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The Importance of Being Nice: An Institutional Analysis of French Preferences on the Future of Europe¹

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Abstract:

This article offers an institutionalist explanation of French preferences on the future of Europe from the Maastricht Treaty of 1992 through the Constitutional Treaty of 2004. It argues that the autonomous institutional logic of the constitution-drafting exercise increasingly shaped the evolution of French preferences. More specifically, the French Government's preferences reflected its acceptance of the European Union's new method of debate at the Convention, the contingency of a revived alliance with Germany in that debate, and the legacy of a half century of European integration. Beneath the surface, this autonomous institutionalist logic offset French leaders' aspirations to maximize national power interests, to improve decision-making efficiency, and to achieve their ideal visions of Europe. Domestic politics also played a relatively unimportant role because the French constitution enabled the president to discount domestic coalition-building considerations. Altogether, this argument suggests that state preferences cannot be understood in isolation from the international and domestic institutional environment in which they are formed.

Keywords: France; Convention; Constitutional Treaty; preference formation; institutionalism; institution-building

In the eyes of France's neighbors and especially small EU member governments, the demeanor of French political leaders often smacks of Gallic arrogance. When in December 2003 President Jacques Chirac judged it impossible to secure a "good" constitutional treaty, he did not hesitate to walk away from the bargaining table. Barely a year after his rebuke of "ill-raised" candidate member states for siding with the United States, this was widely interpreted as another deliberately bullish move. The abrasive style of French political leaders should not distract us from a broader trend, however. Since the early 1990s and especially between the Nice Treaty of December 2000 and the end of the Convention in July 2003, France's stance on the future of the European Union has undergone substantial change. Most apparently, the French government gave up its longstanding demands of voting-power parity with Germany within the Council of Ministers. No less importantly although more quietly, France accepted the abolition of the "pillar" structure of the European Union (which had been invented by the French) and considerable extensions of majority voting and of the powers of the European Parliament, even on sensitive issues like agricultural policy.

The puzzle, then, is that France appeared willing to throw away a treaty that it had drafted even before the ink was dry. Of course, the outcome of the Nice negotiations was deeply unsatisfactory even in the eyes of its French protagonists. As former French Minister for European Affairs Pierre Moscovici has acknowledged himself, "Nice is not nice".² Within the subsequent Convention on the Future of Europe, therefore, the French government continued to push for a broad reform of EU institutions that satisfied its preferences. Like any other member state, France wanted an EU institutional framework that would not only work more "efficiently" and more "democratically", but also comfort its power position and appeal to its domestic public. Partly as a result of French pressures, the Convention's draft constitution also incorporated key French goals – including a stable chair for the European Council, a European foreign minister, and greater flexibility in EU decision-making.

While the French government undoubtedly pursued French interests throughout the debate on Europe's future, it remains to be explained why France's stance on key issues changed so much. The institutional scheme that France and Germany put on the Convention's table in January 2003 was markedly different than the scheme France had fought so hard to achieve at the Nice conference. From this viewpoint, it appears that France behaved very differently and sought different purposes. In objective terms, it would be difficult to argue that French interests changed fundamentally in so little time. France nonetheless behaved *as if* the world had objectively

² Keynote conference speech, "The European Union: Its Role and Power in the Emerging International System," Princeton University, October 3, 2003.

changed. Thus, it is especially important to resolve this puzzle if we want to better understand the determinants of French preferences on Europe's institutional architecture. In theoretical terms, this investigation can also yield valuable insights on states' preference formation.

This article offers an institutionalist answer to the question of why French positions evolved so much from the Maastricht Treaty in 1992 through the Constitutional Treaty in 2004. In a nutshell, France's political leaders discovered that, in order to obtain a "nice" treaty, they first had to *be* nice. Before and especially after Nice, they were led to recognize that they operated in a highly institutionalized sphere. The debate about the future of the European Union never started from a blank slate. Other actors in the debate held certain expectations that were the product of a pre-existing institutional situation. French political actors could hope to re-shape these expectations, but only up to a point. In order to make progress, they also had to take these expectations into account. In practice, the French government had to demonstrate a certain willingness to deviate from its initial preferences. As a result of successive compromising of French preferences, French preferences on Europe from the early 1990s onwards were so deeply altered that they are barely recognizable less than fifteen years later.

The rest of this article elaborates this institutionalist argument about the formation of and change in French preferences on the future of Europe. A first section presents the argument about the formation of France's preference against the background of conventional readings of state preferences. The subsequent three sections highlight the effect of institutional method, contingency, and legacy on the formation of French preferences about the future of Europe.

I. Making sense of French preferences

France's national preferences on the future of Europe lend themselves to at least three readings. First, an *interest*-centered reading would stress the primacy of France's national calculations of national costs and benefits and its pursuit of hard-nosed deals with other member states. An example of this perspective in recent literature on the EU is Andrew Moravcsik's "liberal intergovernmentalist" approach (Moravcsik 1998).³ In this reading, the French government's institutional proposals are envisioned mostly as a way of to maximize France's power and other national objectives.⁴ The interest-centered solution to our puzzle, then, is that French

³ For other examples of this approach, see Hug & König 2002; Moravcsik & Nicolaidis 1999.

⁴ Moravcsik focuses on the desire of states to carry out the economic preferences of powerful domestic interest groups, rather than on states' power interests per se. But in the absence of immediate economic stakes, state actors would logically want to maximize their capacity to secure future policy outcomes consistent with societal preferences. Thus, they can be expected to maximize the state's power position within EU institutions.

political leaders were simply pretending to be nice – not genuinely being nice. We would expect the French government to make concessions strictly in exchange for material gains that would increase the prospects a French-dominated EU. And to be sure, the level of acrimony at the EU summits, especially at Nice in 2000 and at Brussels in 2003, casts doubts on France’s as well as other member states’ proclaimed desire to be nice with each other.⁵ Many participants and observers repeatedly criticized the “arrogance” of the French and their desire to go toward a Europe dominated by intergovernmental bargaining at the Council, with the bigger states calling the shots.

