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**Mediated debates about the EU and ratification of the European  
Constitution in the British Public Sphere**

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**Abstract**

In recent years the legitimacy of the EU has been subject to increasing criticism from politicians, the media, and academics, and the EU has been accused of suffering from a democratic deficit. In part, the EU's attempt to formalise its status through the creation of a Constitutional Treaty was designed to address these difficulties and endeavoured to bring the EU closer to its citizens by engaging with civil society. Scholars have identified the national mass media as the principal location of political communication about the EU and any Europeanisation of the public sphere. Based on the claims making method (Koopmans & Statham, 1999), this paper presents empirical findings on the nature of the debate about ratification of the EU Constitutional Treaty in the British public sphere. A comparative analysis evaluates the similarities and differences in the patterns of communication over ratification in comparison to debates about the EU in Britain more generally. Newspaper coverage of five key events relating to the ratification of the Constitution in 2004/5 is compared to debates over Europe during a longer period 1990-2006. Taking news reports from two broadsheets, one on the left (the Guardian), and one on the right of the political spectrum (the Times), the paper evaluates the visibility of elite vs. civil society actors, the positions of collective actors towards the EU and the Constitution, and the communicative links between actors at different levels (national and EU). The paper looks for evidence of an increase in participatory action by civil society in debates on the Constitution, and on Europe more generally.

## 1.1 Introduction

A central aim of the ESRC/ESF research project 'The Impact of EU 'Constitutionalisation' on Public Claims-making over Europe' is to address the question of the 'democratic deficit'<sup>1</sup>. 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. In recent years, and due to the self-acknowledged need for institutional reform prior to enlargement, the European Union embarked on a new ambitious advance of its integration project by attempting to establish a common Constitution. However, the rejections of the Constitutional Treaty in referenda by citizens of two founder members, France and the Netherlands, marked a watershed, indicating that integration could no longer advance without popular consent. However, the latest attempts to reform the EU along similar lines as were set out in the Constitution without EU wide referenda seem to ignore this, and are likely to be seen by critics as a further reason to claim that the EU lacks legitimacy. For example, the Director of the sceptical campaign organisation 'Open Europe' recently stated in a letter to the Guardian: "The EU needs reform, not even more powers. Indeed, the process leading to the European Constitution was launched in 2001 in the hope of "bringing Europe closer to its citizens". An attempt to smuggle the rejected Constitution past the public by denying them a vote, which you (the Guardian) seem to endorse, would be a truly pitiful end to the project" (Guardian, 27/06/07).

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 in 2004 the British Government adopted a referendum strategy to avert claims of unaccountable, illegitimate, and unpopular decision-making. This sparked a new phase of contentious politics, between political parties, opposed campaign groups, and in the press, over the issue. More generally, the draft Treaty placed the question of the relationship of the emerging European polity to its social constituency

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(‘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 represented a unique opportunity for us to empirically test whether and to what extent a new Constitution evolved alongside a participatory European citizenry. In particular, it enabled us to contribute much needed empirically grounded insight into the discussions of ‘British exceptionalism’ with respect to the EU (Geddes, 2003).

In comparison to the growing amount of empirical research on the impact of European integration on national institutional politics and policymaking (Boerzel, 2002; Dyson & Goetz, 2002), there has been relatively little on ‘Europeanisation’ with respect to civil society and the public sphere (for an exception, see (Imig & 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 our research 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 time, and within Britain. At stake here is the chain of linkages of political communication between political institutions (supranational EU, foreign EU, domestic national) 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 (supranational EU, foreign EU, domestic national). Such trends give important insight into the dynamic transformation processes of politics that have been discussed as the ‘Europeanisation’ of public spheres (Gerhards, 1992; Schlesinger, 1995). 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 & Lord, 1998).

## **1.2 Research design**

We address one of the key questions of the project: 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?

This question is explored through a comparison of the nature of active debates in the British public sphere in relation to two periods of European integration: 1) debates and issues relating to core competences of the EU and its development since 1990, and 2) the specific efforts of the EU to ratify a Constitutional Treaty. Our comparison of a longitudinal, ‘normal’ period of debate over EU issues (1990-2006) with the period surrounding ratification of the Constitutional Treaty (2004-05) allows us to gauge the reaction of political actors to the EU’s attempts to create a Constitution.

Given the expectations for the constitution building exercise to bring Europe closer to its citizens, and to address the democratic deficit, the analysis assesses whether there are any differences in the way that the issue is mobilised and communicated in the public sphere.

The comparison is presented in three stages. First, we assess the extent of 'Europeanised' claims-making that has occurred in the public sphere on constitutional issues. Here we establish the salience of claims relating directly to constitutional issues within the wider sphere of claims on EU issues. This includes an overview of the specific Constitution related issues that were most salient. Second, the type and form of the 'Europeanisation' of claims-making is examined through an assessment of the commutative linkages across and between borders created by debates over Europe in both periods. The third and largest part of the analysis looks in detail at the types of actors publicly involved in debates over Europe. In particular, we look for evidence of an increase in participatory action by civil society in debates on the Constitution in comparison to debates about the EU more generally. Here we address two paths for linking citizens to institutional politics: civil society engagement and political party representation. The first comparison allows us to examine how civil society actors responded to the period of ratification and to empirically assess whether civil society became engaged in claims-making to a greater degree than during normal periods. Secondly, we examine how political parties represent Constitutional issues to citizens. Here we assess whether the cleavages between political parties that exist in the UK on the issue of Europe are replicated in their approach to the Constitution.

### **1.3 Method: Political Claims-making Analysis**

Political claims-making analysis is an established approach for examining the public dimension of politics from newspaper sources (Koopmans & Statham, 1999; Koopmans, Statham, Giugni, & Passy, 2005). Following 'protest event' analysis (Rucht, Koopmans, & Neidhardt, 1998), the unit of analysis is not an article, but an individual act of claims-making. In contrast to media content analyses which often study journalists' representations of actors and events, claims-making analysis takes news as a 'source' for claims-making by reported 'third-party' actors. Claims analysis sees reported news as a record of public events, and retrieves information on this aspect. By making claims, collective actors strategically attempt to make their political demands appear more publicly rational and legitimate than those of their opponents, thereby potentially opening up policy decisions to wider deliberation processes. A political claims-making act is a strategic action in the public sphere. It consists of intentional and public speech acts which articulate political demands, calls to action, proposals and criticisms, which, actually or potentially, affect the interests or integrity of claimants and/or other collective actors in a political issue field.

We are fully aware that newspaper coverage is not an undistorted and complete mirror of reality. From the multitude of claims made on a daily basis by a variety of groups in liberal democracies, only a few are actually reported in the media. However it is precisely this publicly visible aspect of claims-making that is of interest, such claims have the potential to impact on public perceptions or on policy-making. Since our focus is on the public debates about European integration and the Constitution that are available to citizens through the mass media, claims-making that does not mobilise any media attention may be considered invisible, and incapable of having any public

impact. Our explicit aim is to explain the pattern of those claims that actually reach the mass media and which have the opportunity to become part of the processes of public debate and policy deliberation. Claims-making provides information on the actors who drive and carry the project of European integration, the nature of the relationships between such actors, and gives an overall birds-eye 'view' of the politics over European integration that is made open and visible to citizens in a national public domain (Statham, 2005).

An awareness of the nature of mediated debates over European issues makes a valuable contribution to understanding the relationship between Europe and its citizens. Few EU citizens have direct personal experience with EU institutions and, for this reason, it is widely argued that the public rely on the media to guide their opinion about the EU to a greater extent than opinion about national politics (Gavin, 2000). Indeed, citizens regularly report that they depend on the mass media as their main source of political information about the EU in Eurobarometer surveys. For example, 66% of respondents across all member states said they used television and 42% said they used the press to find out about the EU (Eurobarometer, 2005). Further, given that a transnational media has yet to emerge (Schlesinger, 1999), the national mass media are seen as the principal location of political communication about the EU and any Europeanisation of the public sphere (Gerhards, 1993, 2000). In the case of the Constitution, newspaper representations of politics over the Treaty has an additional relevance when we consider that it is recognised that citizens may require a greater amount of information about an issue, and for material to be framed in a more deliberative way, during a referendum than during an election. The style of information needed to aid the electorate's decision on a particular issue is dependent on the status of four characteristics of a debate: whether the issue has been the subject of sustained debate; whether voters have standing opinions on the issue; the complexity of the issue; and the nature of elite disagreement on the issue (Jenkins & Mendelsohn, 2001). Assessing European issues, and the Constitution in particular, in relation to these elements it seems clear that newspaper reporting of publicly voiced claims in the run up to referenda are important.

