

*ConstEPS Working Paper No. 2006/3*

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The National Debate on the Constitutional Treaty in  
Poland.**

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## **Who is Willing to Die for the Constitution? The National Debate on the Constitutional Treaty in Poland.**

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During the Brussels summit of December 2003, the representatives of the Polish government staunchly defended the weighted vote issue that had been agreed at the Nice summit in December 2000. With the famous slogan “Nice or Death” they favoured the Nice Treaty which they believed to be representing Polish national interests better than the project of the Constitution. Even though this position was intensively debated in the national media, the debate on European Constitutional ratification turned out to be a relatively low-key affair. Polish political actors were simply not willing to stake their political reputations for the document they were opposing or at least not fully convinced of. Eventually, when the French and Dutch voted no, there was no political actor in Poland willing to “die” for the Constitution, not even among the ranks of its former (although not very vociferous) supporters. As Klotzle put it,

*“Given the near hysteria of the Polish political debate during the final negotiations of the constitution last year - featuring heated arguments over voting rights and references to Europe’s Christian heritage, as well as the impassioned conservative-nationalist slogan ‘Nice or Death’ - the reaction to the French referendum has been relatively mild.”<sup>1</sup>*

In fact, the Nice system has been defended across the entire political spectrum (left and right wing parties) in terms of *national* political interests and the principle of ‘equal treatment’ in the EU – but not an anti-EU nationalism.<sup>2</sup> After the loss of strategic partner, Spain, Poland’s bargaining power was dramatically curtailed. Already before, the tough position of the Polish government was met with criticism among the old EU member states. Hence, not wishing to be seen as the sole constitutional opponent, Poland accepted a compromise. Not surprisingly, the Constitution was not met with much enthusiasm in the Polish Parliament. Although the Sejm (the Upper House) decided to put the document to national referendum, the public debate was not really initiated.

The political elite was more interested to observe the other countries’ reactions, some undoubtedly secretly hoping that another state would reject the Constitution before the Polish referendum had a chance to take place. Others thought that the chances of their success in the forthcoming elections would be increased if the referendum coincided with parliamentary or presidential elections. At the same time, politicians and members of the

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<sup>1</sup> “After the French “non”: Poland Reacts with Sangfroid” by Kurt Klotzle, Centrum für Angewandte Politik, CAP, <http://www.cap-lmu.de/themen/eu-reform/ratifikation/polen.php>

<sup>2</sup> See “Constitutional Referendum in Poland. Can the Popular Will Overcome Party Power Struggles?” by Kurt Klotzle, Centrum für Angewandte Politik, CAP, <http://www.cap-lmu.de/aktuell/positionen/2005/poland.php>.

media alike seemed uninterested in *giving a fair account* of the issues that the referendum would decide. Overall, there was little attempt by either group to ‘bring the Constitution closer to the citizenry’ in a systematic and a non-demagogic manner.

The relevant social survey data confirms that the Constitution was a low-profile issue in Poland. In a survey of “the most important events of 2005 for Poland and the world” conducted in January 2006 by the Public Opinion Research Center (CBOS), the issue of the European Constitution was not mentioned at all<sup>3</sup>. In the opinion of those surveyed, the most important events of 2005 had been the Polish parliamentary and presidential elections (53%) and the death of the Pope John Paul II (35%). While the matter of the Constitution was largely ignored by the Polish public, the same attitude to EU matters had not been evident in previous years. In 2002 for example the survey showed that, according to public opinion, the most important events had been the completion of accession negotiations (60%) and the Pope’s visit to Poland (18%). In 2003, it had been the accession referendum (58%) and the Polish mission in Iraq (8%), and, in 2004, Polish accession to the EU (62%) and political corruption at home (8%).

Media discourse analysis shows that the constitutional process was discussed by the Polish media in three distinct ways. The *normative debate*, lead by academics, experts and journalists, examined the Constitution against the various different visions of the future of the European Union. This emphasis on the long term meant that the normative debate had a uniquely forward-looking character. The *electoral debate*, dominated by the journalists and politicians, discussed the Constitution in relation to domestic politics, which at that time chiefly revolved around the national elections. The electoral debate fulfilled instrumental functions, domesticating constitutional topics in the electoral campaigns. The *cross-border debate*, having receptive functions, was employed to report on the constitutional debates in other member states. The media actors, experts, or academics were therefore ‘introducing’ foreign debates to the Polish public. These three debates were also resonating with different cleavages or conflicting visions of Europe. In the normative debate different actors were evaluating the Constitution in relation to the question of politicization of the EU (stronger or weaker) or a future vision of Europe (liberal vs. social). The electoral debate, on the other hand, merged constitutional topics with the electoral campaigns of the left and right wing parties<sup>4</sup>, whilst the cross-border one frequently referred to the gap between the elites and citizens or conflicting national interests in the EU.

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<sup>3</sup> “Najważniejsze wydarzenia 2005 roku dla Polski i świata”, report based on research by Michał Strzeszewski, Warszawa, January 2005, [www.cbos.pl](http://www.cbos.pl)

<sup>4</sup> The major parties referred to in the text are, left: The Left Wing Alliance (Sojusz Lewicy Demokratycznej, SLD), Social Democratic Party of Poland (Socjaldemokracja Polska, SDPL), Labour Union (Unia Pracy, UP). Center- right: Civic Platform (Platforma Obywatelska, PO), right: Law and Justice (Prawo i Sprawiedliwość, PIS). Populist: agrarian Self-defense (Samoobrona, S). Radical right wing, catholic: The League of Polish Families (Liga Polskich Rodzin, LPR).

In the short period between the debates on accession to the EU (2002/3) and the Constitutional Treaty (2004), the parties opposing EU accession (The League of Polish Families) or advocating renegotiation of the terms of membership (Self-Defence), shifted towards moderate support of the EU. Having accepted Polish membership in the EU, these parties have nonetheless remained reluctant to accept deeper political integration of the EU. Accordingly, in autumn 2004 not a single party opposed Polish membership of the EU.

## I. Data

Empirical research for this project was conducted in the period from the 28<sup>th</sup> October 2004 to the 31<sup>st</sup> October 2005. In comparison to Western European states such as France or the UK, the level of media coverage of the issue was not particularly high in Poland, with the tabloid media being the least interested in the constitutional topics, as illustrated by the case of the newspaper *Super Express*, which contributed a total of just seven articles to the media debate.

Given the media selection, the main criteria were, firstly, to take into account the most influential media in Poland<sup>5</sup> and, secondly, to be properly representative of the Polish political spectrum. For that reason, not only were those left- or right-wing publications with the largest circulation selected, but also representatives of the more marginal Catholic media, constituting an interesting voice in the debate on the EU Constitution. Statistical data on circulation and public influence were obtained from reports by the Media Monitoring Institute as well as from the media in question. Secondary literature (Kitschelt, 1999; Grabowska, 2004) including other empirical analyses of the constitutional debate in Poland (Gaisbauer, 2006) were consulted to ensure a representative picture of political divisions in the national media.

Traditionally, media discourse analyses in Poland are based on the contents of the centre-left paper *Gazeta Wyborcza* and the centre-right *Rzeczpospolita*. For example, in his study of the constitutional debate in Poland Gaisbauer used these two dailies, albeit supplementing this somewhat limited selection by including the tabloid *Super Express*. Gaisbauer correctly established that coverage of the Constitution in the tabloids was incredibly small in comparison to that offered by the “quality” media,<sup>6</sup> information which would seem to support the theory that the EU Constitution was not of equal interest to all socio-economic strata of the Polish public. However, the data he used is by no means sufficient if one wishes to examine the true variety of positions on the Constitution in Poland. Therefore, this case study has been based not only on the largest dailies and

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<sup>5</sup> According to a report by the Media Monitoring Institute from 2004 (Instytut Monitorowania Mediów “Ranking najbardziej opiniotwórczych polskich mediów w 2004 roku”, Warszawa, luty 2005).

<sup>6</sup> 7 articles appeared in the tabloid *Super Express* in comparison to over 150 in *Gazeta Wyborcza* and *Rzeczpospolita*.

tabloids but also on the weeklies, mainstream and also so-called sectoral. While secondary literature on the subject recognizes that these are the long and substantive editorials published in the weeklies that ‘set the agenda’ especially for EU-topics (Kevin, 2003; Trenz, 2004), the sectoral media provide researchers with equally important although (or even precisely *because*) marginal or radical voices in any given debate.

The terms ‘left’ or ‘right’ are used in this article to describe the political orientation of the actors in the context of the Polish debate on the EU Constitution. It needs to be noted, however, that in the Polish (and, more generally, the Central European) context these terms have specific connotations that are missing in Western European usage. Herbert Kitschelt (Kitschelt, 1999; Markowski, 2002) noted that the political space of the Central European, post-communist state is organized along the nexus ‘libertarian-authoritarian’ cross-cutting with the nexus ‘market-liberal economy versus state welfare.’ In the Polish context it is possible to be even more specific and identify three such constitutive nexuses (Grabowska, 2004): the attitude towards the communist past (strong de-communization versus forgiveness), the economy (welfare state versus market economy) and value systems (secularism/liberalism versus Christian values). For many people one of the three aspects is more important than another, and therefore, it is not necessary for all three dimensions to be in play in every particular case. One or two of the three intersecting dimensions that mark out Poland’s political space can provide sufficient reason for any given voter to support a particular party. Interestingly, with the economic stagnation of the late nineties and an unemployment rate of almost 20%, all of the major parties became more ‘social’. The major difference is that the welfare policies of the left-wing parties<sup>7</sup> traditionally reflect secular values while those of the right wing parties reflect what might be called Christian values.<sup>8</sup>

These tendencies are also evident in the Polish media. For instance, although *Newsweek Polska* is owned by Axel Springer, the profile of the weekly is very liberal, targeting young and educated people. And, as such, *Newsweek* draws on secular values; it promotes the principles of the market economy within a Polish context and has an indifferent attitude towards the communist past. On the other hand, the Catholic *Tygodnik Powszechny* is a high-quality, sectoral journal targeting the Christian intelligentsia. At least thirty per cent of its coverage is devoted to the affairs of the Catholic Church, but its articles covering secular issues are also insightful and of a high standard. While *Tygodnik Powszechny* undoubtedly promotes Christian values, it has at the same time a more liberal attitude

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<sup>7</sup> For instance the Left Wing Alliance or the Labor Union.

