

Structuring Conflict about Europe: National Media in Transnational Discourse Analysis

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ABSTRACT: What lessons can be drawn from the failure of the “Treaty establishing a Constitution for Europe” to gain legitimacy? The introductory chapter presents the analytical framework, empirical data and methods employed by an international research team at the University of Bremen to explore this question. First, it sets out the framework used in this study to examine the patterns and dynamics of political conflict on European integration in the context of EU constitutional politics. Second, it describes the construction of the empirical data set which includes 7.378 articles from 31 print media, all of which cover the political debates in six new and old member states during Constitutional Treaty ratification, rejection and reflection (Oct. 2004 – Oct. 2005). Third, methodologically speaking, it outlines the quantitative and qualitative methods of political discourse analysis that reflect a special focus on argumentation and justification, transnational discursive interaction, and inclusion/exclusion. Finally, a number of comparative findings are highlighted that correct popular misconceptions about why the TCE failed and help to determine to what degree not the text or context of the constitutional project but the process is to blame for this.

I. INTRODUCTION

When the ratification of the “Treaty establishing a Constitution for Europe” (TCE) was brought to a sudden halt by the 2005 referenda failures in France and the Netherlands, European political leaders agreed on a “period of reflection”. Critical reflection and debate entails not only exploring the reasons why citizens are discontented with the EU’s constitutional project. At stake is also the more fundamental problem facing the EU of how to develop the best approach to conflicts over integration in a “postnational constellation” (Habermas, 1998): Should the norms of integration be managed by technical elites; should they be negotiated within the traditional framework of the liberal democratic state; or should they be democratically negotiated in open-ended and non-restricted ways (Tully, 2007)? There are extensive and in-depth studies examining “the elements of a theory of a constitution for Europe” (Peters, 2001); the “democratic experiment” of the “Convention on the Future of Europe” (Liebert et al., 2003; Fossum & Menendez, 2005; Hurrelmann 2005); the achievements and failures of the subsequent

Intergovernmental Conference (IGC) and the facets of the TCE (Amato et al., 2007; König & Hug, 2006; Eriksen et al., 2006; Liebert, Falke & Maurer, 2006). But much less is known about what lessons can be drawn from the constitutional acceptance crisis regarding the question of how to negotiate conflict in the enlarging Union.¹

Given the paucity of solid empirical knowledge in this field of EU research at the intersection of law, political science, sociology, media and communication research, many have taken refuge in speculative claims. Some of them are - in the better cases - little more than “common sense” based contentions (Majone, 2006). In worse cases they merely reproduce ill-informed ideas.² In the absence of firm grounding, controversial arguments have gained currency on this shaky terrain³ On the one hand, Andrew Moravcsik claims that the “needless European constitutional debate” has only politicized the public through constitutional rhetoric, since the EU had no chance of effectively generating participation that would translate into political legitimacy (Moravcsik, 2006):

“The effort to generate participation and legitimacy by introducing more populist and deliberative democratic forms was doomed to failure because it runs counter to our consensual social scientific understanding of how advanced democracies actually work. There is simply no empirical reason to believe, as the advocates of constitutional reform clearly believed, that opportunities to participate generate greater participation and deliberation, or that participation and deliberation generate political legitimacy.”

From what he dubs a “five-year constitutional detour” Moravcsik draws the lesson that the EU should drop the Constitutional experiment and return to the status-quo ante. He believes the ratification defeat is ample proof that given “the sort of issues the EU handles” it does not warrant democratic participation, deliberation, or democratic legitimacy (p. 221-2). By contrast, others see the Constitutional episode as the most recent instance of the (belated) politicisation of the EU, where citizens judge policies not alone by standards of effectiveness but where their normative legitimacy and the norms by which they are justified are at stake (Fossum & Trenz, 2006; Zürn 2006; Sudbery & Laffan). Thus, there is more need for solid, empirically-based social scientific research to rely on for testing competing claims about the preconditions, dynamics and consequences of European constitutional reform politics and policies. Such principled controversy is not a matter of normative theory alone – it calls for empirical evidence.

One of the key issues regards the empirical question whether public contention is motivated by conflictive constitutional norms (the text), whether it is rooted in the rules of the game (the process) or whether it is caused by citizens' disgruntlement with a past, present or future that have nothing to do with the TCE (the context). If it could be demonstrated that negative arguments about the TCE are neither connected primarily to the text nor process but first and foremost linked to the context, then the advocates of technical or limited democratic integration would have their case. Instead, in case we find norms written into the constitutional text that are chiefly at stake, we will have to explore the social and political divisions at the roots of these contentions. Last but not least, empirical evidence may also show that it is above all the process that triggers public contentions about the TCE; in this case, we will need to establish whether the Constitutional Treaty was rejected despite the innovative approach taken by "deliberative Europe" to bring the EU closer to the citizens, or because of it (Neyer & Schroeter 2006).

What lessons can we learn from the failure of the TCE for EU constituent policy-making? Which of the alternative readings are accurate, on what assumptions are they based and how "sound" are they in the light of empirical research? These are some of the key questions that drive the international research project, ConstEPS.⁴ It looks at the political variables that influence the constitutional process and that are overlooked by technocratic approaches to European governance: the daily public debates, communicative actions and interactions and the patterns and dynamics of conflict and consent (cf. Sudbery & Lafan). The present special issue of PEPS contributes to developing this new research field by exploring EU constitutional politics from the perspective of media debates in member states. The case studies of public debates on the European Constitutional Treaty in six new and old EU member states that are included in this volume share a common theoretical and comparative framework and empirical methodology. They seek to make contributions at three levels, namely at the levels of theory, empirical data, and methods of media discourse analysis. This introductory chapter presents the theoretical framework, describes the data that we collected and outlines our methods of analysis:

- I. Theoretically, we draw on an analytical framework that is anchored in the concepts of *communicative action* and *transnational communicative interaction* to examine European integration and disintegration and, specifically, the structuring of political conflict on EU constitutional politics;

- II. In empirical terms, we construct a new cross-national data set on print media debates about the process of constitutional treaty ratification, reflection and renegotiation, in six EU-member states;
- III. Methodologically speaking, we combine quantitative and qualitative comparative methods of political discourse analysis, with a special focus on transnational communicative exchange and discursive interaction.

II. THEORETICAL FRAMEWORK

The process starting at Laeken in 2001, conducive to the signing of the TCE in October 2004 in Rome and followed by its rejection in 2005 by the French and Dutch people, certainly does not correspond to the demanding normative conception of a Constitution, characterised by a “set of fundamental norms of a given legal order which have been deliberated and decided by all the members of the political community; in short, by *We the People*.”(Fossum & Menéndez, 2005: 4). Yet, compared to previous processes of constitutionalisation, post-Laeken treaty reform politics represents undoubtedly a novel and distinctive mode of making constituent “public policy” in the EU. Different from distributive, redistributive or regulatory EU policies, the politics of the TCE – from drafting to ratification failure and renegotiation – does not rely predominantly on expert consultation, intergovernmental negotiations and interest group lobbying. In addition, it involves deliberation by political representatives in public forums; it disseminates information and communication by the mass media and triggers political communication campaigns aimed at specific social constituencies and the general publics. In EU constituent politics, conflictive meanings of constitutional norms are negotiated in different political arenas in Brussels and the member state capitals (Wiener, 2006). Distant from official Brussels discourse, domestic debates, in principle, are open to new voices and, thus, engender conflicting meanings and communicative action by political actors striving for influence on public opinion. Hence, the investigation of post-Laeken constituent politics inevitably places public communication about Europe on the research agenda.

Public communication about Europe is defined here - in the broadest sense - by communicative actions taking place in networks of information, of argumentative as well as symbolic exchanges between political elites and the citizenry, where the news media play a central mediating role. The impact of European integration on the public sphere and, namely, the Europeanisation of the news media have engendered a growing body of literature, from political theory and institutional analysis (Fossum & Schlesinger, 2007; Peters, 2004; van de Steeg, 2003, 2005; Liebert, 2003; Gerhards, 2001), to social theory and empirical media studies (Sifft et al., 2006; Trenz, 2005; Meyer, 2005; Eder & Trenz, 2004) and political communication analyses (Slaatta, 2006; Wessler, 2005; Kevin, 2003; Schlesinger, 1999). Yet, the existence of a European public sphere remains hotly debated. European political communications may “overflow the bounds of both nations and states”, but, given the national presuppositions on which accounts of the public sphere typically rest, they do not necessarily amount to a transnational public sphere, as Nancy Fraser points out (2005, p. 39f.). Contrasting with empirical communication studies, the conception of the public sphere is a normative model that is based on two ideas: First, it is conceived as “a space for the communicative generation of public opinion, in ways that are supposed to ensure (at least some degree of) moral-political validity”; and, second, “It should empower the citizenry vis-à-vis private powers and permit it to exercise influence over the state.” (2005, p. 37). Arguably, the Europeanisation of the spaces where information is circulated, discussions take place, opinions are formed and critical debates evolve, is underway, as Anne Peters contends (2004, p. 272):

“Over forty years ago, Jürgen Habermas has diagnosed a structural change of the public sphere in the 18th century. One does not need to be a prophet to predict that in the 21st century another structural change that has already started will continue. This is the Europeanisation of the “politische Öffentlichkeit”.