The claims method codes a wide range of actors including civil society groups, such as employers, trade unions and non-governmental organisations (NGOs), and state actors, such as courts, legislatures, governments and supranational institutions. To give an idea of the type of information coded, claims-making acts are broken down into seven elements, for each of which a number of detailed 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) Substantive issue of claim (WHAT is the claim about?)
- 5) Addressee of claim (AT WHOM is the claim directed?)
- 6) Justification for claim (WHY should this action be undertaken?)
- 7) Constituency actor: who would be affected by the claim if it were realised (FOR/AGAINST WHOM?)

In a simple form: at a time and place (1) an event occurs, where an actor (2) mobilises a speech act (3) that raises a claim about an issue (4) which addresses another actor (5) calling for a response, on the basis of a justifying argumentation (6). The claim is made with reference to a public constituency, whose interests are affected (7). The method was developed with the specific aim of mapping the field of political contention over European integration for the EU Framework Five project ‘The Transformation of Political Communication and Mobilisation in European Public Spheres’ (Europub.com) (Koopmans, 2002). The ESRC/ESF ‘Constitution’ project built upon the Europub.com coding scheme to focus on the Constitutional process. The main changes included the design of an extra set of variables to code the substantive issue of claims about the Constitution, and an additional set of justification variables<sup>2</sup>.

## 1.4 Samples

In this paper we present a comparison of claims-making during two sample periods drawn from two national British newspapers: one broadsheet on the right (the Times) and one broadsheet on the left (the Guardian). The Lexis Nexis database was used to select all articles (with the exception of business news and editorials) containing relevant acts, and was not limited to articles containing keywords. Relevant claims were then coded using a standardised codebook. Data for the first sample is taken from nine years 1990, 1995, 2000-2006 and called is the *European sample*. We coded all claims in the field of European integration, and all claims with a European issue scope in three strategically selected policy fields: two where EU competences have extended furthest (monetary politics and agriculture), and one where competences are intermediary (immigration politics)<sup>3</sup>. In total we selected a sample from 52 days for 1990 and 1995, and 104 days for 2000-2006<sup>4</sup>. This produced a total of 2261 claims.

Data for the second sample, called the *ratification sample*, is taken from four five week periods in 2004 and 2005 during which debates relating to seven ratification events occurred. These seven events were: 1) the announcement of the decision to hold a referendum in the UK (April 2004), 2) the signature of Constitutional Treaty by European heads of government in Rome (29 October 2004), 3) the Spanish referendum (20 February 2005), 4) and 5) the French and Dutch referendums (29 May and 1 June 2005), 6) ratification by the German government (12 May 2005) and 7) the subsequent ratification by parliament (27 May 2005). Newspaper coverage of each debate was taken everyday excluding Sundays for the two-week period preceding and the three-week period following the key event<sup>5</sup>. All acts which had the European Constitution as the main issue were coded, even if they related to Constitution/Convention issues other than the specific ratification debate under consideration. For example, if there was claim on German reactions to the

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<sup>2</sup> The object actor (constituency actor) variable was not included in the modified scheme.

<sup>3</sup> See (Koopmans, 2002) for further details.

<sup>4</sup> The opportunities for claims were overrepresented for the most recent years of our data-set, compared to 1990 and 1995, by a ratio of 2:1. As our main approach for this paper is comparative, we have not adjusted the tables to account for this bias, but this should nonetheless be borne in mind.

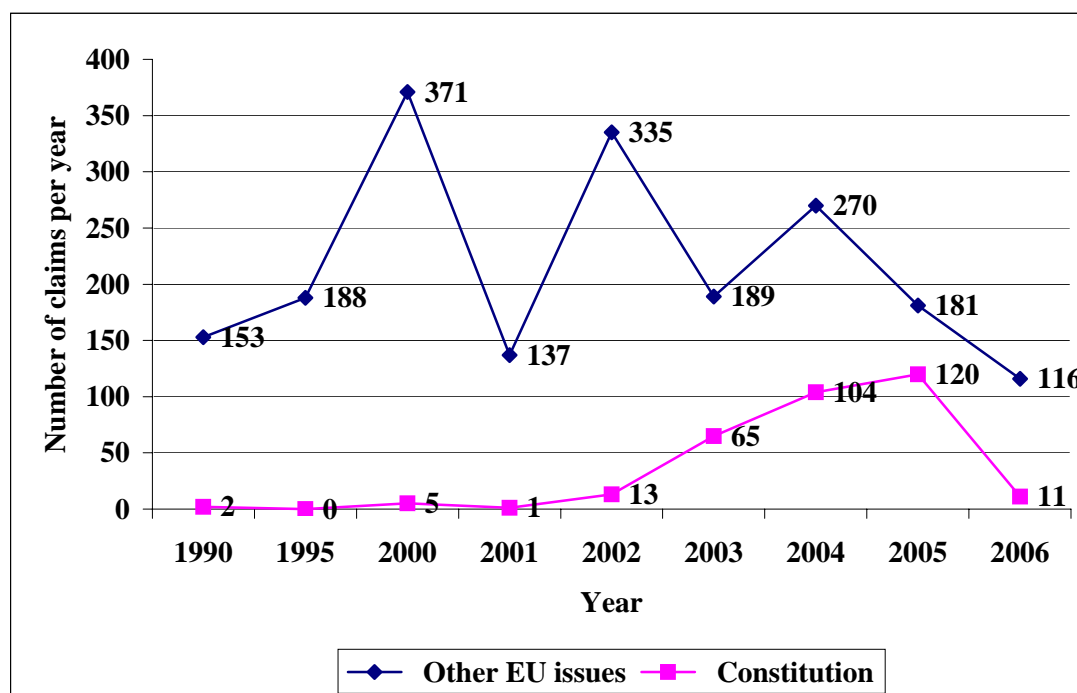
<sup>5</sup> We collected articles from each newspaper every other day during the 5 week period. For example, Monday the Guardian, Tuesday the Times, Wednesday the Guardian etc. This strategy allowed us to collect claims from everyday without double coding claims reported in both newspapers on the same day. The 4 periods were: 05/04/04-15/05/04, 19/10/04-20/11/04, 07/02/05-12/03/04, 03/05/05-18/06/05.

Constitution in the period covering the Spanish referendum debates, that claim was included. This produced a total of 460 claims.

## 2.1 Salience of claims about the EU

In this first section we look at the salience of claims-making on constitutional issues over time in order to give some contextual background to debates over ratification. Figure 1 below shows the salience of constitutional issues in claims over European integration across sixteen years 1990-2006. For the European sample we coded whether the issue of the claim referred to the Constitution building efforts of the EU (yes/no). The graph shows the number of claims per year relating to the Constitution plotted on the bottom line and the number of claims about EU issues other than the Constitution on the top line. The graph indicates that there were very few claims relating to the Constitution until 2003 when the Convention entered its final phase and there was an Intergovernmental Conference later in the year. Constitutional issues were most salient in 2004/05 when the events selected as the focus for the Ratification sample occurred.