<sup>8</sup> Family policy is a case in point: left-wing parties are concerned with women’s rights, and traditionally subsidize contraceptives or focus on enhancing tolerance towards sexual minorities in public life. The right-wing parties (especially Law and Justice and the radical Catholic League of Polish Families) prefer instead to subsidize families with children (‘becikowe’ is the Polish equivalent of children’s allowance) and in general promote Catholic values in family life.

towards the communist past than some right-wing parties.<sup>9</sup> Therefore we must bear in mind that very few if any of the newspapers on the Polish market represent an ‘ideal case’ in terms of right- or left-wing political orientation. Moreover, proponents of a welfare state at national level may frequently advocate a strongly market-oriented Europe. In short, divisions at the level of national politics are not automatically mirrored at EU level.

A selection of 699 articles was taken from eight journals; three dailies, three weeklies, a tabloid and a special supplement of a daily tabloid. The three dailies in question were *Rzeczpospolita* with its centre-right orientation, the left-of-centre *Gazeta Wyborcza* and the sectoral Catholic-populist *Nasz Dziennik*. The three weeklies examined were *Wprost*, the leftist-liberal *Newsweek* (Polish edition) and the sectoral liberal-Catholic *Tygodnik Powszechny*.<sup>10</sup> The research sample also included the tabloid *Super Express* and the special supplement *Europa*, part of the daily tabloid *Fakt*.<sup>11</sup> *Europa* includes re-prints of articles written by well-known scholars such as Habermas, a strategy which, while it may lower the number of Polish contributors on the one hand, on the other provides an important insight into the non-Polish thought in Poland.

The Catholic public in Poland is divided into a ‘moderate-liberal’ camp representing the official position of the Catholic Church and a ‘radical’ camp which is in conflict with the Church authorities. The weekly *Tygodnik Powszechny*, our example of high-quality sectoral journalism, belongs to the moderate camp while the populist daily *Nasz Dziennik* belongs to the radical. The reason for selecting two Catholic journals from opposing camps was to establish whether the Catholic media converged or diverged on the topic of the EU Constitution. For a closer qualitative analysis, 29 substantive articles were selected from the whole set.<sup>12</sup> The selection strategy was three-fold: the sample was proportionate to the media coverage each month and it was composed of articles that were substantive or very relevant to the domestic discussion. In addition, the sample included articles dealing with important constitutional events which took place during the period of research (see Appendix 1-3).

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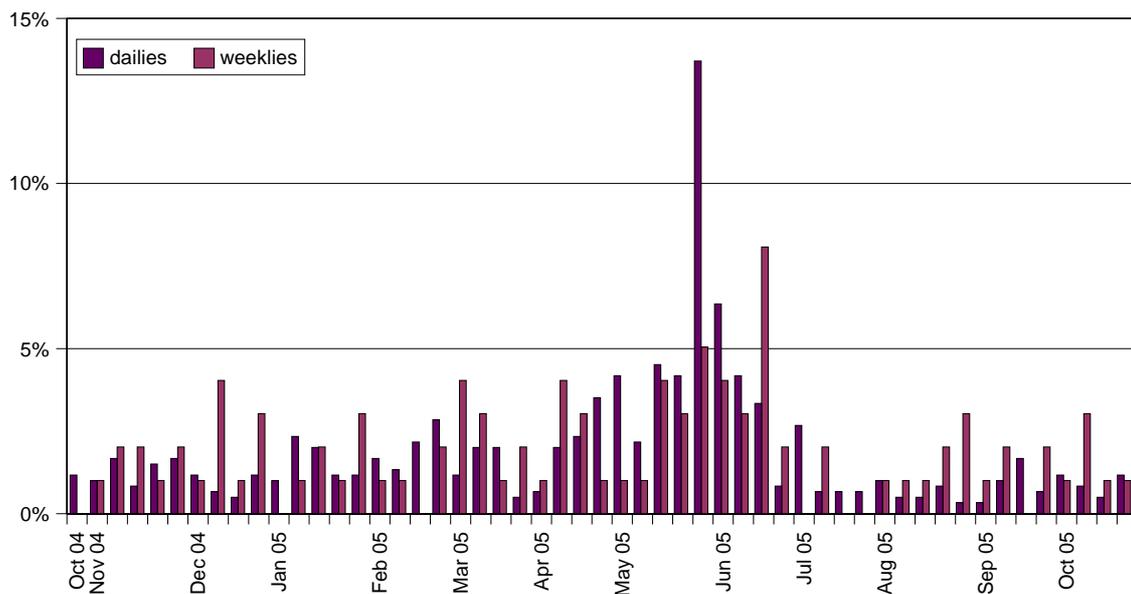
<sup>9</sup> In the early nineties Tadeusz Mazowiecki, the first democratically elected Prime Minister and a long-term contributor to *Tygodnik Powszechny* advocated the drawing of a ‘red line’ between the communist past and the democratic present. His message was clear: the past should be ‘closed’ and we should all focus on building democracy in the future. The largest right-wing party, Law and Justice, is in favor of radical reexamination of public persons’ activities during the communist period.

<sup>10</sup> Initially the leftist weekly *Polityka* was going to be included; however, the journal’s internet archives were unavailable during the period of data gathering.

<sup>11</sup> Since spring 2006 the supplement *Europa* has appeared as part of the new Axel-Springer daily *Dziennik*.

<sup>12</sup> The qualitative analysis was conducted using Atlas.ti software.

Figure 1: Media coverage of the constitutional debate in Poland by week, October 2004 to October 2005



Although coverage in the weeklies was not exactly extensive, the articles themselves discussing the constitutional process were quite substantive and evaluative. It was also a feature of the sectoral *Nasz Dziennik* that many academic terms such as *politicization* were misunderstood and misused. For that reason the categorisation (“coding”) of such statements created many difficulties. In addition, one of the authors who contributed regularly to *Nasz Dziennik* would change his position on such crucial issues as support for the Polish EU membership literally from one article to the next. This in turn generated problems as far as pinpointing *Nasz Dziennik*'s position on Polish ‘support for the EU’ was concerned. The lack of consistency also indicated that some authors may merely have been echoing third-party opinions which, to make matters worse, they had not fully understood. In general it became evident that in the Polish media the European Constitution and the constitutional process did not feature high on the national agenda, neither in comparison to domestic issues (the presidential and parliamentary elections) nor in relation to EU accession.

## II. Analysis

### II.1 Actors

The major findings from the analysis of the actors who were instrumental in the debate are as follows: firstly, there was a low level of diversity among the Polish actors involved and, secondly, there was a low degree of personalization in the debate. The Polish debate was basically the domain of three types of actor: journalists, experts/academics, and executives. High-profile actors in the cross-border discussion were heads of states or party leaders

while the EU level remained dominated by top-ranking officials. Non-governmental actors like NGOs were basically absent in the debate. Although voters/public were well represented in the debate, in terms of direct involvement they played a very passive role. The opinions of the Polish public were mostly represented by the other actors involved who frequently relied on social survey data. Foreign public opinion was represented but mostly in relation to referenda that were taking place abroad. Hence, in the Polish constitutional debate neither the public nor non-governmental organizations *set the agenda*. Seen in this light, the Polish debate had a strongly elitist character.

The low level of personalization, on the other hand, can be attributed to the fact that proponents of the Constitution were even less willing to promote the Treaty by name than its opponents. Before the elections too much was at risk for politicians to stake their personal reputations and good names on a project the outcome of which was very uncertain. Therefore, as long as parties had (strategically) announced their positions on the Constitution, individual actors were fairly reluctant to become personally engaged to the extent that, say, Jacques Chirac or Vaclav Klaus were.

Table 1: Origin of Actors


Table 2: Types of Actor


The electoral debate was dominated by political actors. For executives and party members, the Constitution was merely a vote-seeking or office-securing device. Therefore, instead of 'educational' campaigning, they often preferred simply to mirror their constituencies' preferences, well aware that while the issue of the Constitution could not entirely change

the outcome of an election, it could certainly sway it a little. So, for instance, the left-wing parties knew that their constituencies were strongly pro-European. The parties' support for the Constitution therefore was expected to pay off during the parliamentary and presidential elections because the issue would provide the undecided, potential left-wing electorate with an additional incentive to vote. After the corruption scandals of 2001/2, the legitimacy of left-wing parties had been seriously undermined as far as domestic issues were concerned. So, by supporting the Constitution, the left-wing parties hoped to win back some of their electorate and also to attract right-wing Constitutional proponents. The situation was entirely different at the right end of the political spectrum. In the constituencies of the liberal conservative Civic Platform, there was moderate support for the Constitution, so the party distanced itself from its former radically negative position on the issue, preferring instead to adopt a neutral stance.<sup>13</sup> The other important right-wing party, Law and Justice, did not face a similar problem. Their anti-constitutional stance already reflected the preferences of their eurosceptical constituency.