Second, an *efficiency*-centered reading of France’s preferences would highlight French concerns with the European Union’s collective action problems and with the transaction costs of EU decision-making. A classic expression of this perspective can be found in Robert Keohane’s study of international cooperation (Keohane 1984).⁶ From this standpoint, states establish international institutions in order to capture the gains from international cooperation and to ensure credible commitments. Many of the actors involved implicitly adopt this view when they say that the French government simply wanted to improve the “efficiency” of EU institutions. France was being nice, then, simply for “pragmatic” reasons. With the enlargement to 10 new East European members, Europe could no longer work well with the institutional framework designed by its founding fathers for the original six member states. As Europe’s political leaders solemnly declared at the December 2001 EU summit in Laeken, “The Union needs to become more democratic, more transparent, and more efficient.” Accordingly, France’s proposals to create a stable presidency of the European Council, to streamline the European Commission, and to allow subgroups of member states to integrate faster than the rest, plainly express a French desire to make Europe work better.

Third, an *ideational* reading of France’s preferences on institutional design issues would emphasize the importance of political vision. A good example of this kind of reasoning is Craig Parsons’ historical study of the formation of French preferences on Europe (Parsons 2003). From an ideational perspective, institutions are not only about sharing power, they also express socially constructed ideas about political organization. France, like other EU member states, is more likely to support institutions that embody its leaders’ ideas of Europe. If this reading is correct, then, French political leaders were nice simply because they needed to convince their partners of the value of their political vision for the greater common good of Europe. By the 1990s, French political actors had widely accepted the vision of Europe as a “community” that enabled the pursuit of common purposes and policies.⁷ They certainly wish to pursue building Europe in that way, but

⁵ For a power-centered interpretation of Nice, see Galloway 2002.

⁶ Moravcsik’s insistence on the requirements of economic interdependence and the need to secure “credible commitments” at the European level also has a similar flavor. See Moravcsik 1998.

⁷ For a historical study of how the “Community model” was institutionalized over time in French official thinking, see Parsons 2003.

they also increasingly converged on different, slightly new themes. For reasons that can be traced to France's history as a former colonial power and to its often uneasy relationship with the United States after 1945, French political actors often converged on the idea of "*Europe-puissance*". After the success of Economic and Monetary Union, many French political actors also thought that the time had come for a less exclusively "economic" and for "more political", "more social", and more democratic" Europe. In fact, the very desire to establish an EU "constitution", instead of just another treaty, can be read in this light.

Clearly, and perhaps not so surprisingly, there are elements of truth in each of the above three readings. Like all their counterparts, French political leaders naturally pushed for EU institutions in which they would be better able to pursue national interests, to achieve greater efficiency in the decision-making process, and to uphold their own vision of the common good. The real question is not which reading is "right" at the exclusion of others, but which (if any) *best* explains the evolution of France's behavior. In this respect, all three readings are subject to striking and serious anomalies. Upon closer examination, we will see that French political leaders deviated considerably from a narrow defense of France's relative power position within EU institutions, from the simple goal of rationalizing EU decision-making procedures, and from their ideal vision of the European Union.

This article makes the case for an institutionalist explanation of changes in French preferences on Europe's future. Especially during the Convention and beyond, French political actors actively took part in a collective exercise of institution-building over which they had limited control. Once they made that choice, they could not remain obsessed with narrowly construed French goals. They were under considerable pressure to adapt their behavior and hence their stated preferences to fit the institutional logic of the exercise. Whatever the "true" preferences of French political leaders may have been as a result of power, efficiency, and ideational considerations, they had to adapt them tactically in order to get any benefits at all – to the point that French goals became almost unrecognizable. On the domestic front, by contrast, the French government was very weakly constrained by societal coalition-building considerations. As a result of his constitutional prerogatives in the area of foreign policy, the French president was able to practically alone decide on France's preferences on the future of Europe. Thus, instead of being constraining like EU-level institutional factors, the institutional structure of the French state gave the president more freedom.

From a theoretical perspective, this argument questions the usefulness of a sharp analytical distinction between "preferences" and "strategies". In the IR literature, scholars routinely distinguish "preferences over outcomes" vs. "preferences over strategies" (Powell 1994; Lake and

Powell 1999). A fairly common assumption is that “domestic preferences” are formed independently of “intergovernmental bargaining” and are primarily the result of societal demands (Moravcsik 1998). Yet to speak of national preferences as if they were formed independently of institutionalized patterns of interstate or state-society relations is profoundly problematic. Institutional political scientists and sociologists have often pointed out that institutions deeply shape preferences, and that actors typically discover their preferences in acting (Steinmo, Thelen, & Longstreth 1992; Leifer 1991). This is the case in international relations, especially in highly institutionalized settings like the European Union, as well as in domestic politics, where the institutional structure of the state often matters much more than societal preferences per se. As will become clear, international institutional considerations had such an important weight in the elaboration of French strategy that they established clear limits to the articulation of French preferences within the French government. Furthermore, and contrary to Moravcsik’s assumption of strong societal preference, the characteristics of the French state led to a primacy of diplomatic considerations over the preferences of French social groups and parties.