**Figure 1: Claims on European issues and on Constitutional issues 1990, 1995, 2000-2006**



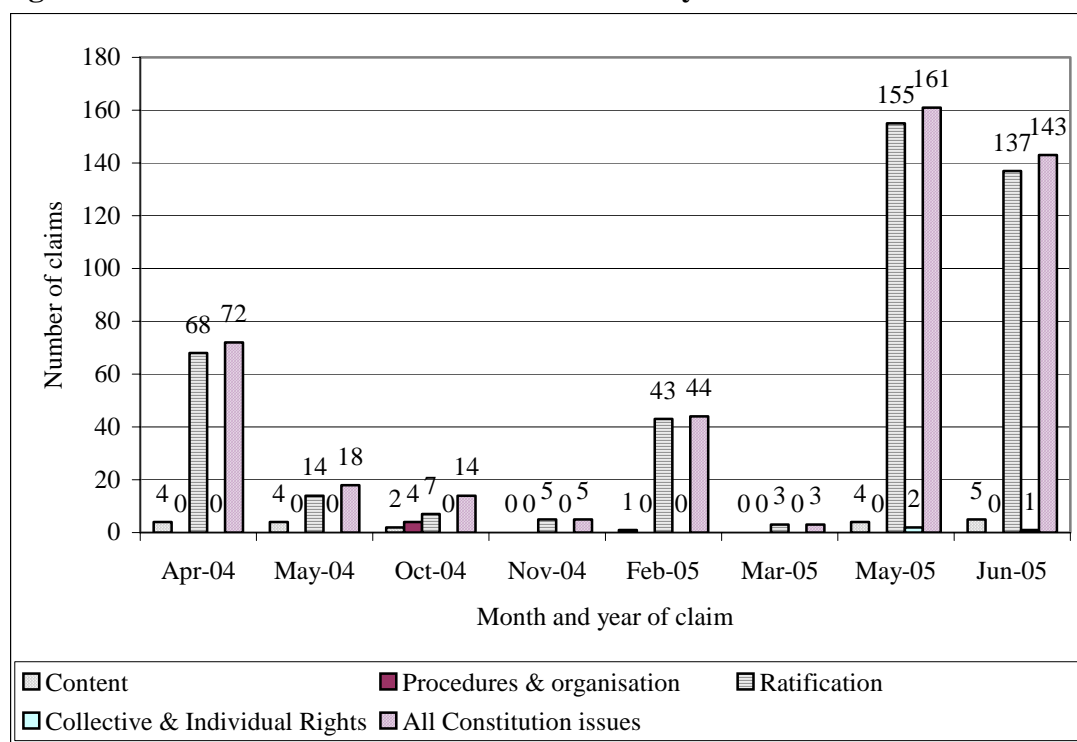
For the Ratification sample claims were coded as having one of twenty-six Constitution specific issues as their main topic. These issues were grouped into four overall categories relating to the Constitution: 1) issues referring to the content of the Treaty, 2) issues referring to procedures/organisation of Constitution, 3) issues relating to ratifying the Constitution, and 4) issues relating to collective and individual ‘rights, duties, obligations, belonging’ and the Constitution. Figure 2 shows the distribution of claims per month in the Ratification sample in these four issue

categories. The final column in each month shows the total number of claims made on the Constitution for all issues. For example, in April 2004 there were a total of seventy-two claims about the Constitution. Four of these related to the content of the Constitution, no claims were made on the procedures and organisation, sixty-eight were made in relation to ratification, and no claims were made about collective and individual rights.

The graph in Figure 2 illustrates that the British debate was almost entirely focussed on issues relating to ratification of the Treaty. These included the dynamics of voting campaigns, decisions to ratify/hold referenda on the Treaty, the outcome of referenda, the impact of ratification for specific countries/the EU/the Constitution process. Other issues such as the content of the Treaty, the procedure of the Constitution/Convention, or the impacts of the Treaty on collective and individual rights are hardly visible in the British media. The focus on ratification began in April 2004 with discussions of the impact of holding/not holding a referendum in the UK, and the potential consequences of a British 'No' vote for the UK, the future of an EU Constitution and European integration. There were also a significant number of claims during this time about the dynamics of potential voting campaigns in Britain and speculation relating to public opinion towards the Treaty. In addition, newspapers reported claims from French politicians about the decision to put the Constitution to a referendum in France. The procedural topic of the signature of the Treaty by Heads of State in Rome later in October gained very little salience, and indeed the whole issue of the Constitution was not very salient in comparison to other periods. The majority of the claims made in October/November related to ratification and included criticisms of the government's lack of determination in 'selling' the Constitution, with some critics claiming that the government should be doing more to counter the claims of Euro-sceptics. A large proportion of the claims made in relation to ratification in February 2005 related to the dynamics of the Spanish referendum campaign, public opinion in Spain, and the outcome of the Spanish referendum. British state actors made several other claims concerning the potential implications of a 'No' vote in Britain.

The jump in the coverage of claims during May and June 2005 relates to four specific ratification issues and events in Germany, Holland, and France: the dynamics of voting campaigns (e.g. the performance of politicians and the role of media in representing the issue), ratification and public opinion (e.g. speculation that the French public might use the referendum to voice their discontentment with the government, speculation about which way the Dutch public will vote), the impact on/implications of ratifying the Constitution for a specific country (e.g. France's relationship with the EU if it votes no), and the impact on/implications of ratification for the constitution process/building a constitution (e.g. a No vote in Holland would signal the end of the Constitution process). Over 50% of claims made during this period related to the French referendum and far less visibility was given to the German ratification in Parliament (3.1%) and the Dutch referendum (8.1%). In fact, more attention was given to the impact of the 'No' votes on the Constitution process and the future of the European integration project more generally (17.4%) and to the consequences of the 'No' votes on the prospect for a referendum in the UK (12.4%) than to the Dutch and German outcomes.

**Figure 2: Claims on Constitutional issues shown by issue and month**



## 2.2 Patterns of claims-making and communicative linkages

This section compares to what extent, and how, the political claims mobilised by collective actors communicatively link across the different levels of polities (supranational EU, foreign national EU, domestic national). Claims-making acts may communicatively link different political levels (EU supranational, EU foreign, national domestic) and different types of actors (e.g. elites/civil society; left/right political parties) and express different purposeful views on European integration (pro-/anti-). A prime concern is the extent to which claims link actors beyond the geopolitical boundaries of a nation-state, or not. Claims-making acts which link different levels of polities are important carriers of Europeanisation processes in national public spheres. With regard to links across different levels of polity, hypothetically a claims-making act may construct a *vertical* relationship between the domestic nation-state and the supranational European institutions. For example, when a Prime Minister, President or pressure group makes a ‘bottom-up’ demand on EU institutions with respect to a concern about policy, or alternatively, when a European institution demands ‘top-

down' that a national government changes its policy with respect to a European issue. Second, a claims-making act may constitute a *horizontal* relationship between actors within different EU member states, for example, when the French government criticises the British for their lack of commitment to the European Constitution. Another form of claims-making remains *national*, comprising those demands about Europe which are between national actors and remain within the boundaries of the nation-state. Here for example, the British Conservative Party may criticise the Labour Party over its pro-European stance.

By aggregating the different types of claims-making, it becomes possible to see the similarities and differences between political communication over European integration and the specific issue of the Constitution. We now map and compare the *communicative links*, both within and between different polities, which are produced by claims-making during the two sample periods. If we take the three basic levels of a polity (supranational EU, foreign national EU, domestic national) and state that a claims-maker, or the addressee of a claim, is an actor who may belong to one of these three polities, then logically, there are nine possible relationships between claims-makers and addressees which are shown in Figure 3 below.

**Figure 3: Possible types of political communication in claims-making acts over issues of European integration in national public spheres**

	<b>British National Domestic Addressee</b>	<b>Foreign National Addressee from other EU country</b>	<b>EU/EEC Supranational addressee</b>
<b>British National Domestic Claims-maker</b>	(a) National claims-making over Europe  (domestic actors target domestic actors)	(c) Horizontal claims-making on foreign EU actors (domestic actors target actors from other EU states)	(e) Bottom-up vertical claims-making on EU/EEC  (domestic actors target EU)
<b>Foreign National Claims-maker from other EU country</b>	(b) Horizontal claims-making by foreign EU actors  (actors from other EU states target domestic actors)	(f) <i>'External' transnational horizontal claims-making between actors from foreign EU states in domestic national public sphere</i>	(h) <i>'External' bottom up claims-making on EU/EEC actors in national domestic public sphere</i>
<b>EU/EEC Supranational Claims-maker</b>	(d) Top-down vertical claims-making by EU/EEC  (EU actors target domestic actors)	(g) <i>'External' top-down claims-making by EU/EEC on actors from foreign EU states in domestic national public sphere</i>	(i) <i>'External' supranational claims-making between EU/EEC in domestic national public sphere</i>

Each of the nine relationships is produced by a claims-making act which links the polities through communication. There are five claims-making relationships in which national domestic actors are actively engaged as claims-makers or addressees ((a), (b), (c), (d), (e)). Such types of claims-making can be expected to have a more *active* transformative impact as carriers of Europeanisation trends on the domestic national public sphere, because they purposefully engage national domestic actors into communicative political relationships over Europe. Conversely, the four ‘external’ types of claims-making (cells in italics – f, g, h, i) represent the reporting in the public sphere of the supranational and transnational interactions of ‘outsiders’, i.e., foreign national EU and supranational actors. Such cases are more *passive* in that they do not engage national actors, but simply report on and render visible the communication of these ‘outsiders’ over European integration to national publics.