Table 3: Actors by political affiliation.

Actor name	Occurrence*		No of articles**	
	No	% of total	No	% of articles
Extreme left	-	-	-	-
Left	20	40	8	28
Right	21	42	8	28
Extreme right	3	6	3	10
Liberals	5	10	3	10
Greens	1	2	1	3
Total	50	100	29	100

\* no of times the origin was coded in the articles

\*\* no of articles that include actors of a given origin

The former President, Aleksander Kwasniewski, also participated in the constitutional discussion, advocating scheduling of the referendum to coincide with the first round of the presidential elections. After the French “No”, Aleksander Kwasniewski became one of the champions of a Europe-wide referendum on the redrafted Constitutional Treaty, more precisely on the shorter version of the document. In contrast, other constitutional proponents in Poland were not interested in discussing alternative options. Rather, they preferred to withdraw this touchy topic entirely from the electoral agenda. Finally, since the elections in autumn 2005 both the parliamentary majority and the new President Lech Kaczyński have been openly against the Constitution.

<sup>13</sup> Jan Rokita, one of the party's key figures, was the author of the slogan “Nice or Death”.

Table 4: Top 10 named actors.

Actor name	Position	Origin	Occurrence*		No. of articles**	
			Total	in % of total	no.	in % of articles
Rostowski, Jacek	against	PL	9	15	1	3
Chirac, Jacques	for	PL	6	10	4	14
Juncker, Jean-Claude	for	LUX	6	10	5	17
Kwasniewski, Aleksander	for	F	6	10	5	17
Barroso, Jose Manuel	for	EU	5	8	4	14
Blair, Tony	for	UK	5	8	3	10
Brok, Elmar	for	EU	5	8	1	3
Belka, Marek	for	D	2	3	2	7
Saryusz-Wolski, Jacek	for	E	2	3	1	3
Schroeder, Gerhard	for	UK	2	3	2	7
Total			60	100	29	100

\* no of times the actor was coded in the articles

\*\* no of articles that include the respective actor

Table 5: Attitudes to the constitution and preferred date for the referendum.<sup>14</sup>


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<sup>14</sup> Based on press analysis.

<i>Political party/Important actor</i>	<i>Attitude to the Constitution (advocative strategy)</i>	<i>Date of the referendum</i>
The Left Wing Alliance (Left)	FOR	To coincide with the 1 <sup>st</sup> round of the presidential elections, autumn 2005.
The Social Democratic Party (Left)	FOR	To coincide with the 1 <sup>st</sup> round of the presidential elections, autumn 2005.
The Labor Union (Left)	FOR	To coincide with the 1 <sup>st</sup> round of the presidential elections, autumn 2005.
Civic Platform (Central, liberal)	NEUTRAL	If necessary, spring 2006, otherwise latest possible date. Separate referendum.
Law and Justice (Right)	AGAINST	The latest possible date (maybe some other state will have rejected the constitution by this time). Separate referendum
League of Polish Families (Catholic, conservative)	AGAINST	The latest possible date (maybe some other state will have rejected the constitution by this time). Separate referendum
Self-defense (populist)	AGAINST	The latest possible date (maybe some other state will have rejected the constitution by this time). Separate referendum
Polish Peasant Party	AGAINST	Autumn 2006 to coincide with local elections.
Kwasniewski, Aleksander (former President)	FOR	To coincide with the 1 <sup>st</sup> round of the presidential elections, autumn 2005.
Kaczyński, Lech (current President, Dec.2005)	AGAINST	The latest possible date (maybe some other state will have rejected the constitution by this time). Separate referendum.
Public opinion survey	FOR (between 10/2004-10/2005 fluctuating around 50%, highest support-68%- source: CBOS)	43%- independently of all elections, 17%- to coincide with the parliamentary elections, 21%- to coincide with the presidential elections, 10%- to coincide with local elections, 8%- difficult to say
Parliamentary majority (after elections Autumn 2005)	AGAINST	If a new draft of the constitution was put forward, the latest possible term to schedule a referendum in Poland.

The national and non-national actors shaping the Polish discussion on the Constitution did not change over time. However, while the actors remained the same for the whole research period, there were phases when some would play a more dominant role in the debate than others. For instance, in the period from autumn 2003 to spring 2004 the electoral debate was mostly dominated by journalists, executives and political parties. After the French “No”, experts, journalists, and members of the public (the latter generally only as passive agents) dominated the discussion with their cross-border and normative debates.

## ***II.2 Constitutional Topics***

In order to understand the limited diversity of constitutional topics included in the national debate, it is necessary to look at the background to the Polish position on the Constitution. It is possible to identify four phases in the Polish debate on the Constitution (Koenig, 2005). In the first one, between October and December 2003, Poland stated its official

position and established an alliance with Spain, who was also against any change to the voting rules enshrined in the Nice Treaty. Poland entered the negotiations with the famous slogan “Nice or Death”, which eventually blocked the negotiations. In general terms, Poland was in favour of the Constitution but a condition of its support was that the following changes be made: (a) that a religious reference be included in the preamble, (b) that there be one commissioner per state, (c) that, in terms of security policy, NATO provide the basis for EU security and (d) that the voting rules laid out in the Nice Treaty be adopted (the most important provision).

Table 6: Types of constitutional topic.

Topic type	Occurrence*		No of articles**	
	No	% of total	No	% of articles
Constitution as such	111	27	25	86
Substantive topics	77	19	19	66
Constitutional process	221	54	24	83
Total	409	100	29	100

\* no of times the issue type was coded in the articles

\*\* no of articles that include a certain issue type

In the second phase, between March and June 2004, Poland lost its strategic partner, Spain. After the parliamentary elections in Spain, the new Prime Minister Zapatero was open to compromise and decided to support the double majority voting rule. Poland was concerned that if the government continued to insist upon the Nice voting rules, Poland would be alienated from the other EU member states, so eventually the national representation accepted a compromise. In the third phase the national debate concentrated on the timing of the Polish referendum and its alternative scheduling to coincide with the parliamentary, presidential, or local elections in autumn 2005/spring 2006. In that phase the timing of the referendum was a highly politicized issue. First of all, political actors were afraid that the turn-out for the referendum might be poor (in other words, below 50%) and - given the reputation that Poland had earned during negotiations over the weighted votes - that this would eventually make Poland a black sheep in the eyes of the rest of the EU. Secondly, scheduling the constitutional referendum to coincide with the presidential elections was expected to shift the balance of votes in favour of the left-wing candidate. For this reason, political parties had widely differing opinions on the most suitable date for the referendum. Finally, a fourth phase began with the French rejection of the Constitution, during which period the electoral debate in Poland was displaced by the normative and cross-border discourses. The emphasis shifted towards evaluation of the arguments used by other national publics. The table below shows the sequence of EU and related national events during the period under research.

Table 7: Key events in the Polish constitutional debate.

Time	EU event	National reception of the EU event
Oct 2004-	Signing of the constitutional treaty in Rome	<ul style="list-style-type: none"> <li>• Constitution badly translated into Polish</li> <li>• Parties announce their positions on the constitution,</li> </ul>

		<ul style="list-style-type: none"> <li>constitution as an electoral vote-seeking device.</li> <li>Timing of the Polish referendum (scheduled to coincide with presidential /parliamentary elections or to take place separately?)</li> <li>“Constitution as a German-French dictate”, “Constitution deprives nation-states of sovereignty”- different interpretations of the treaty</li> </ul>
Feb 2005-	Spanish referendum	<ul style="list-style-type: none"> <li>Hypothetical consequences of the Polish “No” vote</li> <li>Constitution and Nice Treaty from the perspective of national interests</li> <li>Constitution criticized for being unclear and incoherent</li> </ul>
May 2005-	French referendum	<ul style="list-style-type: none"> <li>Interpreting the French “No”: context mattered, not the constitution itself</li> <li>Constitution in the context of services directive and the French rejection</li> <li>Constitution promoting a particular vision of Europe: social or liberal?</li> </ul>
June 2005-	Dutch referendum	<ul style="list-style-type: none"> <li>Visions of Europe: predominant support for the liberal one.</li> </ul>
July 2005-	Luxembourg referendum	<ul style="list-style-type: none"> <li>Visions of Europe: predominant support for the liberal one</li> </ul>
June 2005-	Lux presidency, reflection period	<ul style="list-style-type: none"> <li>Alternative options out of crisis from the perspective of national interests.</li> </ul>
Sep 2005-	British presidency	<ul style="list-style-type: none"> <li>Intergovernmental “coalition building”: Polish actors advocating a Polish-British-German alliance. The French vision of Europe considered as being against Polish economic interest</li> </ul>
	Parliamentary ratifications in other member states	<ul style="list-style-type: none"> <li>Impact on Polish voters</li> </ul>

In sum, general constitutional topics predominated. Furthermore, the constitutional process earned more coverage than particular provisions of the Constitution. For instance, the general code “Constitution” accounts for 27% of all topics covered by the print media, whilst Constitutional process account for 56%. This latter figure also includes discussion of the *timing of the referendum* in Poland. The topic *translation of the Constitution*, being an unusually important issue in the Polish debate, accounts for no less than 19% of all topics covered by newspapers.

Table 9: Top 10 single substantive issues.

