

Olivier Rozenberg, “Monnet for nothing? France’s mixed Europeanisation”

To be published in Simon Bulmer & Christian Lequesne, *The Member States of the European Union*, 2nd edition, OUP, 2011.

Making a general statement about the relationship between a Member State and the EU involves a risk of neglecting the great variety of actors and aspects that shape this relationship. In the case of France, the risk can be even more important since the relationship between France and the EU is undoubtedly paradoxical. On the one hand, France counts among the pro-European forces in Europe. It is one of the founding members. Its political elites contributed to the building of the EU and still manifest a high level of support for the European project. With the idea of *Europe puissance*, right-wing as well as left-wing leaders have contributed to spread the idea that the European level of governance could help France to restore or to maintain some of its lost prestige. To some extent, the factors that traditionally explained France’ isolation from the EU appear now as much less determinant: French public policies have become more market-friendly and contribute now to picture a *Changing France* (Culpepper et al. 2006), the governing Socialists accepted a more liberal orthodoxy since the turning-point of 1983 and the Gaullist distinctiveness of the Right is progressively disappearing after a last-ditch stand during the 90s’ (Haegel 2009).

On the other hand, other elements permit us to sketch a less pro-European picture. Since the very beginning, France’ elites or citizens have hesitated regarding the extent of loss of sovereignty to Europe they were willing to accept (Drake 2010). In key episodes of the European integration process, they said “no”: in 1954 when the National Assembly refused the European Defence Community, in 1965-66 when de Gaulle provoked the empty-chair crisis, almost in 1992 when only 51% of the voters approved the Maastricht Treaty, and in 2005 when a large majority of citizens refused the Draft Constitutional Treaty. The feeling of a distance between France and the EU has been particularly acute during the 2000s’, with the muffling effect of the divided executive (*cohabitation*) up to 2002, the huge turnover of ministers for the EU (no less than nine from 2002 to 2010), the reluctance – if not the fear – shown by the political leaders towards the 2004 and 2007 enlargements, the difficulties to cope with the Growth and Stability Pact, the lack of dynamism of the Franco-German relationship, the cyclic tensions with the European Commission or the loss of influence of French MPs within the European Parliament. A more recent example of France’s attachment to its national prerogatives was the controversy, in September 2010, over the deportations of

Roma migrants, which created an exceptional clash between French officials and the European Commission. The answer of European affairs minister, Pierre Lellouche, to the European commissioner for justice was particularly illustrative of the inter-governmental approach to the EU of the French government. He told French radio: “It is not the manner one uses to address a great state like France, which is the mother of human rights. We are not the naughty pupil of the class whom the teacher tells off and we are not the criminal before the prosecutor” (Davies 2010).

The key of the paradoxical relations between France and the EU has to be found in the selective and divergent aspects of France’s Europeanisation. In this view, this chapter argues that the ambiguity and unpredictability of the French relationship with the EU is rooted in the specific and mixed impact of the EU on France’s domestic social and political structures. In other-words, in order to understand France’s “bottom-up” European policy, we need to adopt a “top-down” perspective which focuses on the effects of the EU on France’s domestic policies, politics and polity. More precisely, the comparison between different aspects of the political life will make clear how differential and divergent the extent and the direction of the Europeanisation process is and will shed light on the causes of the country’s ambivalent political orientation towards the EU. This chapter is organised as follows. The first section evaluates the impact of EU membership on public opinion and political parties. In a second section, this impact is examined in regard to political institutions. The final section focuses on public policies.

Public opinion and political parties: indifference or not?

The European issue started to be disputed in France in a controversial way during the 1990s’. Important political leaders voiced severe criticisms against Community institutions or, more deeply, against the principle of pooling sovereignty. Political parties were specifically created for that purpose. These political endeavours have found popular backing, not only in the EU referenda and EU elections, but also in French general elections. This section first presents the varieties of the Euroscepticism *à la française*. It then explains why their effect on French politics is limited. The last part nuances this conclusion, by identifying some elements of Europeanisation in French public opinion and in French political life.

Four forms of Euroscepticism

The opposition to the European project in France does not start with the Maastricht referendum of 1992 (Guieu and Le Dréau 2009). Yet, what is specific to the post-1992 period is the parallel development of four distinct organised criticisms to the EU in the French public debate (Rozenberg 2007). First, the National Front at the extreme right recommends the withdrawal from the EMU and occasionally from the EU as a whole. Le Pen's party started to reject unambiguously the EU during the 90s' both in order to avoid being surpassed by the emerging *souverainist* movement (see below) and with a view to differentiating itself from pro-European right-wing parties. In this context of party competition, Europe has been all the more important for the National Front since European elections are the only possibility to access parliamentary representation, as national legislative elections are organized through a plurality system.

Second, a *souverainist* movement (a term borrowed from Quebec's emancipation movement against Canadian tutelage) emerged during the 1992 referendum campaign and was active for about one decade. Ideologically, the *souverainisme* was close to other movements in Europe willing to fight for restoring national independence – the nation being viewed as the only possible locus for democracy. What was specific to France was, firstly, the ideological foundation of this kind of Euroscepticism. French *souverainisme* was rooted in French history, claiming the legacy of republicanism and/or Gaullism (Hainsworth et al. 2004). Secondly, the *souverainisme* found support not only at the extreme of the political spectrum but within each political family as well, including the left – even if the movement was more marginal there. Born at the National Assembly in 1992, this kind of criticism to Europe played a major role in the disputed campaign for the ratification of the Maastricht treaty. Several *souverainist* leaders created their own political formations, the most durable one being the MEP Philippe de Villiers's movement and the most significant split concerning the Gaullist family. Indeed, Chirac's choice to support the Maastricht Treaty in 1992 and, once elected President in 1995, to fulfil the Maastricht criteria for the EMU was actually disputed by nearly half of the Gaullist MPs, followed by activists and supporters. The political groups which derived from the *souverainist* scissions enjoyed some electoral success: 13% at the European elections (13 MEPs) both in 1994 and 1999 (when the Eurosceptic list finished second before the official Gaullist one) and 5% at the first round of the French Presidential elections of 1995 and 2002, with different candidates.

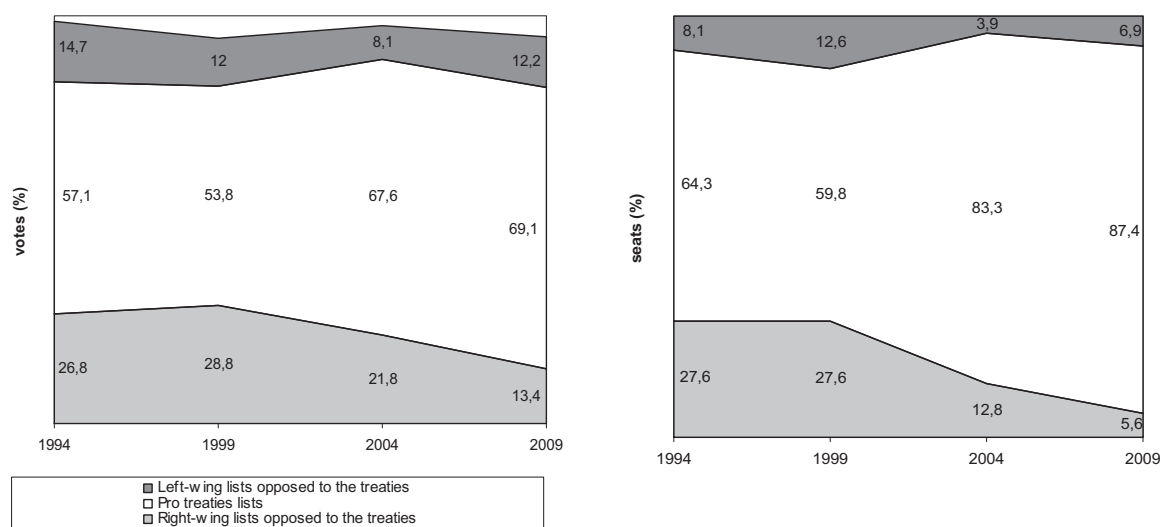
The third form of organised criticism to Europe, and, probably, the more specific to the French case, is the emergence, in 1989, of a movement praising hunting activities, localism and rural way of life. This group concentrated on the opposition to the European

legislation on bird protection. However, it aimed more generally at protecting local and rural specificities against Brussels' interference. Despite its relatively narrow focus, illustrated by the name of the party *Hunting Fishing Nature and Traditions*, the movement was relatively successful during European elections (6 MEPs in 1994) and the Presidential one (4% in 2002).

Fourthly, a last group opposing the EU is associated to the left spectrum within the framework of anti-globalization movements. For ideological, but also geopolitical reasons, the Communists and the extreme left have for long opposed to the European treaties. In 2004/05, those criticisms acquired larger proportions during the referendum campaign on the Draft Constitutional Treaty, when some Socialist leaders, as well as significant portions of socialist activists and supporters, positioned themselves against the Constitution. The denunciation of the pro laissez-faire features of European policies and the regret of the lack of *Europe sociale* are central to the speech of these leftist movements, which remain, in other respects, highly divided internally.

The four identified forms of opposition to the EU do not constitute a unified front. Instead, they are characterised by different ideological and partisan backgrounds. Yet, the addition of their influence has significant consequences. Thus, all together, they contributed to the unexpected difficult ratification of the Maastricht treaty in 1992 (12.6 millions “no”, 48.96 % of the votes), to the unexpected refusal of the Draft Constitutional treaty in 2005 (15.4 millions “no”, 54.67%) and to the high share of Eurosceptic MEPs represented in Strasbourg – up to 40%, as indicated in figure 1.

Figure 1. Votes and seats obtained by the lists to EU elections according to their support for EU treaties



Source: Interior Minister.

