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**The Impact of EU ‘Constitutionalisation’ on Public Claims-making
over Europe: A Research Outline**

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The Impact of EU ‘Constitutionalisation’ on Public Claims-making over Europe

Our main aim is to advance knowledge by producing the first detailed empirically based study of the emerging trends of public constituency building over European issues during a phase of European integration. We will do this by focusing on developments relating to the European Constitution. Public debates over European issues are investigated both through a detailed study of the British case, and in cross-national comparison with five other European countries (D, NL, N, DK, E).

1. Research Topic and Questions

A crucial element of our research is to address the question of the ‘democratic deficit’. At the core of Europe’s ‘democratic deficit’ is the discrepancy between the European Union’s advancing institutional development with increasing competences over the lives of Europeans, on the one hand, and the continuing dominance of national politics as the space for public debates and source of collective identities, on the other. Since the early 1990s, several related developments have made this problem more acute: the erosion of the former ‘permissive consensus’ on EU integration; the decline of public trust in EU institutions; the decline of voter participation in European elections; and finally, ‘renationalisation’ tendencies within politics, marked by the upsurge of xenophobic and anti-European political parties. Due to the self-acknowledged need for institutional reform prior to enlargement, the European Union has embarked on a new ambitious advance of its integration project, by attempting to establish a common Constitution and by European enlargement. The paradox here is that Europe is increasingly visible in everyday life, but at the same time self-evidently deficient in the access that publics have to EU politics.

One important impact of the democratic deficit is that it contributes to the process of European integration becoming a contentious issue within national politics. Nowhere has this been more evident than in Britain. Faced by the prospect of a European Constitution, the British Government have adopted a referendum strategy to avert claims of unaccountable, illegitimate, and unpopular decision-making. This has already sparked a new phase of contentious politics, between political parties, between opposed campaign groups, and in the press, over the issue. More generally, the recently drafted Constitution of the European Union places this question of the relationship of the emerging European polity to its social constituency (‘the people’ or the ‘public’) at the forefront of concerns about democratic performance across the whole European region. European Constitutionalisation provides an incentive for institutions, associations and citizens to address the process of European Union by mobilising collective action Habermas (2002). The political innovation of a draft European Constitution represents a unique opportunity for empirical research that will test whether and to what extent a new constitution will evolve alongside a participatory European citizenry. Such research will be timely and policy relevant. Cross-nationally, it will allow the impact of European ‘Constitutionalisation’ to be studied in different national political and cultural settings. Nationally, it will enable us to contribute much needed empirically grounded insight into the discussions of ‘British exceptionalism’ (e.g. Geddes 2003) with respect to the EU.

In comparison to the growing amount of empirical research on the impact of European integration on national institutional politics and policymaking (e.g., Dyson

and Goetz 2002, Boerzel 2002), there has been relatively little on ‘Europeanisation’ with respect to civil society and the public sphere (for an exception, see Imig and Tarrow 2001). This is a serious omission, not least because of the feedback effects which the mobilisation of these public constituencies may have on the course of European integration. The core aim of the project is to empirically assess the EU’s public constituency (its potential capacity for ‘demos’) by identifying the structure of ‘**public claims-making**’, i.e., the political demands and expectations which citizens and their representatives mobilise on the European Union, across countries, across time, and within Britain. At stake here is the chain of linkages of political communication between political institutions (EU, trans-European, foreign EU, British, regional) and their citizens, as a channel for making political decision-makers **responsible and accountable**, and their decisions **visible** and thereby open to **legitimation** by the public. Such linkages occur through processes where collective actors make political demands in the **public sphere**. When we aggregate the sum of these acts of public claims-making, a pattern emerges about the way in which mobilised political demands link the **different levels of politics** (regional, national, foreign, multi-national, and supra-national). Such trends give important insight into the dynamic transformation processes of politics that have been discussed as the ‘Europeanisation’ of public spheres (Schlesinger 1995, Gerhards 1992). In addition, the **degree, level and type of participation by civil society actors** within this communicated field of politics, for example when compared to the involvement of elites, gives important empirical information on the scale, nature and location of the ‘**democratic deficit**’ (Beetham and Lord 1998).

Our core research questions are:

1. **What is the type, extent and form of the ‘Europeanisation’ of claims-making and public constituency-building that occurs in the British public sphere, and which collective actors are the drivers and carriers of such processes?**

Objective: Map the multi-levelling of public claims-making that links different levels of polity both within and across boundaries, and the share of different types of collective actors (elites, political parties, interest groups, NGOs) in claims-makings over Europe.

