28. The French and Dutch Block the Constitutional Treaty - Claudia Sternberg

The 2004 Treaty establishing a Constitution for Europe was meant to bring the European Union and its institutions 'closer to its citizens' (Laeken Declaration on the future of the European Union,15 December 2001), to give birth to a constitutive constitutional moment, European constitutional patriotism, and indeed a European people (see Sternberg 2013, Reh 2009). Ironically, it became the first treaty in the history of European integration to be stopped by popular resistance, expressed in two referendums. On 29 May 2005, 54.7 per cent of French voters rejected its ratification on a 69.7 per cent turnout, and three days later the Dutch followed suit, with 61.5 per cent voting No on an unexpectedly high turnout of 63.3 per cent.

This chapter reviews what happened in France and the Netherlands at the time, and what scholarship knows about why people voted the way they did; the roles and dynamics of the referendum campaigns, and domestic and party politics. In doing so it raises the question of how we might know what people's electoral choices may actually have meant to them (see Sternberg 2015a). Of course, the No votes meant No to the draft treaty, but they 'also had multiple other meanings' (Berezin 2009:193). What considerations may the French and Dutch voters have brought to the exercise of choice on the day, what may they have wished to get across with their votes? This chapter brings together available causal explanations of the votes with some 'thick descriptions' of the narratives and discursive repertoires available to people at the time (see, for example, Berezin 2009, Glencross 2009, Sternberg 2015a). What follows is divided into three parts. First, the two referendums' political and discursive backgrounds are introduced. The second section turns to the campaigns, and the third discusses explanations of voting behaviour in these referendums. The conclusion closes on what they may be missing.

28.1 Background: the discursive and political contexts

Neither referendum was obligatory and both were technically non-binding. The referendum in the Netherlands was the first since 1797. Yet there had been a long debate in Dutch politics over the introduction of the instrument. The small social liberal party, D66, had traditionally advocated greater elements of direct democracy in Dutch politics, making this a condition for joining Jan-Peter Balkenende's Christian Democratic Appeal (CDA)-led coalition in 2003. The political elite overall and the larger political parties especially had traditionally been sceptical, and in 1999 a previous constitutional amendment for a referendum had narrowly been rejected in the Senate. In the end, the 2005 consultative referendum was called as a result of a parliamentary motion by three backbenchers, one each from the three centre-left parties of the incumbent Democrats 66 (D66) and the opposition Labour (PvDA) and GreenLeft parties (Qvortrup 2006:90; Startin and Krouwel 2013:69).

In France, by contrast, referendums are an 'integral part of the constitution of the Fifth Republic', often debated, if less frequently held (Qvortrup 2006:89). Charles de Gaulle had used the instrument, four times, to by-pass Parliament to pass or legitimate legislation by going directly to the people, and since then four more referendums have been held, in attempts to reinforce the President's power (Qvortrup 2006:89, see Morel in this volume). At the time of the Constitutional Treaty referendum, the unpopular President Jacques Chirac was often accused of using the instrument in this plebiscitary form (see Brouard and Tiberj 2006:262), as well as tactically, so as to deepen already apparent divisions within the Socialist Party (Crespy 2008) and to force opponents within his own party to campaign alongside him. Effectively, however, the referendum was forced on Chirac. It became 'politically obligatory' given the demands of public opinion, significant cross-party political mobilisation, the UK government's announcement of one, as well as the consideration that a