Single topics	Occurrence*		No of articles**	
	No	% of total	No	% of articles
Translation of the Constitution	12	16	2	7
Definition of the Union	9	12	4	14
Common Agriculture and fisheries	7	9	4	14
Free movement of persons and services	6	8	3	10
Union's objectives	4	5	1	3
Common foreign and security policy	3	4	2	7
Ratification and entry into force	3	4	3	10
Christian/Christian inheritance	2	3	2	7
Union competences - supremacy	2	3	1	3
Council President	2	3	1	3
<b>Total</b>	<b>77</b>	<b>100</b>	<b>29</b>	<b>100</b>

\* no of times the topic was coded in the articles

\*\* no of articles that include a given topic code

### II.3 Argumentative Strategies

Analysis of the Polish media reveals that three distinct argumentative strategies were used in coverage of the constitutional issue. The ‘quality publication’ group consisting of *Gazeta Wyborcza*, *Rzeczpospolita*, *Newsweek*, *Wprost*, *Europa* and *Tygodnik Powszechny* attempted to give objective although not always very detailed accounts. In comparison to the ‘highbrow’ press, the tabloid media, as exemplified by *Super Express*, barely covered constitutional topics at all. In general, the tabloid press articles provided only brief and cursory coverage of the subject. The sectoral *Nasz Dziennik* developed a distinctive argumentative strategy in this context. Its approach combined a suspicious attitude towards EU issues with a lack of consistency in terms of its position on any given topic. With the exception of definitive statements on the subject of an EU constitution, which were most often made by experts or academics writing for the quality press, the other argumentative strategies were used by basically all the actors taking part in the Polish debate. However, the presentation of constitutional topics differed according to whether they were being covered by the quality, tabloid or sectoral-populist media. This section will provide some examples of typical usage of the various argumentative strategies in the different publication types.

Table 10: Types of statements by category.

Statement categories	Occurrence*		No of articles**	
	No	% of total	No	% of articles
Definitive	9	2	6	21
Designative	55	15	21	72
Evaluative	144	38	25	86
<i>positive</i>	19	5	10	34
<i>negative</i>	74	20	21	72
<i>important/influential</i>	26	7	13	45
<i>unimportant/uninfluential</i>	7	2	4	14
<i>easy</i>	0	0	0	0
<i>difficult</i>	10	3	6	21
<i>neutral/undecided/ambivalent</i>	8	2	8	28
Advocative	169	45	28	97
<i>for</i>	98	26	23	79
<i>against</i>	71	19	24	83
<b>Total</b>	<b>377</b>	<b>100</b>	<b>29</b>	<b>100</b>
Positive/for	117	31	26	90
Negative/against	145	38	27	93

\* no of times the argumentative strategy was coded in the articles

\*\* no of articles that include the respective argumentative strategy

The following examples demonstrate different usages of definitive statements in the quality press and sectoral-populist media respectively. The definitive statements used in quality press were precise and coherent though the topic was not always clearly delineated. *Nasz Dziennik*, on the contrary, had a tendency to very expressionistic but also superstitious definitive statements.

*“The Constitution is a balanced text - it is neither ultraliberal nor does it seek to impose a social model.” (“The liberal-democratic vision of Europe”, Graham Watson, Gazeta Wyborcza).*<sup>15</sup>

*“[The Constitution] undermines the sovereignty of nation states and national constitutions, creating in their place a European super-state” (“A cabinet-constitution,” Goss, Małgorzata, Nasz Dziennik).*<sup>16</sup>

*“In short, the text of the Constitutional Treaty states clearly that after the 1<sup>st</sup> of November, 2006 we shall lose our sovereignty and freedom as a state, and will maintain a degree of autonomy similar to that of a province or a county. We will be like one of the states of the United States of America or Brazil, or a Swiss canton. However, the true extent of our inferiority cannot be fully gauged at this moment in time, because the Euro-constitution is still evolving in certain respects and the number of decisions, acts and regulations is steadily growing, making it impossible for a Pole to escape from it or to preserve his freedom or dignity. (“A euro-constitution deprives us of our freedom”, Fr. Bartnik, Nasz Dziennik).*<sup>17</sup>

Designative statements were most often used to report on an event such as a signing summit. While the statements in the quality press were very focused on the issue, the tabloid press often combined a sentence or paragraph on an official EU event with informal information such as celebrity gossip. Finally, designative statements found in *Nasz Dziennik* contained vocabulary that was far from neutral, referring, for example, to a European super-state.

*“Support for the European Constitution in Poland is small. Only every third respondent is in favour of the Constitution.” (“A weak yes to the Constitution”, Stankiewicz, Andrzej, Rzeczpospolita).*<sup>18</sup>

*“The document [the Constitution] was signed by the Prime Minister Marek Belka (52 years old) and the Polish Minister for Foreign Affairs Włodzimierz Cimoszewicz. While*

<sup>15</sup> “Jest tekstem wyważonym - ani ultraliberalnym, ani narzucającym model socjalny.”

<sup>16</sup> “Likwiduje suwerenność państw narodowych i przekreśla narodowe konstytucje, powołując w to miejsce superpaństwo europejskie.”

<sup>17</sup> “Krótko mówiąc, treść traktatu konstytucji europejskiej zapowiada dosyć wyraźnie, że po 1 listopada 2006 roku tracimy suwerenność i wolność jako państwo, a zachowamy pewną autonomię typu regionu, landu czy stanu. Będziemy jak jeden ze stanów Ameryki lub Brazylii czy też jak kanton Szwajcarii. Przy tym rozmiarów naszego poddaństwa Unii nie da się obecnie określić bardzo precyzyjnie, gdyż eurokonstytucja jeszcze się ciągle w pewnych punktach kształtuje i narasta wtórna lawina rozporządzeń, aktów wykonawczych, przepisów, spod których żaden Polak nie będzie się mógł wydobyć ani uratować swojej godności i wolności.”

<sup>18</sup> “Małe poparcie Polaków dla unijnej konstytucji. Za jej przyjęciem opowiada się jedynie co trzeci z nas.”

*the head of government was signing the Constitution, his wife Krystyna was sightseeing in Rome. She walked through the streets of the Trastevere, a poor, working-class neighbourhood of the Eternal City.* ("Europe finally has a constitution," Kamiński, Wojciech, Super Express).<sup>19</sup>

*"Despite the objections of the majority of opposition parties, the Council of Ministers yesterday agreed to sign the European Constitution, which will unite all the nation-states into a single European super-state."* ("Europe in crucible," Goss, Małgorzata, Nasz Dziennik).<sup>20</sup>

Evaluative statements (both negative and positive) were less emotional in the quality and tabloid press than in *Nasz Dziennik*. The tabloids also often used vernacular or even vulgar language. The following examples illustrate well the usage of evaluative negative and advocative statements in the Polish quality media, tabloids and the sectoral paper *Nasz Dziennik*.

*"It was meant to be a text that would inspire the people, giving them to understand that they are part of a European family. Instead, it was written in bureaucratic Euro-jargon, like a poorly-written instruction manual."* ("Like a poorly-written instruction manual," Bielecki, Jędrzej, Rzeczpospolita).

*"The idea has long since been supported by the left wing, which is unanimously in favour of a European Constitution. According to the spokesman of the SLD Marek Dyduch, the best option would be to schedule the referendum to coincide with the first round of the presidential elections. This would force the candidates to state their position on the Constitution unequivocally."* ("The war over timing," Olczyk, Bielecki, Śmiłowicz, Rzeczpospolita).<sup>21</sup>

*"Signing the Constitution for the European Union is a first step towards changing the identity of our continent. If the European nations don't sober up and agree to ratify this*

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<sup>19</sup> "Ze strony polskiej pod dokumentem podpisali się premier Marek Belka (52 l.) i szef dyplomacji Włodzimierz Cimoszewicz. Kiedy szef rządu podpisywał konstytucję, jego żona Krystyna zwiedzała Rzym. Chodziła po ulicach Zatybrza - biednej, robotniczej dzielnicy Wiecznego Miasta."

<sup>20</sup> "Mimo sprzeciwu większości partii opozycyjnych Rada Ministrów uchwaliła wczoraj zgodę na złożenie przez premiera podpisu pod konstytucją Unii Europejskiej, która ma stopić państwa narodowe w jedno europejskie superpaństwo."

<sup>21</sup> "Miał być tekst, który poruszy, urzeknie, pomoże uświadomić Polakom, że należą do europejskiej rodziny. Powstała spisana biurokratycznym eurożargonem, trudna do zrozumienia instrukcja obsługi."

"Pomysł ten nie od dziś popiera lewica, która jednogłośnie opowiada się za przyjęciem przez Polskę konstytucji europejskiej. - Najlepiej, by referendum odbyło się przy pierwszej turze - mówi Marek Dyduch, sekretarz generalny SLD. - Wówczas wszyscy kandydaci na prezydenta będą musieli przedstawić jasne stanowisko wobec konstytucji europejskiej."