The five possible types of more ‘active’ claims-making in which national actors can contribute to the Europeanisation of civil society and the public sphere operate in the following ways:

(a) *National claims-making over Europe* – National actors mobilise demands over European issues on other national actors. This is evidence for ‘internalised’ national political debates over European issues, including contestation, as a form of Europeanisation.

(b) *Horizontal claims-making by foreign actors from European member states on domestic actors* – Actors from other EU member states enter national domestic politics demanding responses over European issues from national domestic actors. This contributes to Europeanisation by linking the national politics of two or more EU states.

(c) *Horizontal claims-making by national actors on other EU member states* – This is the reverse of (b). Demands are mobilised by national actors on actors from other EU member states over European issues. These horizontal types of claims-making ((b) and (c)) depict a Europe of nation states whose politics are being more closely communicatively interwoven with one another by conflict over, or collaboration in, European integration.

(d) *Top-down vertical claims-making by EU institutions on national actors* – Supranational European political institutions are the driving force behind Europeanisation by calling for a political response from national domestic actors over issues of European integration. This creates a top-down vertical Europeanising relationship from the supranational to the national domestic polity.

(e) *Bottom-up vertical claims-making by national domestic actors on EU institutions* – This is the reverse of (d), where claims-making by national actors calls on EU supranational institutions to respond to demands.

### **2.2.1 Communicative linkages and the Constitution**

Moving on to our findings, Tables 1a and 1b show the distribution of claims-making relationships between three different levels of polities for the two samples. These

figures include only cases where there was both a claims-maker and an addressee, as this constitutes an actor relationship. In addition to the share of each claims-making type (shown as a percentage), we show a score for ‘position’ over European integration which ranges from -1 to +1. A -1 score is attributed to a claim against a deepening of the European integration process, or which implies restrictions in the rights and position of European institutions and regulations (or a rejection of extensions). Conversely, +1 is for a claim in favour of deepening European integration, or for the extension of the rights and positions of European institutions and regulations (or a rejection of restrictions). Thirdly, a 0 score indicates neutral or ambivalent claims. The position score is reached by aggregating the position scores of all claims of that type and then calculating a mean. By comparing the mean positions of different claims-making types, we are able to show a first qualitative indicator for whether specific types of claims-making are generally in favour of, or against, European integration.

**Table 1a: Share and position of Types of Political Communication over Europe 1990, 1995, 2000-2006**

	<b>British National Addressee</b>	<b>Foreign national EU Addressee</b>	<b>European Supranational (EU) Addressee</b>	<b>All Addressees</b>
	Share (%) Position	Share (%) Position	Share (%) Position	Share (%) Position
<b>British National Claims-maker</b>	(a) 32.6 0.06	(c) 1.4 -0.17	(e) 17.0 -0.08	50.9 0.01
<b>Foreign national EU Claims-maker</b>	(b) 3.0 0.31	(f) 7.4 0.30	(h) 13.5 0.28	24.0 0.29
<b>European Supranational (EU) Claims-maker</b>	(d) 5.8 0.34	(g) 2.2 0.00	(i) 17.1 0.29	25.1 0.28
<b>All claims-makers</b>	41.4 0.12	11.0 0.18	47.6 0.16	100.0 0.14
<b>N</b>	356	95	409	860

\* Position score only given if n>5, otherwise N/A

**Table 1b: Share and position of Types of Political Communication over EU Constitutional issues during 5 ratification periods in 2004 and 2005**

	<b>British National Addressee</b>	<b>Foreign national EU Addressee</b>	<b>European Supranational (EU) Addressee</b>	<b>All Addressees</b>
	Share (%) Position	Share (%) Position	Share (%) Position	Share (%) Position
<b>British National Claims-maker</b>	(a) 23.9 0.21	(c) 2.6 n/a	(e) 7.7 -0.11	34.2 0.15
<b>Foreign national EU Claims-maker</b>	(b) 0.9 n/a	(f) 43.6 0.27	(h) 10.3 0.33	54.7 0.30
<b>European Supranational (EU) Claims-maker</b>	(d) 1.7 n/a	(g) 5.1 0.67	(i) 4.3 n/a	11.1 0.54
<b>All claims-makers</b>	26.5 0.26	51.3 0.32	22.2 0.19	100.0 0.27
<b>N</b>	26	31	60	117

\* Position score only given if n>5, otherwise N/A

The main difference between general claims making on Europe and that during the ratification period is that the main communication about the Constitution occurred within and/or between national actors in national public spheres outside of the UK (f). Claims directed by foreign EU nationals at other foreign EU nationals were six times higher in the Ratification period (43.6%) than in the European sample (7.4%). This simply reflects the reporting by British newspapers of the internalised debates surrounding parliamentary ratification and referendums within other member states (FR, DE, ES, NL). These claims predominantly related to statements by politicians canvassing support for the Treaty among their citizens, or giving critical comments about national campaigns following the ‘No’ votes. Such claims-making relationships rarely involved any horizontal communication between actors from different countries. There was no change in the overall positive in stance of foreign national EU actors between Europe in general (0.30) and the Constitution (0.27). For example, prior to the French referendum the French President made a direct appeal to French citizens to say ‘Yes’ and claimed, “the Constitution is our defence against liberalism” (18/05/05, Times). Further, the President was supported by a claim from Johnny Hallyday, a French rock star, who said “we French cannot stay outside Europe” whilst at a ceremony at the Elyse Palace for European celebrities (03/05/05, Times). British newspapers also reported a claim by the German Chancellor who told German voters that although the Constitution did not “fulfil all hopes” it is a “very good and fair compromise”, and acceptance by Parliament would be an historic way of ensuring peace and democracy in Europe sixty years after WWII (12/02/05, Guardian).

British national actors were overall less engaged in debates over the Constitution than in debates over EU issues in the European sample. While newspapers reported the claims of foreign national actors regarding the Treaty, British claims-makers did not enter into debates with actors in France, Germany, Holland or Spain. Horizontal claims-making between British national actors and other national actors in EU member states was low in each period (1.4% and 2.6% respectively). This supports previous findings, which show that despite the intergovernmental nature of much EU politics, and particularly the Constitutional Treaty, there is little evidence for an increase in transnational political communication about European issues (Statham, 2007: 120). Furthermore, while internalised debate and competition between national actors have been defining characteristics of Britain's communication over European issues for the last fifteen years (see cell a, Table 1a and (Statham & Gray, 2005)), the Constitution was not a topic that involved national actors to the same extent. Internal national claims making between British actors was at a lower level in the Ratification sample (23.9%) than in the European sample (32.6%). Indeed, British actors were much less active on the topic of ratification (all British claims – 34.2%) in comparison to their usual level of engagement in European issues (all British claims – 50.9%). In addition to addressing fewer demands towards other foreign national EU actors, even fewer 'bottom up' claims from British claims-makers to the EU were made regarding the Constitution (7.7%) than on European issues (17%). When they did occur, such claims mainly related to the prospect for the continuation of the constitution building exercise following the rejection of the Treaty by France and Holland and were overall critical of the EU (-0.11). For example: Lord Lamont of Lerwick, former Conservative Chancellor of the Exchequer, addressed EU institutions saying "Europe needs to be completely rethought - is it really necessary? The powers of the Commission should be drastically reduced, and the single market completed" (03/06/05, Times).