The endurance of the permissive consensus thesis

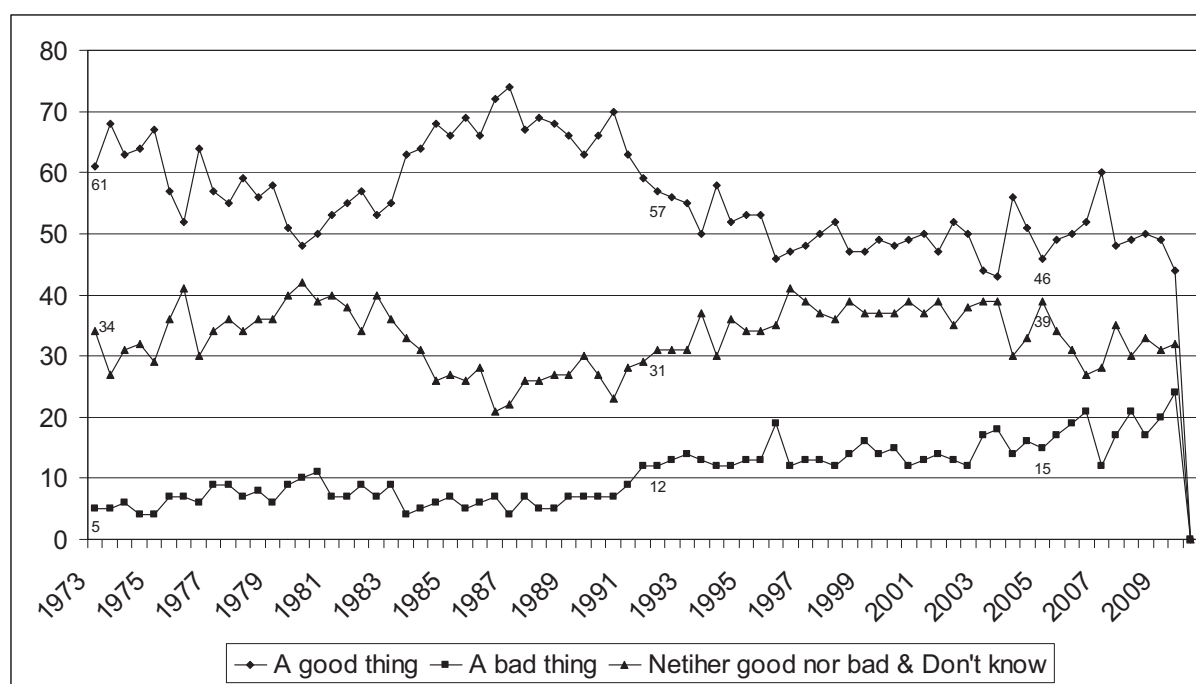
The development and weight of anti-EU movements in France may indicate that “Europe” has become a salient issue within French public opinion (Cautrès and Dennis 2000). Moreover, these developments may also point to a greater impact of this issue on the French party system than on other countries (Mair 2000). In this sense, we would come to the interpretation that there are signs of the end of the prevalent “permissive consensus” (Lindberg and Scheingold 1970) – a thesis stating that an indifferent public opinion would leave the construction of the Integration project to national elites. Yet, converging works on the party system (Sauger 2005), as well as the public opinion (Evans 2007; Sauger 2008; Duchesne et al. 2010; Van Ingelgom 2010) permit us to reach a different conclusion: despite the “no” to the European Constitution in 2005, Europe has not become source of realignment of the French electorate, nor has the European issue had the effect of de-freezing the party system. Three points related to history, public opinion and parties can be made in this respect.

First, the idea of a breakdown – even progressive – of the permissive consensus does not take into account the specific legacy of French’s relations with the EU (for a detailed account, see: Guyomarch et al. 1998; Parsons 2003; Balme and Woll 2005). At the beginning, the European project faced strong opposition both from the Gaullists and the Communists, as illustrated by the mobilization against the EDC in 1954. Even if the Gaullists views evolved with their access to the power under the Vth Republic, and even if the Communists started to decline in the late seventies’, the European project remained questioned in French public debate throughout the Vth Republic. A longitudinal analysis of the parties’ manifestos (Sauger

2005) indicates that positive or negative views about Europe were present in the manifestos since 1958 and had the most structuring effects from 1978 to 1986. In addition, France specific political evolution during the 80s' has contributed, at least for a short period, to forge a pro-European consensus among governing parties. Indeed, the alternation of power between parties in 1981, the realist shift of the Left in 1983 and the unprecedented experience of divided executive in 1986 (repeated in 1993 and 1997) can all be seen as factors that imposed to political parties the expediency to avoid confrontation with each other on EU issues. From the Single Act in 1986 to the Convention on the Future of Europe in 2002, all treaty amendments have been negotiated, ratified or implemented either by a divided executive or during alternation periods. In contrast with the British case, for instance, in France the responsibility for designing the EU major orientations is shared between Left and Right.

Secondly, data on the public perception of the EU indicates both that pro-EU feelings dominate overall and that there has been a progressive increase of indifference towards the EU, rather than an increase in opposition. These trends can be grasped through the *Eurobarometer* survey. Since its creation, the *Eurobarometer* survey has asked French citizens if France's membership to the EU is a good thing, a bad thing or neither good nor bad. Figure 2 summarises the results of this survey, presenting a trend measure of support to the EU, derived from data collected twice a year during nearly forty years.

Figure 2. Public support for France's membership to the EU (1973-2010)



Source: Standard Eurobarometer data. http://ec.europa.eu/public_opinion/archives/eb_arch_en.htm

[NB : last wave will be added asap]

The figure makes it clear that the support for France's membership dominates, even after the referenda of 1992 and 2005. It is true that the number of French judging that France's membership is "a good thing" reached its peak in the 80s', and declined after the Maastricht treaty. In fact, studies indicate that it was in France and in West Germany that the Maastricht effect was most visible in terms of a drop of support and of a dispersion of attitudes (Down and Wilson 2008). However, this trend should not be understood as a raise of popular dissent, since in this same period the number of respondents judging that the membership was "a bad thing" remained low. The negative perception of Europe increased indeed very gradually from 5% to 24%. Finally, if we look at the number of answers of "neither good nor bad" and "I don't know", we can see that one or two French out of five do not have a definite opinion towards the EU. This group of respondents, the "Euroindifferent" and the "Euroindecisive", is in fact more numerous than the Eurosceptics. Its continuous increase from 1991 to 2005 indicates that the EU has not become a new issue of contestation within French public opinion.

The lack of salience of the EU has also been recently confirmed by a series of qualitative studies. Sophie Duchesne et al. (2010) organised several focus groups on the European issue and observed that, only six months after the 2005 referendum, no participant group mentioned the victory of the "no", with the exception of political activists. In contrast to collective discussions in the United Kingdom, "the discourse of defence of identity and sovereignty remain[ed] very marginal" (ibid: 91). Indifference, resignation and boringness sum up French ordinary citizens' attitudes towards the EU. Eventually, the perception of the EU as an autonomous political entity is absorbed both by national post-colonial frames and by the emphasis put on globalization, very negatively in the case of France. To some extent, these results can be explained by the lack of actual visibility of Europe in ordinary life. In the schools, the EU is presented as a collection of Member States (Bozec 2010). News involving Brussels are quickly and poorly treated by the French media (Baisnée and Frinault 2008). Continental football competitions appear to constitute one of the few layman perceptions associated with Europe (Weill 2010). More deeply, the lack of salience of the European issue could indicate that the empowerment of the Supranational Community to the detriment of the Nation State is not a matter of concern among ordinary people. Qualitative studies have shown, for long, that there is not necessarily a tension between national and European

identities (Duchesne and Frogner 2002) – a result that has recently been confirmed with reference to French children’s “European identity” (Throssell 2010).

Thirdly, the evolution of the French political life since 1992 also leads to minimize the impact of the European issue in the domestic context. The comparison established at table 1 between voters’ attitudes during the two last referenda makes it clear that right-wing supporters were more opposed to and more internally divided with regard to the EU in 1992, while in 2005 the Left showed more opposition and internal split than the Right.

Table 1. Voters’ decision for the 1992 and 2005 referenda according to party identification

| | | Parliamentary left voters | Socialists voters | Parliamentary right voters | (neo)Gaullist voters | National Front voters |
|------|-----|------------------------------|----------------------|-------------------------------|-------------------------|--------------------------|
| 1992 | yes | 63 | 78 | 49 | 41 | 8 |
| | no | 37 | 22 | 51 | 59 | 92 |
| 2005 | yes | 37 | 44 | 73 | 80 | 7 |
| | no | 63 | 56 | 27 | 20 | 93 |

Note: parliamentary left = Communist, Socialist and Green; parliamentary right = Gaullist, centre right (UDF) and nationalist right (MPF), Gaullist = RPR supporters in 1992 and UMP in 2005 (*Union pour un mouvement populaire*, the main right-wing party created in 2002 on the basis of the RPR and of a part of the UDF).

Source: exit poll realised by BVA 20 September 1992; exit poll realised by IPSOS 29 May 2005.
<http://www.ipsos.fr/CanalIpsos/poll/8074.asp>

If right-wing and then left-wing voters (but also activists and leaders) have been divided on Europe, both camps have eventually been able to successfully overcome their respective divisions.

Regarding right-wing divisions first, the evolution of voters’ attitudes is confirmed by other works, as the scale of Euroscepticism configured by Nicolas Sauger et al. (2007: 98s). The scale thus specifies that, in 2005, the proportion of supporters located at the maximum of the scale was less significant for the Right than for the Left. The reasons explaining this minimisation of Euroscepticism for the Right from Maastricht to the European Constitution referendum are partially related to the political offer of right-wing parties. Despite some ephemeral successes, the *souverainist* leaders and MPs became marginalized due to the choice of hazardous strategies and/or the radicalisation of their discourse. By contrast, during both Chirac’s presidency (1995-2007) and Sarkozy’s (since 2007), the main leaders of the Right stood by a pro-EU commitment. This consistency of commitment was also facilitated by the length of the political dominance of the Right (from 1993 to 2012, the right will have led for 14 years). Yet, empirical analyses are missing for fully explaining such a shift at the level of the voter. It can be hypothesised that right-wing supporters may regard the EU as a way of modernizing France’s economy by going beyond domestic political and social constrictions.

Regarding the Left, the division of the Socialists in 2005 evoked the division of the Gaullist in 1992. The leftist split definitively rebuffed the expectations that the socialist experience of the power from 1997 to 2002 with Prime Minister Jospin would “[bring] French social democracy closer to a median European model” (Ladrech 2001: 37). Clearly, French Socialists did not become more reformists thanks to the EU. However, the destabilisation of the left following the 2005 referendum was less severe than the destabilisation of the right after 1992. The explanation for the limited extent of the disturbing effect of the European issue rests, again, on the political offer. The leaders of the “no” were particularly divided, in organisational but also ideological terms (Crespy 2008; Wagner 2008; Heine 2009). Thus, they comprised some Socialists, Communists, conflicting Trotskyites and so-called civil society representatives. In addition, the traditional logic of the Left-Right divide became decisive during 2007 Presidential election campaign, given Sarkozy’s radicalisation and the enduring trauma for left-wing supporters caused by the previous Presidential election, when the division of the Left prevented Jospin from being selected for the second term.