Hence, when attempting to answer the question why the TCE has failed, the role of the national mass media in the Europeanisation of political communication becomes centre stage. Studying national mass media debates on European constitutional policy yields insights into the patterns and dynamics of politicisation beyond party competition. Public debates are a political variable that matter in determining European integration. The question is to what extent, how and where the media use their power, disseminating information and shaping public opinion, contributing to the (re-)constructing of collective identities, to the structuring of political conflict, or to the

mobilisation of political action. On the one hand, one might argue that the role of the media is weaker at EU level than at national level because there is no European-wide media system. On the other hand, one might expect the role of national media to be stronger in communicating European political issues than domestic ones, since in the latter case many more rivalling sources of public information, opinion formation and critical debate are competing with the print media. The assessment of the performance of the mass media in the Europeanisation of public communication promises therefore to contribute to our body of knowledge about the political dynamics of constitutionalizing Europe, of constitutional crisis, choice and change.

To explore the Europeanisation of national public spheres, political discourse analysis is a useful tool for assessing patterns and dynamics of the “European quality” of political communications. The case studies included in this special issue of PEPS share the conceptual framework and the transnational focus of political discourse analysis that the ConstEPS research group has developed for analysing national media contents on EU constituent politics. This framework rests on three building blocks: (1) A set of assumptions regarding the analysis of European integration and constitutionalisation. (2) A typology of models of political conflict about European integration that, arguably, structure constitutional politics too. (3) A scheme for assessing the Europeanisation and transnationalisation of political communication in the national media.

Assumptions about European integration and constitutionalisation

Our research is based on the assumption that European constituent politics is a long-term, not necessarily linear process that involves not only select group of experts and political leaders, but increasingly European citizens, civil society, and public opinion, too. This approach to the European constitutional process is premised on a more transparent and inclusive concept of politics, correcting the model of the exclusive policy space created by national and supranational political elites for negotiating treaty reforms through intergovernmental bargaining, and confining political citizenship to the measurable correspondence between elite and mass preferences. Most prominently, this framework has informed the research agenda of the project group DOSEI (Domestic structures and European integration; König & Hug, 2006). To explain the emergence and assess the prospects for ratification of the EU Constitution, König et al. focus the preferences of member states involved in negotiating the intergovernmental compromise

achieved at the Intergovernmental Conference in June 2004. Yet, their methodology, inferring member state constitutional preferences from a very limited number of expert judgements, and assessing their correspondence to mass preferences quantitatively, raise issues of empirical validity (Tsebelis 2005). Furthermore, an important variable in the domestic political dynamics that accounts for constitutional ratification success and failure is missed - public constitutional debates. The patterns and dynamics of domestic political debates determine differences in the meanings of European constitutional issues compared across diverse domestic contexts. To improve the quality of evidence as well as the explanatory power on which analyses of European constitutional policy rest, our research is premised on the model of domestic politics as a space that is linked to public communication. The key question is to what extent and how domestic public debates interact with EU constitutional policy: How do contentious issues arising from European constituent politics translate into national public debates, how are they linked discursively to domestic patterns of conflict, and what are their political impacts on the evolution of the process? Arguably, without exploring these questions, neither the preconditions of the European constitutional crisis nor the prospects for alternative constitutional roadmaps can be accurately explored.

With respect to the roadmap for a European Constitution, predictions vary, ranging from optimistic through sceptical or critical to downright pessimistic ones. Philippe C. Schmitter, for instance, expects that: “[Only] by deliberately politicizing the issues involved at the level of Europe as a whole and by gradually building up expectations...with regard to citizenship, representation, and decision making can one imagine a successful constitutionalisation of the EU” (2000, p.119). Against those who claim that the EU neither needed nor was ready to build a Constitution, Neil Walker argues that “only if we concede that ...a constitutional reckoning – a settlement of accounts and treatment of differences in constitutional terms – remains indispensable to the future of the EU, (and) that the political will may be found to revive or engage anew in such an experiment” (2007). The ConstEPS research program conceives the outcome of the EU’s constitutional reckoning as contingent on its interplay with domestic mass publics. In this respect, the EU’s constitutional process started in Laeken in 2001 experiments good and bad practices that offer opportunities for learning, complete with failures, relaunches, and eventual redesign.

As regards the institutional settlement inscribed into the TCE, this is a far cry from the ambitions of the Laeken declaration. In his exploration of the *“Dilemmas of European*

Integration” as “*Ambiguities & Pitfalls of Integration by Stealth*”, Giandomenico Majone (2005) observes that the EU as it currently stands is heading more towards an effective confederation built on market integration rather than anything inspired by the ideal of a “United States of Europe”. Yet, it was precisely the socio-economic model inscribed in the TCE that has triggered political debates and mobilised contentious collective action. At the intersection of constitutional ratification debates and the review of the Lisbon agenda in spring 2005, national conflicts about social justice have been uploaded to Europe, epitomised by a transnational debate about the future of social Europe (Liebert, 2007).

To capture the normative dimension of European political legitimacy, a number of authors suggest a deliberative approach to EU constitution-making (Eriksen et al., 2004; 2005; 2006). If integration depends on legitimacy, deliberation can be conceived of as key mechanism for organising reflexive processes of collective learning, for providing the EU with democratic legitimacy and, possibly, with a European identity. Placing deliberation at the heart of European governance, theories of integration through deliberation (Eriksen & Fossum, 2000) depart from notions of liberal democracy that emphasise voting and formal representation. But not all deliberative democratic theorists claim that, to produce democratic legitimacy, civil society or social constituencies need to be involved directly in public policy deliberation and legislation (cf. Dryzek, 2000). ConstEPS puts the contrasting ideas on deliberation to an empirical test: To what extent are deliberative practices of constituent policy-making reflected by media debates? Do deliberative dynamics exacerbate the differences between the member states? Or do they enhance a shared European culture of consensus and constitutional patriotism? Highlighting the discursive mechanisms which link EU constitutional ratification to domestic politics, the framework and methodology of comparative media discourse analysis allows for testing these competing claims. Empirical evidence from the case studies can establish whether, unlike earlier phases of EU constitutionalisation, the ratification of the TCE has sparked significant political debate, fostered transnational exchanges, has strengthened or weakened political information, opinion formation and, eventually, public support. In fact, more than other episodes in the evolution of the EU, the ratification of the TCE provoked public discussions that are reflected by national mass media, albeit with large cross-national variations. National media debates, in turn, are structured by political discourses – “language use in speech and writing – as a form of ‘social practice’” (Titscher et al., 2000, p. 147).⁵ Political discourses on Europe are social interactions – of which a text is just a part. They articulate domestic patterns of political cleavages. To the

extent they have a transnational dimension, they will also contribute to the structuring of political conflict about Europe.

Bringing discursive analysis to the field of European integration, Thomas Diez has established the research field of “Europe as a Discursive Battleground” (2001). Nonetheless, as Ole Wæver has noted, discourse analysis so far has been of little use in European Integration Studies because of two key weaknesses: on the one hand, a tendency to resort “to intuitive laundry lists of important questions to ask of a text,” and, on the other hand, “limited integration of the different elements” for answering these questions (Wæver, 2004, p.2001). Departing from the postmodern ontology and the micro linguistic features of text analysis to which discursive approaches of text interpretation are often wedded, our book seeks to make a contribution to this field by way of a disciplined, theoretically structured media contents analysis. For that purpose, we suggest a theoretical framework for comparative and transnational political discourse analysis that builds on empirical theories of European political conflict and contentious politics.

Models of political conflict about European constituent policy

The Canadian political theorist James Tully argues that the “most urgent problem facing the EU is to develop the best approach to conflicts over integration in the fields of culture, economics and foreign policy.” He claims that “a particular form of democratic integration” is better than the two predominant approaches to integration – intergovernmentalism and functionalism. More importantly, he argues that this democratic approach can draw on “the actual practices of the democratic negotiation of integration that citizens engage in on a daily basis but which tend to be overlooked and overridden in the dominant approaches” (Tully, 2007). Yet, this idea – that European citizens’ agency is key to the democratising dynamics and, specifically, to the Constitution-making of the EU, is hotly contested. The failure of constitutional ratification in two cases has provided new momentum to the competing research agendas on de-politicised European regulatory politics, on the one hand, and contentious European politics, on the other hand.