solely parliamentary ratification would have jeopardised the future legitimacy and acceptance of the EU Constitution (Morel 2007:1058-60; see Qvortrup 2006:89; Marthaler 2005:228).
The results of the Dutch and French referendums came as a shock to many. The *Nee* in the Netherlands conflicted with the traditional '(self) image' of the Dutch as staunch champions of the European integration project (Harmsen 2008). The Dutch 'political elites have consistently supported developments towards closer European co-operation' (Startin and Krouwel 2013:66). The major political parties—the Christian Democrats (CDA), the Labour Party, and the liberal parties People's Party for Freedom and Democracy (VVD) and Democrats 66 —had supported all major EU treaties in parliament, with only the smaller orthodox-Calvinist parties, some smaller left-wing parties and, more recently, the List Pim Fortuyn (LPF) opposing them (Aarts and van der Kolk 2006:243). The French '*Non*', in turn, was at odds with the notion of the French as customary champions of the European cause, despite Charles de Gaulle's 'France First' approach to European integration of the 1960s, or historical opposition from the French Communists. France had, after all, fielded a great number of the key actors driving integration forward, Valéry Giscard d'Estaing, who had chaired the convention that prepared the draft treaty, being only the most recent in an illustrious line including Robert Schumann, Jean Monnet, François Mitterrand and Jacques Delors (Startin and Krouwel 2013:66).
The Dutch population had, ever since the early 1970s, been even more enthusiastic about the EU than the citizens of the other founding member states (Aarts and van der Kolk 2006:243). French popular support for membership, likewise, while lower than in the Netherlands, had similarly been 'consistently positive towards European integration' (Atikcan 2015a:98). (Remarkably this did not even change with the negative referendums; in the immediate aftermath of the vote, 82 per cent of Dutch and 88 per cent of French citizens considered their country's membership 'a good thing' [Flash Eurobarometer 171/June 2005:22 and Flash EB 172/June 2015:20, respectively].) And yet, both the Dutch and the French electorates rejected the ratification of the EU constitution.
A pervasive reading of the constitutional referendums is that they exposed a gap opening up between the preferences of the two countries' elites, who would have ratified the constitution, and the people, who stopped them (e.g. Startin and Krouwel 2013: 67, Aarts and van der Kolk 2006:243; Crum 2007:74). In both countries the (mainstream) political establishment was in favour of ratification, including the respective centre-right coalition governments, the major centre-left opposition parties, and overwhelming majorities in Parliament. In the Netherlands the pro-ratification parties held 85 per cent of the seats in the lower house, and in France, 93 per cent, but only 38 and 45 per cent respectively of the voters voted Yes to the Treaty (Schuck and de Vreese 2008:101; Crum 2007:75). To be sure, the faultline ran much less neatly than this reading may suggest between citizens and elites, but actually ran across both groups (and across parties), as discussed below.
In addition, disagreements regarding the EU had been brewing up for years. To observers of the Dutch and French domestic contexts, the victories of the No sides were no bolt out of the blue (Startin and Krouwel 2013:67, Taggart 2006:15). Eurosceptic discourses, public attitudes, as well as parties and politicians had been gaining ground in both countries ever since the early 1990s (see e.g. Harmsen 2008; Sternberg 2013; Schmidt 2007; Eichenberg and Dalton 2007; Hooghe and Marks 2009; Leruth et al. 2007; Taggart 1998). In addition, broader developments in public and political discourse, public opinion, and in domestic politics in the years leading up to the referendum had further helped to prepare the ground for the 2005 outcomes.

28.1.i The context in France

In France, the 1992 referendum on the Maastricht Treaty had acted as a 'watershed in terms of raising the profile of Europe as an issue, and more specifically Euroscepticism, in the domestic political arena' (Startin and Krouwel 2013:67). The referendum passed by a narrow margin (51 per cent in favour), but the campaigns and debate around had a lasting influence on the discursive landscape against which the EU could be discussed in years to come (Sternberg 2013:103-28; Schmidt 2007). National republican discourses became part of the public discursive repertoire that confined the exercise of the will of the people, democracy, and 'the political' *tout court,* to the confines of the nation. In these discourses, popular sovereignty emerged as inseparable from national sovereignty, and the capacity to control the world, over the forces of the market, was limited to the nation-state—and, importantly, at odds with the European Union (Sternberg 2013:118-22, 162). Illustrating the resonance of these views, Charles Pasqua's pro-sovereignty Gaullist breakaway *Rassemblement Pour la France* (RPF) outscored the Gaullist party itself in the 1999 European election on such a platform.

