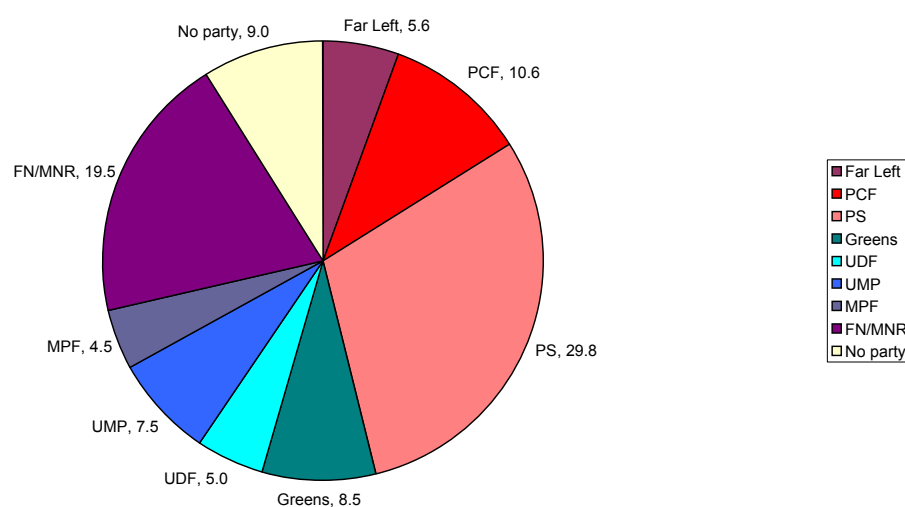
*Mouvement national républicain (National Republican Movement)

Source: Ipsos exit poll, 29 May 2005

A breakdown of the No vote by partisan support (see Table 3) shows that 94% of Far Left supporters, 98% of Communist Party supporters and 93% of Far Right supporters voted against ratification. It was only among supporters of the two moderate right

parties, the UMP and UDF, that a majority voted Yes. Analysis of the parties' share of the No vote (see Figure 1) shows the PS and the Far Right contributing most votes. According to a CSA post-referendum poll, 49% of the No vote came from the moderate left, 28% from the far right, 15% from the moderate right and 8% from the Far Left. A breakdown of the Yes vote shows the moderate right contributing 58%, the moderate left 35%, the far right 6% and the Far Left 1%.

Figure 1: % party share of the No vote in the 2005 French referendum on the constitutional treaty



Source: Ipsos, 30 May 2005

Generally speaking, Yes voters appear to have been motivated by their attachment to the European Union. The reasons given⁹ were firstly a desire to strengthen the EU's position vis-à-vis other major powers such as the US, China and India, secondly to further European construction and thirdly to maintain France's strength in Europe. The meaning of the No vote is more difficult to interpret but appears to have been driven primarily by national rather than purely European considerations, and in particular the impact of the EU on the social situation in France and fears that the treaty was too liberal and would contribute to unemployment. A smaller section of the No vote saw Europe as a threat to France's identity or independence or was voicing its objections to the 2004 enlargement or Turkish membership of the EU. Around a third of No voters thought that a rejection of the treaty would bring about a renegotiation and a similar number found the treaty difficult to understand. Around 40% of respondents said that they wanted to express their dissatisfaction with the current situation in France.

⁹ Sofres, 29 May 2005

Conclusion and future prospects

The referendum on the ratification of the constitutional treaty was always a risky venture, yet it was winnable. The reasons for its failure are multiple and both European and domestic factors came into play. While in the end it was the context rather than the text itself which carried more weight, the treaty itself played a part. It was an over-long, highly complex and ambiguous text, associated in the minds of many French left-wing voters with a former right-wing president, Giscard d'Estaing, who presided over the Convention on the future of Europe, and it was not presented in a form that a nation such as France, whose own constitution carries such weight, could identify with.

In a European perspective, the referendum can be seen as a retrospective vote on the 2004 enlargement and a warning to the political elite about moving too fast with future enlargements, especially to Turkey. Underlying this is a sense of uncertainty about where the European project is going, together with concerns about immigration and outsourcing, about perceived threats to the secular republican model and to French as well as European identity. More broadly, this reflects an anxiety about the impact of globalisation on France, symbolised during the campaign by the importing of cheap textiles from China. The victory of the No camp, which had seized the initiative and gained momentum early in the campaign, has also to be seen as a failure of political leadership among the Yes camp, resulting from a perceived complacency on the part of the established parties and an inability to engage with the public or to present a positive and convincing case for the treaty.

This failure of leadership and communication is also evident at a domestic level and the No vote can be interpreted as a retrospective judgment on the government's inability to solve the problem of unemployment. Chirac's decision to retain Raffarin as prime minister after the defeat of the government party in the 2004 regional and European elections despite his patent unpopularity also signalled his disconnection from the electorate and contributed to their exasperation. Disunity within the Socialist party, confusion over party lines and the unwillingness of left-wing voters to support Chirac all played their part.

The political fallout from the rejection of the treaty, both in France and the EU, has been extensive. Its immediate domestic consequence was the sacking of Raffarin and his replacement as prime minister by the (unelected) Dominique de Villepin with a brief to lead the government with a 'new impetus' and mount a renewed attack on unemployment. Losing the referendum was a grave and possibly fatal humiliation for Chirac himself and extremely damaging to his authority. The major beneficiary within the UMP has been Sarkozy, who continues to be the most popular politician in France.

The result has also been a severe blow to Hollande, whose authority within the PS has also been seriously undermined. With only two years to go until the next legislative and presidential elections, the party urgently needs to deal with its internal divisions between reformists and radicals. Whether Fabius' eviction from the party leadership will help to resolve this conflict is as yet unclear. Despite having won a moral and political victory, he appears to be no closer to achieving his goals of taking over the leadership of the party or being nominated as its candidate in the 2007 presidential

elections. Jospin, whose re-emergence in support of the PS and the Yes camp has allowed him to reposition himself, is still the preferred candidate of PS supporters.

The Far Right, the sovereignists, the Far Left and the communists have all gained credibility and momentum from the referendum and are determined to capitalise on their victory. Given the heterogeneous nature of the No camp, it is not immediately apparent what form this will take. Yet the damage inflicted on the established parties is massive. Distrust of the political establishment provides fertile ground for populism and Le Pen has been quick to proclaim the illegitimacy of the National Assembly, pointing out that only 8% of the deputies represent a position supported by 55% of the electorate. The parties of the extremes and margins have presented the mainstream parties with a daunting challenge and it will take a huge effort of leadership to reconcile the differences which exist between the more and less secure sections of the population, between the French electorate and their political representatives, as well as those between the French and the European Union, where the impact of France's No continues to reverberate.

This is the latest in a series of election and referendum briefings produced by the European Parties Elections and Referendums Network (EPERN). Based in the Sussex European Institute, EPERN is an international network of scholars that was originally established as the Opposing Europe Research Network (OERN) in June 2000 to chart the divisions over Europe that exist within party systems. In August 2003 it was re-launched as EPERN to reflect a widening of its objectives to consider the broader impact of the European issue on the domestic politics of EU member and candidate states. The Network retains an independent stance on the issues under consideration. For more information and copies of all our publications visit our website at <http://www.sussex.ac.uk/sei/1-4-2.html>.