Doug Imig and Sidney Tarrow in *“Contentious Europeans. Protest and Politics in a Europeanising Polity”* (2001) have pioneered the field of contentious politics in the political sociology of Europe. Applying their framework to the analysis of European constitutional policy, we can better understand the dynamics of social movements, protest politics, and contentious political action. Juan Diez Medrano in *“Framing Europe. Attitudes to European Integration in Germany, Spain, and the United Kingdom”* (2003) offers a complementary sociological methodology for analysing the attitudes to European integration of non-activists, through the lenses of in-depth interviewing, frame analysis of newspapers, novels, political speeches, and survey data analysis. Our framework draws on Medrano’s contextualised analysis of the discursive framing of European integration, supplemented by survey data on public support for the EU. But instead of emphasizing cross-national cultural diversity and “idiosyncrasies” of national cultural frames, we also focus argumentative strategies and transnational interaction, seeking to identify cross-national dynamics of political communication and conflict. The research program developed by Gary Marks, Marco R. Steenbergen et al. (2004) is a key for this aim as it systematises this link between *“European Integration and Political Conflict.”*

As Marks et al. (2004) we explore the patterns of ideological conflict that are arising in European politics and policy-making. In particular, we aim empirically to substantiate, test and further develop (or eventually revise) the alternative models of European political conflict, by focusing the patterns and dynamics of media publics in the domain of EU constituent policy. In “Models of political conflict in the European Union,” Steenbergen and Marks argue that these models rest on the fundamental claim that “political contestation concerning European integration is (...) rooted in the basic conflicts that have shaped political life in Western Europe” (Steenbergen & Marks, 2004, p.1ff.). Drawing on the pioneering work by Lipset and Rokkan (1967) on social cleavages they posit that macro developments – state and nation building, the Protestant Reformation, urbanization and industrialisation – have produced frozen patterns of political conflict that have informed the organization as well as the perceptions of the political world. To the extent to which the class cleavage, the religious cleavage or the center-periphery cleavage are still rooted in social structures and political organisations, even if their fit is loosening, categories such as left and right retain their importance in European politics. Departing from Lipset and Rokkan, whose “concept of cleavage ties together social structure, the organization of political conflict, and the substantive character of that conflict” (p.3),

Steenbergen & Marks relax the classical assumptions. Instead of operating at the level of cleavages they shift to “the issues arising from European integration,” asking: “(T)o what extent (...) do (they)... hang together as a single dimension, and to what extent is this dimension (or dimensions) connected to existing structures of conflict?” Their key question is “whether and how the issues arising from European integration are linked to these structures and, in particular, to the ubiquitous left/right divide” (id., 4f.). Distinguishing three dimensions of contestation – actors, issues and arenas - they discern four models of the structuring of the European political space (see Table 1).

Table 1: Models of political conflict on European integration

<p>I. International relations model</p> <ul style="list-style-type: none"> o Realism (1966) o Intergovernmentalism (Moravcsik 1998) o Neofunctionalism (Haas 1958) 	<p>Contestation takes place on a single anti-integration vs. pro-integration dimension; left/right continuum is irrelevant for understanding contestation on European integration</p>
<p>II. Two-dimensional comparative politics model (Hix & Lord 1997)</p>	<p>two-dimensional space of unrelated dimensions:</p> <ul style="list-style-type: none"> - anti/pro-integration - left/right
<p>III. Regulation model (Tsebellis & Garrett)</p>	<p>Two dimensions fused into a single one: - left = high regulation vs. - right = low regulation</p>
<p>IV. “Regulated capitalism” vs. “neoliberalism” model (Hooghe & Marks 1999, 2001)</p>	<p>two-dimensional space of related, but not fused dimensions:</p> <ul style="list-style-type: none"> - regulated capitalism vs. neoliberalism; - GAL (green, alternative, libertarian) vs. TAN (traditionalism, authoritarianism, nationalism).

Source: Marks/Steenbergen 2004: 4-10

Empirically, the members of the research group headed by Marks & Steenbergen use different types of data to examine different kinds of groups in the EU – Eurobarometer surveys for studying the structure of citizens’ attitudes (Gabel & Anderson, 2004); party and European election manifestos for examining how national political parties define the EU political space (Gabel & Hix, 2004); media accounts of collective actions for analysing European protest movements (Imig, 2004); elite interviews with members of the European Parliament. As a result, Marks reports that models of conflict change, and, hence the ideological bases of European contestation vary with time, issues and territory (Marks 2004, p. 236f.). Over a longer period, no intrinsic connection between left/right and pro-/anti-integration can be found, hence the Hix-Lord model applies; yet, after 1980 and in relation to distributive European policy issues, the choice for Europe is always more closely tied to left/right conflicts (p. 258).

Concluded before 2004, the research findings leave us with three controversial questions about how TCE issues map onto the national cleavages: First, in the context of the enlarged EU, has territorial variation in the ideological positioning of citizens, interest groups and political parties significantly grown? Furthermore, since European constitutional politics differs from other EU policies in so far as it affects citizens directly only where ratification referendum procedures are chosen, we need additional data sets on citizens' constitutional preferences to assess whether, as some have expected, citizens are less interested, less knowledgeable and have less of a clue. Finally, in order to understand processes of coalition-building and conflict across member polities as well as within them, we need a fine grained approach for capturing the varying patterns and dynamics of public opinion, depending on issues and territory. National media debates on constitutional issues offer a fertile ground for analysing domestic opinion formation: the analysis of political discourses reveals how EU issues are linked to national patterns of political conflict; political discourses inform us about how the various actors position themselves; and, last but not least, they will inform us about their motivations and justifications.

The present research project brings together the discursive analysis of national media debates on the EU Constitution with empirical theories on the structuring of political conflicts about European integration. While the former conceives of European integration as a contentious process that is structured by language, context, strategic framing and collective action, the latter seeks to identify general patterns of political conflict across different contexts. Combining both, a framework emerges that links the micro and macro levels of analysis. Here, political conflict is defined as a matter of individual and collective preferences that are shaped by discursively constructed frames and through public debates. In this framework, EU constitution-making does not just provide the most recent discursive battleground in the building of the European polity. It provides a field for testing alternative models of political conflict, each comprising differing contentious issues, actors and framing strategies, contending justifications and contrasting ideas about the TCE's legitimacy. By scrutinising constitutional discourses in national media publics, we explore cross-national patterns of convergence and divergence in the structure of political conflict about Europe. Finally, we can assess the scope and depth of transnational discursive exchanges.

In order to encapsulate the essence of our framework, we have chosen the term "Europe in contention," suggesting that we neither expect a pan-European discourse to emerge, built on

shared values and a common vision of Europe, nor that the European public sphere will necessarily continue to be segmented along national boundaries, each segment showing diverging patterns and dynamics. Rather, our scrutiny aims at revealing the complex patterns of political contestation that emerge from the interplay between “frozen” national cleavages, along with processes of de-alignment of voters from old and re-alignment with new transnational conflict lines.

Exploring the interplay of EU constituent politics and national media debates

For studying national media debates, a large range of different models of political discourse and methods of text and discourse analysis are currently available (Titscher et al., 2000). Developed over the last decade, the new paradigm of discourse analysis has only started recently to make its way into European integration research (cf. Howarth & Torfing, 2005). To date much of the empirical analyses are limited to the level of EU institutions, policy-makers, governmental or party elites on the one hand, and public opinion studies, on the other. They neglect the important dimension of how political and societal actors construct the European order through strategic communication and discursive action and interaction. Political discourse analysis seeks to uncover precisely this missing link between individual or collective actors’ dispositions and capabilities and the EU’s evolving constitutional order. The work of John Dryzek and Berejikian (1993) and Glyn Morgan’s book *The Idea of a European Superstate: Public Justification and European Integration* (2005) provide a valuable template for mapping political discourses about EU Constitutional Treaty reform and assessing their argumentative quality:

Applied to written texts, a political discourse, by definition, “embodies a shared set of capabilities which enable the assemblage of words, phrases, and sentences into meaningful ‘texts’ intelligible to readers or listeners” (Dryzek/Berejikian, 1993, p. 51). This definition assumes that each discourse “represents a coherent point of view,” and that apparent internal inconsistency requires explanation rather than merely warranting dismissal or criticism (id., 52). “A discourse is conditioned by the institutional and cultural settings in which it arises” (Dryzek/Berejikian, 1993, p. 56). Analyzing a public discussion on a given topic means breaking it down into its component discourses. Hence the aim is to identify the different discourses within the population of all statements in a public discussion. Vital elements of a public discourse comprise its ontology, agency, motives and relations (see Table 2).