*'cabinet Constitution,' the funeral of Europe as we have traditionally understood it will become a fact.*" ("Cabinet constitution," Goss, Małgorzata, *Nasz Dziennik*).<sup>22</sup>

*"[The European Constitution] should not be the 1000-page-long babble of political psychopaths."* ("Readers judge," *SE*, *Super Express*).<sup>23</sup>

Finally, evaluative statements such as "important/unimportant" or "difficult/easy/neutral" were used rather rarely and usually only in very general contexts:

*"John Paul II said that the Treaty is "an extremely important moment in the building of a new Europe". Unlike Polish politicians, he views the Constitution 'with trust.'"* ("After signing, before ratification," Makowski and Sierakowski, *Tygodnik Powszechny*).<sup>24</sup>

Equally and oppositely, the Constitution was also evaluated as unimportant:

*"Let's put symbols to one side and ask ourselves whether the Constitution introduces anything new. Not really. In point of fact, it only repeats provisions from previous treaties, and these will not be annulled simply because the Constitution is blocked. Realistically speaking, the Constitution would change very little and its rejection is therefore not a catastrophe."* ("The free market is good for us," Gadomski, Witold, *Rzeczpospolita*; argument by Rostowski, Jacek).<sup>25</sup>

The evaluative concept "difficult" was used predominantly in relation to the crisis following ratification failure, for instance:

*"Extracting the most important parts from the Constitution and treating them independently from the whole Treaty is too complicated."* ("Silence regarding the Constitution," Pawlicki, Jacek, *Gazeta Wyborcza*).<sup>26</sup>

<sup>22</sup> "Podpisanie konstytucji Unii Europejskiej to pierwszy etap na drodze do zmiany tożsamości naszego kontynentu. Jeśli narody europejskie nie otrzeźwieją i zgodzą się na ratyfikację tej "gabinetowej konstytucji" - pogrzeb tradycyjnie pojmowanej Europy stanie się faktem."

<sup>23</sup> "[Konstytucja europejska] to nie może być 1000 stron bełkotu politycznych psychopatów."

<sup>24</sup> "Jan Paweł II nazywa Traktat "niezwykle ważnym momentem w budowaniu nowej Europy". I na Konstytucję, w przeciwieństwie do polskich polityków, "patrzy z ufnością".

<sup>25</sup> "Zostawmy symbole na boku i zastanówmy się, co tak naprawdę nowego miała przynieść eurokonstytucja. Niewiele. W gruncie rzeczy powtarza ona zapisy obowiązujących już traktatów, które przecież nie zostaną unieważnione z tego powodu, że konstytucja została zablokowana. Realnie rzecz biorąc, konstytucja niewiele zmieniała i jej odrzucenie też nie jest katastrofą."

<sup>26</sup> "Wyjęcie z konstytucji najważniejszych części i stosowanie ich niezależnie od traktatu jest zbyt skomplikowane."

Neutral/undecided statements, though accounting for only two per cent of all statements, were most often used to present the Civic Platform's position on the Constitution, for instance:

*“It is difficult to tell from the statements of the Civic Platform's leaders whether the party is “for” or “against” the Constitution. The leader, Donald Tusk, said that a decision can be expected...at the earliest in spring next year (2006, A.W.). The largest opposition party, making up the shadow government, has no position on the European Constitution at all!” (“After signing, before ratification,” Sierakowski, Makowski, Tygodnik Powszechny).<sup>27</sup>*

#### **II.4 Motives and justifications**

It is possible to identify some regularity with respect to the discourse of justifications and motives within the normative, electoral, and cross-border debates. Within the electoral debate, the dominant actors were political parties and journalists. Politicians were not very active themselves as far as writing editorials was concerned; therefore, their opinions were most often articulated and evaluated by journalists. As a consequence, the most popular motives that journalists identified on the part of political parties were vote-seeking and office-seeking. The politicians themselves, by contrast, tended to justify their position in terms of democratic values, participation, national or citizens' interests, arguing, for instance, that organizing a referendum to coincide with the presidential elections was in the citizens' best interests and would enhance democracy in Poland. Interestingly, while Polish domestic actors identified participation as the level of voter turn-out, the supranational ones conceptualized it widely as the degree of 'citizens' involvement' in EU matters.

*Table 11: Types of justification.*

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<sup>27</sup> “Trudno jednak z wypowiedzi liderów tej formacji dociec, czy PO jest “za” Konstytucją, czy “przeciw”. Szef Platformy Donald Tusk powiedział, że decyzji w tej sprawie należy się spodziewać... najwcześniej na wiosnę przyszłego roku. Największa partia opozycyjna, formacja tworząca gabinet cieni nie ma wyrobionego zdania na temat unijnej Konstytucji!”



In the cross-border debate journalists or experts usually explained EU events or the outcome of the referenda in terms of lack of understanding between elites and citizens. In the normative debate, two patterns can be identified. Firstly, experts or journalists justified their positions on the Constitution in terms of their general visions of a liberal or social Europe. Within the normative debate a particular vision of Europe, treated either as a topic or cited as justification, was very often more important than the actual text of the

Constitution. The discussion over different visions of Europe revealed some transnational features. Poland stood in clear opposition to the French public which backed a social Europe. There were basically two positions on this issue among the Polish actors. Some argued that the Constitution indeed promoted a social Europe while others believed that the Constitution as such was neither social nor liberal but that voting was nonetheless guided by context issues such as the services directive or future accessions. And so the spectre of ‘the Polish Plumber’<sup>28</sup> haunted the heated discussions about the EU services directive. The split between proponents of a social and a liberal Europe has encouraged many Polish actors to advocate a Polish-British alliance *for a liberal Europe* against the French-German coalition *for a social Europe*. A long tradition of good political and economic relations between Poland and USA was also brought up by those actors wishing to attack the dominance of the Franco-German vision of Europe. These actors argued that Polish-American relations would be negatively affected if the Franco-German vision of Europe were implemented.

It is worth paying closer attention to the recurring idea of the *Constitution as a Franco-German product*. Interestingly, the idea was propounded both by the quality press and *Nasz Dziennik*. In the quality press experts or journalist criticised the Constitution because it copied the French and the German model of a social state. The following quotations are extracts from the very thorough article published in *Rzeczpospolita* by Prof. Jacek Rostowski, Head of Economics at the Central European University.

*“The European Constitution was created by France and Germany in order to maintain their supremacy in the EU. The sweet revenge of the French, their ‘No’ to a European Constitution will force France to choose between the current state of stagnation and building a Europe where everybody has equal rights.”*<sup>29</sup>

*“The greatest advantage to come from the French ‘No’ will be the collapse of the vision of European integration currently held by the French elite and which has been taken up in Germany, a vision which has led to the current state of stagnation throughout the whole continent. For the French elite Europe was conceived of as an enlarged France. [...] It is seen as a transmission belt for French influence and as protecting the French job market from competition from East Central European states. It is supposed to be a political*

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<sup>28</sup> The expression can be attributed to Frits Bolkestein. His invocation of the Polish plumber at a press conference on services directive made the expression so (in)famous. Soon the expression was taken over by the media in France but also other EU member states. In June 2005 the Polish tourist board in France came up the idea to use the well-known expression to combat what they perceived as a negative view of Poland. For the Internet advertisement they employed a Polish professional model who was inviting to Poland dressed in a plumber work-uniform. The commercial was widely recognized as a commercial and also political success.

<sup>29</sup> “Konstytucję europejską wymyśliły Francja i Niemcy, aby zachować supremację w UE Słodka zemsta Francuzów ‘Nie’ dla konstytucji europejskiej zmusi Francję do wyboru między pozostaniem przy obecnym stanie integracji a budowaniem Europy, w której wszyscy mają takie same prawa.”

*Europe, but not integrated to the extent that other countries could impose anything on France.*”<sup>30</sup>

*“The French ‘No’ will lead to the rejection of the Constitution in other countries such as the Netherlands and the Czech Republic, and certainly Great Britain. The French ‘No’ means the death of the Constitution leaving us with the Nice Treaty which is beneficial for Poland.” (“The sweet revenge of the French,” Rostowski, Jacek, Rzeczpospolita)*<sup>31</sup>

For authors writing in the quality press, the French-German alliance was a reason to reject the Constitution and opt for staying with the Nice system, which was better from the perspective of Polish economic and political interests. Importantly, these authors were not against the EU or Polish membership thereof, rather, they argued that an EU functioning according to the Nice system would have a more positive impact on the member states’ economies while ensuring that Poland had a stronger political position in EU institutions. In *Nasz Dziennik*, France and Germany were accused of attempting to dominate other member states *politically*. For *Nasz Dziennik* these attempts were often seen as sufficient reason to argue against the Polish membership in the EU. However, it should also be borne in mind that the authors of these claims made many factual errors or used terminology incorrectly. Moreover, they were not consistent and changed their minds on the Polish membership in the EU from one article to the next. The following examples illustrate that:

*“‘Union’ is constantly out there as a subject. But what is ‘Union’? Some anonymous deity? Something set down in the ancient law code of Hammurabi? Perhaps we should consider that it might in fact be an old German-French ghost conjured up by the oligarchic utopists copying Karl Marx” (“What do the basic laws of the EU promise?” Fr. Bartnik, Nasz Dziennik).*<sup>32</sup>

*“And so the utopian convictions of the atheist mind have evolved into an incredible nightmare and imprisonment [namely, the Constitution]. It needs to be stressed once again: cooperation and free cooperation [i.e. cooperation with the EU as an external*

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<sup>30</sup> “Najważniejszą korzyścią z francuskiego "nie" będzie upadek wizji integracji europejskiej, którą mają elity francuskie i która zaraziła także Niemcy, a powoduje obecną stagnację całego kontynentu. Dla elit francuskich Europa ma być rozszerzoną Francją. [...] Ma być pasem transmisyjnym dla wpływów francuskich i chronić francuskie miejsca pracy przed konkurencją krajów Europy Środkowo-Wschodniej. Ma być Europą polityczną, ale nie zintegrowaną politycznie do takiego stopnia, by inne kraje mogły Francji cokolwiek narzucić.”