The involvement of British actors in internal national exchanges where they addressed claims at other national actors over the Constitution was limited to two issues, both of which focussed on the procedural process of Britain's involvement in the Constitution. The majority of claims were addressed in relation to the government's initial decision to hold a referendum, and the rest related to the consequences of the 'No' votes in other countries, the most of which questioned whether the UK referendum should be cancelled. This internalised debate was less negative (0.21) than communication over the EU more generally (0.06), due to the focus on questions of procedure rather than the substance of Britain's relationship with the EU or the content of the Treaty. In calling for the government to put the question of the Constitution to a referendum vote neither civil society actors or state actors were overtly negative about the EU. Rather the contention related to the interplay between the actions of the government and the opinions of the opposition. For example, the opposition leader Michael Howard claimed: "if the government is really planning a u-turn we welcome that, we have persistently called for a referendum. However, the government must not play games with the question or the timing" (18/04/04, Guardian). Similarly, Michael McManus, Political Director of Vote 2004, the non-partisan campaign for a referendum on the Constitution, demanded that the government announce a referendum and claimed, "people want a chance to decide on the Constitution, that's what the government should give them, and the referendum should be on the Constitution not the UK's membership of the EU" (16/04/04, Times). Following the French 'No' vote, Liam Fox, UK Shadow Foreign Secretary, called on the government to "immediately declare the Treaty dead or call a referendum" (30/05/05, Times).

Top down ‘vertical’ communications from the EU to British or foreign national actors were limited in their visibility during both the ratification (6.8%) and European periods of coverage (8%). Unsurprisingly, supranational EU actors shifted their claims-making towards those countries where referendums were taking place during the Ratification period and directed more claims at foreign EU actors (5.1%) than British actors (1.7%). For example, in the run-up to an EU summit, Valéry Giscard d'Estaing, President of the EU Convention, blamed the French President, Jacques Chirac for bungling the referendum campaign, arguing “France has reinforced its negative image in Europe as an arrogant, untrustworthy country” (14/06/05, Times). In the context of this more targeted claims-making, and the decrease in British claims-making aimed at EU actors, British citizens were given relatively few opportunities to see the EU as an a powerful institutional actor. They were neither visible as an initiator of political demands on national actors or as a set of institutions to which the national government has strong upward links. Further, the significant lessening in the external claims made between EU claims-makers and EU addresses from 17.1% to 4.3% considerably reduced the overall visibility of EU institutions in the British public sphere. This points to a continuation of the existence of a ‘democratic deficit’ where the EU does not appear as a key driver of the process of Europeanisation, even in the case of Constitution building.

Of the five possible communicative relationships shown in Figure 3, horizontal and vertical claims-making carry forms of Europeanised communication which create links between the domestic nation-state, and states beyond national borders transnationally (b) and (c), and the EU supranational institutions (d) and (e), respectively. Such forms of communication across borders and levels of politics can be considered a more purely *open* variant of Europeanised communication. In such cases, the national public sphere visibly carries direct supranational and transnational interactions between actors across EU, foreign member-state, and national domestic politics. The comparison with debates over Europe more generally has demonstrated that these open types of claims-making relationships were even less visible in the public sphere during debates over the Constitution and showed British actors engaging less directly with the EU. By comparison, national claims-making over Europe (a) is a more *closed* variant, where Europe becomes a topic for politics between actors only within the national domestic framework, and without carrying any direct transnational or supranational communicative links. National claims making over Europe among actors in other countries (f) can be considered as an even more closed variant, where no communicative links occur between the nation state in which the claim is reported and other countries. Since this type of claims making is passive (between two EU member states) and does not engage national actors in the debate our data show that participatory action over the EU actually decreased in the UK during the ratification period.

### **2.3 Patterns of claims-making: the participatory nature of debates over the future of the EU**

We now explore the extent to which collective actors from civil society engaged in debates over the Constitution in comparison to ‘normal’ debates over Europe. Next we unpack the internal characteristics of debates over the Constitution by looking in

detail at the types of British actors making demands, and the contents of those demands.

### 2.3.1 State and civil society cleavages in the British public sphere

Table 2 shows the share of state/political party and civil society actors in claims-making during the two samples, and gives the positions taken by actors. The table includes claims-making acts with and without addressees and therefore shows the full sample of claims coded in each sample. Actors are grouped into five geographical scopes and split by two actor types (state and civil society) in each scope. The aggregate shares for all scopes of actors (including the very small number of unclassifiable actors) are shown in bold in the five bottom rows.

**Table 2: Share and position of claims-making over Europe by actor type and scope**

		European sample 1990, 1995, 2000- 2006		Ratification sample 2004-05	
		Share (%)	Position	Share (%)	Position
<b>Supranational (non-EU)</b>	State and Political Party Actors	1.0	0.00	0.0	n/a
	Civil Society Actors	1.8	0.00	1.1	n/a
	N	64		5	
<b>Supranational EU</b>	State and Political Party Actors	25.2	0.27	16.3	0.43
	Civil Society Actors	0.6	0.15	0.0	n/a
	N	582		75	
<b>Foreign national EU</b>	State and Political Party Actors	17.9	0.25	36.7	0.20
	Civil Society Actors	4.2	0.02	12.4	0.05
	N	501		230	
<b>Foreign National (non- EU)</b>	State and Political Party Actors	6.0	0.24	0.0	n/a
	Civil Society Actors	1.6	0.14	0.0	n/a
	N	172		0	
<b>British national</b>	State and Political Party Actors	30.8	-0.01	22.2	0.09
	Civil Society Actors	10.2	0.01	10.2	-0.09
	N	930		149	
<b>All scopes of actors</b>	<b>State and Political Party Actors</b>	<b>80.9</b>	<b>0.15</b>	<b>75.4</b>	<b>0.21</b>
	<b>Civil Society Actors</b>	<b>18.8</b>	<b>0.03</b>	<b>23.7</b>	<b>-0.01</b>
	<b>Unspecified Actors**</b>	<b>0.3</b>	<b>-0.17</b>	<b>0.9</b>	<b>n/a</b>
	<b>All actors</b>	<b>100.0</b>		<b>100.0</b>	
	<b>N</b>	<b>2261</b>		<b>460</b>	

\* Position score only given if n>5, otherwise N/A.

\*\* Unspecified actors are not shown for individual scopes due to the very low proportion of claims.

The data further demonstrate that EU actors were less visible in debates over the Constitution in Britain than during the European sample. Between 1990-2006 supranational EU claims-makers accounted for 25.7% of claims, but during the

Ratification sample this share was smaller at 16.3%. In both periods, only communication from EU level state actors made it to the British public sphere, with claims from EU level civil society being almost invisible in newspaper coverage. Consequently we see no evidence of the involvement of EU level civil society groups in British debates over the Constitution and a decline in the visibility of EU institutions during the ratification period. At the same time there was an increase in the share of foreign national state actors from 17.9% to 36.7%. Again, this increase highlights that a significant proportion of claims reported in this period occurred as a result of newspaper coverage of ratification and referendum events abroad.

A relatively low level of claims were made by civil society actors in comparison to state actors in both periods. The 'all' rows at the bottom of Table 2, show that 80.9% of claims in the European sample were made by state actors and 18.8% of claims came from civil society. This indicates that the process of Europeanisation and Constitution building was reported as being driven largely by elites. Despite the ambitions of the EU to increase civil society dialogue over Europe through the constitution building exercise, there was only a minimal increase in the share of claims made by civil society during the Ratification sample to nearly 24%, with over three quarters of claims being voiced by state actors (75.4%). This increase in civil society claims was driven by a rise in claims by foreign EU actors rather than national UK civil society which remained constant at 10.2% in both periods. Not only did civil society not mobilise itself to a greater extent over the Constitution, the position scores indicate that their support for Europe was not enhanced. Civil society actors were less favourable towards Europe in comparison to state actors in both samples (0.03 and -0.01).

### **2.3.2 State and civil cleavages among British collective actors**

We now examine British public debates on Europe in more detail by considering which types of national actors mobilised political demands and what positions they took relative to one another with respect to the Constitution. Table 3 shows the shares and positions among different types of national domestic actors in Britain during the two sample periods. The top four rows show the aggregated data for three types of actors: state, civil society, unspecified and 'all' actors. The shares and positions of these actor types are broken down to show the shares of specific groups of state and civil society actors such as 'scientific and research experts' in the remainder of the table<sup>6</sup>.

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<sup>6</sup> Actors with a share of less than 1% are not shown separately in the table and have been aggregated into the categories of 'other state or party actors' or 'other civil society' respectively.