Table 2: Four vital elements of public discourse

ONTOLOGY:	<ol style="list-style-type: none"> 1. construction of entities that are recognized as existing 2. identity constitutive discourses, discursive strategies; 3. representations of social actors in discourse (strategies of self- and other-presentation); 4. personifications (specific forms of metaphors)
AGENCY:	<ol style="list-style-type: none"> 1. the degrees of agency that are assigned to these entities (from autonomous subjects, to objects that are acted upon) 2. the presentation of self and other
MOTIVES (recognized or denied for agents):	<ol style="list-style-type: none"> 1. material self-interests 2. identities 3. civic virtues
RELATIONSHIPS (described by concepts or metaphors):	<ol style="list-style-type: none"> 1. "taken-for-granted" hierarchies 2. relations between self and other 3. natural/legitimate vs. unnatural/illegitimate.

Source: adapted from Dryzek/Berejikian 1993

A political discourse embodies certain claims about the world that can be classified in a four-by-four matrix, depending on different argumentation strategies – hence, the different sorts of claims that can be made in arguments (see Table 3).

Table 3: Argumentative strategies

DEFINITIVE	Concerning the meaning of terms
DESIGNATIVE	Concerning questions of fact
EVALUATIVE	Concerning the worth of something that does or could exist; the positive or negative labelling of actors; justifications of positive or negative attributions;
ADVOCATIVE	Concerning something that should or should not exist.

Source: adapted from Dryzek/Berejikian 1993

Combining the two dimensions of vital elements and argumentation strategies, the resulting 16 cell-matrix represents the categories for classifying key statements made in public debates about any political topic (see Table 4).

Table 4: Matrix for sampling public discussions on TCE ratification, by MS

Type of claim	discourse elements			
	Ontology	Agency	motivations	Patterns of Conflict
definitive	1	2	3	4
designative	5	6	7	8
evaluative/justificatory (legitimacy claims)	9	10	11	12
advocative	13	14	15	16

Source: adapted from Dryzek/Berejikian 1993

Notes: numbers identify the cells from 1 – 16

Europeanisation and transnationalisation of the public sphere

A democratic public sphere is conceived of as a “space for the communicative generation of public opinion, in ways that are supposed to ensure (at least some degree of) moral-political validity” (Fraser, 2005, p. 37). Measured by this norm, the EU is certainly short of a democratic public sphere capable of generating the European public opinion. In practice, Europe depends on a network of multiple national spaces for political communication (Liebert 2003). In the comparative Europeanisation framework adopted here, national political communication spaces vary in two respects: (1) whether and how they are hospitable to Europeanisation, depending on the type and extent of segmented, vertical, horizontal and supranational Europeanisation and European transnationalisation. (2) the extent of validity of ideological positioning, depending on the standards for justification of arguments in public debate.

First, different from “horizontal Europeanisation,” “transnational Europeanisation” presupposes more than the observation and coverage of foreign actors, topics and events. Truly transnational debates require a more intense cross-border interaction with foreign discourses, giving non-national actors direct voice in national debates and/or engaging with foreign issues and arguments. In cross-border debates, the influence of foreign arguments is more evident than in exclusively domestic debates, for instance in the context of national elections (Table 5).

Table 5: Modes of communicative Europeanisation

Types	Indicators
SEGMENTED EUROPEANISATION ¹	<i>References to EU events, actors etc., but exchanges limited to MS communication community</i>
VERTICAL EUROPEANISATION	<i>Synchronisation and convergence of MS communication communities, as a consequence of top down EU mechanisms,</i>
HORIZONTAL EUROPEANISATION	<i>References to events and actors from other member states: cross-boundary mutual observations among different communication communities (symmetrical or asymmetrical)</i>
	<i>Cross-border overlapping of communications, interacting with foreign debates (symmetrical/asymmetrical) : - awareness of issues in foreign debates;</i>

¹ We draw on the concept of “segmented Europeanisation” to Michael Brüggemann et al., Bremen Sfb 597 (2005); see Sifft, S. et al. (2006).

EUROPEAN TRANSNATIONALISATION	- inclusion of foreign actor with direct voice; - discursive exchanges, incorporating foreign arguments (positively or negatively)
SUPRANATIONAL EUROPEANISATION	References to collective European identity

Source: Own compilation, drawing on Wessler et al. 2006

Second, the quality of argumentation can be assessed as a matter of validity, depending on whether and how actors justify their evaluative or advocative statements. Measured by commonly accepted standards for justification, we expect that the argumentative quality of national political communications will vary. To capture these differences, we conceive mass media as public arenas where European political conflict is structured through the interplay of five factors: authors (or actors); topics; argumentative strategies; justifications (or motivations); relations to context. A justification answers the question: A European constitution - what for? or: why not? Arguments for or against Constitutional Treaty ratification may refer to different types of motivations. To assess the quality of justifications, we follow Glyn Morgan suggesting that, for an argument to be valid, it needs to conform to three requirements: publicity, accessibility, and sufficiency (see Table 6).

Table 6: Standards for justification of arguments in public debate

PUBLICITY	<i>Filtering out inappropriate arguments that do not draw on the standpoint of the "ordinary citizen" and his or her concerns about personal security, personal and political liberty and material prosperity</i>
ACCESSIBILITY	<i>Filtering out excessively complex justifications that cannot be grasped by people who lack training or expertise</i>
SUFFICIENCY	<i>Filtering out arguments that are empirically false or weak.</i>

Source: Morgan 2005: 33ff.

This theoretical framework for mapping national media debates allows us to address the following sets of questions:

First, what are the achievements and failures of national media communication in the EU's constitutional ratification process, as regards the following questions: a) In what modes – active or passive - are citizens and civil society and their relation to political elites represented? b) To what extent do the mass media reflect or bridge ethno-linguistic divisions in society? c) How is ideological conflict about the European socio-economic model structured in ideological

terms? d) How do the media construct national as opposed to non-national and European interests?

Second, hypotheses to explain the differential performance of mass media in European political communication can be developed and tested. Explanatory factors include, among others: The predominance of official discourses; the lack of public interest or engagement on the part of citizens with the constitutional process; deficient communication strategies deployed by political parties and organised civil society; lack of independent resources, capacities, and networks that civil society associations, economic organizations, and ethno-linguistic groups can use to make their voices heard – independently of the mass media. To assess and explain the performance of the mass media, we construct a cross-national data set covering old and new member states.

III. EMPIRICAL DATA SET

During the ratification and reflection period from Fall 2004 to Fall 2005, on average, support for a European constitution dropped by 5 and opposition raised by 4 percentage points in the old member states, and in the new member states, it fell by 8, and increased by 5 points, respectively (see Table 7). For our comparative political discourse analysis on the TCE we have selected two old and four new EU member states where the patterns and dynamics of citizens' preferences and referendum behaviours suggest critical questions and interesting empirical puzzles:

- In the case of France, do political discourses illuminate the contestation about meanings of the TCE, thus explaining the puzzle that the French voted against the TCE, although throughout the whole period from fall 2004 to fall 2005 public opinion surveys had predicted quite comfortable majorities in favour of a Constitution for the EU?
- Why should the British have voted the TCE down given that their government came out as the single most conspicuous winner of the IGC?
- How did the constitutional debate evolve in two of the new member states, namely in Poland and the Czech Republic, where governments are split or vocally against it, but sizable (although variable) majorities of the public are in favour?⁶
- To what extent do EU constitutional treaty debates in the mass media reflect social divisions between majority and the minority ethno-linguistic communities, such as in Estonia and Latvia?

Table 7: Changes of preferences for/against a EU-constitution (fall 2004 – fall 2005)

	Oct/Nov 2004		Oct/Nov 2005		CHANGE	
	for	against	for	against	for	against
Poland	72,9	11,1	59,8	19,1	-13,1	+8
France	70,2	17,7	67,2	21,4	-3	+3,7
Estonia	63,7	11	48,6	15	-15,1	+4
Czech Rep	62,8	18,1	49,7	30,6	-13,1	+12,5
Latvia	60,5	12,8	56,8	14,7	-3,7	+1,9
UK	53,1	23,4	47,9	24,7	-5,3	+1,3
EU 15	68,3	17,9	63,5	22	-4,8	+4,1
EU 10	69,4	13,4	61,6	18,3	-7,8	+4,9

Source: EB2004 Fall, EB 2005 Fall

The case studies and comparative analyses included in this volume aim to provide answers to these questions by constructing a cross-national and longitudinal data set on public discourses about European constitutionalisation. The question is whether and to what extent these discourses are shaped by the basic conflicts that have permeated political life in Western Europe, or whether they are rooted instead in newly emerging conflicts, such as anti-globalisation and the renaissance of nationalism. As regards the empirical field under study, European political conflict is examined in the context of the EU's constitutional process and, more specifically, through the lense of print media coverage of constitutional treaty ratification and the reflexion period. The case studies in this volume have been structured according to the theoretical framework (outlined above, see II.) and they share the same methodology (for methods of analysis see IV, below). In the following, the construction of the empirical data set shall be described, in five steps.