2. **What is the location, nature, form and extent of the ‘democratic deficit’ in British politics with respect to Europe?**

Objective: Determine the extent, degree and type of civil society actor participation in public claims-making over Europe.

3. **To what extent are there cross-national differences and similarities in these political processes and emergent trends?**

Objective: Determine and account for patterns of cross-national convergence or divergence in public claims-making over Europe.

4. What is the nature of the relationship between European integration as an institutional form of polity-building and civic participation in politics over Europe in the public sphere?

Objective: Produce an in-depth case study tracing the evolution of a cycle of public claims-making over the Constitution in Britain, first, by systematic comparison with a representative sample of claims-making over other European issues in Britain, and secondly, by cross-national comparison with public debates in other countries.

2. Theoretical and Analytic Approach: Public Sphere and Claims-making

We focus on the public sphere, both as a channel for citizen participation and the expression of citizenship identities, and as an arena in which EU institutions can be held accountable, and where their legitimacy is at stake.¹ From a ‘top-down’ perspective, public debates and political mobilisation can serve as an input in the European policy process in the form of information on the demands, opinions and interests of the citizenry, and may thereby increase the **responsiveness** and **legitimacy** of policies and institutions. From the ‘bottom-up’ viewpoint of the citizenry, information on, and critical evaluation of EU institutions provided by the mass media, interest groups and social movements are crucial to ensuring the **accountability** of policymakers. Moreover, the public sphere offers citizens possibilities for active **participation** in public debates and collective action concerning the EU's policies and institutions, and may thereby serve to strengthen their identifications with Europe.

Our approach is to focus on **visible public opinion** that is produced when **collective actors** make **purposeful political demands**, which are often targeted at **institutional addressees**, and carried by the mass media. Following the social movements and contentious politics tradition (e.g., Tilly 1978, Tarrow 1994), we refer to this collective participatory action as **public claims-making**. We decided against looking at public opinion at the individual level of perceptions and identities of European citizens, because the questions used in surveys such as the Eurobarometer are not of sufficient depth or precise enough to answer our specific research questions. Additionally, survey data gives information only on general aggregated individual opinions and does not relate to collective action and political participation, which is essential for our purpose of studying the active citizenry.

Much previous research on contentious politics has focussed on claims-making by collective actors within the nation-state, both for single country (e.g. Tarrow 1989), and cross-national comparative studies (e.g. Kriesi et al. 1995, Kitschelt 1986). In this study, we propose to look at the extent to which claims-making by different types of collective actors crosses political and geographical boundaries, thus producing a transnationalisation of politics. Such approaches have been successfully applied in the past, e.g. to study the extent of ‘postnational’ claims-making by migrants in Germany

¹ As the seminal work of Habermas (1989) and subsequently others (e.g. Calhoun 1992) has shown, the emergence of the nation-state as the predominant unit of political space superseding formerly important local and regional levels of political organisation was not just a question of institution building from above, or of pre-existing identifications among the citizenry, but depended crucially on the development of a civic public sphere, which increasingly involves citizens in national public debates and collective action.

and Britain (Koopmans and Statham 1999a). We now plan to use this claims-making approach to assess another form of political globalisation, the extent to which there is evidence for a **‘Europeanisation’** of the active public sphere, in response to the EU’s project for a Constitution.

Given the importance of an emergent **European public sphere**, it is not surprising that this topic has been subject to much social scientific debate (e.g., Schlesinger 1995, Kopper 1997). So far, many contributions have been largely speculative, normative and theoretical, due to an absence of sufficient empirical evidence within which to ground them. It is possible to identify basic ‘ideal types’ for the ‘Europeanisation’ of public spheres that are generated by acts of public claims-making: **‘vertical Europeanisation’**, **‘horizontal Europeanisation’**, **‘Europeanisation through national cleavages’** and a **‘supranational public sphere’**.

I. Vertical Europeanisation: This is where the communicative linkages produced by public claims-making occur vertically between national and EU politics. There are two possible types:

- i. ‘bottom-up’ claims-making: national actors make demands on EU institutions, regarding European issues.
- ii. ‘top-down’ claims-making: EU institutions intervene in national politics in the name of EU common interests.

II. Horizontal Europeanisation: Communicative linkages run between EU member states. Here collective actors from one country explicitly refer to actors or policies in another member state regarding European issues.