**Table 3: Share and position of national British state and civil society actors in claims-making over Europe**

	European sample 1990, 1995, 2000- 2006		Ratification sample 2004-05	
	Share (%)	Position	Share (%)	Position
<b>State and Political Party Actors</b>	<b>74.9</b>	<b>-0.01</b>	<b>68.5</b>	<b>0.09</b>
<b>Civil Society Actors</b>	<b>24.8</b>	<b>0.01</b>	<b>31.5</b>	<b>-0.09</b>
<b>Unspecified Actors</b>	<b>0.3</b>	<b>n/a</b>	<b>0.0</b>	<b>n/a</b>
<b>All British national actors</b>	<b>100.0</b>	<b>0.00</b>	<b>100.0</b>	<b>0.00</b>
National government and executive actors	45.5	0.08	36.9	0.31
Legislative, politicians, and political parties	25.9	-0.18	28.2	0.05
Pro and anti-European campaign groups	6.3	0.02	15.4	-0.13
Employers organisations and firms	3.7	0.21	1.3	0.50
Economists and financial experts	3.4	-0.06	2.7	0.00
Scientific and research experts	3.4	0.03	5.4	0.00
Other state or party actors	3.5	0.27	3.4	0.00
Other civil society organisations	2.6	0.15	n/a	n/a
Unions and employees	2.5	-0.17	1.3	0.00
Media and journalists	2.0	-0.26	3.4	-0.40
Farmers	0.9	0.00	n/a	n/a
Educational professionals	n/a	n/a	1.3	0.50
N	930	-	149	-

A first observation is that the dominance of claims by state actors from all scopes/countries (shown in the previous table) is replicated in the share of claims-making between British national state and civil society actors over both periods. State actors make more than three times as many claims over the Constitution (68.5%) as civil society actors (31.5%). This is further confirmation that even debates surrounding a process of European integration that was intended to encourage the participation of citizens were elite-dominated.

Second, the EU has not succeeded in generating a less sceptical approach to the Constitution among British actors since British state and civil society actors maintained similarly ambivalent positions over both periods. This shows that the cleavages concerning conflicts over Europe cross-cut political elites and civil society. Actors from both sectors make conflicting supportive and sceptical claims, reflecting the internal divisive nature of Europe within British politics. The aggregated position of state actors reflects the cleavages between the party in government and other political party positions towards Europe that characterise the national arena and are discussed later. This has consequences because national elites and institutions importantly shape the opportunities for civil society actors to engage in politics in addition to having a decisive influence on a country's relationship to the EU. British civil society actors exist in a situation of elite divisions and overall scepticism over Europe, which opens the issue to the public arena for challengers. It is this approach to Europe that marks Britain out as different to other member states where it is more

common that clear-cut divisions exist between the overall supportive position of elites and the more sceptical position of civil society. For example, in a comparative study of France and Germany, Vettters et al. found that “national governments and executive actors were the most fervent promoters of European integration in both countries” (Vettters, Jentges, & Trenz, 2006:22). The elite consensus in favour of Europe in each country was challenged by an overall sceptical position within civil society.

### **2.3.3 Civil society and the Constitution**

We now look in detail at the claims of civil society before moving on to examine the cleavages among British political parties. Although there is little evidence of a large increase in participatory action by British civil society actors over the Constitution, there is a greater increase in claims-making by British civil society groups than the increase evident in claims-making from civil society overall shown in Table 2. The visibility of national civil society rises from 24.8% to 31.5% in the ratification period. This is partly due to an almost 10% increase in the visibility of pro and anti European campaign groups to account for 15.4% of claims in the Ratification sample, and a decrease in the proportion of claims from government actors (from 45.5% to 36.9%). The other groups of civil society engaged in debate over the Constitution in both samples were predominantly of a market orientated and institutionalised type: scientific and research experts, economists and financial experts, and to a lesser extent unions and employees, and employers organisations. In addition, national media and journalists make claims with regard to both periods. Again, the debate over the Constitution shows few differences to that over EU issues more generally. Both the Constitution and European issues appear to appeal only to the interests of a small and specialised section of civil society, and do not motivate widespread mobilisation from broader based citizens groups or grass roots organisations.

The most visible civil society actors in both samples are the campaign organisations that have been set up specifically to campaign over Europe. These groups are the only sectors of civil society that were motivated to significantly increase their public actions, and, in the case of the ‘No Campaign’ and ‘Vote 2004’, the referendums on the Constitution were their *raison d’être*. The consistent ambivalent position of these groups during both periods (0.02, -0.13) shows the internalised conflict between claims made by those campaigning in favour of the Constitution and their opponents. Two groups were responsible for the majority of the thirteen claims made during the ratification period. The first was the ‘No Campaign’, a cross party coalition set up by ‘Vote No’ and the ‘Centre for a Social Europe’. In publicity to mark their launch in May 2005, the ‘No Campaign’ argued that the referendum offered the last chance for the UK to reject a federal state. They also claimed that the Constitution would lead to more cost, waste, and loss of British control, but pointed out that they were not suggesting that the UK withdraws from the EU (19/05/05, *Guardian*). Following the French ‘No’ vote, they claimed “We are very pleased with the result, but we've got to make sure that bits of the Constitution are not brought in by the back door” (30/05/05, *Times*). Their rival group ‘Britain in Europe’ campaigned in favour of further European integration. The group has since ceased campaigning (in August 2005) due to the unlikely prospect of a referendum in the UK on the Constitution and has consolidated its activities with the ‘European Movement’. At the time of the French ‘No’ vote, ‘Britain in Europe’ claimed that there were many domestic factors in the French decision and expressed hope that something of the Constitution would be

salvaged” (30/05/05, Times). Later, when the UK government decided not to hold a referendum, Simon Buckby, former president of Britain in Europe, claimed “I feel the government has let down a lot of people who really thought there was a great historic opportunity to take on the anti-Europeans” (08/06/05, Times).

Minimal increases in the proportion of claims made by actors from two other sectors of civil society were also evident during the ratification sample - the media and scientific research experts. Claims by media actors were only included where the claim was made by a journalist from a media organisation other than the newspaper where the claim was reported<sup>7</sup>. This methodological decision ensures that all claim-makers have an equal opportunity to have their claim reach the public sphere. If we included claims from the newspaper’s own journalists (who clearly have a greater chance to have their opinions published) then actors would not be operating on a level playing field. Therefore, the share of media claims shown in Table 3 relates to statements by British journalists or media institutions that were reported in the Guardian or the Times. While, there is only a minimal increase (1.4%) in claims by British media actors during the ratification period, it is interesting to note that media actors expressed the most negative claims towards the EU during both periods and that their sceptical stance was strengthened in relation to the Constitution (from -0.26 to -0.40). Negative media claims tended to be balanced out by neutral claims rather than supportive claims, which were rare. For example, the Guardian featured a neutrally aligned claim from the BBC’s Director of News who said that her appointment of a new Europe Editor was a key plank of her plans to overhaul BBC coverage from Brussels ahead of a possible referendum on the Constitution (27/05/05, Guardian). Examples of negative claims relating to the Constitution are as follows:

After the F/NL negative referenda, Carol Vorderman, TV presenter and campaigner against the Euro said “I don't think that we in Britain should now have a vote on the Constitution. It is dead in the water” and she called for a return to the free trade principle. (03/06/05, Times).

Following the announcement that there would be a UK referendum on the EU Constitution, the Daily Express criticised the Labour government and its policies especially those on immigration and the new European Constitution. The newspaper endorsed the Conservative leader Michael Howard as next Prime Minister. (22/04/04, Times).

The Sun last week criticised the draft plans for a Constitution as the “biggest betrayal in our history”, and in a leader column called Valéry Giscard d'Estaing an “arrogant condescending snob” who was planning the end of Britain’s freedom. (20/05/03, Guardian).

There was a very slight increase in the proportion of claims made by scientific and research experts (think tanks) during the ratification periods (from 3.4% to 5.4%) and, the diversity in their stances resulted in a consistent ambivalent position (0.03, 0.00). During the Ratification sample claims were made by two key British think tanks: the

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<sup>7</sup> For studies of the claims of the media as an independent political actor in relation to Europe see studies of newspapers’ editorial opinions e.g. (Firmstone, 2007; Koopmans & Pfetsch, 2006; Pfetsch, 2005; H.-J. Trezn, Conrad, & Rosen, 2006; H. J. Trezn, 2007).