First, six EU member states are selected, four of them where TCE ratification was critically challenged (France, the UK, Poland and the Czech Republic) and two new member states without any formal ratification problems, but posing significant questions about internal cleavages between majority and minority (Estonia, Latvia).

Second, for each member state, a number of print media is chosen, ranging from a minimum of 3 (Latvia, Estonia), to a maximum of 8 (Poland), with 6 papers each in the cases of the UK and the Czech Republic, and 5 in the case of France. In all cases, the selected media include quality papers as well as the tabloid press, dailies as well as weeklies with the highest circulation, in each case; furthermore, the selection is balanced in terms of the political spectrum.

Third, using online print media archives, for each country a set of all articles is compiled that cover the debates on the TCE over a period of more than 12 months, from 26 October 2004 to 30 October 2005, by using defined search words (“European Constitution”, “EU Constitutional Treaty”, “EU Treaty”, and their equivalents in the respective national languages; see Table 8).

Table 8: Print media coverage of constitutional process (26/10/2004 – 30/10/2005)

CZ: 973 (38)	<i>Blesk, MFDnes, Právo, Reflex, Respekt, Tyden</i>
Estonia: 367 (25)	<i>Postimees, Päevaleht, Molodezh Estonii</i>
France: 4071 (26)	<i>Le Figaro, Le Monde, L' Express, Le Nouvel Observateur, Le Point</i>
Latvia: 325 (25)	<i>Diena, Neatkariga, Vesti Dnja</i>
Poland: 699 (29)	<i>Gazeta Wyborcza, Rzeczpospolita, Nasz Dziennik; Wprost, Newsweek Polska, Tygodnik Powszechny; Super Express, Europa (Fakt)</i>
UK: 943 (30)	<i>The Times, The Guardian, The Sun, The Daily Mirror, The Economist, The Observer</i>
Total: 7.378 articles	<i>31 print media</i>

Note: the first figure is the number of articles included in the sample; the number in parentheses is the number of articles selected from the sample for qualitative analysis

Fourth, a sub-sample of articles for qualitative analysis is drawn from each of these national media sets, aimed to be representative with regard to three criteria: (1) the overall coverage by month and (2) the share in overall coverage in percent for each newspaper by month over the period of analysis; and (3) coverage of specific key events during the processes of ratification and reflection.⁷

Fifth, the actual analysis of political discourses consists in marking relevant statements related to the TCE – so called “quotes” - in articles. A “quote” is defined as a configuration of five discursive elements: actors, constitutional topics, argumentative strategies, justifications, and related topics. Each media sample is coded by one coder using Atlas.ti and a shared coding scheme for political discourse analysis.⁸ This coding instrument was tested on a pre-test sample by each coder before applying it to the qualitative sample and included five sets of codes (see Table 9, below):

Actors are coded by their name, type and origin; the identification of *Constitutional topics* is based on a broad distinction between constitutional topics narrowly defined, i.e. provisions included in the constitution, and topics relating to the Constitutional process (such as the Convention; the

Intergovernmental Conference, the signing ceremony in Rome, the various referenda, the reflections period, etc.);

Argumentative strategies refer to the way that actors present their statements and arguments: as definitions, descriptions (designative), evaluations (e.g. positive and negative), or as statements for or against certain topics (advocative statements);

If *evaluative or advocative statements* are additionally justified by the actors issuing these statements, these *justifications* are coded as one of several different types of justifications, namely idea-based, interest-based, identity-based, ideology/norms-, or history-based arguments.

Related topics link the debate to specificities of national/local context. These may widely differ between the countries under investigation. They will be an indicator of how the Constitution is framed in relation to different publics. Context topics can be grouped into national issues (e.g. national elections) and European ones (e.g. enlargement).

Table 9: Coding scheme for print media coverage of TCE

<i>Statement-level information</i>				
Actor (issuing statement)	Constitutional topics	Argumentative strategies	Justifications based on	Related context topics
- name - type - (national/Eur.) origin	- parts of the Constitution - constitutional process	- definitive - designative - evaluative (positive/negative) - advocative (for/against) - style (metaphors, etc.)	- historical memory - visions of Europe - interests - identities - values	- European - national

Source: ConstEPS project

A special emphasis is put on different types of relations between European and national actors as well as on horizontal relations between member states, national parties, etc. with respect to and in relation to the Constitution. In addition, different types of relations, whether conflictual or cooperative, are coded.

The construction of the cross-national data set of print media “quotes” through the application of the ConstEPS coding scheme and their management by Atlas.ti software ensures equivalent coding and thus comparable results for media discourse analyses conducted in different languages. In conjunction with the test-coding of English-language articles, these procedures seek to maximise the inter-coder reliability and thus to guarantee a homogeneous data basis for

comparative analysis. As a result of in-depth coding of country specific qualitative subsamples as well as of the quantitative analysis, based on around 7400 articles from 31 print media in 6 old and new EU member states,⁹ an original empirical data set about EU constitutional ratification debates in six member states is constructed. Applying qualitative and quantitative methods of analysis, these data reveal cross-national divergence and convergence in political discourses about the European Constitution. Furthermore, these data help to assess (1) discursive interaction across national boundaries; (2) patterns of inclusion/exclusion, (3) the dynamics of transnationalisation vs. renationalisation, and (4) the dominant lines of political conflict that have evolved over the most critical phase of constituent politics that the EU has experienced in the past 50 years.

IV. QUALITATIVE & QUANTITATIVE METHODS

This project applies methods of qualitative and quantitative comparative political discourse analysis to identify contentious issues, actors, and competing justificatory strategies. In addition, a synthesis of these findings is developed with the aim of mapping the discursive patterns and dynamics of national media debates. The resulting maps shed light on the questions how national media determine the legitimacy of the TCE, contribute to building public opinion and foster public support for or opposition against EU constituent policy. Both, qualitative and quantitative methods of analysis and the synthesis of national and transnational political discourses complement one another in three respects:

First, for mapping political discourses in national debates, we synthesise coherent narratives on constituent policy in Member States, by drawing on the models of European political conflict (see above, Table 1). To that aim, the following questions are asked:

a) Is there a division into a “pro” and an “anti-“ TCE coalition, characterized by distinct justifications in national media debates, and does this division explain positive vs. negative evaluations of the Constitution in general, and of specific constitutional topics in particular? If yes, which actors are included in both coalitions? How do they define the meanings they assign to the TCE, by which designative statements do they emphasize salient constitutional topics and their expected impact on the home country in question? How do they justify their position for / against the TCE?

b) Do these coalitions for / against European integration coincide with “Left” vs. “Right,” or are they independent from the “Left” (supporting social justice/solidarity, either at the European or national level) and the “Right” (supporting liberal market economy)? Do some or all of these “discursive coalitions” that can be identified within the national media debates intersect with a third additional division, namely that between “traditional, authoritarian, national” values on the one hand, and “social/cultural liberal values” on the other hand?

c) Does the configuration of different European constitutional discourses correspond to one of the following types:

- a hegemonic pattern, with cross-party consensus in favour of European integration and the TCE;
- a polarized pattern, with a division of pro/anti European integration that corresponds to Left-Right positions;
- a moderately pluralist pattern, with a two-dimensional cleavage structure (pro-integration vs. national sovereignty; left – right)
- an extreme pluralism, with a three-dimensional cleavage, including TAN-Liberal.

d) How and to what extent are national public debates Europeanised? Using the “Modes of communicative Europeanisation matrix” (see table 5, above), the question is asked what we can learn from each case study to gain a better understanding of the Europeanisation of mediated political communication;

e) What are the patterns of inclusion and exclusion of social constituents and minorities in media debates? To assess them, the relative coverage (representation) of specific kinds of groups (national political elites/state actors) to the detriment of others is calculated and compared to other cases;

Second, the quantitative analysis backs up findings from the qualitative samples by establishing frequencies and correlations between different types of actors and categories of topics in the overall set of articles. This allows the representativeness of the qualitative samples to be checked in terms of the frequency of specific actors, topics, justifications and context issues. Specifically, we test quantitatively to what extent public discourses in the respective countries were isolated, i.e. whether there were relatively few references to other countries and foreign actors, or whether cross-border European public communication has increased over time. In the latter case one would expect that media coverage over time has resulted in a) the coverage of similar topics (processes, events) in the countries under study; b) the convergence of themes

covered by the media in all countries c) an increase over time of the visibility and representation of non-national or European actors and institutions; and d) an increase over time of European topics. We examine these questions using statistical methods of analysis. In addition, we explore whether there are asymmetries between old and new Member states: Do attitudes within and actors from old Member states play an important role in the new Member State discourses while new the Member States feature in the debates of the old ones to a much lesser degree?