The successive evolution of the Right after Maastricht and of the Left after the European Constitution shows how resilient the French political system is. The limited Europeanisation can be explained by reasons specific to each political family but also by the structural tendency of governing parties to circumscribe an issue that divided them internally. The avoidance or “muffling” (Parsons 2007) strategy of the main parties can be observed through the limited space devoted to Europe in the platforms and speeches¹, but also through the modification of the institutional rules. Indeed, the regionalisation of the European elections in 2004 enabled governing parties to limit the most disturbing effects of these elections. Regionalisation has permitted to reduce the seats obtained by EU treaty opponents (as indicated in figure 1) and to limit the political significance of the campaign and of the results (Costa et al. 2007).

The silent Europeanisation of French politics

This analysis of the historical path, public opinion and party system enables us to conclude that the EU did not dramatically change the way of doing politics in France. Yet, French voters and political leaders are not totally unresponsive to the building of Europe. Some indirect and small elements of Europeanisation, related to public opinion as well as to political life, can be ascertained. .

In regard to public opinion, beyond the aforementioned lack of interest for the EU of French ordinary citizens, an important number of studies point out that citizens' opinions towards Europe are associated with two broader systems of attitudes in a rather coherent way. Firstly, European opinions are correlated to citizens' relationship to authority and cultural liberalism. Opinions can indeed be analysed as the expression of universalistic or anti-universalistic attitudes, independently of the left-right divide (Grunberg and Schweisguth 1997 and 2003). Thus, the analysis of the 2008 wave from the Value Survey state an existing negative correlation between the support to the EU and attitudes related to xenophobia, death penalty and authoritarianism, as well as a positive one between support and tolerance towards homosexuality and soft-drugs consumption (Belot 2009). Secondly, opinions on Europe also express citizens' attitudes towards globalisation and market economy. Independently from the evaluation of Europe in terms of (loss) of sovereignty and national independence, several studies indicate that voters' views about the EU are also organised by the fears regarding the social consequences of the European policies and norms (Belot and Cautrès 2004; Brouard and Tiberj 2006; Sauger et al. 2007). During the 2005 referendum, those social fears were so significant that they dictated a "nay" vote to some left-wing supporters who were otherwise keen on sharing sovereignty: one fifth of the opponents to the European Draft Constitution were among the more pro-European citizens (Sauger et al. 2007: 99).

The salience of the social question and the distrust towards economic liberalism are not specific to French citizens. They are also important issues of concern for their political elites. It is not only that, as Hussein Kassim puts it, « few politicians of the political mainstream openly advocated the benefits of the market as pro-European argument » (2008: 266), but also that a part of them seems to doubt the economic advantages of the Single market and the EMU. For instance, the political elites' reluctance towards the 2004 and 2007 enlargements was expressed in terms of the assimilation of eastern European countries to economic liberalism. An EU of 27 members was regarded as a "laissez-faire Europe", illustrating politicians' lack of trust towards the free-market economy (Lequesne 2008). The assimilation between the EU and free-market economy is partly rooted in the specific history of the French left. Several socialist governments (1983-86, 1988-93, 1997-2002) have indeed developed liberal policies without publicly acknowledging them (Bickerton 2009). More precisely, the realist shift of the Left during Mitterrand's mandate was camouflaged behind the European ambition (Cole 2001). As a result, the defence of the Welfare State and the State's intervention in economy is, more or less confusedly, regarded as incompatible with the European policies.

Opinions about Europe hence send us back to two structured systems of attitudes based on cultural and economic (anti)liberalism. Most of the time, these attitudes remain invisible, as they are not activated by the governing political parties. Yet, they do matter on punctuated occasions such as an EU referendum or during local conflicts when European issues and norms are at stake. These conflicts are well exemplified in the case of the difficult implementation of European norms on hunting activities. In such occasion, the resistance to the EU brought back to politics alienated social groups which were normally inactive (Mischi 2007). The correlation between opinions towards the EU and anti-liberalism also points to the recent trend of the *Eurobarometer* that can be observed in figure 2: since Sarkozy's election in 2007, the rejection of France's membership has increased to twelve percentage points, against the five points representing the EU mean. This suggests that the enduring permissive consensus may be substituted by a "constraining dissensus" (Hooghe and Marks 2005) in the future.

In the same manner that opinions towards Europe cannot be completely subsumed to indifference, the domestic political life has not remained unchanged, even if a new definite European cleavage has not emerged. Three process of Europeanisation are particularly noticeable. Firstly, governing parties can justify painful and unpopular decisions by arguing that they are imposed by Brussels. This famous case of blame avoidance has been largely used by successive left-wing and right-wing majorities, one recent example being, in 2009, the justification of the domestic decision to open of the capital of *La Poste* in the name of the EU directive of liberalisation of the mail market. Yet with the greater number of domestic, political or private actors monitoring EU affairs, the use of Europe as a scapegoat tend to be less efficient (Grossman 2007). Secondly, the EU card has come to constitute a strategic resource insofar as it can be played by a challenger in order to claim the leadership of his/her party or coalition. The strategy of the challenger will thus consist of voicing criticisms against the European position of the incumbent party leader. In some circumstances, this may lead to the creation of a new party. Most of the time, pro-EU views are criticised in the name of ideological purity and of the resolute opposition to the other side of the political spectrum. For the Right, this was the case of Chirac against President Giscard in 1979, of the *souverainistes* against Chirac's pro-Maastricht position in the 90s', and of Sarkozy against Chirac's pro-Turkish policy in the mid-2000s'. For the Left, former Prime Minister Fabius's opposition to the European Constitution in 2004 has also been understood in terms of a strategic anticipation to the 2007 Presidential election, in a period where the leadership of the Left was still uncertain². More rarely, the challenger can claim a more pro-EU orientation, as it has

been the case since 2002 of the refusal of some former UDF leaders, led by François Bayrou, to join the UMP. Among other justifications, Bayrou refused to join the UMP in the name of the pro-EU commitment of the Christian-democrat family. Yet, the lack of emphasis put on EU issues by Bayrou during the 2009 European elections supports the idea of a strategic use of the EU card (Rozenberg forthcoming). Thirdly, an unexpected and indirect effect of the European question could be the stronger opposition between pro-EU parties regarding non-EU issues (Parsons 2007). It can indeed be hypothesized that the difficulty of the Socialists and the UMP to oppose the EMU or the end of public monopoly, for instance, has resulted in their stronger opposition regarding domestic cultural and societal issues. The hypothesis would shed light both on the phenomenon of radicalisation of the French right with Sarkozy (Tiberj 2007) and on the Socialist resistance to the reformist social-democrat paradigm (Grunberg and Laïdi 2007). Yet, Brussels criticisms to Sarkozy's Rom policy evoked in the introduction show that no policy field can be now totally alien to the EU sphere. Ironically, the radicalisation regarding non-EU issues could feed Euroscepticism in the future.

The impact of EU membership on French institutions: Europeanisation equal hyper-presidentialisation

In contrast with the complexity we found regarding French public opinion and party system, the assessment of the impact of the EU on political institutions is clearer: so far, the participation to EU affairs has strengthened the original institutional features of the French political system. If the picture is clearer, the paradox here is striking. The EU consensual, horizontal and painstaking institutional style is utterly opposed to the majoritarian and presidential features of the Vth Republic (Lijphart 1999). In principle, we would expect that the influence of EU would result in the softening of these features. On the contrary, all indicates that France's participation to the EU has contributed to strengthen its domestic institutional model. We will see, however, that this adaptive capacity does not necessarily translate into healthiness of the institutional system. To a large extent, this system is increasingly deadlocked.

The institutional compatibility between the EU and the French Vth Republic

France's participation to EU affairs constitutes a remarkable illustration of how the institutional model of the Vth Republic operates (Rozenberg 2006). Four main elements

characterise this model: the primacy of the President, the centrality of the Prime Minister, the modest participation of the Parliament and the progressive devolution.

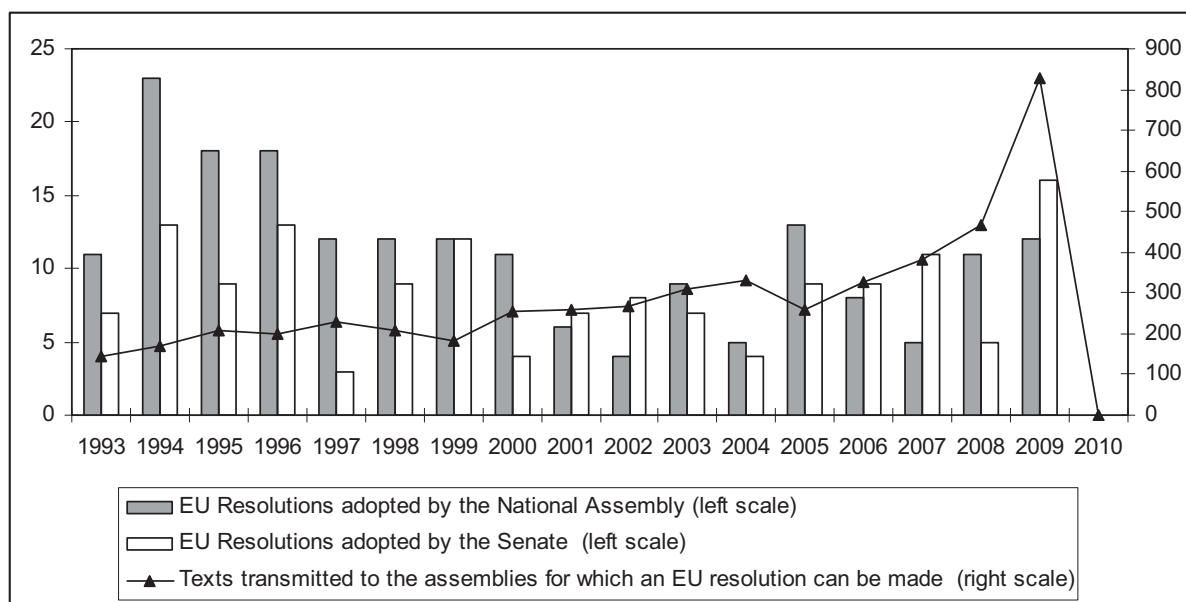
Firstly, *the primacy of the President*. The President of the Republic is in charge of defining the main objectives of the French European policy and of giving his arbitrage in case of governmental conflict (Guyomarch 2001; Menon 2001). EU issues thus occupy a significant part of the priorities, the exercise and the evaluation of each presidency. European issues were particularly central on the agendas of the President Giscard (1974-1981), and of President Mitterrand during his second term (1988-1995). Both Presidents indeed acted as if they considered their commitment towards the building of a single currency essential to their personal historical legacy. This interest in European issues is indicative of the significance of diplomatic and symbolic functions of the institution. With his Cyprus counterpart, the French President is the only European Head of State that leads a national delegation during European Councils. EU Councils and, more generally, European summits of Heads of State constitute one of the few occasions in which the French President can physically incarnate the whole country (Foret 2008). Since de Gaulle, the personal involvement of the President has been particularly central in the stage setting of the Franco-German relationship (Nourry 2005). More recently, we have witnessed how Sarkozy has strengthened the primacy of the institution of the President in EU affairs. In July 2007, he went in person to the Eurogroup meeting in order to justify France's economic policy. During the French Presidency of the European Council of the second semester of 2008, the priorities of the agenda and the official communications were also focused on him, as illustrated by his express trip to Moscow during the Ukrainian crisis. The implicit message of this behaviour was to oppose the personal energy, voluntarism and commitment of a political leader to the alleged lack of dynamism of EU procedures and institutions (Lequesne and Rozenberg 2008). The only aspect in which Sarkozy, as Chirac before him, has proved to be less at ease in EU summits is the obligation to deliver in press conferences, a democratic exercise that is usually avoided in France.