Resistance to the Euro, and fears around its economic consequences, furthermore, permanently undermined the central promise justifying European integration, of prosperity and better living conditions (Sternberg 2013). This promise was severely undercut further by successive governments justifying substantial cut-backs to the French welfare state as necessary to help France meet the convergence criteria for monetary union (Hay and Rosamond 2002). The long decade between France's two EU referendums was marked by a series of mass protests against pension reforms, social spending cuts, reforms to education, and privatisations (Smith 2004; Atikcan 2015a:97). Remarkably, in the 1995 'strikes against globalisation' (a formative collective political event), the wider public, unlike the government, did *not* yet generally blame France's economic problems on the EU, but rather on globalisation (Hay and Rosamond 2002).

Anti-globalisation and anti-liberal discourses started taking root in the French public imaginary around that time and had become firmly ingrained by 2005 (see Hay and Rosamond 2002; Schmidt 2007). Originally framed and mobilised by the radical left and a highly active anti-globalisation movement, they affected political discourse across the whole spectrum, not only within the Socialist Party but also forcing governments to respond to public opinion in this regard (Crespy 2008, 2010). Both Gaullist President Jacques Chirac and his Socialist Prime Minister Lionel Jospin wooed the anti-globalisation movement in the run-up to the 2002 election, in tune with the 'clear popular resonance' of 'anti-American, anti-imperialist' and anti-liberal sentiments (Hay and Rosamond, 2002:153). Official discourse under Chirac (as under Mitterrand) held out Europeanisation as a 'shield' against globalisation and a means of rescuing the French welfare state (Schmidt 2002:187; 2007). However, a competing and accelerating discourse defined Europeanisation and globalization as 'iterations of the same economic processes', blaming the EU for France's economic malaise and welfare retrenchment (Berezin 2009:207).

As a result, to picture the EU as a safeguard of collective and individual riches was barely plausible in France on the eve of the constitutional referendum. In autumn 2004, the French public ranked highest among all member states in mentioning *délocalisations* (the relocation of jobs to countries with lower production costs) among fears about the building of Europe (*Standard Eurobarometer* 62:141-4). It ranked high also with regard to the loss of social benefits, difficulties for French farmers, and the budget contribution. After years during which the French political elite had raised these issues in relation to European integration, this was no 'coincidence'. Nonetheless, the French public attitude towards the EU remained 'fairly positive' (Atikcan 2015a:96, 98-9; see above).

By contrast, the French public had been dissatisfied with the *domestic* level of governance in the years before the referendum. Chirac and his Prime Minister Raffarin were unpopular,

with confidence levels (44 and 28 per cent, respectively) reaching their lowest in the autumn of 2004 and right before the referendum. Again, socioeconomic and welfare-related concerns ranked highest in surveys, with immigration another important source of contention. Raffarin's highly contested plans to reform education, health care, pensions, unemployment benefits, and the 35-hour week sparked strikes in 2003 and in 2005, weeks and days before the referendum (Atikcan 2015a:96; see Marthaler 2005). Chirac's whole second term, moreover, suffered from the 'birth defect' of the 2002 election, when he won in a second round against Jean-Marie Le Pen, with the grudging votes of many of his opponents. Le Pen had run on an explicitly Eurosceptic platform, and his success (17 per cent of the vote in the first round) did 'nothing to bolster the confidence of France's pro-EU political elites', dampening any appetite to submit the 2004 enlargement directly to the people (Startin and Krouwel 2013:67). That Le Pen reached the second round of a presidential election indicated, and promoted, the normalisation and wide reach of the *Front National's* ideas regarding Europeanisation, globalisation, and immigration—all framed as threats to French society and to national identity, and as processes inextricable from each other (Berezin 2009:133). Le Pen had linked unemployment and insecurity to illegal immigration, and condemned Islam as inexorably hostile to French republican values (Atikcan 2015a:98).
In this context, the 'headscarf' controversy formed another important discursive backdrop to the French constitutional debate (see Bowen 2008; Scott 2010; Berezin 2009:71-2, 168). This debate had been smouldering, with intermittent flareups, ever since 1998, when a head teacher had expelled three school girls for wearing headscarves. In March 2004 the *Assemblé Nationale* voted by a large majority to ban 'conspicuous signs' of religious affiliation in public schools, invoking the principle of *laïcité*, that is, the strict separation of Church and State mandated since 1905 by French law. Combined with a fear of terrorism heightened in 2004 by the Islamist terrorist bombings in Madrid and the threat of attacks on the French railway, the headscarf debate provided starting points for the campaigns on the EU constitution in the form not only of (latent) anti-immigration and anti-Islamist sentiments, but also of the perceived need to defend the constitutive principles and values of French republicanism (Atikcan 2015a:97).