Third, for a reduced set of codes, we explore more precisely how the salience of issues and the visibility of different actors change over time and in cross-national comparison. Thus, findings from country case studies are tested in comparative quantitative analysis, and, vice versa, thus generating hypotheses quantitatively that can be explored in depth by qualitative analysis. As a consequence, more accurate insights can be gained into the patterns and dynamics of conflicts – and, ultimately, the reasons and conditions why the TCE failed.

V. FINDINGS AND CONCLUSIONS

The Constitutional ratification and reflection period is a unique and illuminating case in point when looking at how public discourses and political conflict involve one another. The “constitutional moment” and the concomitant transnational and intergovernmental consensus-building were quickly followed by the politicisation of the ratification process, by constitutional conflict and crisis, that will, arguably, result in procedural change and, eventually, constitutional treaty redesign. The project of a “Constitutional Treaty for Europe” in most member state contexts has been the catalyst of controversial and in some cases even polarized domestic debates. On a number of topics, transnational communication and exchange have promoted the spill over of ideas, such as the call for a popular referendum, or the issue of social vs. market Europe. In exceptional cases, national political leaders or single parties have attempted to roll-back towards re-nationalisation, not without meeting contestation. Argumentative strategies deployed by those advocating or opposing the Constitutional project, and the various discursive constructions of the constitutional crisis have impacted public opinion, changed citizens’ preferences, and influenced their voting orientations. Domestic conflict as well as transnational rifts have come together to shape the contours of this New Europe, which is why we have chosen to map it as a “Europe in contention.”

The empirical findings presented in the case studies deepen our knowledge about which contentions are involved in European constitutional politics. They offer rich evidence to better understand whether and to what extent the failure of constitutional ratification was primarily due to factors related to the context that had, in fact, little to do with the EU's constitutional project. In this final section, I will limit the conclusions to the questions about which of three ways of reading the TCE debacle are accurate and which not. What do the case studies of the media coverage relating to the Treaty establishing a Constitution for Europe tell us about these expectations? I will relate each of these readings to empirical evidence in the form of hypotheses.

(1) To explain constitutional ratification failures, it has been argued that citizens' behaviour was entirely unconnected with the TCE as such and rather motivated by issues from the domestic, from the European or the global contexts, rather than by the Constitutional project itself: for instance, it might have been prompted by weak economic growth and high unemployment, by the question of Turkey's accession to the EU, or by fears about labour migration as epitomised by the Polish plumber in the French constitutional ratification campaign. However, in none of the six countries under investigation were constitutional media debates exclusively or primarily a matter of context but primarily a question of process, followed by general contemplations about the Constitution as well as discussions of specific topics. While the contention about the accession of Turkey to the EU has certainly triggered discussions, this issue was only initially a relevant topic of the French constitutional debate, while lacking entirely in the other cases under investigation here (see Table 10).

Table 10: Media coverage of constitutional text and process (types of issues in national debates)

Issue types	Shares per country in %					
	Czech Rep.	Estonia	Latvia	Poland	France	UK
Constitution in general	22	21	20	27	39	29
Substantive topics	31	33	34	19	18	27
Constitutional process	47	46	46	54	44	45
Total	100	100	100	100	100	100

Source: ConstEPS team

(2) Focusing on the process of constituent policy making, the legitimisation deficit of the TCE has been attributed to mistaken ideas about politically engaged citizens, to the nationally segmented

nature of constitutional ratification processes, and, finally, to their exclusive character. The empirical evidence shows a more differentiated picture, in all three respects:

First, following Moravcsik (2006) it was a mistaken idea by EU constitutional decision-makers to place faith in citizens' capacity to make informed choices and in their willingness to participate effectively. EU decision-makers trusted Eurobarometer survey data as evidence that public opinion was largely in favour of the EU's constitutional project and that public support would grow the more information citizens received about the TCE. However, from the beginning of 2005, the more informed and knowledgeable citizens became, the more opposition to the TCE increased (Gattig & Liebert, 2006). The print media did not limit themselves to informing and explaining the TCE to the audience, but represented evaluations and advocacy in favour or against it (see Table 11). Undoubtedly, EU Constitutional treaty ratification was a catalyst for the politicization of national political debates about the EU.

Table 11: Politicisation of constitutional debate (for/against the TCE)

Argumentative strategies	Shares per country in %					
	Czech Rep.	Estonia	Poland	France	UK	Sweden
Definitive	11	1	2	1	5	1
Designative	23	26	15	10	3	23
Evaluative	32	58	38	48	81	30
Advocative	34	15	45	41	10	46
Total	100	100	100	100	100	100
Subtotal positive/negative, for/against	63	50	69	78	77	67
<i>of which</i>						
positive, for	43	63	45	46	53	52
negative, against	57	37	55	54	47	48

Source: ConstEPS team

Furthermore, constitutional sceptics such as Dieter Grimm have put the blame not on citizens' shortage of interest, knowledge or willingness to engage with EU politics but rather on the nationally segmented nature of the EU's communicative set up. In this view, the core problem of why Europe is unlikely to have a Constitution hinges on the lack of a European demos, and this cannot emerge without a European communications community. Yet, although in relation to the TCE, EU communication strategies remained underdeveloped and public communication was predominantly structured by the national media, the episode of TCE ratification has demonstrated, too, that the EU is capable of promoting the Europeanisation of national debates, that that these are not necessarily limited to national topics, national actors and

frames of reference. Rather, transcending segmented national media publics, the ratification crisis of the Constitutional Treaty has enhanced cross-boundary mutual observations among different national communication communities, it has furthermore fostered transnational communicative exchanges and discursive interaction between domestic and foreign debates. Transnational communication has given foreign actors a direct voice and has lead to incorporating foreign arguments – positively as well as negatively – into national public discourses (see Table 12).

Table 12: Europeanisation of national constitutional debates (actors' origins)

Actor origins	Shares per country in %					
	Czech Rep.	Estonia	Latvia	Poland	France	UK
National	42	42	60	58	71	49
other MS/sub-EU	30	44	40	35	23	33
EU origin	27	4	0	6	6	14
International	1	10	-	-	-	3
Total	100	100	100	100	100	100

Source: ConstEPS team

Hence, taking the transnational dynamics of national media publics into account, it appears unlikely that the TCE has failed because national communication communities were too self-centred and not sufficiently open to Europeanisation.

Finally, drawing on the EU's democratic deficit, EU leaders and member state executives have been charged for the distance between citizens and political elites on European issues in general, and on constitutional questions in particular. As a matter of fact, as regards the inclusion of different kinds of actors into national media debates about the Constitution, a certain degree of diversity and cross-national variation can be noted. For instance, citizens and civil society were most evident in France, the UK and Poland (about ¼ of all actors mentioned), even if frequently in a more passive mode. By contrast, in all member states and especially in France and the Czech Republic, national governments were by far the most vocal element (see Table 13).

Table 13: Diversity of constituent debates (inclusion/exclusion of actors)

Actor types	Shares per country in %					
	Czech Rep.	Estonia	Latvia	Poland	France	UK
EU institutional actors	10	17	17	17	16	23
Governments/executives/party actors	49	36	36	33	54	31
Experts/intellectuals	7	12	12	18	2	11
Citizens/civil society	13	17	17	25	27	24
Media	21	17	17	8	0	11
Total	100	100		100	100	100

Source: ConstEPS team

(3) Seen as a matter of the TCE's text, citizens' negative votes are explained as motivated by substantive provisions and the nature of the text: First of all, it is claimed that it was a mistake to aim at a "European Constitution(al Treaty)" instead of approaching it as just another "treaty reform." Second, the text is seen as too long and complicated for ordinary citizens to access it. Third, the TCE, namely its third part, is blamed for conveying an image of a unilateral European model of society that, depending on one's view, is biased either towards market-liberalism or towards burdening Europe with too much social regulation. It is true that the TCE was presented by the mass media first and foremost as a procedural issue but it must be acknowledged that it was also debated in these substantive terms. Although in most cases, procedural matters were prominent during the period preceding the referenda in France and the Netherlands, on the whole the Constitution in general and individual substantive issues scored high, accounting for on average more than a third of the topics around which the debates centred. Each of the country case studies under investigation features a different configuration of political conflict that the constitutional debates brought to the fore (see Table 14).