Secondly, *the centrality of the Prime Minister*. The primacy of the President regarding major priorities should not lead to neglect the central role played by the Prime Minister in the management of the day-to-day Community business. The actual execution of the President's decisions, the preparation of the French position regarding EU draft legislation and the transposition of EU norms into domestic legislation are realised under the authority of the Prime Minister. This is illustrated by his direct responsibility over the SGAE (General Secretary for European Affairs). This bureaucratic body in charge of conducting intergovernmental negotiations on EU issues is led by the Prime Minister's advisor for EU

affairs. Contrary to theses prospecting important institutional changes in France (Kassim2008), the domestic management of EU affairs is characterised by a significant continuity through time. In this sense, the transformation in 2005 of the SGCE into the SGAE was just nominal and this institution is still characterised by a remarkable administrative centralisation, to the detriment of the French Permanent representation in Brussels (Lanceron 2007, Lequesne 2010). The density of the administrative networks managed by the SGAE, as well as the generalist (rather than expert) profile of high civil servants have contributed to limit the participation of ministers and politicians in EU affairs (Eymeri 2002). Attempts to get Ministers involved more personally in EU affairs turned out to be rather unsuccessful. Thus, after the “nay” to the European Constitution in 2005, the Inter-ministerial Committee on Europe was created. This committee is to hold specific ministerial meetings dedicated to EU issues, under the authority of the Prime minister. At the beginning the committee met monthly and, during the 2008 Presidency, weekly. However, since then, these meetings have been far more irregular.

Thirdly, *the modest participation of the Parliament*. The French Parliament has obtained important formal prerogatives in the last decades, such as the right to be informed of EU documents in 1990, the right for each assembly to submit non-binding opinions (called resolutions) on EU draft legislation in 1992, and the introduction of the obligation of ministers not to give their official position in the Council as far as the parliamentary scrutiny is not completed, in 1994 (Sprungk 2007). The constitutional right to adopt resolutions on EU documents was originally limited, given the material division between statute law and regulation specified in the French Constitution. However, such initial restraint was progressively abandoned, in 1999, 2005 and 2008. In fact, the new version of the Article 88-4 of the Constitution allows the National Assembly and the Senate to adopt EU resolutions on any Community draft legislation or even on “any document issuing from a European Union Institution”³. As a result of the application of this article, the number of EU documents sent to both assemblies for which resolutions can be made has doubled from 2007 to 2009, as indicated by Figure 3.

Figure 3. The parliamentary EU resolutions in France (1993-2010)



Sources: Nuttens and Sicard 2000; <http://www.senat.fr/europe/dpue-bilan.html>; <http://www.assemblee-nationale.fr/13/europe/resolutions.asp>

NB : 2010 data to be added in January

Organisationally, both assemblies have also adapted themselves to the EU by developing specific bodies devoted to scrutinizing EU draft legislation and organizing hearings. The French delegations to the EU created in 1979 were considerably empowered during the 1990s' in terms of prerogative and human resources⁴. Called "committees" since 2008, they also have more autonomy for adopting resolutions, without having to consult with other exclusive parliamentary committees⁵. In addition, other constitutional amendments adopted in 2008 have transposed the prerogatives given to national parliaments by the Lisbon treaty: the right to send reasoned opinions as to the conformity of a proposal with the principle of subsidiarity (Article 88-6), the right to institute proceedings before the ECJ for the same matter⁶ (Article 88-6), and the right to oppose to the Simplified Revision Procedure for treaty amendment (Article 88-7).

All those elements are certainly not negligible. As a mean, the National Assembly enacts eleven EU resolutions a year, and the Senate nine. In 2009, the Senate EU Committee organised 52 meetings and published 15 reports. However, the level of Europeanisation of the French Parliament still appears to be modest both in comparative and concrete terms. Indeed, the amount of legal prerogatives given to the assemblies stands in considerable contrast with the modest involvement of the MPs. Outside of the small club of EU Committee members, French MPs do not seem to really care about the EU and hardly ever deal with Community matters. The enactment of EU resolutions is irregular. Committee hearings are poorly attended. Floor debates are scarce. Examples of parliamentary influence in the European field

are hard to find. To a certain extent, the reasons for this lack of involvement are Constitutional and institutional. Major orientations of the European policy are difficult to control, given the central role played by the President and its lack of parliamentary accountability (Grossman and Sauger 2007). Non-binding opinions can be easily ignored. The ex-ante involvement in EU committees is disconnected both to floor debates (Auel 2007) and to the transposition phase of the legislative process (Sprungk forthcoming). But the main reason for the modest involvement of the Parliament is to be found in the lack of personal incentives given to MPs for dedicating time and energy to EU business – irrespective of whether they are vote, policy or office seekers (Rozenberg 2009).

Beyond the involvement of the French Parliament in the EU legislative process, we can identify some other elements of Europeanisation of the legislative branch of the French political system. Since 1992, the formal empowerment of the Parliament regarding the EU has paved the way for the attributions of new prerogatives in the domestic arena. Thus, delegations have been created after the model of the EU ones, to deal with issues such as women rights. The idea that the Parliament should give his say in policy-fields directly controlled by the President, such as defence policy, is more legitimate than before. Since 2008, each house of the Parliament has been allowed to pass resolutions on any topic (and not only on EU matters), whereas resolutions had been expressly forbidden in 1958. Yet again, these forms of Europeanisation should not be overstated. The EU is not the only factor accounting for these parliamentary developments. In addition, these elements of Europeanisation did not dramatically change the existing balance of power of the French political system. The French Parliament is still weak, in EU business as elsewhere.

Lastly, the *progressive empowerment of sub-national authorities*. In contrast with a strong centralist legacy, France has experienced a process of devolution. The *décentralisation* started in 1982 with the Left and was pushed further in 2003 with the Right. Even if references to European norms and practices have been made recurrently in order to call for more devolution (Ladrech 1994), the process was first and foremost driven by domestic policy inputs, constraints and considerations. Yet, the discursive reference to Europe was occasionally successful. For instance, regional leaders have claimed for long that French regions were too small by comparison with their European homologues. In 2010, a bill re-organizing significantly local and regional governments eventually allowed regional and *départemental* merging, a choice that could be made in Normandy and Alsace in the short future. More generally, the participation of sub-national authorities in EU affairs appears as particularly illustrative of their current place within the French political system. In EU matters

as in other ones, local authorities' power remains limited because of the sustained mediation by the central State. This does not mean that there has not been any empowerment in EU affairs. In fact, French metropolitan majors frequently lobby Brussels authorities (Le Galès 2002) and French regions are involved in "new networks of regional paradiplomacy" (Pasquier 2009). However, local and regional governments are still closely under central control, as indicated by the management of the structural funds by regional prefects rather than elected by regional councillors (Cole 2008: 91).

A deadlocked institutional model

The institutions of the Vth Republic have adapted to the EU by perpetuating and often strengthening their defining domestic traits. Such a remarkable coherence can be explained both by the resilient nature of the domestic institutional setting and by the good fit between the diplomatic quality of the EU and the ascendancy of the French President. Yet, several elements indicate that the domestic institutional setting is increasingly deadlocked.

Firstly, the occasional periods of *cohabitation* appear to be upsetting both regarding the European policy of France and the electoral arena. The Constitutional ambiguity about who the President or the PM, should have the last word concerning EU major bargains favours the status quo (Leuffen 2009). Moreover, the relative share of responsibility between the two political opponents shadows the democratic game. Situations of divided government, however, are less likely since the limitation of the Presidential term to five years in 2000, even if they are still possible.

Secondly, the Presidential and majoritarian institutional culture of the Vth Republic makes it difficult for French citizens and elite to fully understand the Community method of decision-making and the patient quest of the EU decisional system for large consensus. French ordinary citizens tend to perceive the EU through the filter of the French presidential setting. In the aforementioned focus groups organised in 2005, many French members wondered who the President of the EU was, whereas Britons had a parliamentary reading of the EU and Belgian citizens were more at ease with a multi-level setting (Haegel et al. 2008). Obviously, ordinary citizens are not the only victims of the presidential cognitive filter. Political leaders do also have difficulty in understanding the institutional philosophy of the EU, as indicated, among others examples, by their long disdain towards the European Parliament and by the emphasis put on the European Council (a French initiative) to the detriment the Council of Ministers of the EU. In the 2000s', the diffuse diagnosis among

politicians and high civil servants that the EU was first and foremost suffering from a lack of leadership, and therefore needed a permanent President, was also rooted in the presidentialism *à la française*. Likewise, the French EU Presidency of 2008, regarded in France as a success, was more severely judged outside of the Hexagon, and mostly seen as a product of Sarkozy's unilateral and personal style (Dimitrakopoulos et al. 2009).