The following sections serve to show that institutional factors can be singled out to explain French preferences, while also taking care of anomalies in standard interest-, efficiency-, and idea-centered readings of French preferences. First, the French government had to get used to the *method* of the institution-building exercise. Especially during the Convention, the French government’s outspoken commitment to the exercise prevented it from waging an excessively narrow defense of its national interests. Second, the French government’s preferences were subject to a high degree of *contingency*. Specific decisions that were made for contingent historical reasons, especially the decision to ally with Germany, often locked French political actors into a particular path. This path by no means guaranteed a significant reduction in the transaction costs of EU decision-making – contrary to an efficiency-centered reading of French preferences. Third, French political leaders had to accept the *legacy* of past institution-building. For the most part, they were unable to reorient the EU in a direction that fit their initial ideas about the EU (a more intergovernmental, more powerful, and more social Europe). More often than not, institutional legacies led them to downplay their views – contra the ideational interpretation.

II. Method matters

One explanation for the change in French behavior stems from the evolving method of institution-building over time. Throughout the 1990s, French preferences, as defined in the context

of intergovernmental conferences, lend themselves rather well to an interest-centered reading. Yet Europe's political leaders acknowledged the failure of this institutional reform method and established the Convention on the future of Europe, largely at France's instigation. Given the increasing political capital that France invested in this new method of institutional reform, French government actors were led to change their behavior and to compromise their original preferences.

The failure of intergovernmental bargaining

The agenda of Europe's institutional reform first emerged from the Maastricht negotiations, almost as an afterthought. In the run-up to Maastricht, the negotiations on "European political union" were for the most part a sideshow and were not particularly well-prepared.⁸ In the eyes of the French as well as other member governments, the main priority was to establish a roadmap for the goal of Economic and Monetary Union. For domestic political reasons, Chancellor Kohl wanted to show that the planned demise of the deutsche mark went hand in hand with greater European political unity. The context of Germany's reunification and the prospect of Economic and Monetary Union certainly created the expectation of a "political" Europe, but there was little agreement on the actual meaning of this political union.

To the extent that French government leaders had definite preferences on the future of Europe in the early 1990s, they expressed a desire to gain greater control of the integration process and thus to strengthen Europe's intergovernmental dimension – namely the European Council and the Council of Ministers. With the coming of the Single Market, many French political leaders felt that the European Commission was overstepping its prerogatives and dangerously pushing for a radical economic liberalization agenda.⁹ Consistent with an old Gaullist vision of a Europe that would serve France's goals, they therefore welcomed Germany's desire for a more political Europe – but only if it remained purely intergovernmental.¹⁰ In the drafting of the Treaty, therefore, French officials successfully championed the "pillar" structure of the European Union. In the mind of President Mitterrand's negotiator (and Charles de Gaulle's grandson) Pierre de Boissieu, this was largely a way to keep Community institutions under the member states' tight grip. While the first pillar – i.e., Economic and Monetary Union – was subject to supranational governance mechanisms, the second and third pillars – i.e., Justice and Home Affairs and the Common Foreign and Security Policy – would remain purely intergovernmental.

⁸ For an interesting journalistic account of the Maastricht conference by a Brussels insider, see Grant 1994.

⁹ For a good example of this perception, see for example the memoirs of Hubert Védrine, President Mitterrand's diplomatic advisor and later France's foreign minister (Védrine 1996).

¹⁰ On De Gaulle's vision of Europe and its legacy, see Parsons 2003.

In the decade following Maastricht, the question of Europe's future progressively crept to the top of the EU political agenda. First, the outbreak of wars in the Balkans demonstrated the European Union's incapacity to address serious foreign policy crises, even in its immediate neighborhood. France's political leaders found themselves tragically unable to deliver on the Maastricht Treaty's promise of a Common Foreign and Security Policy. Second, the waves of enlargement to an ever-larger number of member states and the rising popular concerns about the "democratic deficit" of the European Union made French officials increasingly aware of the need to reform EU institutions. The enlargement of 1995 to Sweden, Finland and Austria was particularly difficult and raised for the first time the problem of the rising number of small member states within the European Union.¹¹ This was problematic for a large country like France, since both the European Union's capacity to make decisions and France's relative power within the EU were at stake. The French government did not take a clear stance on the re-weighting of voting rights at the Council, but agreed with other member states to make this the main agenda item for the subsequent intergovernmental conference. At Amsterdam in 1997 and then again at Nice in 2001, the same core institutional questions were "left over" unresolved – namely, the voting rule within the Council of Ministers, the membership of the European Commission and of the European Parliament, and the legal status of "enhanced cooperation".

In view of these failures, French political leaders slowly came to recognize that intergovernmental conferences did not work well as a method for reforming EU institutions. Of course, they were not particularly foresighted in their vision of Europe, and at Nice many observers noted that France was especially riveted to its national interests.¹² But even before the Nice Treaty was signed, French political leaders were looking for a way out of the repeated failures of intergovernmental conferences to think boldly about Europe's future. In response to a speech by German Foreign Minister Joschka Fischer, French president Jacques Chirac gave an important speech at the Bundestag on June 27, 2000. He offered to launch a broad process "immediately after the Nice summit" so as to produce "a text that we would be able to consecrate as the first 'European Constitution'".¹³ Building on the success of a recent Convention in drafting a European Charter on fundamental rights, he suggested using the same method for drafting a constitution. With Chirac's blessing, former French president Valéry Giscard d'Estaing would later be appointed to chair the Convention on the Future of Europe.

¹¹ L'Ecotais 1997.

¹² Alberta Sbragia has even described Nice as a transition point between Europe's postwar focus on "the German problem" and a new European integration process focused on "containing and Europeanizing France". See Sbragia 2001, p. 410.

¹³ The translation is mine. For the text of the speech, see <http://www.elysee.fr/europe/propos/discours/disc000627.htm>.