III. Europeanisation through National Cleavages over Europe: In this instance communicative linkages remain within the boundaries of the nation-state; a collective actor makes a demand on another actor or institution within their own country regarding European issues. Here increasing conflict and contestation over European issues within a country, and the increasing reference to Europe that occurs, is considered as a form of Europeanisation.

IV. A European Supranationalisation: Prospects for a supranational EU public sphere ‘strictu sensu’ may look bleak in the absence of a Europe-wide mass media. However, there may still be evidence for an EU supranationalisation of national public spheres, which is produced, for example, by the interaction between EU institutions and EU-level collective actors around European themes.

Of these possibilities, the vertical and horizontal forms of Europeanisation are the strongest, because their claims-making acts create transnational communicative linkages, by crossing between the nation-state and the supranational level (vertical), or between two or more EU nation states (horizontal). Conversely, national cleavages remain restricted within the boundaries of the nation-state, and supranational forms bounded within Brussels, and are weaker. By aggregating the examples of claims-making, it becomes possible to identify patterns which trace the extent and form to which a public sphere is **‘Europeanised’**. Referring to these basic forms of ‘Europeanisation’, we aim to provide quantitative and qualitative measures, across

different policy domains (Constitution-related compared to others), across time, and across countries, for:

- the degree and forms of (vertical) convergence or divergence between national debates and mobilisation, resulting from a **common European** policy approach;
- the degree and forms of (horizontal) convergence or divergence between national debates and mobilisation, resulting from **cross-national diffusion**;
- the degree and forms of new **cleavages** related to the process of European integration, both within, and between national public spheres;
- the degree and forms of debates in national public spheres which **focus on the European Union**, its institutions and its policies;
- the degree and forms of **supranationalisation** of public spheres.

To arrive at such measures, we will gather different types of content-analytic and interview data, which are deeply integrated through their focus on **claims-making** as the **unit of analysis**.

We define an instance of claims-making (shorthand: a claim) as a unit of strategic action in the public sphere. It consists of the expression of a political opinion or demand by way of verbal or physical action, regardless of what form this expression takes (statement, demonstration, court ruling, etc.), and regardless of the nature of the actor (governments, NGOs, etc.). Claims are broken down into seven elements, for each of which a number of variables are coded:

1. Location of claim in time and space (WHEN and WHERE is the claim made?)
2. Actor making claim (WHO makes the claim?)
3. Form of claim (HOW is the claim inserted in the public sphere?)
4. Addressee of claim (AT WHOM is the claim directed?)
5. Substantive issue of claim (WHAT is the claim about?)
6. Object actor: who would be affected by the claim if it were realised (FOR/AGAINST WHOM?)
7. Justification for claim (WHY should this action be undertaken?)

3. Research Design: Workpackages and Methodology

Workpackage 1: Mediatised Public Claims-making over Europe

Work Description/Method

This workpackage maps the ‘acts’ of communication through which collective actors make demands on political institutions. For empirical data collection we use the **political claim analysis** method (Koopmans and Statham 1999b). It consists of coding the political demands made in acts of claims-making by collective actors which are reported in print media, and measures the publicly visible side of their activities. This method goes beyond traditional media content analysis which focuses on newspaper articles as the unit of analysis, and article-level variables, to investigate the way in which journalists frame the news. Such traditional approaches are overly media-centric for our purposes, and neglect the role of political actors in shaping public discourse. Media professionals contribute to shaping the public sphere, but to do so they have to draw on the raw material of communicative actions that are

produced by non-media actors such as politicians, interest groups, and NGOs. Traditional content analysis on the article-level offers no possibility to map fields of political communication according to the actors and issues, and the relations between them.

The proposed claims-making method was designed, developed and successfully applied as the central core data-source for two large scale cross-national empirical projects, in which the British principal investigator was a project leader.² The two British named co-applicants also have experience and expertise in the application of this methodological tool. Experience shows that this is a labour intensive method which requires highly trained and skilled coders, to produce the linked quantitative and qualitative data-sets that allow the required sophisticated and detailed analysis within a cross-national framework.