Thirdly, there are some cases where the primacy of the President regarding EU affairs does not promote national interests. In comparison with the British Prime Minister, who needs to secure a majority at the Commons, or to the German Chancellor, who needs the support both from within her coalition and from the Landers, the French President is often free from any domestic veto player. Paradoxically, such strength may occasionally weaken France's negotiation position, as indicated by Chirac's shift towards compromise on institutional questions from Nice in 2000 to the European Convention in 2003 (Jabko 2004). When the President has a clear agenda with firm priorities, the lack of domestic red lines can be an asset. This had been the case for some Presidents, who defined their European policy with major domestic problems in mind. Thus, De Gaulle's *grandeur* international agenda allowed him to go beyond the profound internal political divisions of post-war France. Mitterrand's European vision hid elegantly his renouncement to a neo-Marxist agenda. However, in the current period, the European policy does not seem to be for the President such a useful mechanism of solving domestic issues. As a result, French Presidents cannot assert their priorities so firmly at the EU level. Beyond the research of short-term success in the French press like during French 2008 Presidency, the internal strength of the President makes him weak in Brussels.

Lastly, the decision-making process that defines the French European position obviously suffers from a lack of accountability. The influence of the President on EU decision-making contributes to present EU affairs as foreign policy issues, rather than domestic issues (Drake and Milner 1999). Many European files do not find an institutional venue where they can be justified, discussed and criticized. The deficit in adequate institutional channels results in latent Euroscepticism and, in some cases, in irruptive mobilisations against EU norms (Balme 2009: 149). The lack of enthusiasm towards the 2004 and 2007 waves of enlargement to the EU can be understood under this perspective. Political elites failed to build a positive narrative toward the enlargements not only because they were nostalgic of the "small Europe" or, as said before, afraid of economic liberalism (Lequesne 2008), but also because the issue had remained unquestioned publicly for more than a decade. Indeed, the absence of parliamentary debates accompanying the Council meetings during the

pre-adhesion phase of the enlargement played a fundamental role in the creation of the scarecrow of the “Polish plumber”. Moreover, the lack of accountability pushes French officials to continuously try to gain public support for their European policy. The decision to call for a referendum on EU treaties can thus be understood as an indirect consequence of the institutional primacy of the President. Indeed, regarding the referendum on the Draft Constitutional Treaty, no strategic reasons can be brought in for explaining Chirac’s risky choice (Sauger et al. 2007: 47). Rather than external pressures, it seems that his decision is to be found in the systemic necessity to find popular backup for major political orientations. In some cases, the search for legitimacy even leads French officials to endorse Eurosceptic positions by criticizing EU institutions (particularly the Commission and the Central Bank) and EU policies (particularly concerning agriculture, State aids and fisheries).

The impact of EU membership on public policy: somewhere between 20 and 80%

EU membership has generated in France a change in public policies both in substantive and procedural terms. First of all, France is not, or not any more, the “naughty pupil of the class” as indicated by French jurisdictions decisions or by transposition rate. However, several works tend currently to lessen the impact of the EU on French policies. In this respect, the trend of the literature on public policy is very similar to the works on public opinion and parties analysed in the first part: after having acknowledged the growing influence of the EU since the 1980s, converging works now tend to minimize it. Yet, this recent academic trend can be critically assessed.

The progressive acknowledgement of EU law

The story of the Europeanisation of French public policies is full of clichés: France is reluctant to acknowledge the primacy of Community laws, the French State has always been late in transposing EU legislation... If these were true in the past, several elements indicate that this is less and less the case and that French judges, politicians and civil servants now take EU norms seriously.

At first, regarding domestic respect of EU legislation, the decisions of the highest French jurisdictions are convergent and increasingly similar to the ECJ doctrine (Masclet et al. 2010). France early recognized the immediate applicability of EU laws and their primacy on French anterior law. That recognition has been favoured by the monist judicial order, built

on article 55 of the French Constitution that foresees an automatic integration of international norms. Tensions between the ECJ and French jurisdictions remained for long on two points. On the one hand, they dealt with the direct effect of EU law: it is only in 2009 (arrêt Perreux) that the Council of State, the highest administrative jurisdiction, recognized the invocation by individual citizens of a directive not transposed in due time against an individual administrative act (in rupture with the Cohn-Bendit decision of 1978). On the other hand, the divergences regarded the primacy of EU norms on French posterior laws: the two highest courts recognized the full primacy of EU norms on French posterior laws in 1975 (arrêt Jacques Vabre) for the *Cour de cassation* (the highest court of the French judiciary for civil, commercial, social or criminal cases) and in 1989 (arrêt Nicolo) for the Council of State. The changes of decisions of the Council of State resulted from the pressure of ECJ decisions but can also be understood strategically: the highest administrative court found a role as domestic guardian of the EU treaties (Mangenot 2005). In a context of empowerment of the Constitutional Council (CC), the opportunity was seized all the more that the CC refused, at least up to 2006, to control the respect of EU norms by domestic laws⁷. A similar strategic game was played in 2010 when the *Cour de cassation* tried, unsuccessfully, to block the implementation of the new constitutional right of citizens to initiate proceedings before the CC, arguing that it could be damaging to the procedure of requesting preliminary rulings by the ECJ.

The evolution of the CC decisions also strengthened the legal foundation of France's participation in the EU. In 2004, the Council argued that the primacy of EU norms was not only based on international obligations (art. 55 of the Constitution) but on the article 88-1 that stipulates: "*The Republic shall participate in the European Union constituted by States which have freely chosen to exercise some of their powers in common by virtue of the Treaty on European Union [...]*". It meant that the Council recognised the EU judicial order as a part of the national judicial order and as distinct from the international one. As a result, transposing EU norms is regarded as a constitutional obligation and not only as a conventional one. A tension still exists between the French courts and the ECJ concerning the primacy of EU laws on the French Constitution. In a 2006 decision, the CC indicated that it was responsible for monitoring the respect of "France's constitutional identity" by laws transposing EU norms. The notion is vague but recalls that the Council does not consider EU treaties and norms as superior to the French Constitution. According to French judges, EU norms are supreme only because the French Constitution says so; therefore the French Constitution cannot be inferior to those norms. Such a theoretical conflict has been avoided so far by amending the

Constitution whenever the Council found conflicts between the Constitution and EU primary and even secondary legislation⁸. A new Title was added to the Constitution in 1992 and seven of the eighteen Constitutional amendments passed since 1992 had a European dimension (even if some of them, like parliamentary resolutions, were not required by the CC). They are listed in table 2.

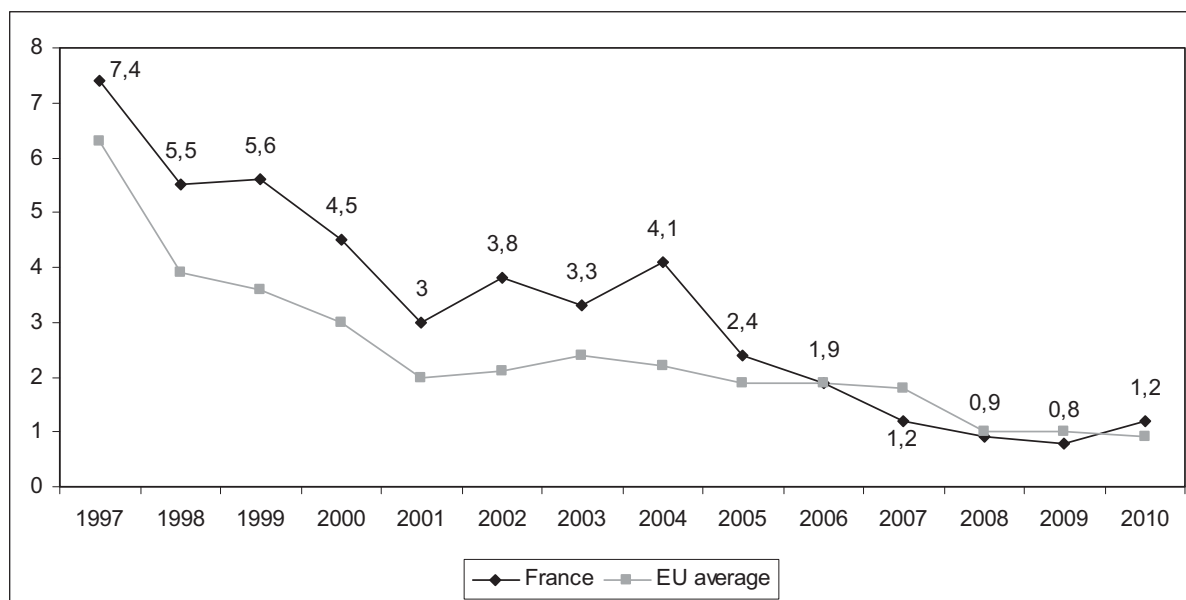
Table 2. Constitutional amendments with EU dimension

| | EU norm | Fields and contents |
|------|-----------------------------|--|
| 1992 | Maastricht | City elections for EU citizens, EMU, visa policy, French language, parliamentary resolutions |
| 1993 | Schengen agreements amended | Asylum |
| 1999 | Amsterdam | Asylum, migration and borders, parliamentary resolutions |
| 2003 | European arrest Warrant | Justice |
| 2005 | Draft constitutional treaty | Compulsory referendum on EU adhesions, parliamentary resolutions (not implemented) |
| 2008 | Lisbon | New competencies, parliamentary rights (subsidiarity, simplified revision procedure) |
| 2008 | (none) | EU parliamentary committees, parliamentary resolutions, no more compulsory referendum on EU adhesions ⁹ |

The second dimension of the progressive acknowledgement of Community laws rests on the improvement of the domestic transposition rate. France was for a long time dysfunctional in dealing with EU laws. If the actions for failure of a Member State to fulfil its obligation are added since the creation of the ECJ (1952-2009), France is the second deficient Member state behind Italy with 389 actions vs. 258 for Germany¹⁰. The reasons were numerous. Ministerial departments occasionally changed the meaning of the directive when transposing it. The multiplication of alternating majorities from 1981 to 2002 also gave greater priority to the domestic agenda. In a few cases as wild-bird hunting or women's work at night, the lack of transposition also came from political or social locks. Ultimately, the French delay illustrated a more global lack of consideration for the EU both with politicians and high civil servants. It should be noted that the French Parliament cannot be made responsible for this deficit since the assemblies do not control their agenda and since half of the directives adopted by the Council are transposed by statutory means (Bertoncini 2009: 28)¹¹. The National Assembly has rather put pressure on the government by producing annual reports on transposition since 2003.