The success of the Convention

After investing so much political capital in the objective of a “constitution for Europe” and in the method of the “convention”, the French government tried very hard to play the game of the Convention.¹⁴ The French government clearly wanted the Convention to succeed, at least on a symbolic level. This outspoken commitment meant that France bound itself to a code of behavior that was different than previous institutional reform efforts, however. Typical intergovernmental conference can get “very trashy”, since national actors do not hesitate to defend very narrow interests.¹⁵ At the Convention, by contrast, the French government had to appeal to European interests and could not afford to be too blatantly selfish. With a Convention of almost 100 members, France found that it could not just throw its weight around in order to marshal purely national gains. Convention debates in the public eye took on a fundamentally different flavor than standard intergovernmental conferences behind closed doors. For the most part, the French government accepted that logic.

At the outset of the Convention, French preferences were relatively open-ended. In a presidential campaign speech in March 2002, President Chirac had defined three broad goals that he thought France should pursue at the Convention – a “constitution” for Europe, a “president [*président*] of the European Union” who would be elected to preside the European Council by its members for a “sufficient duration”; and the ambition of a “powerful Europe” (*Europe-puissance*), which would later translate into a French proposal for a “European foreign minister”.¹⁶ Partly because of the electoral campaigns and the arrival of a new government in the spring and summer of 2002, the French government was very slow to flesh out its preferences more precisely. Pierre Moscovici remained the official representative of the French government until several months after the electoral defeat of the socialist government in which he had been minister of European affairs.

When French Foreign Minister Dominique de Villepin replaced Moscovici, the stakes were raised but France’s open-ended approach to the Convention did not fundamentally change. Quite to the contrary, France’s renewed investment in the Convention meant that the government was increasingly bound by its code of behavior. Villepin issued a “roadmap” asking French government officials to “demonstrate flexibility” in the drafting of proposals.¹⁷ Villepin’s appointment was in response to German Foreign Minister Joschka Fischer appointment as the German government’s representative. Not very surprisingly perhaps, these two government heavyweights on the French

¹⁴ For interesting accounts of the Convention by two journalists, see Norman 2003 and, in French, Dauvergne 2004.

¹⁵ Interview

¹⁶ <http://www.elysee.fr/europe/propos/2002.htm>

¹⁷ Interview

and on the German side did not seriously take part in the Convention's day-to-day work. So, in a sense, the Convention lost some of its aura as a deliberative forum of wise men. While Villepin's speeches at the Convention drew massive audiences, his flamboyant style and visible impatience to leave Brussels were not always well-received. More importantly for our purposes, however, the Convention process gained in credibility. Villepin's presence also made it even more important for France to do what it takes to achieve success at the Convention – and therefore to play by its rules.

Another mitigating factor on the pursuit of narrow national self interests was the extended national memberships at the Convention. Neither President Jacques Chirac nor Dominique de Villepin, France's foreign minister and representative at the Convention, were passionate about the European Union. But in addition to Villepin, French participants at Convention included individual members of the French Parliament, of the European Parliament, of the European Commission – and, course, the chairman of the Convention. Chairman Giscard, even before President Chirac, had often expressed his desire to create a “president of Europe”; but he was generally considered a more committed Europeanist than Chirac.¹⁸ French officials in charge of feeding the process received instructions to assist Giscard as much as possible, and never to criticize him.¹⁹ Other prominent French conventioners, like the two French members of the European Parliament Alain Lamassoure or Olivier Duhamel, were on a much more federalist line than the French government.²⁰ Meanwhile, the socialist members wanted France and the Convention to be bolder in the area of a “social Europe”. Finally, some Convention members who were close to French government leaders, like Pierre Lequillier, worked to influence the French government's positions from within.

Altogether, France's support of the convention method goes a long way toward explaining why France deviated from a strict defense of national preferences. Of course, the Convention might be described as a big success for the French government. It started as a French idea, was headed by a Frenchman, and it produced results that were consistent with the French president's pet goals – a “constitution”, a “president of Europe”, and a “foreign minister”. But in another sense, these French gains were largely symbolic. The constitution really is another treaty, however important it may turn out to be; the “president of Europe” is no more than a “chairman” of the European Council; and the foreign minister does not have very clear foreign policy prerogatives. While these achievements may make the constitution easier to sell to the French public, it is not clear that they really correspond to objective French interests. Conversely, the French government made real concessions and drew fewer “red lines” than others, especially the British government. At the Convention, France proved willing to consider changes that would have been extremely difficult to

¹⁸ For Giscard's view on the Convention, see his presentation of the draft treaty in Giscard d'Estaing 2003.

¹⁹ Interview

²⁰ For French participants' and insiders' views on the Convention, see Lamassoure 2004; Duhamel 2004; Poncins 2003.

accept in an intergovernmental setting, such as the greater weight of Germany at the Council or the extension of co-decision between the Council and the Parliament on agricultural issues. These concessions cannot be adequately understood unless we take into account the novelty of the convention method.

III. Contingency matters

An important and often-noted characteristic of institutional processes is their high degree of path dependency. In the course of the debate on the future of Europe, certain contingent historical choices locked the French position into a particular logic. Contrary to an efficiency-centered reading of French preferences, these choices were not chosen because they were the most efficient. Yet contingent choices – especially the revival of a partnership with Germany – strongly shaped the trajectory of French preferences.