<sup>31</sup> “Francuskie ‘nie’ zapewne pociągnie za sobą odrzucenie konstytucji w innych krajach, jak Holandia i Czechy, a już na pewno w Wielkiej Brytanii. ‘Nie’ francuskie to śmierć konstytucji i pozostanie przy korzystnym dla Polski traktacie z Nicei.”

<sup>32</sup> “W tekstach ustawicznie jako podmiot występuje ‘Unia’. Co to jest ‘Unia’? Jakies anonimowe bóstwo? Z Kodeksu Hammurabiego? Należy się obawiać, że to jest dawny Duch Germano-Francji, uosobiony w potężnych oligarchach utopistach, naśladowujących Karola Marksa.”

partner]!: *yes But a German-French colonial empire: no!* (“*The euro-constitution takes away our freedom,*” Fr. Bartnik, Nasz Dziennik).<sup>33</sup>

In an article published just two weeks before, the same author had argued:

*“The worst thing is that the whole ideology of the new Europe, its intellectual and cultural context, was hijacked in Maastricht by atheists and free masons - French, Belgian, German, British and Jewish. They have cut themselves off from the influence of the Catholic Church and, most of all, from the Pope.”* (“*The good and bad aims of the Union,*” Fr. Bartnik, Nasz Dziennik).<sup>34</sup>

*“Certainly, the economic, military, defense and political union [!!!] has been truly meaningful but not the ideological and monarchial union based on atheism and anti-Christianity. It is a historical mistake and a caricature of the real Europe. The engineers of the Union, especially after Maastricht in 1992, have added bad totalitarian and atheistic goals to the original good aims of the Union. This will have a fatal outcome.* (“*The good and bad aims of the Union,*” Fr. Bartnik, Nasz Dziennik).<sup>35</sup>

In the normative debate, a second pattern emerges involving public opinion data before and after the French “No”. Before the referendum in France, journalists and experts pointed to the fact that support for the Constitution was a result of a “logic of consequentiality”. As the public survey analysis has shown, the majority of Poles were in favour of the Constitution (56% of all respondents). When asked to justify their opinion, 47% of constitutional supporters said they would vote “Yes” because they supported Polish membership of the EU. What was also quite telling was that 23% justified their opinion by saying that it is necessary to vote for the Constitution because a Polish “No” could have a negative impact on the country. Only 15% of those supporting the Constitution said they did so because its provisions were good for Poland. On the other hand, 44% of the Constitution’s opponents decided to vote against it because it was not of benefit to Poland. Among them 25% gave the lack of reference to Christian values in the preamble as a reason.<sup>36</sup> The social survey conducted after the French and Dutch “no-vote” established

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<sup>33</sup> “I tak utopijna wiara w bezbożny rozum przeradza się w niespotykany koszmar i zniewolenie. Trzeba podkreślić jeszcze raz: współpraca i wolna wspólnota tak! Jedno zaś germańsko-frankońskie imperium kolonialne - nie!”

<sup>34</sup> “Najgorsze, że całą ideologię nowej Europy, i konteksty umysłowe, i kulturalne, przejęli w Maastricht ateści i masoni - francuscy, belgijscy, holenderscy, niemieccy, angielscy, w tym i żydowscy. Odsunęli oni od wpływów Kościoła katolicki, a szczególnie papieństwo.”

<sup>35</sup> “Oczywiście, miała i ma głęboki sens unia gospodarcza, militarna, obronna i polityczna, ale unia ideologiczna i mocarstwowa, oparta na ateizmie i antychrześcijaństwie, nie ma żadnego sensu. Jest historyczną pomyłką i karykaturą prawdziwej Europy. Inżynierowie Unii, zwłaszcza po Maastricht 1992 roku, do dobrych celów pierwotnych dołączyli nierozumnie złe cele typu totalitarnego i ateistycznego. To zapowiada fatalny koniec.”

<sup>36</sup> CBOS, “Poles on the European Constitution” (Polacy o Konstytucji Europejskiej), report based on data from the social survey, Warsaw, April 2005.

that 47% of all respondents could not say if the French and Dutch rejection of the Treaty was good or bad. According to the same survey, 78% of respondents deemed their knowledge of the Constitution to be “insufficient” and only 15% claimed to have adequate knowledge of the subject. This would explain why Poles could not say whether the French and Dutch “No” was good or bad. Moreover, having insufficient knowledge about the text of the Constitution, the Polish public was more susceptible to the forward-looking justifications appearing in that context. Voting “Yes” to the Constitution was in their view a natural logical progression from their “Yes” vote in the accession referendum. On the other hand, constitutional opponents often remained in favour of Polish membership in the EU but did not want to deepen integration, and rejection of the Constitution was a way of signalling that preference.

Table 12: Top 10 justifications.


### III. Synthesis

Through our print media analysis, we have identified three strands in the debate on the Constitutional Treaty in Poland: normative, electoral and cross-border. Actors discussing the Constitution within the framework of the normative debate were mostly interested in general visions of Europe enshrined in the Treaty. Interestingly, the Constitution was often associated with conflicting visions, for instance, ‘liberal’, ‘social’, ‘atheist’ or ‘multicultural’. Therefore, the arguments “for” and “against” were often used not in relation to the Treaty as such but rather in relation to a particular vision of Europe which the Constitution was believed to promote. Polish actors were either against the social vision of Europe or they argued that Constitution as such did not promote either a social or a liberal Europe although people tended to view it through the lense of context issues nonetheless.

Table 13: Dimensions of europeanization.

DIRECTION/QUALITY	COVERAGE CONTEXT	VISIBILITY OF ELITES AND INSTITUTIONS	VISIBILITY OF CITIZENS AND CIVIL SOCIETY	JUSTIFICATIONS
<b>NATIONAL</b>	<i>ELECTORAL DEBATE: PARLIAMENTARY AND PRESIDENTIAL ELECTIONS</i>	1.POLITICAL PARTIES 2.NATIONAL MEDIA	NO	<i>PARTIES: DEMOCRACY</i>  <i>MEDIA: VOTE AND OFFICE SEEKING (ATTRIBUTED TO PARTIES)</i>
<b>TRANSNATIONAL</b>	<i>CROSS-BORDER DEBATE: CONSTITUTIONAL DEBATES/REFERENDA IN OTHER M-S</i>	1.EXECUTIVES 2.TOP EU OFFICIALS	FOREIGN PUBLIC/VOTERS	1.INTEREST BASED 2.ELITE-CITIZENS LINK
<b>EUROPEAN</b>	<i>NORMATIVE DEBATE: VISION OF THE EU</i>	1.MEDIA 2.EXPERTS/ACADEMICS	POLISH PUBLIC (PASSIVE)	1.SOCIAL/LIBERAL EU 2.POLITICIZATION (NATIONAL INTERESTS V. EU INTERESTS AND DEMOCRACY AT EU LEVEL)

In the electoral debate the Constitution was employed predominantly as a vote-seeking or office-securing device within an exclusively domestic context. In short, it was expected to enhance political actors' position in the elections. The central issue for the political parties became the timing of the Constitutional referendum and the question of whether it should be scheduled to coincide with the presidential or parliamentary elections.

The Polish cross-border debate provided information on the domestic profile of constitutional discussions taking place in other EU states. The media reported and evaluated key constitutional events or arguments raised in other member states. Although the visibility of external actors was fairly high in the Polish discussion, only a limited number of arguments were *taken up* by the Polish actors. In most cases the Polish media merely gave an account of an event or a discussion without actively responding to the foreign actors' arguments.

The following table shows the various levels of transnationalization in the Polish constitutional debate. The lowest level being visibility, the second, reaction to arguments, and the third, exchange of argumentation.

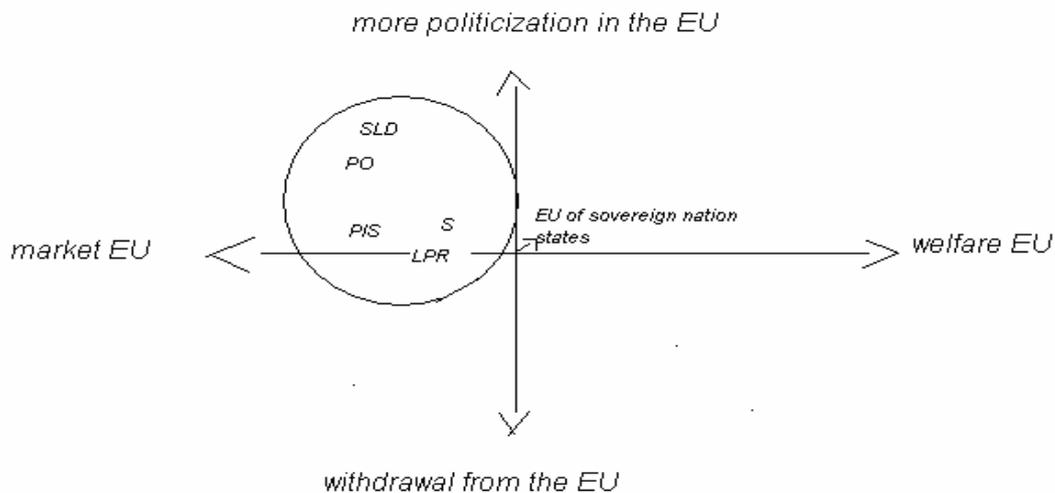
Table 14: Levels of transnationalization.