Centre for European Reform and the Federal Trust. The comments of these organisations were reported in relation to the results of the referenda in France and Holland. For example, the Director of the Centre for European Reform, which was against the Constitution, claimed after the French vote that, “the Treaty is dead. It cannot survive such a decisive ‘No’ from a country that has been at the heart of European integration since the project began” (31/05/05, Guardian). The Federal Trust took a supportive but critical position saying that “Europe’s crisis can only be resolved if it prepared to match economic integration with political structures that bring markets back into balance with society” (08/06/05, Guardian).

### **3.3 Political parties and European issues**

Given the dominance of state actors in debates over Europe in the UK we now examine how political parties represented the Constitution to the public and the cleavages that exist between the parties positions.

Table 4a shows the data for the share and positions of party actors in the European sample split by year and party from 1990-2006<sup>8</sup>. Looking at the position score for ‘All’ years in the end column indicates that Europe is an issue for party political competition between the two major parties in Britain. Overall, Labour has taken a more pro-European position (0.18) compared to the Conservatives who have been strongly anti-European (-0.23). The Conservatives were sceptical towards Europe both as the party of government (1990, 1995) and the party of opposition (since 2000). After entering office in 1997 Labour moved from its sceptical position in 1990 (0.00) to a mildly pro-European position during its years in government (0.39, 0.05, 0.15, 0.17, 0.12, 0.16, 0.07). Until the most recent year coded (2006), the Conservatives position as the opposition party grew steadily more strongly anti-European (-0.28, -0.13, -0.27, -0.44, -0.46, -0.75, 0.25). Although, the Liberal Democrats have been the most consistently pro-European party they have far fewer MPs than Labour and the Conservatives, and are barely visible in public debates on the issue (4.6%, 0.41).

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<sup>8</sup> This table only includes claims made by an actor who could be assigned to a political party.

**Table 4a: Britain: Share and Position of actors from National Domestic Political Parties in claims-making over Europe 1990-2006**

	<b>1990</b>	<b>1995</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>All years</b>
	Share (%) Position	Share (%) Position	Share (%) Position	Share (%) Position	Share (%) Position	Share (%) Position	Share (%) Position	Share (%) Position	Share (%) Position	Share (%) Position
<b>Labour (Government from 1997)</b>	24.6 0.00	6.9 n/a	65.3 0.39	58.3 0.05	69.1 0.15	76.5 0.17	60.7 0.12	72.6 0.16	62.5 0.07	<b>57.3</b> <b>0.18</b>
<b>Conservative (Government 1990-97)</b>	68.1 0.09	93.1 -0.24	29.8 -0.28	41.7 -0.13	23.4 -0.27	16.3 -0.44	27.4 -0.46	14.3 -0.75	33.3 0.25	<b>35.5</b> <b>-0.23</b>
<b>Liberal Democrats</b>	7.2 n/a	0.0 n/a	2.5 n/a	0.0 n/a	5.3 n/a	6.1 0.50	4.4 0.33	9.5 0.25	4.2 n/a	<b>4.6</b> <b>0.41</b>
<b>UK Independence Party</b>	n/a** n/a	0.0 n/a	0.0 n/a	0.0 n/a	0.0 n/a	1.0 n/a	5.2 -1.00	3.6 n/a	0.0 n/a	<b>1.5</b> <b>-1.00</b>
<b>Green Party</b>	0.0 n/a	0.0 n/a	1.7 n/a	0.0 n/a	2.1 n/a	0.0 n/a	1.5 n/a	0.0 n/a	0.0 n/a	<b>0.8</b> <b>0.00</b>
<b>Other</b>	0.0 n/a	0.0 n/a	0.8 n/a	0.0 n/a	0.0 n/a	0.0 n/a	0.7 n/a	0.0 n/a	0.0 n/a	<b>0.3</b> <b>n/a</b>
<b>All political party actors</b>	100.0 0.12	100.0 -0.22	100.0 0.18	100.0 -0.03	100.0 0.06	100.0 0.08	100.0 -0.10	100.0 0.00	100.0 0.13	<b>100.0</b> <b>0.02</b>
<b>N</b>	69	72	121	36	94	98	135	84	24	<b>733</b>
* Position score only given if n>5, otherwise N/A. ** UKIP was formed in 1993.										

Table 4b shows the share and positions of party actors split by the two years coded for the Ratification sample (2004/5), and aggregate data for the whole sample is shown in the end column<sup>9</sup>. Looking at the positions of political party actors over the Constitution the gulf between the supportive position of the Labour government and the negative position of the main opposition party, the Conservatives, is even wider over the Constitution. Their overall positions during the ratification period almost exactly mirror each other on opposite sides of the fence (0.34 and -0.35). This reflects the government's acceptance of the draft Treaty and their decision to put the question to the public. Labour's position during the Ratification sample (0.34) is far more supportive than its overall position on European issues (0.18) shown in Table 4a.

**Table 4b: Britain: Share and Position of actors from National Domestic Political Parties in claims-making over EU Constitutional issues during 5 ratification periods 2004-2005**

	<b>2004</b> 2 periods: UK referendum announcement, Rome signature	<b>2005</b> 3 periods: ES ref, FR, NL ref & DE ratification	<b>All Ratification</b> event periods 2004-2005
	Share (%) Position	Share (%) Position	Share (%) Position
<b>Labour (Government)</b>	28 0.57	30 0.13	<b>58</b> <b>0.34</b>
<b>Conservatives</b>	22 -0.27	9 -0.56	<b>31</b> <b>-0.35</b>
<b>Liberal Democrats</b>	3 n/a	3 n/a	<b>6</b> <b>0.17</b>
<b>UK Independence Party</b>	0 n/a	3 n/a	<b>3</b> <b>n/a</b>
<b>Green Party</b>	2 n/a	0 n/a	<b>2</b> <b>n/a</b>
<b>All Political Actors</b>	55 0.22	45 -0.11	<b>100</b> <b>0.07</b>
N	55	45	<b>100</b>

\* Position score only given if n>5, otherwise N/A

This increase in the strength of the government's pro-European position in relation to the Constitution was also evident in the increase in the position of government actors from 0.08 in the European sample to 0.31 in the Ratification sample shown in Table 3. Although the government made very few claims about the substantive content of the Treaty, they did present the Constitution as something that would benefit the UK and suggested that not voting in favour of it would have negative implications for the country. For example: Following Blair's decision to hold a referendum, three Labour MP's - Stephen Byers, Peter Mandelson and Alan Milburn - called on Labour pro-Europeans to be strong and united and settle the remaining issues regarding the

<sup>9</sup> This table only includes claims made by an actor who could be assigned to a political party.

Constitution (27/04/04, Guardian). After the Prime Minister signed the Treaty in at the Rome IGC, a UK spokesman said Britain is “very comfortable with this Constitution” (30/10/04, Times). The Foreign Secretary, Jack Straw, claimed that a ‘No’ vote would leave Britain weak and isolated in Europe (10/02/05, Times). Similarly, the UK Trade and Industry Secretary acknowledged an increase in scepticism among business leaders about Europe, but stated that “the EU is changing and a ‘No’ vote in a referendum would risk a long period of uncertainty and instability” (24/02/05, Times).

Following the ‘No’ votes Labour claimed that they would continue with plans for a referendum despite its rejection by the public in two member states. Jack Straw stated that there was no need to come to “instantaneous and unnecessary judgment tonight” and that the UK would wait at least until after the Commission meeting on June 16 to decide whether there was any point in having a referendum in the UK. (30/05/05, Times). Tony Blair responded to the French ‘No’ vote by refusing to cancel the UK referendum claiming that it would go ahead as long as there was still a Treaty to vote on. In addition he explained the ‘No’ vote by saying that Europeans have “deep underlying anxiety” about “how the economy of Europe...faces up to the challenges of the modern world” (31/05/05, Guardian). Later, Blair and Straw clung to their insistence that parts of the EU’s stalled Constitution could be implemented piecemeal, stressing that the Constitution had protected British interests and offered some reasonable reforms (08/06/05, Guardian). Few of these claims pointed to what was good about the substantive content of the Treaty, and they tended to concentrate on defending the government’s position rather than promoting the Constitution to the public. Thus, as has been suggested by Statham (2007), “Labour’s pro-Europeanism is perhaps more accurately depicted as anti-Euro-scepticism, since it opposes Euro-sceptics more than it builds the case for European integration”.