The choice of a French-German initiative

The single most important expression of French preferences on the future of Europe came in January 2003 in the form of a joint contribution with the German government on Europe's "institutional architecture". After a long transition period following the change of government in April 2002, this was France's attempt to recapture the initiative at the Convention. In essence, the French government chose to return to a familiar trope of European integration, namely the close partnership between France and Germany as the "motor" of Europe. At Nice, the French and the German government had not worked hand in hand, and the result had been disappointing. French political leaders were then focused the preservation of France's status and power position in EU institutions relative to Germany. Diplomats were so concerned about the state of French-German relationship that they set up regular high-level informal meetings to facilitate communication among the political leaders of the two countries. In his campaign speech of March 2002, President Chirac reasserted his faith in the French-German "motor" and announced that he would offer Chancellor Schröder to step up the cooperation between the two countries at the occasion of the 40th anniversary of the Elysée Treaty of French-German cooperation.²¹ Yet the French and German

²¹ <http://www.elysee.fr/europe/propos/2002.htm>

governments remained divided on a number of issues, especially on agricultural policy and the EU budget.

In 2002-3, however, a window of opportunity opened for a rapprochement between France and Germany, due both to the circumstances of the Iraq crisis and to the preparations of the 40th anniversary of the Elysée Treaty. In criticizing the US impatience to go to war, France and Germany found themselves on the same side of a major international issue. This was a bonding experience for President Chirac and Chancellor Schröder. In his March 2002 speech, Chirac had recommended creating a presidency of the European Council for a “sufficient duration” instead of the six-month rotations. This proposal had come to be known as the “ABC proposal” (after the names of Aznar, Blair, and Chirac) because it was quickly endorsed by the Spanish and British prime ministers. At that point, the French and German governments appeared to be on different wavelengths. But in the run-up to the war on Iraq, Chirac slowly moved away from the Spanish and British positions and toward a revival of the alliance with Germany. In the fall of 2002, the French and the German governments increasingly cooperated on EU-related issues. They made a major breakthrough on the EU agricultural budget, which they then successfully took through the EU Council. A few weeks later, they also reached an agreement on defense cooperation.

Then, at the occasion of the 40th anniversary of the Elysée Treaty in January 2003, both governments decided to make a strong statement of their continuing partnership. That led to the introduction, within the framework of the European Convention, of a joint contribution on the European Union’s institutional architecture.²² As Chirac himself “frankly” acknowledged, the French-German proposal was a diplomatic compromise rather than a clean expression of French preferences.²³ The paper was written very quickly and was a way to split the difference between two rather different conceptions of the European Union. It stressed the need not only for a president of the Council, as Chirac would have wished, but also for a president of the Commission to be elected by the European Parliament. Many observers pointed out the inconsistencies and unresolved issues in the French-German paper.

The fact is that French government officials decided to agree with Germany on a common institutional framework *before* they had agreed on its substance. Since the paper was the result of that historical choice, it is no wonder that, from a functional perspective, many points in the paper were not particularly efficient. As it turned out, however, France’s contingent choice to renew its

²² <http://register.consilium.eu.int/pdf/en/03/cv00/cv00489en03.pdf>

²³ After his dinner with Chancellor Schröder on January 14, 2003, President Chirac acknowledged that, “To be very frank, [France and Germany pursued] two somewhat different visions of Europe’s institutions. [...] We therefore decided once again that Germany and France would each make a step toward one another.” (quoted in Dauvergne 2004, pp. 136-137, my translation)

alliance with Germany had important consequences for the evolution of French preferences in the following stages of the debate.

The consequences of the alliance with Germany

The French-German paper was an important contribution to the Convention, but it also fuelled fears that France and Germany were in effect hijacking the process. In the face of rising criticisms, France was in effect had little choice but to close ranks with Germany. In addition to the Convention, the European divisions on the war on Iraq made things difficult for France at the Convention. There was a particularly awkward moment when President Chirac told Central and East European candidate member states that they were “ill-behaved”. Another crisis took place when France and Germany breached the budget deficit ceiling of the Stability and Growth Pact in November 2003. But the alliance with Germany was never really questioned after January 2003.

In that context, Giscard issued his proposal to adopt a “double majority” concept for voting at the Council of Ministers – i.e., that the Council’s qualified majority be defined as 50% of the member states representing at least 60% of the EU population. Giscard introduced this proposal completely on his own initiative as chairman of the Convention, and neither France’s political leaders nor their advisers were asked for approval.²⁴ Of course, this proposal partly fulfilled the preferences expressed by the French government. With the enlargement to 10 new members, France had been pushing since Amsterdam for a new weighting of votes at the Council in favor of the most populous states. The French argument was that this would make the EU “more efficient”, since it would become more difficult to form blocking minorities, and “more democratic”, since it would make the Council more representative of the European population as a whole. By the logic, however, it was difficult to argue against accepting that Germany be granted more voting power than France at the Council. In effect, the double majority rule also meant that France, with a population of only 60 million against more than 80 in Germany, would no longer be on par with Germany.

This was a highly sensitive issue for French political leaders, since voting parity between France and Germany had been one of the cornerstones of the Community’s history and of French-German relations. From a French viewpoint, there was a clear trade-off between power considerations vis-à-vis Germany on the one hand and the efficiency of the decision-making process on the other – even leaving aside the less straightforward problem of which scheme was more “democratic”. French diplomats at the *Quai d’Orsay* and on ministerial staffs had long been

²⁴ According to one interviewee, “it may be that Giscard called up Chirac about it before going public with his proposal”.

divided on what to do. At Nice, Foreign Minister Hubert Védrine was highly reluctant to letting Germany ahead of France at the Council.²⁵ Since the German government was pushing its advantage on this issue, Minister of European affairs Pierre Moscovici had nonetheless proposed to give one more “symbolic” vote to Germany at the Council.²⁶ In the end, President Chirac and Prime Minister Jospin had agreed not to abandon parity with Germany at the Council. Thus, when the French quietly accepted Giscard’s proposal in June 2003, many observers – including within the Spanish government – were very surprised.