To a large extent, France's transposition deficit is over. The figure 4 presenting data for the internal market only brings evidence of a real improvement in the second half of the 2000s. As a result, France is now close to the EU mean.

Figure 4. France transposition deficit on internal market norms (%) (1997-2010)



Note: according to the Commission, 1,486 directives and 999 regulations were related to the functioning of the Internal Market in 2010, those figures being stable during the whole period.

Source: European Commission, *Internal Market Scoreboard*, compilation of the 2nd semester data of the bi-annual reports, from n° 1 to n° 19.

Some contextual factors - political stability since 2002, the greater official concern for EU issues after the 2005 referendum - may partly explain why France caught up. Yet, the awareness came above all from the first financial condemnations by the ECJ in 2005 (about fisheries) and in 2006 (about liability for defective products). It should also be noted that France's improvement remains partial: the number of pending infringement cases is decreasing quickly but, with 80 cases in late 2010, it is still high compared to other members States (the EU average is 46 cases, internal market only)¹². During the period 2005-2010, France has received as a mean 31 letters a year of formal notice sent for “non-communication” by the Commission (EU average: 33 letters)¹³.

The disputed assessment of the impact of the EU on French policies

Whereas European studies were originally developed in France with the credo that EU public policies matter (Hassenteufel and Surel 2008), a series of recent quantitative studies

aims at challenging this idea, or more exactly Jacques Delors's false prediction (made in the late 1980s) that in the future 80% of the economic legislation will originate from the EU. The ways of assessing quantitatively the impact of the EU are numerous and rather complex which explains some significant variations exposed in table 3.

Table 3. The quantitative assessment of the EU impact on French legislation

| Source | Type of data | Period | Ratio (n) | Ratio (%) |
|--------------------------|--|-----------|----------------|-----------|
| Bertoncini (2009) | Stock of EU acts in comparison with the stock of acts in France* | 2008 | 9,685 / 26,777 | 36% |
| | Laws & ordinances transposing EU directives | 2000-2008 | 202 / 690 | 29% |
| Brouard and Costa (2009) | Laws transposing EU norms | 1986-2006 | 245 / 1,885 | 13% |
| Fekl (2010) | Laws & ordinances transposing EU norms | 1999-2008 | 163 / 669 | 24% |
| | Law & ordinances significantly transposing EU norms** | 1999-2008 | 58 / 669 | 9% |
| | Articles of laws & ordinances transposing EU norms | 1999-2008 | 1,404 / 19,094 | 7% |

Note: International agreements are excluded, except for Brouard and Costa (2009). * *Stock of EU acts in comparison with the stock of acts in France* = ratio between the number of directives and regulations published in the Official Journal of the EU and the number of laws, ordinances and decrees published in the French Official Journal. ** *Law & ordinances significantly aiming at transposing EU norms* = at least 10% of the articles of the law drafted to that end.

The quantitative impact of EU norms on French legislation is therefore estimated between 7% and a third. In detail, the situation is very different from one policy field to another. If the EU legislative agenda is focussed on agriculture and regulatory economic policies (Grossman and Brouard 2009), French laws that aimed significantly at transposing EU norms have been focussed on economy (16 laws from 1999 to 2008), employment, welfare and health (10), justice (9), transport and equipment (8) (Fekl 2010).

In addition to the quantitative assessment of the EU impact, several recent case studies also tend to minimize the Europeanisation of French public policies. By comparing several policy fields across Members States, Mark Thatcher (2007a) concludes that the transposition process allow a high degree of autonomy to each government. In some cases, French policy-makers have used the alibi of a directive to implement dramatic reforms, far beyond the European prescriptions. In others, they have succeeded in adapting the European model to domestic constraints. This is particularly the case for the former national State-owned monopolies that were granted a large span of time to adapt to liberalisation. Regarding environment issues, Pierre Lascombes (2008) indicates that the ambiguity and the modification of the main objectives of this policy gave to French policy-makers a margin of manoeuvre when they translated them to national scale. In the economic field, Ben Clift

estimates that there is still a “dirigist instinct” (2009: 164) among French elite as illustrated by the new credo of “economic patriotism” developed in the mid 2000s. He acknowledges that EU policies have challenged the ‘French Developmental State’ but observes that, as a result, “[...] French economic interventionism in the 1990s and 2000s has focused more on microeconomic, rather than macroeconomic policy” (ibid: 166). For instance, the implementation of the take-over 2004 directive paradoxically strengthened the anti-takeover opportunities of domestic firms. The merging policy in the field of energy particularly illustrates the unforeseen impact of market liberalisation. At a more sociological level, continuity in the policy-makers identity can also be observed. The members of the regulatory agencies for instance still originate from high civil service, particularly from the State’s *grands corps* (Baudy and Varone 2007; Thatcher 2007b).

Another point raised in order to minimize the European impact is the congruence between EU and French norms (Brouard et al. forthcoming). This fitness would first and foremost derive from France’s influence within the EU. Thus, in his analyse of Chirac’s presidency (1995-2007), Kassim (2008) challenges the thesis of a French malaise (Keeler and Schain 1996; Grossman 2007) and estimates that, especially through the strategic partnership with Germany, France can still minimize the EU constraints. The avoidance of a sanction for excessive deficit in 2003 and even the reform of the stability pact negotiated in 2010 give credit to this point of view. Since the Greek financial crisis of spring 2010, French officials have indeed appeared more concerned by a degradation of France’s financial notes than by EU hypothetical sanctions. In policy fields where it has become more difficult for France to get full satisfaction, like the CAP, regional aids and environment, there are some indications that a “re-nationalisation” is ongoing (Smith 2008).

Finally, it should be said that, as for public opinion and political parties, minimizing the EU impact should not be led too far. There are indeed some risks of subsiding the “80%’s myth” by a “new 20%’s myth”¹⁴ since a large part of the Europeanisation process is impossible to assess quantitatively. The references to “Europe” can take indeed a great variety of forms from EU legislation, to the praise of national champions (Denmark for instance), transnational networks or even geopolitical considerations. Precisely thanks to this great heterogeneity Europe can matter, i.e. help or constraint policy-makers. Thus, several case studies established that the reference to Europe has been central to some policy enterprises in fields where EU competencies were limited or inexistent like the Welfare reforms of 1995 (Palier 2002), the professionalization of French army in 1996 (Irondelle 2003), the parity laws in favour of women representation in 1999 (Bereni 2004) or the University curriculum reform

since 2002 (Ravinet 2008). As regards more specifically the implementation of EU norms, the “do-it-yourself” conceptual framework of many Europeanisation studies should not lead to neglect that, at the end of the day, EU norms matter and they do so especially in a country where the State has historically played a unique role in shaping the nation and the economy. To give just but one example, the ECJ definition of the civil service narrowly focussed on the exercise of State authority contributes to a full redefinition of who civil servants are, and indirectly of what the French State missions should be (Eymeri 2006). Pierre Muller et al. (1996) seminal intuition that the production of constraining legal norms by a non-Statist system constitutes a radical innovation is still relevant.

Conclusion

This general overview of the impact of EU membership on France enables to conclude that France has really changed by participating in the EU. Such conclusion stands rather in contrast with a large part of recent studies that, after an initial period of enthusiasm in the 1980s and 1990s, tend to minimize the impact of the EU on French domestic politics and policies. For sure, Monnet did not act for nothing. Yet, the chapter has also highlighted how mixed the Europeanisation process is. Public policies and policy-making changed dramatically even if the domestic legislation is not dictated by the EU institutions. Domestic institutions have also evolved but mostly in order to strengthen France’s parochialism. The impact of the EU is more limited with regard to public opinion and politics. The EU has occasionally destabilised the party system and offered some new tips for political entrepreneurs but most of the political leaders have chosen a strategy of avoidance of EU issues. Therefore, the inner European cleavages within public opinion are not activated by the political offer. They are only expressed on a few occasions as the 2005 referendum. The rest of the time, the “threatening indifference” of political elites and citizens feed each other.

To a large extent, the uncertainty of France’s commitment towards the EU exposed in the introduction can be explained by this mixed aspect of the Europeanisation process. The contrast between the impact of the EU over public policies and the relative torpor of the public debate on Europe is certainly not specific to France. What is more specific is that national institutional system reinforces this contrast: parliamentary debates are rare; the President is not hold accountable for his EU policy; EU bargains are perceived as diplomatic; high civil servants do their best to circumscribe the politicians’ involvement... The

institutional feature of the Vth Republic has been strengthened by France's EU membership but does not contribute to politicise that membership.

In a sense, the resilience of the French institutional and party system makes France European policy more regular and constant. The stability of the political system contributed for instance to minimize both the external and the internal effects of the 2005 referendum. Yet, the mixed nature of the Europeanisation process also leads to the development of two other phenomena that could, in the future, impact on France European policy. Firstly, the Europeanisation process is increasingly silent. As written by Richard Balme (2009: 142): "[...] European integration lost the prominent position it occupied on public policy agendas during the 1970s and 1980s". Because Europe was used to camouflage domestic renunciations for the best, or as a scapegoat for the worst, the mobilizing potential of the European reference is less and less efficient. The narrative of the *Europe puissance* has been eroded. As a result, and this is the second aspect, mainstream political parties and leaders tend to develop a catch-all discourse integrating pro and anti EU elements, as the last European elections in 2009 made clear (Rozenberg forthcoming). So far, such a way of playing softly with Euroscepticism has remained discursive and has not impacted France EU policy. Among other elements, the September 2010 clash between Sarkozy and Barroso, evoked in the introduction, indicates that it could no longer be the case in the future¹⁵.

References

Auel, K. (2007), 'Adapting to Europe: Strategic Europeanization of National Parliaments', in R. Holzhaecker and E. Albaek (eds), *Democratic Governance and European Integration* (Aldershot: Edward Elgar), 157-79.

Balme, R. (2009), 'France, Europe and the World: Foreign Policy and the Political Regime of the fifth Republic', in S. Brouard, A.M. Appelton and A.G. Mazur (eds), *The French Fifth Republic at fifty* (Basingstoke: Palgrave), 136-50.