To control for bias in the selectivity by newspapers, we take four newspapers as sources of claims: two quality newspapers of record, one left-oriented (The Guardian), and one right-oriented (The Times); one regional newspaper (The Scotsman); and a popular national newspaper catering to a non-elite public (functional equivalent to partners to be determined). Given limited resources and the labour-intensive nature of the type of content coding we employ, we will not be able to code all issues of all newspapers for all years. Therefore when we undertake a pre-test, we shall examine the number of articles with claims-making acts, and then implement a sampling system. The sample will be structured in a way that it is longitudinally representative, because this allows for tracing developments over time. Additional coding may be undertaken for key events relating to the Constitution, e.g. a prospective British referendum. Coding will take place throughout the first 20 months of the project, in which time we shall code four years 2002-2006. For the British case, the likelihood of a referendum during the life time of our project makes it essential that we cover these four years in detail, so that we can trace the interactive and dynamic effects of this process vis à vis claims-making.³

Print media are selected in preference to other communicated mass media, because they allow for retrospective years to be retrieved more easily, cost effectively, and efficiently. Textual sources are also more suited to the detailed type of qualitative frame and discourse analysis methods that will be applied.

For Britain, the newspaper texts will be collected from LexisNexis electronic sources, which are available from the University library. A common coding scheme will be used for each country to ensure systematic comparison. Data will be coded into an

² The MERCI (Mobilisation on Ethnic Relations Citizenship and Immigration) collaboration covers five countries over eight years, the British case was funded by the ESRC and was awarded a 5* Outstanding grade. The Europub.com (<http://europub.wz-berlin.de/> The Transformation of Political Communication and Mobilisation in European Public Spheres) covers seven countries, and was ranked second, receiving one of the highest grading, 97%, by the European Commission's Review of proposals for Framework Five. Europub.com is a forerunner of this proposal and examines general national differences. The proposed project will build on these general understandings of cross-national similarities and differences over time, and across policies, to focus explicitly and in much greater substantive detail on contemporary Constitutionalisation processes and related public sphere dynamics.

³ Even if other countries select reduced samples of years, we shall keep this research strategy in order to cover the British case comprehensively, while at the same time covering the same time-span of our colleagues, to the same level of detail, for cross-national comparative analyses.

Access database which allows for textual input, and analyzed using standard statistical techniques in SPSS.

We have already outlined the key variables for claims-making, however, the retrieved data also retains sufficient qualitative detail for undertaking a frame analysis of European claims. Such analysis will enable us to address the normative questions raised in the common proposal, for example by determining whether Europe is being constructed through reasoning devices which appeal to efficiency, values, or rights. This will contribute to questions regarding the standards of legitimacy which are set for the EU by its public.

The resulting database will allow for charting the fields of political contention (i.e. ideological cleavages and actor alliances), both longitudinally (2002-6) across policy fields, and cross-nationally, for the participating countries.

Outputs

- Codebook and rules for political claims analysis - all pre-tested including inter-coder reliability, within and across teams – (months 1-6)
- Data production and mid-term papers on preliminary findings (months 6-18)
- Completed data-set 2002-6 and final national case reports on political claims analysis and European Constitution study (months 6-30)

Workpackage 2: Networks of Claims-making over Europe

Work Description/Method

This workpackage parallels and supplements that of WP1, by examining the networks of actors in civil society who make communicative efforts to make political demands over Europe. Approximately 100 semi-structured interviews of an hour length will be conducted for the British case, which will allow for detailed comparisons across organisation types, policy fields (Constitution compared to others), and across countries. 60 interviews will be a sample of actors from policy fields not related specifically to European integration or the Constitution. Our final selection of these policy fields will be made partly on the basis of findings from WP1.

A further 40 interviews will be with actors involved in the Constitution consultations and on European integration issues. In each case, functionally equivalent organisations will be selected from six categories of actors – government/administrative; political parties; media; socio-economic interest groups; NGOs; and social movements. The sample will be biased toward interviewing civil society, since we focus on the degree and form of civic participation. Secondary materials, e.g. records of organisations' involvement in political consultation processes, such as Parliamentary committees, will be content-analysed to draw up the list of organisations to be interviewed (in addition to WP1 findings).

Collective actors will be asked about their mobilisation strategies, allies, opponents, and the institutions on which they make demands, as well as on their framing of political claims. A structured coding schedule will be developed and tested, which contains both closed and open questions and will retrieve information that is as close

to that of WP1 as possible. Thus numeric and qualitative data will be coded from the interviews. Numeric coding is important because we want to analyse the data using network analysis techniques that will reconstruct patterns of allegiances and relationships in civil society. In addition, the more open-ended prognostic statements about the future paths and possible outcomes of processes of Europeanisation will be open to frame and discourse analysis. The interview schedule will be strictly cross-nationally comparative.