Type of a Debate	Degree of Transnationalization
<i>Electoral debate</i>	<i>No transnationalization</i>
<i>Cross-border debate</i>	<i>Visibility</i>
<i>EU normative model debate</i>	<i>Reaction to arguments</i>

The attitude toward EU membership is a useful aid to mapping the constitutional discourses in the various member states. In Poland a strict division between those in favour of and those against European integration was not observed during the period of research but rather something that might best be described as ‘fuzzy EU opposition’. The results of our analysis of print media in Poland showed that the populist-catholic daily *Nasz Dziennik* published opinions both in favour of Polish membership in the EU and against it. Furthermore, these diametrically opposed statements came from a single author and were penned in the space of only two weeks. The author was strongly in favour of the idea of European integration and traced it back to the medieval idea of a ‘Europe united in Christ’. He also supported market integration and promotion of democratic values. But elsewhere he was against the Constitution, which he believed was taking away states’ sovereign powers. The ‘Union’ which he therefore advocated was a common market union of sovereign nation-states. In another article published within two weeks of this one, the same author was arguing against EU membership saying that Poland would be ‘better-off’ without the Union which was nothing more than a Franco-German conspiracy. Interestingly, he claimed to support politicization of the Union, but not an ‘EU-empire’. It needs to be noted that this inconsistent voice was an exception not only in the whole print media sample but also in *Nasz Dziennik*. Other authors writing for this daily were openly against the Constitution but in favour of the EU and remained very consistent in their position. *Nasz Dziennik* is related to the radical party of so-called ‘fighting Catholicism’: The League of Polish Families, which was against the EU membership during the pre-accession period. However, after accession the party has gradually come to terms with Polish membership of the EU. Therefore, in the period of research there was no longer any party on the Polish political scene which opposed EU membership. Only in their attitude towards the Constitution could a political divide be discerned.

The figure below maps Polish discourse on Constitution:

Figure 2: European political discourse in Poland.



**SLD**-Sojusz Lewicy Demokratycznej, The Left-wing Alliance (left)

**PO**- Platforma Obywatelska, The Civic Platform (center, liberal)

**PIS**- Prawo i Sprawiedliwość, Law and Justice (right)

**S**- Samoobrona, Self-defense (populist)

**LPR**- Liga Polskich Rodzin, The League of Polish Families (radical 'fighting' Catholicism)

During the Constitutional debate the vertical axis 'more politicization/withdrawal' was more important than the horizontal. The market/welfare dimension of the EU did not divide Polish actors. There was a consensus between the parties and social actors that Poland and the Poles needed Europe because it would provide open markets for the Polish labour force, breaking down social barriers. They saw it as competitive and enhancing economic growth in all member states. Interestingly, even the experts' arguments were very 'down-to-earth', taking the perspective of the individual Polish worker (that of the now infamous and 'representative' Polish plumber) as well as that of Polish companies. In fact, many authors argued against a welfare Europe saying that it would result in the economic stagnation already evident in France and Germany.

To some external observers it came as a surprise that the largest right-wing party in Poland, Law and Justice, won the elections under the banner of ‘social solidarity’ while at the same time remaining against the Constitution and an opponent of extended welfare arrangements in the EU.<sup>37</sup> From the party perspective, this did not constitute a paradox. Law and Justice is against deep politicization of the EU. The party believes that solidarity functions at a national level only. Furthermore, no political party in Poland supports extended welfare arrangements at EU level such as harmonization of taxation or social benefits set according to Western-European criteria. Many experts such as Prof. Rostowski were therefore against a social vision of Europe exclusively on the basis of economic considerations.

The parties that opposed the particular project of the Constitution were not necessarily against constitutionalization in general. With the current government the question remains open. Although President Kaczyński envisages the EU as a union of nation-states, his political party and Poland’s governing party, Law and Justice, recently indicated that it would be willing to discuss a new constitutional project. As a consequence, in the future the PIS may move up the vertical axis towards ‘politicization’. The same holds true for the Civic Platform, PO, which seems not to be against politicization of the EU in general.

We can identify some general characteristics as far as the patterns of inclusion and exclusion of particular actors are concerned. Firstly, the diversity of national and foreign actors involved in the discussion was rather low, which in turn resulted in limited diversity in terms of the issues raised in the national debate. Secondly, the public as actor did not set the agenda in Poland, and, as such the constitutional process remained very elitist and detached from citizens. Low personalisation was another striking feature of the Polish debate. Although the various parties made their positions on the Constitution clear, individual politicians, especially constitutional proponents, were not interested in initiating national debate or in bringing the Constitution closer to the Polish citizens. The issue of the constitutional referendum, discussed predominantly within the framework of the electoral debate, fell hostage to domestic politics.

Had the referendum taken place before the French “No”, Polish citizens would very probably have cast their votes in favour of the Constitution, regardless of whether the referendum had coincided with the national elections or taken place separately.<sup>38</sup> Had the referendum taken place after the French “No”, the outcome would be less certain. Poles felt “lost” when the French and the Dutch rejected the Constitution. In the light of social survey data, people were ready to support the Constitution because they believed it to be the next logical step in the integration process. The French and Dutch rejections have undermined the Poles’ faith in this inexorable logic, prompting them to view the Constitution with greater suspicion. If the Polish referendum had taken place after the

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<sup>37</sup> Or simply ignored the issue in the parliamentary and presidential campaign.

<sup>38</sup> In the light of social survey research.

French, the turn-out probably would not have been sufficient to ratify the Constitution in a referendum. It is probable that the new right-wing parliamentary majority will vote against this particular Constitution, unless it becomes the subject of economic intergovernmental bargaining. Given this instrumental approach to the Constitution it is not unthinkable that the new government may *trade* this Constitution for political or economic gain or, alternatively, endorse another project for the same strategic reasons<sup>39</sup>.

## Conclusions.

The Polish constitutional discussion was shaped by three different debates, involving different actors and encouraging different “perceptions” of the Constitution. Most often, the Constitution was perceived in the Polish discussion either as a vote-seeking device or as a document promoting a particular ideology or vision of Europe; be it social or liberal. The electoral debate was dominated by journalists and politicians who employed the Constitution as a vote-garnering strategy. By means of the cross-border debate journalists and experts introduced foreign national discussions to the Polish public. The normative debate provided the space for discussing and critically evaluating competing visions of Europe. That debate has also affected public opinion very strongly. According to social survey data, Poles supported the Constitution because of a “logic of consequentiality”. According to social surveys quoted in the media, Poles did not feel competent enough to assess constitutional provisions. Yet, the majority was willing to vote for the Constitution, justifying their decision in terms of a general vision of a united Europe, of which Poland had become an integral part. Obviously, the fact that the Polish public knew little about the constitutional text is alarming. Conscious decisions should be based on adequate knowledge, which the Poles by their own admission do not have. Because *de facto* public debate did not take place in Poland, the public knew little about the Constitution and was unable to assess whether the Nice Treaty or Constitution best reflected *their* vision of the EU. Empirical information on voters’ preferences with regard to Nice or an EU Constitution is basically non-existent. The national position was determined at an elite level and neither the provisions of the Nice Treaty nor the Constitution seriously entered the electoral agenda. This has led to a paradoxical situation whereby the political representatives have decided on an issue for which they were *not* elected. The constitutional process in the EU was envisaged as a ‘*pouvoir constituant mixte*,’ which is to say one involving both the member states and their citizens. In Poland, then, one of the basic requirements of the process, namely, involvement of the people, was not fulfilled. Instrumentalization of the Constitution in the electoral discourse has only trivialized the issue while at the same time wasting the opportunity to initiate worthwhile public discussion.

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<sup>39</sup> In spring 2006 we already witnessed some attempts of this kind.

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**References:**

CBOS, “Poles on the European Constitution” (Polacy o Konstytucji Europejskiej), report based on the social survey, Warsaw, April 2005.

Gaisbauer, Helmut: Country report: Poland, in: “The Referenda on the European Constitution: A Crucial Moment for the Development of a European Public Sphere?”, EIF and Universitaet Salzburg, March 2006.

Grabowska M. “Podział postkomunistyczny. Społeczne podstawy polityki w Polsce po 1989 roku”, Warszawa: Wydawnictwo Naukowe “Scholar”, 2004.

Kevin, D. “Europe in the Media. A Comparison of Reporting, Representation and Rhetoric in National Media Systems in Europe”, Mahwah, NJ, Lawrence E. Associates, 2003.

Kitschelt, Herbert: “Post-Communist Party Systems: Competition, Representation and Inter-party Cooperation”, Cambridge U Press, 1999.

Klotzle, Kurt “After the French 'non': Poland Reacts with Sangfroid”, Centrum für Angewandte Politik, CAP, <http://www.cap-lmu.de/themen/eu-reform/ratifikation/polen.php>

Klotzle, Kurt: “Constitutional Referendum in Poland. Can the Popular Will Overcome Party Power Struggles?” Centrum für Angewandte Politik, CAP, <http://www.cap-lmu.de/aktuell/positionen/2005/poland.php>.

Koenig, Thomas and Hug Simon, Policy-making Processes and the European Constitution: A Comparative Study of Member States and Accession Countries, Routledge Publications, Typescript 26 September 2005.

Markowski, Radoslaw: “Political Institutions and Electoral Behavior in Central and Eastern Europe”, in: D. Fuchs, E. Roller, B. Wessels (eds), *Citizen and Democracy in the East and the West: Studies in Political Culture and Political Process*. Wiesbaden: Westdeutscher Verlag 2002

Trenz, H.J: “Quo vadis Europe? Quality newspapers struggling for European Unity”, paper presented at the workshop “One EU- Many Publics”, Stirling, 5-6 Feb 2004.