Table 15: Mapping EU Constitutional Conflict in National Media Debates

	POLITICAL COALITIONS & OPPOSITIONS	MODES OF EUROPEANISATION (a) segmented (b) horizontal (c)transnational
FRANCE	Two-dimensional conflict pattern: 1. Eurosceptic extreme rightist sovereignists against TCE vs. Pro-Europeans and supporters of Charter for TCE, 2. Pro-Europeans against TCE (because advocating a more political and social Europe) vs. pro-Europeans for TCE because of liberal vision of common-market Europe	(a) Segmented
UK	Two & half dimensional conflict pattern: 1. Left/labour, allied with (French, German, Spanish etc) EU-friendly supporters of the TCE vs. British Conservatives & Eurosceptic citizens (as bedfellows of the French Left) opponents of the TCE; 2. unambiguous criticism by European (including British) citizens vs. EU/European elites concerning the direction and speed of European integration. 3. Pro-European left-liberals favouring tolerance vs. new populist "fear-nationalism"	(c)transnational
POLAND	Two-dimensional conflict pattern: 1. "Fighting Catholicism" & new right wing parties against the TCE (but in favour of the EU) vs. political opposition parties for TCE; 2. Government against TCE vs. Polish citizens supporting the TCE	(b) horizontal

CZECH REPUBLIC	One-dimensional polarised conflict pattern: Pro-European Social & Christian Democrats/Government for TCE vs. Communist & Civic Democratic Party (pro-EU) opposition against TCE	(c)transnational
ESTONIA/LATVIA	No politicisation: Majority consensus, with external (Russian) and internal (Russian minority) divisions	Estonia: (c) Latvia: (a)

Source: chapters by Evas, Maatsch, Packham, Rakusanova, Wyrozumska, in this issue

These are some findings from transnational media discourse analysis that explain why under present conditions the European Union is unlikely to mutate into a novel kind of supranational political community. Yet, the scrutiny of domestic constitutional debates indicates that the EU is capable of switching its mode of constitutional treaty politics, from that of a union of segmented national communication communities to a transnationalising network of public communications. Beyond mutual observations across national boundaries we have found considerable evidence for transnational discursive exchanges that have taken place during the critical year under investigation. In view of the patterns and dynamics of how political conflict is articulated in public debates about TCE ratification, the “Europe in contention” is clearly on the road towards a transnational public sphere. Constructed by the mass media and by political elites and, to a more limited but visible degree, by civil society and the citizens, transnational communication networks articulate societal and political conflict about European integration. Possibly, they might contribute to coordinate and negotiate these conflicts, too.

¹ See, for instance, the contrasting views offered by the contributors to three different forums: the special issue published by *Constellations* (13 (2), 2006), and in *Politische Vierteljahresschrift* (47 (2), 2006), with contributions by M. Zürn, A. Maurer and W. Wessels.

² For instance, the Brussels correspondent for the *Frankfurter Allgemeine Zeitung* criticizes governments and the European Commission in the aftermath of the rejection of the EU Constitutional Treaty for adapting excessively to “the hopes of the public”, advocating “too much social model, too little single market”, pronouncing: “The removal of numerous barriers in the single market is a European success

story that also the public must understand". See M. Stabenow, "Europas Grenzen und Möglichkeiten", FAZ 8.9.2006, p. 1.

³ Andrew Moravcsik, with his article "What can we learn from the Collapse of European Constitutional Project?" (2006a), provoked a transatlantic Constitutional debate, engaging Jeremy A. Rabkin, Mark N. Franklin, Paul Magnette, James S. Fishkin, Pepper D. Culpepper & Archon Fung, and Loukas Tsoukalis, and including Moravcsik's "Response to Eight Critics"; see *Notre Europe, Etudes & Recherches* (2006).

⁴ The international and interdisciplinary research group ConstEPS – "Constituting Europe, Citizenship and the Public Sphere" is funded by VolkswagenFoundation (2005-8), based at CEuS, University of Bremen, directed by Ulrike Liebert, and includes Alexander Gattig; Tatjana Evas; Sönke Maatsch, Kathrin Packham, Petra Rakusanova, Aleksandra Wyrozumska, and Samba Diop. See: <http://www.monnet-centre.uni-bremen.de/projects/consteps/index.html>.

⁵ Norman Fairclough and Ruth Wodak have established the paradigm of „critical discourse analysis,“ contextualized in more general, structuralist interpretations and aimed at bridging the gap between the micro level of the text and the political macro level; see "Two Approaches to Critical Discourse Analysis", in Titscher et al. 2000: 144-170.

⁶ In Poland, between 72,9 (Fall 2004) and 59,8% (Fall 2005) were in favour of a constitution for the European Union, while in the Czech Republic the support rate was between 62,8% and 49,7%, respectively (EB Fall 2004; Fall 2005)

⁷ Where available, the following events were covered in the qualitative sample: (1.) the signing of the Constitutional Treaty in Rome; (2.) the outcome of the Spanish referendum; (3.) the outcome of the French referendum; (4.) the outcome of the Dutch referendum; (5.) the outcome of the Luxemburg referendum; (6.) the Luxemburg EU Presidency Summit, (7.) the reflection period; (8.) the British EU Presidency Summit (Southampton) and/or Tony Blair's speech in the European Parliament; (9.) national parliamentary ratification of EU constitution.

⁸ Atlas.ti is a software for the qualitative analysis of large bodies of textual, graphical, audio and video data; see: <http://www.atlasti.com/index.html>.

⁹ The data set "Transnational European Constitutional Conflict" will be made available on the ConstEPS-Website at the conclusion of the ConstEPS project in mid-2008; see: <http://www.monnet-centre.uni-bremen.de/projects/consteps/index.html>.

REFERENCES

- Amato, G., H. Bribosia & B. de Witte (Eds.) (2007) *Genesis and Destiny of the European Constitution* (Brussels: Bruylant).
- Diez, T. (2001) Europe as a Discursive Battleground: Discourse Analysis and European Integration Studies, *Cooperation and Conflict*, 36(1), pp. 5-38.
- Id. (1999) Speaking 'Europe': the politics of integration discourse, *Journal of European Public Policy* 6(4), pp. 598-613.
- Dryzek, J. (2000) *Deliberative Democracy and Beyond. Liberals, Critics, Contestations* (Oxford: Oxford University Press).
- Dryzek, J. & J. Berejikian (1993) Reconstructive Democratic Theory, *American Political Science Review*, 87 (1), pp. 48 – 60.
- Eder, K. & H.J. Trenz (2003) The Making of a European Public Space: An Inquiry into Relating Supranational Politics and Transnational Spaces of Communication, in: B.Kohler-Koch (Ed.) *Linking EU and National Governance*, pp. 111-134 (Oxford: Oxford University Press).
- Eriksen, E. O., C. Joerges & F. Rödl (eds.) (2006) *Law and Democracy in the Post-National Union*. ARENA Report No 1/2006.