28.1.ii The context in the Netherlands

The Netherlands had likewise 'seen a marked shift in the terms of Dutch European discourse' since the early 1990s. In party and governmental documents, as well as the national press and polling data, a 'traditional "federalist" referential was progressively replaced by an elite discourse focused primarily on "national interests" and on defining the "limits of Europe"' (Harmsen 2008:316). The specific limits discussed were 'substantive', regarding distinctive Dutch institutional forms or policy choices such as the broadcasting system, euthanasia, same sex marriage, or the toleration of soft drugs. Concerns were also voiced about the EU's geographical boundaries. The liberal VVD in particular vocally opposed the 2004 enlargement. It split over the issue of a future Turkish accession in 2004, when the high-profile populist Geert Wilders left the part to create his own Party for Freedom (PVV), 'rejecting further integration and the EU accession of Turkey' (Startin and Krouwel 2013:67). As in France, criticism of the European integration project moved from the margins of the national political debate to the mainstream around the time of the Maastricht negotiations. Its prominent voice was VVD leader Frits Bolkestein (later a European Commissioner), who demanded that European cooperation be limited to the governance of the internal market and monetary union. From this 'initial epicentre' in the VVD, criticism gradually spread, including to the Christian Democratic CDA and the governing Social Democratic (or Labour)