Balme, R., and Woll, C. (2005), 'France: Between Integration and National Sovereignty', in S. Bulmer, and C. Lequesne (eds), *The Member States of the European Union* (Oxford: OUP), 97-118.

Baisnée, O., and Frinault, T. (2008), "'Who cares about the EU?' Les médias français et l'Europe", in O. Costa and P. Magnette (eds), *Une Europe des élites ? Réflexions sur la fracture démocratique de l'Union européenne* (Brussels: éd. de l'Université de Bruxelles), 55-76.

Baudy, P. and Varone, F. (2007), 'Europeanization of the French Electricity Policy: Four Paradoxes', *Journal of European Public Policy*, 14(7), 1048-60.

Belot, C. (2009), 'Europe : de la confiance aux peurs', in P. Bréchon, J.F. Tchernia (eds), *La France à travers ses valeurs* (Paris: Armand Colin), 305-9.

Belot, C., and Cautrès, B. (2004), 'L'Europe, invisible mais omniprésente', in B. Cautrès and N. Mayer (eds), *Le nouveau désordre électoral. Les leçons du 21 avril 2002* (Paris: Presses de Sciences Po), 119-41.

Bereni, L. (2004), 'Le mouvement français pour la parité et l'Europe', in S. Jacquot, C. Woll (eds), *Les usages de l'Europe. Acteurs et transformations européennes* (Paris: L'Harmattan), 33-54.

Bertoncini, Y. (2009), 'Les interventions de l'UE au niveau national : quel impact ?', *Etude et Recherche, Notre Europe*, 73 (http://www.notre-europe.eu/uploads/tx_publication/Etud73-Y_Bertoncini-fr.pdf).

Bickerton, C.J. (2009), 'Arrogance or ambivalence? Rethinking France's role in a Europe of twenty-seven', *French Politics*, 7(2), 194-205.

Bozec, G. (2010), 'L'Europe au tableau noir. Comment les instituteurs français enseignent-ils l'Union européenne aujourd'hui ?', *Politique européenne*, 30(1), 153-86.

Brouard, S., and Costa, O. (2009), 'Mythe et réalité de l'eupéanisation. Non, les lois ne sont pas écrites à Bruxelles', *Le Monde*, 30 May.

Brouard, S., Costa, O., and Kerrouche, E. (forthcoming), 'Are French Laws written in Brussels? The Limited Europeanization of Lawmaking in France and its implications', in S. Brouard, O. Costa and T. König (eds), *Delors' Myth: The scope and impact of Europeanization of law production*.

Brouard, S., and Tiberj, V. (2006), 'The French Referendum: The Not So Simple Act of Saying Nay', *PS : Political Science & Politics*, 39/2, 261-8.

Cautrès, B., and Dennis, B. (2000), 'Les attitudes des Français à l'égard de l'Union européenne : les logiques du refus', in P. Bréchon, A. Laurent and P. Perrineau (eds), *Les cultures politiques des Français* (Paris: Presses de Sciences Po), 323-54.

Clift, B. (2009), 'Economic Interventionism in the Fifth Republic', in Brouard et al. (eds), *The French Fifth Republic at fifty*, 153-73.

Cole, A. (2001), 'National and Partisan Contexts of Europeanisation: the Case of the French Socialists', *Journal of Common Market Studies*, 39(1), 15-31.

Cole, A. (2008), *Governing and Governance in France* (Cambridge: Cambridge University Press).

Costa, O., Kerrouche, E., Pélerin, J. (2007), 'Les députés européens en quête de « proximité », retour sur la réforme française du mode de scrutin aux élections européennes', in O. Costa et al. (eds), *Une Europe des élites ?*, 115-138.

Crespy, A. (2008), 'Dissent over the European Constitutional Treaty within the French Socialist Party: Between Response to Anti-Globalization Protest and Intra-Party Tactics', *French Politics*, 6(1), 23-44.

Culpepeer, P.D., Hall, P.A., and Palier, B. (eds) (2006), *Changing France. The Politics that Markets Make* (Basingstoke: Palgrave).

Davies, L. (2010), 'France defends Roma expulsion policy', *Financial Times*, 15 September, available on www.ft.com.

Dimitrakopoulos, D.G., Menon, A. and Passas, A.G. (2009), 'France and the EU under Sarkozy: Between European Ambitions and National Objectives?', *Modern & Contemporary France*, 17(4), 451-65.

Down, I., and Wilson, C.J. (2008), 'From 'Permissive Consensus' to 'Constraining Dissensus': A Polarizing Union?', *Acta Politica*, 43, 26-49.

Drake, H. (2010), 'France in Europe, Europe in France: The Politics of Exceptionalism and their Limits', in T. Chafer and E. Godin (eds), *The End of the French Exception? Decline and Revival of the 'French Model'* (Basingstoke: Palgrave), 187-202.

Drake, H., Milner, S. (1999), 'Change and resistance to change: the political management of Europeanisation in France', *Modern & Contemporary France*, 7(2), 165-78.

Duchesne, S., Frogner, A. (2002), 'Sur les dynamiques sociologiques et politiques de l'identification à l'Europe', *Revue française de science politique*, 52(4), 355-73.

Duchesne, S., Haegel, F., Frazer, E., Van Ingelgom, V., Garcia, G., Frogner, A. (2010), 'Europe between integration and globalisation social differences and national frames in the analysis of focus groups conducted in France, francophone Belgium and the United Kingdom', *Politique européenne*, 30(1), 67-105.

Evans, J. (2007), 'The European dimension in French public opinion', *Journal of European Public Policy*, 14 (7), 1098-116.

Eymeri, J.M. (2002), 'Définir "la position de la France", dans l'Union européenne. La médiation interministérielle des généralistes du SGCI', in O. Nay, and A. Smith (eds), *Le gouvernement de compromis. Courtiers et généralistes dans l'action politique* (Paris: Economica), 149-76.

Eymeri, J.M. (2006), 'La fonction publique aux prises avec une double européanisation', *Pouvoirs*, 117, 121-36.

Fekl, M. (2010), 'Normes européennes, loi française : le mythe des 80%', *Terra Nova* (<http://www.tnova.fr/sites/default/files/mythe.pdf>).

Foret, F. (2008), *Légitimer l'Europe. Pouvoir et symbolique à l'ère de la gouvernance* (Paris: Presses de Sciences Po).

Grossman, E. (2007), 'Introduction: France and the EU: from opportunity to constraint', *Journal of European Public Policy*, 14(7), 983-91.

Grossman, E. (2008), 'La résistance comme opportunité: les stratégies des institutions politiques françaises face à l'Europe', *Revue internationale de politique comparée*, 15(4), 667-78.

Grossman, E., and Brouard, S. (2009), 'What are the European Union's priorities?', in Dehousse, R., Deloche-Gaudez, F. Jacquot, S. (eds), *What is Europe up to?* (Paris: Presses de SciencesPo). Ebook:

<http://www.pressdesciencespo.fr/fr/livre/?GCOI=27246100525590&fa=details>

Grossman, E., and Sauger, N. (2007), 'Political institutions under stress? Assessing the impact of European integration on French political institutions', *Journal of European Public Policy*, 14 (7), 1117-34.

Grunberg, G., and Laïdi, Z. (2007), *Sortir du pessimisme social : essai sur l'identité de la gauche* (Paris: Hachette Littérature and Presses de Sciences Po).

Grunberg, G., and Schweisguth, E. (1997), 'Vers une tripartition de l'espace politique', in D. Boy and N. Mayer (eds), *L'électeur a ses raisons* (Paris: Presses de Sciences Po), 331-47.

Grunberg, G., and Schweisguth, E. (2003), 'French Political Space: Two, Three or Four Blocs?', *French Politics*, 1(3), 331-47.

Guieu, J.M. and Le Dréau, C. (eds) (2009), 'Anti-européens, eurosceptiques et souverainistes. Une histoire des résistances à l'Europe (1919-1992)', *Les cahiers Irice*, 4.

Guyomarch, A. (2001), 'The Europeanization of Policy Making', in A. Guyomarch, H. Machin, P. Hall, J. Hayward (eds), *Developments in French Politics 2* (Basingstoke: Palgrave).

Guyomarch, A., Machin, H., and Ritchie, E. (eds) (1998), *France in the European Union* (London: Palgrave).

Haegel, F. (2009), 'Right-wing Parties in France and in Europe', in P. Perrineau and L. Rouban (eds), *Politics in France and Europe* (Basingstoke: Palgrave), 217-33.

Haegel, F., Duchesne, S., Frazer, E., Frogner, A.P., Garcia, G., and Van Ingelgom, V., (2008), 'National Framing revisited. French, British and French speaking Belgian citizens arguing about Europe', paper presented at the conference *European Citizenship Revisited*, University of Oxford, 23rd of June 2008 (http://oxpo.politics.ox.ac.uk/projects/discussion_political/index.asp).

Hainsworth, P., O'Brien, C., and Mitchell, P. (2004), 'Defending the Nation: The Politics of Euroscepticism on the French Right', *European Studies*, 20, 37-58.

Hassenteufel, P., and Surel, Y., 'Politiques publiques', dans C. Belot, P. Magnette, S. Saurugger (eds), *Science politique de l'Union européenne* (Paris: Economica), 81-105.

Heine, S. (2009), *Une gauche contre l'Europe?* (Brussels: édition de l'Université de Bruxelles).

Hooghe, L., and Marks, G. (2005), 'Calculation, Community and Cues. Public Opinion on European Integration', *European Union Politics*, 6(4), 419-43.

Irondele, B. (2003), 'Europeanisation Without the European Union? French Military Reforms 1991-1996', *Journal of European Public Policy*, 10(2), 208-26.

Jabko, N. (2004), 'The importance of being Nice: an institutionalist analysis of French preferences on the nature of Europe', *Comparative European Politics*, 2 (3), 282-301.

Kassim, H. (2008), 'France and the European Union under the Chirac Presidency', in A. Cole, P. Le Galès, and J. Levy (eds), *Developments in French Politics 4* (Basingstoke: Palgrave), 258-76.

Keeler, J., and Schain, M. (eds) (1996), *Chirac's Challenge. Liberalization, Europeanization and Malaise in France* (New York: St Martin's Press).