As discussed earlier, the Conservatives were the main contenders in pushing for the government to call a referendum on the Constitution (see previous examples) and this demand formed the focus of their claims in the first part of the ratification period. Having been successful in this aim, the Conservatives’ scepticism towards the Constitution prior to the failed ratifications in France and Holland turned to suggestions that the Treaty would cause economic failure for the UK. For example, in a speech to the Institute of Directors, the Conservative leader Michael Howard cited an ICM poll that found 58% of the Institute’s members believed the Constitution would be bad for business and only 18% expected it to be good (29/04/04, Guardian). Later in the year he claimed the Constitution will not solve Europe’s problems but will make them worse “It’ll be a giant ball and chain round the ankle of UK business” and “The status quo in Europe is not an option: it’s a recipe for economic decline” (29/10/04, Guardian). Calling for more debate about the Constitution, the UK Shadow Foreign Secretary, Michael Ancram, claimed that the “government is frightened that the more the Constitution is debated, the more people will see it as the first formal step to a federal European state” (10/ 02/05, Times). Further, the party was strident in its opinion that the Treaty should be rejected: introducing the party’s European campaign, Howard, said “the British people would be doing Europe and Britain a huge favour” by rejecting the Constitution (30/04/04, Times).

Following the French ‘No’ vote, the party reacted with delight, demanded that European elites declare the Constitution dead and that the Government should not “conspire with those who will try and circumnavigate the No vote” (04/06/05,

Guardian). Howard told Radio 4 “If it is dead and buried, and I hope it will be dead and buried, there is no point in having a referendum...but if other countries intend to proceed then the British people should be able to vote” (04/06/05, Guardian). Liam Fox, Shadow Foreign Secretary, said, “It sounds like the people of France have done a favour to all the rest of Europe” (30/05/05, Times). A UK Conservative MP claimed “It was the height of arrogance for European leaders...to sign the EU Constitution before people voted”. He went on to demand that EU leaders respect the ‘No’ votes and called the Constitution dead (03/06/05, Times).

The issue of Europe also creates divisions within Britain’s political parties and each of the three main parties have publicly outspoken members who take the opposite view to the majority of their party. For example, from within the sceptical ranks of the Labour party Tony Benn opposed Blair’s announcement that MPs must campaign for a ‘Yes’ vote on the Constitution claiming that “it is even more important to give ministers the choice because the Constitution affects people’s right to choose who governs them and many Labour MPs are against the Constitution” (03/05/04, Times). Following the government’s announcement that they would hold a referendum, the pro-European Conservative Kenneth Clarke claimed that he would be willing to share a platform with the Tony Blair in any future campaign in favour of the Constitution (22/04/04, Times). The strong pro-European position of the Liberal Democrats shown in the European sample (0.41) was weakened (reduced to 0.17) during the ratification period by comments from the former SDP leader and Euro-sceptic Lord Owen. He claimed that the British Parliament should ensure “that the self-governing, democratic nature of the UK is not put at risk by (...) new commitments and extensions of EU power” as a result of the Constitution. He suggested that preventing an EU defence policy is needed as a “democratic safeguard for our country” (24/05/05, Times). A more common Liberal Democratic attitude was voiced by the now Leader of the party, Menzies Campbell, who claimed “a Constitution for Europe is essential”, but stressed the importance of the “endorsement of the UK people.” He also said that a referendum campaign would enable for “a reinvigorated case for Britain being at the heart of Europe” (16/04/04, Times).

Although too few claims were made to include the position score of the UK Independence Party in the figures in Table 4b, the following statement gives a good indication of their stance against the EU. Derek Clark, a UKIP MEP, said he was celebrating the French ‘No’ vote, and that it “shows that the common people of Europe do not want the Constitution. It is only the corrupt politicians” (30/05/05, Times).

## 4.1 Discussion

We have presented an empirically based analysis of the Europeanised communication patterns that have emerged in the British public sphere in response to the EU's attempt to advance the project of integration through establishing a Constitution. Our comparison of two periods of debate over European issues has shown that the Constitution elicited few significant changes in the way that political actors mobilised in the public sphere.

The most obvious differences in the way that political actors were found to mobilise during each of the periods relate to the differences in the patterns of communicative linkages across and between borders. Habermas points to the potential of referenda on the Constitution to arouse a Europe-wide debate and as a "unique opportunity of transnational communication" (Habermas, 2001:17). However, transnational communication was actually less of a feature of debates on the Constitution than claims-making over European issues more generally. Instead of an increase in transnational and supranational communication between nation states, the Constitution debate was characterised by a heightened visibility of internalised claims between national actors in other countries and a reduction in the visibility of EU institutions in the British public sphere. A substantial share of this claims-making failed to engage British actors in debate and consigned them to the status of observers of political communication over Europe in other nation states. The decline in the visibility of EU level actors in debates over the Constitution signified the importance of the Treaty as an issue that was fundamentally a national question for national actors to deliberate. In the final phase of Constitution building (ratification), the EU was not presented as an important actor with which to engage or as a driver of the process of integration, thus continuing the deficit in communicative linkages between the EU and the nation state.

Second, our analysis of the specific issues debated during the ratification period suggests that the Constitution did not generate much discussion of the substantial issues relating to the future of Europe. Rather, the issues that were most salient in the public presentation of the Constitution mainly related to events and decisions on ratification. The substantive content and implications of the Constitutional Treaty were never really deliberated. Although the situation may well have changed if the prospect of a referendum in the UK was realised, the British public were presented with a debate of two parts. In the first, the internal debate focussed on political contention between the government and the opposition about the government's handling of the decision to hold a referendum both before and after the referenda in France and Holland, and their preparations for a referendum campaign. There was little discussion of the content of the Treaty and the implications for Britain and the EU if it was successfully ratified. In the second part, these domestic debates were overshadowed by the increased coverage of internalised national claims-making in other member states, most commonly France. Again, the salient issues related to the dynamics of voting campaigns and the outcome of referenda rather than the substantive issues posed by the potential implementation of a European Constitution. While it can be argued that this gave the public an increased awareness of the political situation in other member states, the debate did not engage the British public in debates over the implications of formalising the EU by Treaty.

A third finding, which is likely to frustrate those who had ambitions for the Constitution building exercise to address the deficit of communication between Europe and its citizens, is the lack of evidence of any increase in the participation of civil society actors in public debates over the Constitution. The Constitution debate was driven by elites to the same extent as the debate over European issues more generally. Despite the aims of the Constitution to increase the opportunities for citizens voices to be heard, civil society actors, and non-institutionalised actors in particular, still found it hard to get their views into the public sphere, and/or did not mobilise over the issue. As is the case during the ‘normal’ periods of European integration, it seems that “those collective actors who are already powerful within national politics are the ones who benefit most” regarding participation and “are even more able to voice their demands within Europeanised communication” (Statham, 2007:124). In this sense, public debates over the Constitution are no different to debates over other aspects of European issues. The only notable increase in civil society participation came from British pro and anti campaign groups who succeeded in getting (mainly sceptical) claims relating to the Constitution into the public sphere. Prior to the development of the Treaty, theorists suggested that a European Constitution would foster shifts towards European level citizens initiatives “with relevant interests formed along the lines of political ideology, economic sector, occupational position, social class, religion, ethnicity and gender” that could “fuse across national boundaries” (Habermas, 2001; Schmitter, 1996). However, there was no evidence in either periods for the participation of European level civil in national debates and such organisations were all but invisible in the Constitution debate.

A final aim of the analysis was to assess how political party actors represented the debate over the Constitution in the public sphere. The level of contention and competition between the two main parties in Britain over European issues was strengthened in relation to the Constitution, with stances becoming even more polarised. However, as in the rest of the debate, contention was focussed around decisions regarding the government’s procedures for ratifying the Treaty rather than debate over the basis of the parties’ deep-rooted ideological cleavages over European integration. Although the Conservatives often tied their claims relating to the timing of a referendum with arguments against the Constitution itself, the government made few attempts to promote the Constitution whilst defending its decisions relating to holding a referendum.

Our comparison of the structure of public claims-making over the Constitution with mobilisation over ‘normal’ periods of European integration casts doubt over the expected capacity of the Constitution to evolve alongside a participatory European citizenry. Rather than involve citizens to a greater extent in European politics, the Constitution marked a period of elite driven internalised communication that did little to assuage concerns about the democratic performance of a European public sphere.

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