**Appendix.**

The initial sample of daily newspapers was selected using the Factiva database search engine; however, since the data for the Polish dailies was not complete, additional searches were conducted in the archives of the dailies. None of the weeklies were available in Factiva, therefore, these articles were obtained from the archives. The search-terms were the following: “Union’s Constitution”, “European Constitution”, “Constitution for Europe”, “Euro-constitution” and “Constitutional Treaty”.<sup>40</sup>

For the detailed analysis, 29 substantive articles were selected. The selection strategy was three-fold; from the articles published between October 2004 and October 2005, the selected sample was proportional to the media coverage in each month. The sample was composed of articles that were substantive or very relevant to the domestic discussion. In order to make sure that the articles are relevant and allowing for comparison with the other country studies, the selection also covers the following EU-events: signing of the constitutional treaty in Rome (Oct 2004), the Spanish referendum (Feb 2005), the French referendum (May 2005), the Dutch referendum (July), the Luxembourg referendum (July), the Luxembourg presidency summit, the reflection period (September), the British EU presidency summit or Blair speech in EP (September) and parliamentary ratification of the EU constitution in the country under study.

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<sup>40</sup> In Polish the search terms were: Konstytucja Unijna, Europejska Konstytucja, Konstytucja dla Europy, Eurokonstytucja, Traktat Konstytucyjny.

## Appendix 1: Sample articles

<i>Title of the Article</i>	<i>Author</i>	<i>Author's function/affiliation</i>
1. "British Media Miss the Poles"	Borowiec, Aneta	Journalist, Gazeta Wyborcza
2. "Euroborrelionza: Ten Illnesses that Could Kill Europe"	Nowakowski, JM	Journalist, Wprost
3. "Eurocatastrophy or a Polish Messiah"	Nowina-Konopka, Piotr	Journalist, Newsweek Polska
4. "Like a Poor Instruction Manual"	Bielecki, Jędrzej	Journalist, Rzeczpospolita
5. "How to save the Constitution"	Gadomski, Witold	Journalist, Gazeta Wyborcza
6. "Constitution: Weak "Yes" "	Stankiewicz, Andrzej	Journalist, Rzeczpospolita
7. "Space-Constitution"	Gwiazdowski, Robert	Journalist, Wprost
8. "Something from Europe, for Europe nothing"	Graczyk, Roman	Journalist, Tygodnik Powszechny
9. "After Signing, Before Ratification"	Makowski, Jarosław; Sierakowski Sławomir	Journalist, Tygodnik Powszechny
10. "Free-riding Translation"	Bieliecki, Jędrzej	Journalist, Wprost
11. "A Thousand Corrections and only one Was Proper"	Konrad, Niklewicz	Journalist, Gazeta Wyborcza
12. "The People's Organ"	Paulukiewicz, Andrzej	Journalist, Wprost
13. "The Constitution is Dead- Long Live Europe"	Osica, Paweł	Academic, Tygodnik Powszechny
14. "The War over Timing"	Olczyk, Eliza; Bielecki, Jędrzej; Smilowicz, Piotr	Journalists, Rzeczpospolita
15. „The Free Market is Good for us"	Gadomski, Witold	Journalist, Rzeczpospolita
16. "The Bastille of the XXIst Century"	Kedaj, Waldemar	Journalist, Wprost
17. "French Trouble"	Sołtyk, Jerzy; Pszczółkowska, Dominika	Journalists, Gazeta Wyborcza
18. "The Liberal-Democratic Vision of Europe"	Watson, Graham	EP, Gazeta Wyborcza
19. "Luxembourg Says "Yes" "	RS	Journalist, Gazeta Wyborcza
20. "Silence over the Constitution"	Pawlicki, Jacek	Journalist, Gazeta Wyborcza
21. "Spain. Constitutional Referendum: "Yes" but no Crouds at the Ballot Box"	AFP, RS	Journalist, Gazeta Wyborcza
22. "New Europe"	Magierowski, Marek	Journalist, Newsweek Polska
23. "Spain Said "Yes" to the European Constitution"	Wysocka, Ewa	Journalist, Rzeczpospolita
24. "The Sweet Revenge of the French"	Rostowski, Jacek	Academic, Rzeczpospolita
25. "The Parties' or the Citizens' Referendum?"	Cichocki, Marek A	Academic, Rzeczpospolita
26. "Europe without a Constitution"	Žižek, Slavoj	Academic, Fakt: Europa (supplement)
27. "France will say "No"?"	Godlewski, Krzysztof	Journalist, Super Express
28. "A Cabinet Constitution"	Goss, Małgorzata	Journalist, Nasz Dziennik
29. "The Euro-constitution takes away our Freedom"	Bartnik, Czesław	Priest and academic, Nasz Dziennik

## Appendix 2: Media Coverage, Articles per Month

Month	Fakt/Europa			Gazeta Wyborcza			Nasz Dziennik			Newsweek			Rzeczpospolita			Super Express			TP			Wprost			All newspapers		
	no.	%	sample	no.	%	sample	no.	%	sample	no.	%	sample	no.	%	sample	no.	%	sample	no.	%	sample	no.	%	sample	no.	%	sample
04 10	1	4.8	0.0	2	0.7	0.1	3	8.6	0.1	0	0.0	0.0	2	0.8	0.1	1	14.3	0.0	0	0.0	0.0	0	0.0	0.0	9	1.3	0.4
04 11	2	9.5	0.1	8	2.7	0.3	2	5.7	0.1	1	4.5	0.0	22	8.5	0.9	1	14.3	0.0	1	4.3	0.0	2	5.9	0.1	39	5.6	1.6
04 12	0	0.0	0.0	15	5.0	0.6	0	0.0	0.0	4	18.2	0.2	13	5.0	0.5	0	0.0	0.0	3	13.0	0.1	2	5.9	0.1	37	5.3	1.5
05 01	1	4.8	0.0	17	5.7	0.7	1	2.9	0.0	2	9.1	0.1	20	7.7	0.8	1	14.3	0.0	1	4.3	0.0	2	5.9	0.1	45	6.4	1.9
05 02	0	0.0	0.0	17	5.7	0.7	10	28.6	0.4	4	18.2	0.2	13	5.0	0.5	0	0.0	0.0	1	4.3	0.0	0	0.0	0.0	45	6.4	1.9
05 03	2	9.5	0.1	27	9.1	1.1	3	8.6	0.1	2	9.1	0.1	18	6.9	0.7	0	0.0	0.0	2	8.7	0.1	5	14.7	0.2	59	8.4	2.4
05 04	0	0.0	0.0	28	9.4	1.2	0	0.0	0.0	1	4.5	0.0	24	9.3	1.0	0	0.0	0.0	2	8.7	0.1	6	17.6	0.2	61	8.7	2.5
05 05	2	9.5	0.1	60	20.1	2.5	5	14.3	0.2	1	4.5	0.0	54	20.8	2.2	2	28.6	0.1	3	13.0	0.1	6	17.6	0.2	133	19.0	5.5
05 06	7	33.3	0.3	76	25.5	3.2	9	25.7	0.4	3	13.6	0.1	50	19.3	2.1	2	28.6	0.1	3	13.0	0.1	6	17.6	0.2	156	22.3	6.5
05 07	1	4.8	0.0	13	4.4	0.5	0	0.0	0.0	0	0.0	0.0	17	6.6	0.7	0	0.0	0.0	1	4.3	0.0	1	2.9	0.0	33	4.7	1.4
05 08	3	14.3	0.1	8	2.7	0.3	1	2.9	0.0	0	0.0	0.0	8	3.1	0.3	0	0.0	0.0	1	4.3	0.0	1	2.9	0.0	22	3.1	0.9
05 09	1	4.8	0.0	15	5.0	0.6	1	2.9	0.0	2	9.1	0.1	7	2.7	0.3	0	0.0	0.0	3	13.0	0.1	1	2.9	0.0	30	4.3	1.2
05 10	1	4.8	0.0	12	4.0	0.5	0	0.0	0.0	2	9.1	0.1	11	4.2	0.5	0	0.0	0.0	2	8.7	0.1	2	5.9	0.1	30	4.3	1.2
Total	21		1	298		12	35		1	22		1	259		11	7		0	23		1	34		1	699		29

## Appendix 3: Media Information

Name (in Polish)	Political orientation	Ownership	Circulation rate (31.12.2004) aprox.	Source/search engine	Total no. of articles	No. of articles in qualitative sample
<b>Dailies</b>						
Gazeta Wyborcza	center-left	Agora SA	500.000	Factiva, GW archives	298	8
Rzeczpospolita	center-right	PRESSPUBLICA sp. z o.o.	240.000	Factiva, Rz archives	259	7
Super Express	tabloid	Tidnings AB Marieberg	300.000	Super Express, archives	7	1
<b>Special Supplement</b>						
EUROPA: supplement of FAKT	tabloid	Axel Springer	750.000	Fakt: archives	21	1
<b>Weeklies</b>						
Wprost	right	AWR "Wprost"	304.000	Archives of Wprost	31	5
Newsweek Polska	Left	Axel Springer	140.000	Archives of Newsweek	22	2
<b>Sectoral populist</b>						
Tygodnik Powszechny	right, catholic	<b>Tygodnik Powszechny spółka z o.o.</b>	38.000	Archives of TP	23	3
Nasz Dziennik	Sectoral daily: populists catholic	<b>Spes, spółka z o.o</b>	150.000	Data base of ND	35	2
<b>Total</b>					<b>699</b>	<b>29</b>