The main difference between 2000 and 2003 is not that the French abandoned power considerations and reasoned in terms of efficiency. More importantly, the Convention was the agreed-upon method of reform, and France had made the decision to ally with Germany within it. This was a much “broader framework” than Nice, since this time not only the voting system but the debate was about the “future of Europe” and a “constitution”; France was therefore ready to concede to a double majority “for the sake of a certain vision of Europe”.²⁷ Domestic political considerations also certainly played a role. With a parliamentary majority at his side and France’s euro-skeptics down in the polls, President Chirac was also certainly less vulnerable to accusations of “selling France”. When in June 2003 the Convention finally produced its draft, the French and the German governments agreed that the upcoming intergovernmental conference should not “undo” it. As it turned out, this is exactly what happened, leading to the failure of the Brussels summit of December 2003. Yet France defended the draft produced by the Convention until it became clear that the negotiation would be re-opened. No matter the French discomfort with a double-majority concept that gave an unprecedented advantage to Germany, or the widespread misgivings about the efficiency of the proposed institutional design. Once France had made the contingent choice of an alliance with Germany, there was no turning back.

IV. Legacy matters

French preferences on the future of Europe were path-dependent not only as a result of contingent historical events and choices. French political leaders also found out that institutions have inertia. They held certain ideas, of course, but they were unable to implement those that departed too far from the European Union’s pre-existing institutional framework. In other words, the French governmental thinking on Europe’s future was not sufficiently visionary to take a step

²⁵ Interviews

²⁶ Interview

²⁷ Interview

beyond Europe's past. This makes an institutionalist reading of French preferences more relevant than an ideational reading.

Muddling through

A half century after the Schuman Plan, the French government's thinking on Europe was no longer the work of founding fathers with visionary ideals. French political leaders largely muddled through the debate on European institutions. Aside from the absence of a grand historical vision, diplomatic considerations pushed the French government in the direction of incremental thinking. In an ideal world, French President Jacques Chirac would have probably wanted a more intergovernmental EU that limited the Commission's powers and that kept the Parliament in a relatively subordinate role. He had first-hand experience of the cumbersome workings of the European Council, which he thought required a serious fix.²⁸ On a personal level, Jacques Chirac had come a long way since his famous Gaullist diatribe against Europe in 1980, but he was certainly not a supporter of a more federal Europe. Yet the French president was also very aware of the need to accommodate the concerns of France's partners.

No matter what French preferences might have been if the French were alone in the EU, the French government could not ignore the reluctance of other member states to move away from the existing institutional balance. In the debate on the future of Europe, the French government was constantly drawn back to the institutional legacy of the European Union's history.²⁹ Crucially, they wanted the debate on the future of Europe to yield concrete results. But in the course of the debate, President Chirac and other government actors became increasingly aware that France risked isolation. They realized that the process would be quickly gridlocked if they pushed too hard. So they began to compromise – within limits – in order to enable progress in the direction of institutional reform. Despite Chirac's well-known focus on the reform of the EU Council, France's official position was that it wanted to “strengthen the institutional triangle”, i.e. not only the Council but also the Commission and the Parliament. French government officials constantly expressed a desire to preserve the dual nature of the EU and refused to choose between a “supranational” and an

²⁸ Interviews

²⁹ Although this argument casts doubt on the impact of French leaders' ideas, it is actually consistent with Craig Parsons' argument on the institutionalization of the “Community model”. By the 1990s, French political actors were mostly acting within the institutional framework produced by their predecessor's ideas – not on the basis of their own new ideas.

“intergovernmental” logic.³⁰ For fear of antagonizing its EU partners and stalling the reform process, France was not prepared to rock the boat of the European Union’s institutional balance.

This caution translated into statements of French preferences that did not considerably depart from the institutional status quo. Chirac’s discourse at the Bundestag in June 2000 was so broad that it left open a number of possible futures for the EU. Even his speech of March 2002 during the presidential campaign left the French position far from fully articulated. In that speech, France’s Gaullist president gave lip service to Jacques Delors’s idea of the European Union as a “federation of nation-states”.³¹ When the French government finally came up with a more concrete statement of its preferences in the debate, it was in the form of a joint French-German contribution to the Convention in January 2003 – essentially a product of diplomacy. The French president obtained his Council president and his foreign minister, but in exchange he had to accept the federal inspiration behind Germany’s proposal to have the Commission president elected by the Parliament. In effect, this was a considerable deviation from Chirac’s focus on the intergovernmental dimension of the EU decision-making process. Not only did French political leaders accept a heightened profile for the European Parliament in the January 2003 French-German contribution, but they also decided that they should give lip service to the Commission. In February 2003, the French government authored a joint contribution with the Dutch government on “strengthening the European Commission”, which reasserted the importance of the Commission’s monopoly of initiative.

Likewise, and perhaps even more significantly, the French had to belabor the point that Chirac’s pet project of “*groupe pionnier*” (“pioneer group”) did not in any way jeopardize the Community method. In his June 2000 speech, Chirac had come out in favor of a “pioneer group” seconded by a light “secretariat” in charge of coordinating member state policies, outside the framework of EU treaties if necessary. When he saw that the French government was alone in pushing for this concept, he completely backtracked.³² From then on, the French government mostly used the idea of “*groupe pionnier*” as a bargaining chip when the negotiations were not moving fast enough in the direction that they wished for. At the Convention, a modest opening was made in the area of defense, with a draft provision for “structured cooperation” that can be established without the unanimous consent of member states. In the spring of 2004, France also successfully pushed for a strengthening of the Eurogroup, in line with the traditional French idea that the European Central Bank should be counterbalanced with an “economic government”. As for the rest, French government leaders and diplomats worked hard to reassure their EU partners (and

³⁰ In several interviews, this distinction was described to me as “purely academic” and (therefore?) “irrelevant”.