-
- Eriksen, E.O. (2005) (ed.) *Making the European Polity: Reflexive Integration in the EU* (Routledge).
- Eriksen, E. O. et al. (2004) *Developing a Constitution for Europe* (Routledge).
- Eriksen, Erik Oddvar and John Erik Fossum (2000): *Democracy in the European Union. Integration through Deliberation?* (Routledge).
- Fossum, J.E. & P. Schlesinger (eds.) (2007) *The European Union and the Public Sphere* (Routledge).
- Fossum, J.E., H.J. Trenz (2006) When the people come in: constitution-making and the belated politicisation of the European Union, in: E.O.Eriksen, C. Joerges & F. Rödl (EDS.) *Law and Democracy in the Post-National Union* (Oslo: ARENA Report No.1).
- Fossum, J. E. & A. J. Menéndez (2005) Democratic constitution-making. Reflections on the European experiment. CIDEL Working Paper No. 18, Oslo: Arena.
- Fossum, J.E. (2004) Still a Union of deep diversity? The Convention and the Constitution for Europe, in: E. O. Eriksen, J. E. Fossum & A. J. Menendez (eds.) *Developing a Constitution for Europe*, pp. 389-406 (London: Routledge).
- Fraser, N. (2005) Transnationalizing the Public Sphere, in: M. Pinsky *Globalizing Critical Theory*, pp. 37-47 (Lanham et al.: Rowman & Littlefield).
- Gabel, M. & C. J. Anderson (2004) The structure of citizen attitudes and the European political space, in: G. Marks & M.R.Steenbergen (Eds.) *European Integration and Political Conflict*, pp. 13-31 (Cambridge UK: Cambridge University Press).
- Gabel, M. & S. Hix (2004) Defining the EU political space: an empirical study of the European election manifestos, 1979-1999, in: G. Marks & M.R.Steenbergen (Eds.) *European Integration and Political Conflict*, pp. 93-119 (Cambridge UK: Cambridge University Press).
- Gattig, A. & U. Liebert (2006, April) Europe's Constitution and the question of identity: exploring citizens' preferences. Paper presented at ECPR workshop sessions, Nicosia, Cyprus.
- Gerhards, J. (2001) Missing a European Public Sphere, in: M. Kohli & M. Novak (Eds.) *Will Europe Work? Integration, Employment and the Social Order*, pp. 145-158 (London/New York: Routledge).
- Habermas, J. (1998) *Die postnationale Konstellation und die Zukunft der Demokratie* (Frankfurt a. M.: Suhrkamp).
- Hooghe, L. & G. Marks (2006) The making of a polity: the struggle over European integration. In: H. Kitschelt, P.Lange, G. Marks, J.D. Stephens (Eds.) *Continuity and Change in Contemporary Capitalism*. Cambridge Studies in Comparative Politics, pp.70-99 (Cambridge UK: Cambridge University Press).
- Horwarth, D. & J. Torfing (Eds.) (2005) *Discourse Theory in European Politics. Identity, Policy and Governance* (Houndmills: Palgrave MacMillan)
- Hurrelmann, A. (2005) *Verfassung und Integration in Europa. Wege zu einer supranationalen Demokratie* (Frankfurt a.M.: Campus Forschung).
- Imig, D. (2004) Contestation in the streets: European protest and the emerging Euro-polity, in: G. Marks & M.R.Steenbergen (Eds.) *European Integration and Political Conflict* (Cambridge UK: Cambridge University Press).
- Imig, D. & S. Tarrow (Eds.) (2001) *Contentious Europeans. Protest and Politics in a Europeanizing Polity* (Rowman and Littlefield).
- Kelly, M., G. Mazzoleni & D. McQuail (eds.) (2004) *The Media in Europe. The Euromedia Research Group* (London, Thousand Oaks, New Delhi: Sage).
- Kevin, D. (2003) *Europe in the Media* (Mahwah/NY/London: Lawrence Erlbaum).
- König, T. & S. Hug (Eds) (2006) *Policy-Making Processes and the European Constitution: A Comparative Study of Member States and Accession Countries* (London: Routledge).
- Liebert, U. (2007) The Politics of Social Europe and the Lisbon Process, in: L. Magnusson & B. Strath (eds.) *European Solidarity* (Brussels: P.I.E. Peter Lang).
- Liebert, U., J. Falke & A. Maurer (Eds.) (2006) *Postnational Constitutionalization in the New Europe* (Baden-Baden: NOMOS).
- Id. (2006) Democracy Beyond the State: Assessing European Constitutionalisation, in: U. Liebert, J.Falke & A.Maurer (Eds.) *Postnational Constitutionalisation in the New Europe*, pp. 249-276 (Baden-Baden: Nomos).
- Id. (2003) Transformationen europäischen Regierens: Grenzen und Chancen transnationaler Öffentlichkeiten? in: Klein et al. (Eds.) *Bürgerschaft, Öffentlichkeit und Demokratie in Europa*, pp. 75-100 (Opladen: Leske + Budrich).

-
- Liebert, U., J. Falke, K. Packham & D. Allnoch (Eds.) (2003) *Verfassungsexperiment. Europa auf dem Weg zur transnationalen Demokratie?* Series: Beiträge zur transnationalen und transkulturellen Europadebatte Bd. 1 (Münster: LIT-Verlag).
- Lipset, S. M. & S. Rokkan (Eds.) (1967) *Party Systems and Voter Alignments: Crossnational Perspectives* (New York: Free Press).
- Majone, G. (2005) *Dilemmas of European Integration: The Ambiguities & Pitfalls of Integration by Stealth* (Oxford: Oxford University Press).
- Id. (2006, June) The common sense of European integration, II. Paper presented at the International Conference "Politische Theorie der EU", Frankfurt am Main.
- Marks, G. & M.R. Steenbergen (Eds.) (2004) *European Integration and Political Conflict* (Cambridge: Cambridge University Press).
- Marks, G. (2004) Conclusion: European integration and political conflict, in: Marks, G. & M.R. Steenbergen (Eds.) (2004) *European Integration and Political Conflict*, pp. 235-259 (Cambridge: Cambridge University Press).
- Medrano, J.D. (2003) *Framing Europe. Attitudes to European Integration in Germany, Spain, and the United Kingdom* (Princeton: Princeton University Press).
- Meyer, Christoph O. (2005) The Europeanization of Media Discourse: A Study of Quality Press Coverage of Economic Policy Coordination since Amsterdam, *Journal of Common Market Studies* 43 (1), pp. 617-639.
- Moravcsik, A. (2006) What can we learn from the Collapse of the European Constitution Project? *Politische Vierteljahresschrift*, 47(2), pp. 219-241.
- Morgan, G. (2005) *The Idea of a European Superstate. Public Justification and European Integration* (Princeton: Princeton University Press).
- Neyer, J. & M. Schroeter (2006) Deliberative Europe and the rejected constitution, in: Eriksen, Joerges & Rödl (Eds.) *Law and Democracy in the Post-National Union*, pp. 61-90 (Oslo: ARENA Report No. 1).
- Peters, A. (2004) Europäische Öffentlichkeit im europäischen Verfassungsprozess, in: Franzius, C. & U. Preuss (Eds.) *Europäische Öffentlichkeit* (Baden-Baden: Nomos).
- Id. (2001) *Elemente einer Theorie der Verfassung Europas* (Berlin: Duncker&Humblot).
- Peters, B., S. Sifft, A. Wimmel, M. Brüggemann & K. Kleinen-Von Königslöw (2005) National and transnational public spheres: the case of the EU, *European Review* 13 (1), pp. 139-160.
- Schlesinger, P. (1999) Changing Spaces of Political Communication: The Case of the European Union, *Political Communication* 16, pp. 263-279.
- Schmitter, P.C. (2000) *How to democratize the European Union...And Why Bother? XXX*
- Sifft, S. et al. (2006) Segmented Europeanization. Exploring the 'communication lag' in the European Union, *Journal of Common Market Studies*.
- Slaatta, T. (2006) Europeanisation and the News Media: Issues and Research Imperatives, in: *Javnost – the public*, 13(1), pp. 5-24.
- Steeg, M. van de (2001) Rethinking the conditions for a public sphere in the European Union, *European Journal of Social Theory* 5(4), pp.499-519.
- Steeg, M. van de (2003) Bedingungen für die Entstehung von Öffentlichkeit in der EU, in: Klein, A. et al. (Eds.) *Bürgerschaft, Öffentlichkeit und Demokratie in Europa*, pp.171-192. (Opladen: Leske und Budrich).
- Sudbery, I. & B. Laffan: Politicisation – an emerging dynamic in EU integration research. Annual state of the art paper of WP II/III, Team 1. EU-CONSENT, EU 6th FP (no year).
- Titscher, S., M. Meyer, R. Wodak & E. Vetter (eds.) (2000) *Methods of Text and Discourse Analysis* (London et al.: Sage).
- Trenz, H. J. (2005) *Europa in den Medien. Die europäische Integration im Spiegel nationaler Öffentlichkeit* (Frankfurt/New York: Campus Verlag).
- Tsebelis, George (2005) Assessing the Contributions of the DOSEI Project, *European Union Politics* 6 (3), pp. 377-390.
- Tully, J. (2007) A New Kind of Europe? Democratic Integration in the European Union, *Critical Review of International Social and Political Philosophy*, 10 (1), pp. 71 - 86
- Id. (2005): Communication Networks, Hegemony, and Communicative Action. Constitutionalism Web-Papers, ConWEB No. 3/2005.
- Van der Eijk, C.; M. Franklin et al. (1996) *Choosing Europe: The European Electorate and National Politics in the Face of Union* (Ann Arbor: University of Michigan Press).
- Waeber, O. (2004) Discursive Approaches, in: A. Wiener & T. Diez (Eds.) *European Integration Theory*, pp. 197 – 216 (Oxford: Oxford University Press).

-
- Walker, N. (2006) A Constitutional Reckoning, *Constellations* 13(2).
- Wessler, Hartmut (2005, May) Investigating Deliberativeness Comparatively. Applying the Normative Model of Public Deliberation in Comparative Media Content Research. Paper presented at ICA annual meeting, New York.
- Wiener, A. (2006) Conflictive Meanings: Constitutional Norms in Three Political Arenas, in: Liebert et al. (Eds.) *Postnational Constitutionalisation in the New Europe*, pp. 197 – 216 (Baden-Baden: Nomos).
- Wodak, R. & M. Meyer (2005) *Methods of Critical Discourse Analysis* (London et al.: Sage Publications).
- Zürn, M. (2006) Zur Politisierung der Europäischen Union, *Politische Vierteljahresschrift*, 47(2), pp. 242-251.