Outputs:

- Interview questionnaires, pre-tested including inter-coder reliability, within and across teams – (months 9-15)
- Coded data-base of interview material and preliminary mid-term papers on preliminary findings (months 12-24)
- Completed data-base of interview material and final national case reports on political mobilisation by collective actors - in multi-organisational fields and on Constitution case (months 12-30)

Workpackage 3: Cross-National Convergence or Divergence

Work Description/Method

This workpackage applies cross-national comparative methods and analysis to the data collected and analysed in WP1 and WP2. This will both deepen understandings of national cases, as well as go to the core of our central question regarding our search for empirical evidence for a ‘demos’ within the European Union. In addition to a comparison of findings at the general and representative level of claims-making, we shall also undertake an in-depth comparative analysis of our cases of claims-making over the European Constitutionalisation process. Each country team will bring their different interdisciplinary skills and national understandings in the attempt to make a significant collaborative contribution to the advancement of theory and analysis in this field. In addition to providing these grounded studies, each team will supply their national expertise to providing information for the fourth workpackage of the common proposal, which has the normative theoretical aim of addressing the standards of legitimacy for the EU, and will be undertaken by the project coordinator.

Our findings will be translated from academic outputs into prospective and policy relevant statements that will be disseminated through press releases and the holding of an international Conference.

Outputs:

- Integrated cross-national report on findings of political claims analysis (months 18-36)
- Cross-national integrated report on political mobilisation of collective actors-networks and claims in multi-organisational field (months 18-36)
- Dissemination activities at national and international level (month 36)

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Annex II: Summary of Approach, Methods and Outputs

Workpackage	Data	Data sources	Methods	Outputs
1. Mediatized Public Claims-Making over Europe	<p>Claims-Making: public acts and political claims made by collective actors on European issues generally, and regarding the European Constitution specifically</p> <p>a) nationally 2002-2006</p> <p>b) cross-nationally: UK, D, NL, DK, NO, ES</p>	<p>Coded from newspaper reports:</p> <p>a) longitudinal sample for UK 2002-2006 from online Lexis-Nexis database: sample to include 2 quality newspapers (Guardian, Times), 1 regional newspaper (The Scotsman), one popular tabloid.</p> <p>b) cross-national sample 2002-2006: 4 newspapers per country</p>	<p>Claims-making analysis: coding of key variables: actor types; action forms; size, target and intensity of protest, where present; addressee of claims; substantive content of claims; frames.</p>	<p>a) Codebook and rules for political claims analysis</p> <p>b) National dataset on claims-making: gives information on ideological cleavages, actor positions and alliances, across time and issues</p> <p>c) Six-country comparative dataset 2002-present: gives information on patterns of European convergence and divergence</p> <p>d) Mid-term papers on preliminary findings</p> <p>e) Final national case reports on political claims analysis and European Constitution study</p>
2. Claims-Making over Europe in Civil Society	<p>Systematic coded information on collective actors' claims-making acts, across different selected policy fields on European issues and Constitution</p>	<p>100 semi-structured hour-long interviews with government/administrative elites, political parties, interest groups, NGOs and social movements. 40 interviews with actors involved in the Constitution/European integration; 60 with actors from other policy fields. Content analysis of actors' publications</p>	<p>Analysis of claims-making strategies of collective actors using variables that are similarly constructed to WP1, plus network analysis of alliances, catnets, etc.</p>	<p>a) Interview questionnaires, tested within and across teams</p> <p>b) Coded database of interview material</p> <p>c) Mid-term papers on preliminary findings</p> <p>d) Final national case reports on political mobilisation strategies of collective actors</p>

<p>3. Convergence or Divergence in National Experiences of Claims-Making over Europe</p>	<p>Cross-national analytic methods applied to WP1/2 data, 6 countries</p> <p>a) cross-national comparison of all claims-making on European issues</p> <p>b) in-depth crossnational study of claims-making regarding the European Constitution</p>	<p>Cross-national data generated for WP1 and WP2:</p> <p>a) 6-country sample of claims-making, 2002-present</p> <p>b) 6-country sample of systematic coded information on collective actors' claims-making acts</p>	<p>Cross-national comparative analysis of data from WP1 and WP2, resulting in:</p> <p>a) writing and publication of cross-national reports</p> <p>b) dissemination of findings to policymakers, practitioners and the academic community at national and international levels</p>	<p>a) Integrated cross-national report on findings of political claims analysis</p> <p>b) Cross-national integrated report on political mobilisation of collective actors</p> <p>c) Dissemination activities at national and international levels</p>
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