³¹ <http://www.elysee.fr/europe/propos/2002.htm>

³² Interviews

the author of this article) that the option of a “two-speed Europe” with France in the cockpit was off the table.

Insulation as a factor of incrementalism

The importance of diplomatic considerations in the formation of French government preferences also has very clear domestic institutional roots. In France, there exists virtually no check on presidential powers when it comes to France’s foreign policy – this time for purely French institutional reasons. In a sense, France’s policy toward the European Union is a grey area, since it involves both foreign and domestic issues. For routine European legislative work, a well-established machinery of governmental coordination exists between different ministerial departments at the level of the *Secrétariat général du comité interministériel* (SGCI). When it comes to treaty negotiations, however, France’s policy toward the European Union is (still) considered part and parcel of French foreign policy. As such, it is a presidential prerogative under the terms of the French constitution. Not only is France’s foreign policy insulated from parliamentary debate in general, but the president tends to be very jealous of this prerogative. This is especially true in periods of “*cohabitation*” like 1997-2002, i.e. when the parliamentary majority is against the president and he has to put up with a prime minister not of his own choosing.

Since the debate on the future of Europe was primarily defined as foreign policy, the process of national preference formation and articulation was characterized by a remarkable insulation, with a huge relative weight for diplomacy. In practice, the circle of people working to articulate the French government’s positions has been extremely restricted. Throughout most of the 1990s, President Chirac heavily relied on a small cadre of diplomats who worked at the French Foreign Ministry and around him on Europe’s institutional architecture.³³ The diplomats had a relative free hand precisely because the French president was free from the necessity of building domestic coalitions behind his positions. As different political parties came in and out of power, the same few officials simply rotated jobs between political staffs and the regular diplomatic corps. Given the crowding of the president’s agenda with electoral and other foreign policy issues, the European Union’s institutional reform was rarely a top priority.

³³ For example, interviewees identified always the same core group of career diplomats as key actors within the French state during and after the Convention: Prime Minister adviser and inter-ministerial coordinator Pascale Andréani (who was also the French government’s substitute at the Convention); Presidential advisers Maurice Gourdault-Montagne and Charles Fries; Foreign Minister chief of staff Pierre Vimont and adviser Laurent Delahousse and head of the Foreign Ministry’s European cooperation division Florence Mangin; French EU Permanent Representative Pierre Sellal. All except one of these high-ranking diplomats came from the same European affairs division of the Foreign Ministry, and all served as diplomatic advisers on political leaders’ ministerial staffs.

To be sure, the relatively large French membership at the Convention widened the circle and the boundaries of the debate. But all the French members of the Convention also understood that the Convention would be followed by an intergovernmental conference. Everybody knew that if the Convention departed too much from what governments wanted, the text of the Convention would become null and void. For all the hype about the “democratic openness” of the Convention, the institutional intricacies of the debate on the future of Europe were not so riveting as to occasion serious political mobilization opportunities. While the SGCE and the *Quai d’Orsay* were supposed to coordinate with other French ministerial departments, they acted upon Chirac’s and Villepin’s instructions to be flexible and generally resisted the technical ministries’ obstructionist tendencies.³⁴ The only time when the French government really had to take domestic politics into account was at the very end of the Convention, when cultural and entertainment interest groups mobilized for a “cultural diversity” clause in the draft.

The paradox is that, despite their relative freedom from domestic coalitions, the diplomats’ work on the future of Europe was strongly determined by the EU institutional environment in which they acted. Jacques Chirac himself had certain ideas about how to fix EU institutions, but when it came down to it his positions were relatively flexible and he recognized the importance of diplomatic considerations. In comparison with domestic policy debates, institutional debates on Europe often appeared very abstract.³⁵ Furthermore, the diplomats in charge of articulating French proposals had built an expertise in the existing EU institutions and they did not consider it their role to push for major political innovations. They were routinely in contact with their counterparts in other EU foreign ministries, so they were especially aware of the need to compromise with France’s partners. Since French governmental leaders themselves did not lean in the direction of visionary thinking, French diplomats worked out proposals that mostly amounted to marginal modifications of the EU institutional framework.

In sum, the position of the French government as prepared by French diplomats working for President Chirac had more weight than other equally “French” contributions to the Convention. When French Convention member Dominique de Villepin or his substitute Pascale Andréani spoke, they were expressing more than just their own personal positions. And when the French government came up with its joint paper with Germany, this contribution to the Convention immediately became “the French position”. After that paper was issued, most of the real bargaining between France, its partners, and Giscard’s Convention praesidium took place behind closed

³⁴ Interview

³⁵ One interviewee noted that it was generally easy to argue against the demands of technical ministry officials who are very rarely immersed in the “culture of the European Union”.

doors.³⁶ When the debate moved to the intergovernmental conference in the fall of 2003 and spring of 2004, the debate on France's position was even more restricted. In the end, therefore, the French president and his government were for the most part alone in deciding what France's preferences were going to be. Of course, this may change radically as the debate on the future of Europe moves from the sphere of EU politics to the domestic ratification process – but that is yet another story.

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This article has presented an institutionalist argument against three conventional explanations of French preferences on the future of the EU. In particular, France's apparent willingness to make concessions cannot be adequately explained by a desire to gain a relative advantage vis-à-vis other EU actors, to make the EU decision-making process more efficient, or to reorient the EU toward any particular "French" vision of Europe. Instead, French political leaders chose to make concessions because they were heavily invested in the progress of an EU debate that possessed its own institutional logic and, secondarily, because the French president's foreign policy prerogatives enabled him to discount domestic coalition-building considerations. More specifically, the French government's preferences increasingly reflected its acceptance of the European Union's new method of debate at the Convention, the contingencies of a revived alliance with Germany in that debate, and the legacy of a half century of European integration.