Kriesi, H.-P. (2007), 'The Role of European Integration in National Election Campaigns', *European Union Politics*, 8(1), 83-108.

Ladrech, R. (1994), 'Europeanization of Domestic Politics and Institutions: The Case of France', *Journal of Commons Market Studies*, 32(1), 69-88.

Ladrech, R. (2001), 'Europeanization and French social democracy', *Journal of Balkan and Near Eastern Studies*, 3(1), 37-47.

Lanceron, V. (2007), *Du SGCI au SGAE. Evolution d'une administration de coordination au cœur de la politique européenne de la France* (Paris: l'Harmattan).

Lascombes, P. (2008), 'Les politiques environnementales', in O. Borraz, V. Guiraudon (eds), *Politiques publiques. 1, La France dans la gouvernance européenne* (Paris: Presses de Sciences Po), 29-67.

Le Galès, P. (2002), *European Cities: Social Conflicts and Governance* (Oxford: Oxford University Press).

Lequesne, C. (2008), *La France dans la nouvelle Europe* (Paris: Presses de Sciences Po).

Lequesne, C. (2010), 'L'administration centrale française et l'Union européenne', in Y. Doutriaux, C. Lequesne (eds), *Les institutions de l'Union européenne après le traité de Lisbonne* (Paris: La documentation française), 8th ed., 145-87.

Lequesne, C., Rozenberg, O. (2008), 'The 2008 French EU Presidency: The Unexpected Agenda', *Swedish Institute for European Policy Studies*, 3 op.

- Leuffen, D. (2009), 'Does cohabitation matter? French European policy-making in the context of divided government', *West European Politics*, 32(6), 1140-60.
- Lijphart, A.. (1999), *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven: Yale University Press).
- Lindberg, L.N., and Scheingold, S.A. (1970), *Europe's Would-Be Polity: Patterns of Change in the European Community* (Englewood Cliffs: Prentice-Hall).
- Mair, P. (2000), 'The Limited Impact of Europe on the National Party Systems', *West European Politics*, 23(4), 27-51.
- Mangenot, M. (2005), 'Le Conseil d'Etat and Europe', H. Drake (ed.), *French Relations with the European Union* (Abingdon: Routledge), 86-104.
- Masclet, J.C. et al. (eds) (2010), *L'Union européenne : Union de droit, Union des droits. Mélanges en l'honneur de Philippe Manin* (Paris: Editions A. Pedone).
- Menon, A. (2001), 'The French administration in Brussels', in H. Kassim, A. Menon, B.G. Peters, V. Wright (eds), *The National coordination of EU Policy: the Domestic Level* (Oxford: OUP), 75-100.
- Mischi, J. (2007), 'L'impact communautaire sur la politisation des classes populaires en milieu rural. Le cas des chasseurs de gibier d'eau', in O. Baisnée, R. Pasquier (eds), *Européanisation et sociétés politiques nationales* (Paris: éd. du CNRS), 145-65.
- Muller, P., Quermonne, J.L., and Mény, Y. (eds) (1996), *Adjusting to Europe: the impact of the european Union on national institutions and policies* (London: Routledge).
- Nourry, C. (2005), *Le couple "franco-allemand" : une symbolique européenne* (Brussels: Bruylant).
- Nuttens, J.-D., Sicard, F. (2000), *Assemblées parlementaires et organisations européennes* (Paris: La Documentation française).
- Palier, B. (2002), *Gouverner la sécurité sociale* (Paris: PUF).
- Parsons, C. (2003), *A Certain Idea of Europe*, Ithaca, Cornell University Press.
- Parsons, C. (2007), 'Puzzling out the EU role in national politics', *Journal of European Public Policy*, 14(7), 1135-49.
- Pasquier, R. (2009), 'The Europeanisation of French regions', *French Politics*, 7(2), 123-44.
- Ravinet, P. (2008), 'From Voluntary Participation to Monitored Coordination: Why European Countries Feel increasingly bound by their Commitment to the Bologna Process', *European Journal of Education*, 43(3), 353-67.
- Rozenberg, O. (2006), 'L'Union européenne et le fonctionnement des pouvoirs publics', *Les Cahiers français*, 332, 39-45.

Rozenberg, O. (2007), 'La faute à Rousseau ? Les conditions d'activation de quatre idéologies critiques de la construction européenne en France', in J. Lacroix, and R. Coman (eds), *Résister à l'Europe : figures des oppositions au modèle européen* (Brussels: édition de l'Université de Bruxelles), 129-153.

Rozenberg, O. (2009), 'Présider par plaisir. L'examen des affaires européennes à l'Assemblée nationale et à la Chambre des Communes depuis Maastricht', *Revue française de science politique*, 59/3, 401-27.

Rozenberg, O. (forthcoming), 'Playing softly with Euroscepticism. The 2009 European Elections in France', in R. Harmsen, J. Schild (eds), *Debating Europe: The 2009 European Parliament Elections and Beyond* (Baden-Baden: Nomos).

Sauger, N. (2005), 'Sur la mutation contemporaine des structures de la compétition partisane en France : les partis de droite face à l'intégration européenne', *Politique européenne*, 16, 103-26.

Sauger, N. (2008), 'Attitudes towards Europe in France', in Cole et al. (eds), *Developments in French Politics 4*, 60-73.

Sauger, N., Brouard, S., and Grossman, E. (2007), *Les Français contre l'Europe ? Les sens du référendum du 29 mai 2005* (Paris: Presses de Sciences Po).

Smith, A. (2008), 'L'intégration européenne des politiques françaises', in Borraz et al. (eds), *Politiques publiques. I*, 197-214.

Sprungk, C. (2007), 'The French Assemblée Nationale and the German Bundestag in the European Union. Towards Convergence in the 'old' Europe?', in J. O'Brennan and T. Raunio (eds), *National Parliaments in the Enlarged European Union* (London: Routledge), 132-62.

Sprungk, C. (forthcoming), 'How policy-shaping might (not) affect policy-taking: the case of national parliaments in the European Union', *Journal of European Integration*.

Thatcher, M. (2007a), *Internationalisation and Economic Institutions. Comparing European Experiences* (Oxford: OUP).

Thatcher, M. (2007b), 'Regulatory agencies, the state and markets: a Franco-British comparison', *Journal of European Public Policy*, 14(7), 1028-47.

Throssell, K. (2010), 'One thing leads to another: European and National Identities in French school children', *Politique européenne*, 30(1), 131-52.

Tiberj, V. (2007), *La crispation hexagonale: France fermée contre « France plurielle », 2001-2007* (Paris: Plon).

Van Ingelgom, V. (2010), *Intégrer l'indifférence. Une approche comparative, qualitative et quantitative, de la légitimité de l'intégration européenne* (doctoral thesis: Sciences Po, Université catholique de Louvain).

Wagner, M. (2008), 'Debating Europe in the French Socialist Party: The 2004 Internal Referendum on the EU Constitution', *French Politics*, 6, 257-79.

Weill, P.-E. (2010), "Plutôt l'UEFA que l'UE !" (Dés-)enchantement de l'identification à l'Europe des jeunes de milieux populaires issus de l'immigration', *Politique européenne*, 30(1), 107-30.

¹ Hans-Peter Kriesi (2007) notes that the frequency with which party positions on Europe are mentioned on the press during the elections campaign was multiplied by two from the 70s' to the 90s' but remained twice below the UK or Switzerland.

² The fact that criticizing EU Treaties can be damaging for the statesperson image of a political leader suggests that challengers face a trade-off when locating themselves on EU issues.

³ The article 88-4 says: "The government shall lay before the National Assembly and the Senate drafts of European legislative acts as well as other drafts of or proposals for acts of the European Union as soon as they have been transmitted to the Council of the European Union. / In the manner laid down by the Rules of Procedure of each House, European resolutions may be passed, even if Parliament is not in session, on the drafts or proposals referred to in the preceding paragraph, as well as on any document issuing from a European Union Institution. / A committee in charge of European affairs shall be set up in each of the Houses of Parliament".

⁴ Contrary to Grossman's analysis (2008), it does not seem that the lack of resources of the EU Delegations explain the modest involvement of the French Parliament in EU affairs. Rather, the high number of clerks has enabled the Delegations to camouflage the lack of personal involvement of the MPs.

⁵ EU committees are actually the only committees specifically mentioned in the Constitution. Yet, there are not similar to the eight select committees since mutual belonging is possible, and even compulsory, for EU committees.

⁶ This right is open to the political opposition since sixty MPs can activate the procedure.

⁷ With the *Decision IVG* of 1975, the CC refused to control the conformity of a national law to EU norms and let that task to the other supreme jurisdictions. In 2006 yet, the Council censured a bill on energy for not transposing correctly a directive on gas and electricity. That shift is limited since the Council still refuses to control the conformity to EU laws of national bills that are not meant to transpose EU legislation.

⁸ Regarding the statutory acts resulting from the transposition of EU laws, the requests for preliminary ruling asked by the Council of State have also prevented such conflicts.

⁹ The compulsory referendum on EU adhesions was introduced in the Constitution before the 2005 referendum in view of disarming the opponents to the Turkish accession. Despite his initial objective, Sarkozy did not succeed in suppressing totally this clause in 2008. Yet, contrary to what is said in the literature (Lequesne 2008: 65; Dimitrakopoulos et al. 2009: 462), referendum on accession are not compulsory any more since they can be avoided by the votes of each assembly, separately and then jointly, at a majority of three fifteenths.

¹⁰ Source: *Annual Report of the Court of Justice*, 2009.

¹¹ 48.5% exactly. Bertoni established that, on the basis of the 759 directives adopted from 2000 to 2008, 58% of the directives adopted by the Council alone had been transposed through laws and 48% of the directives adopted through the co-decision procedure. He also reports the synthesis of the analysis realised by the Council of State on the legislative or statutory nature of EU acts (according to the French constitutional distinction). On the longer period of 1992-2008, the Council of State estimates that 67% of the EU directives had a legislative dimension and 68% of the EU regulations.

¹² Source: European Commission, *Internal Market Scoreboard*, n° 19, 2010.

¹³ Source: http://ec.europa.eu/community_law/directives/directives_communication_en.htm (10 November 2010).

¹⁴ I borrow the expression to Katrin Auel, conference in Sciences Po Paris, 18 January 2010.

¹⁵ I am grateful to Yves Doutriaux, Cesar Garcia Perez de Leon and Angela Tacea for their help.