This argument carries lessons for our understanding of how state preferences are formed. First, the traditional (realist) model of the state as a unitary actor has limited relevance in the context of EU institutional reform debates; but this is *not* due to the (liberal) pressures of domestic interest groups. Realist scholars have shown that, even in a democracy, foreign policy is often subject to relatively fewer domestic political constraints than other policy areas (Krasner 1978). In fact, the behavior of the French government on the future of the EU is consistent with this finding. The paradox of the EU, which drastically limits the relevance of the realist model, is that the French government's relative freedom from the mire of domestic politics made it all the more subject to international institutional pressures. Thus, the traditional model of the state acting as unitary actor is useful from a domestic perspective, but not from an international perspective. Incidentally, this is precisely the opposite of what Moravcsik's "liberal intergovernmentalist" perspective would lead us to expect.

More generally, it is often very difficult to foresee how new institutions will work and who they will benefit. Debates about institutions have their own logic. They are inherently open-ended

³⁶ Aside from the joint public statement of position with Germany in January 2003, one French member of the Convention told me that the French government acted as a "submarine" at the Convention.

and lend themselves to unintended outcomes. Contrary to very common assumptions about preference formation in the IR literature, therefore, it does not always make sense to establish a tight distinction between preferences and strategies. To be sure, state actors have preferences. They generally want to defend the national interest, fix problems, and pursue broad ideas. But when they engage in institution-building, state actors do not form their preferences purely on the basis of hard-and-fast, easily identifiable self-interests. They do make utilitarian calculations, but these calculations are subject to change as leaders develop their strategies. In particular, institutional factors can profoundly alter these calculations. That is why it makes little sense to envision state preferences in isolation from the institutional environment in which they are formed. This is obviously true at the domestic level, since state actors always define their preferences within a highly elaborate framework of national institutions. But it is also in the EU context, since Europe is anything but an institution-free international environment.

In the French case more specifically, institutional factors had a crucial impact on national preferences. Despite the highly centralized structure of the French state, it would be a mistake to overestimate French political leaders' foresightedness and capacity to rationally define French preferences. French government actors invoked "pragmatism" as a reason for not putting forward a grandiose new design or project for Europe's future. Whether or not their modesty was justified is a debatable question. Only the future will tell if the options that the French government pursued were "good" or "bad" for France and for Europe as a whole. A truly inspiring "constitution for Europe" may have required major rethinking and revamping, instead of political leaders merely muddling through. The next generations may regret the lack of visionary thinking about the future of the European Union at this particular juncture. But then, this problem is not at all limited to France. Given that France's partner governments in the EU showed no inclination for visionary thinking, it may just be that muddling through and innovating at the margin was the best that could be achieved.

References

- Dauvergne, Alain (2004), *L'Europe en Otage: Histoire Secrète de la Convention*, Paris: Editions Saint-Simon.
- Duhamel, Olivier (2003), *Pour l'Europe*, Paris: Seuil.
- Galloway, David (2001), *The Treaty of Nice and Beyond: Realities and Illusions of Power in the EU*, London: Continuum International Publishing.
- Giscard d'Estaing, Valéry (2003), *Une Constitution pour l'Europe*, Paris: Albin Michel.
- Grant, Charles (1994), *Delors: Inside the House That Jacques Built*, London: Nicholas Brealey Publishing.
- Hug, Simon and Thomas König (2002), "In View of Ratification: Governmental Preferences and Domestic Constraints at the Amsterdam Intergovernmental Conference," *International Organization*, vol. 56, no. 2 (Spring): 447–476.
- Lake, David A., and Robert Powell (1999), *Strategic Choice and International Relations*, Princeton: Princeton University Press.
- Lamassoure, Alain (2004), *Histoire Secrète de la Convention Européenne*, Paris: Albin Michel, 2004.
- Leifer, Eric (1991), *Actors as Observers: A Theory of Skill in Social Relationships*, New York: Garland.
- Krasner, Stephen D. (1978), *Defending the National Interest: Raw Materials Investments and US Foreign Policy*, Princeton: Princeton University Press.
- L'Ecotais, Muriel de (1997), "L'Europe de douze à quinze: l'échec," *Revue du Marché Commun et de l'Union européenne*, no. 408 (May): 324-327.
- Moravcsik, Andrew (1998), *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Ithaca: Cornell University Press.
- Moravcsik, Andrew, and Kalypso Nicolaidis. 1999. "Explaining the Treaty of Amsterdam: Interests, Influence, Institutions," *Journal of Common Market Studies*, vol. 37, no. 1 (March): 59-85.
- Norman, Peter (2003), *The Accidental Constitution: The Story of the European Convention*, Brussels: EuroComment.

- Parsons, Craig (2003), *A Certain Idea of Europe*, Ithaca: Cornell University Press.
- Poncins, Etienne de (2003), *Vers une Constitution européenne*, Paris : Editions 10/18.
- Sbragia, Alberta (2002), “The Treaty of Nice, Institutional Balance, and Uncertainty,”
Governance, vol. 15, no. 3 (July): 393-411.
- Steinmo, Sven, Kathleen Thelen and Frank Longstreth (1992), Structuring Politics: Historical Institutionalism in Comparative Analysis, Cambridge: Cambridge University Press.
- Védrine, Hubert (1996), *Les Mondes de François Mitterrand*, Paris: Fayard.