PvDA, which took a 'Eurorealist' position , emphasising subsidiarity from the 2002 election (at which it lost power) onwards (Harmsen 2008:321-3).
Party positions on Europe were found not to have played a decisive role in electoral competition or as a cleavage dividing Dutch parties at that time (Binnema and Crum 2006), and voters' opinions about European integration were relatively unimportant for vote decisions in national and European elections (Aarts and van der Kolk 2006:245). Still, the 'two major pro-European parties', PvDA and CDA, 'suffered heavy electoral losses' during the 1990s and in 2002 (Startin and Krouwel 2013:67). Concurrently, populist political movements that espoused Eurosceptic views enjoyed dramatic electoral successes. On the far right, the charismatic Pim Fortuyn claimed to defend the interests of the people against a 'soulless' EU that served the interests only of national and European elites. On the left, the Socialist Party (SP) 'combined an *altermondialiste* critique of a "neo-liberal" economic project with a strong nationalist discourse, stressing the extent to which The Netherlands was losing the ability to make and sustain distinctive policy choices' (all Harmsen 2008:321-3).
The years from 2002 in particular were a period of exceptional unrest in domestic politics in the Netherlands (Atikcan 2015:131-4, see Roes 2008:29). Nine days before the 2002 general election, the country was shocked by the political assassination of Pim Fortuyn. His List Pim Fortuyn (LPF) went on to win 17 per cent of the vote and, as the second party in parliament, to enter a coalition with the CDA and the VVD. Headed by Jan Peter Balkenende (CDA), this unstable coalition fell by the end of the year as a result of internal conflicts within the LPF. The second Balkenende government, from 2003, was a coalition of CDA, VVD, and D66. It carried out an extensive, and highly unpopular, programme of harsh interventions and serious cutbacks in housing, pensions, and social security (Atikcan 2015a:132-4; see Roes 2008:30-35). Satisfaction levels with the government and public administration dropped drastically between 2000 (77 per cent) and 2002 (59 per cent), and even further by 2004 (48 per cent; Roes 2008:132). The 'main reasons' for this dip in government popularity were the economic downturn and welfare state reform, as well as controversy over national identity and immigration (Atikcan 2015a:132; see *Standard Eurobarometer* 62).
Migration became a salient issue with fears around 'Islamisation' and increasing arrivals particularly from 'non-Western' groups, taken as an opportunity to raise the question of whether the Netherlands was losing its cultural and national identity (Roes 2008:12-3; Lechner 2008). Such misgivings were further stoked by the murder of Fortuyn, who had declared Islam a 'backward culture' and the Netherlands a 'full country', followed in 2004 by the assassination of film-maker Theo van Gogh, author of a controversial short film on violence against women in Islam. In tune with changing public attitudes, the government had already begun to change its discourse in the 1990s, away from the aspiration of the 1980s to a 'multicultural society', towards emphasising the need for 'integration' into the nation. Now, in response to mounting public pressure, it changed its 'policy on minorities' into an 'integration policy, aimed at curbing the influx of migrants and integrating those (non-Western) ethnic minority groups already present in the Netherlands' (Roes 2018:14, 32; see Atikcan 2015a:133-4).
Regardless, the Dutch public's support for EU membership, and the perception of benefitting from it remained well above the EU average. They did have misgivings too, though. Support for the introduction of economic and monetary union and later of the euro had been comparatively high in the Netherlands. In the build-up to the 2005 referendum, however, suddenly public complaints that the common currency had been imposed on the people without their having any say in the matter, and that it had reduced people's buying power flared up retrospectively (Engelen 2007, Atikcan 2015a:136). Moreover, in autumn 2004, the Dutch ranked highest among all Member States in citing the loss of social benefits as a fear concerning the building of Europe, and high also in fearing the loss of power for smaller

member states (*Standard Eurobarometer* 62:142-4). As in France, all of this, and especially fears around social retrenchment and immigration, provided fertile ground for the 2005 referendum campaigns (Atikcan 2015a:131).

28.2 The campaigns: actors, dynamics, issues

The actual campaigns in the two countries were similar in many respects but differed greatly in others. The French controversy was drawn out and extremely intense, while the Dutch referendum 'almost seemed like a non-event' (Qvortrup 2006:92). The campaign in France began as early as October 2004 (see Atikcan 2015a:103) and attracted 'colossal media interest' (Qvortrup 2006:92; see Hobolt and Brouard 2010). It penetrated deeply into society; one poll showed that the referendum was the subject of 26 per cent 'of conversations' in January, 48 per cent in March, and 83 per cent in May 2005 (Ricard-Nihoul 2005:3). By contrast, the Dutch campaign began less than a month before the vote. The campaign was highly visible in the news (Schuck and de Vreese 2008:114-5, and media coverage reached levels previously unseen for European issues, although it was nowhere near as intense as in France, and remained 'sporadic' in comparison (Atikcan 2015a:156-7; Hobolt and Brouard 2010:313). France, hosting the earliest debate among all the referendums on the EU constitution, greatly influenced the other referendum debates (Atikcan 2015a:32-3; 2015b).
Above all, the Dutch and French campaigns had in common that the No side managed to set the agenda for the debate and continued to dominate it, putting the Yes campaigns on the defensive and forcing them to play catch-up (Atikcan 2018, 2015a; Marthaler 2005; Mergier 2005:22; Maatsch, 2007). In the Netherlands this was in part due to the effective failure of the Yes camp to 'mount a convincing campaign' (Harmsen 2005:1, 13), and to timing. 'Perhaps because they had no previous experience with referendums, the government misread the dynamic of a referendum campaign (where voting intentions are often shaped early in the campaign) […] and left it to the no side to set the agenda' (Qvortrup 2006:92). Assuming that voters would not decide which way to vote until the last stages, as they tend to do in parliamentary elections, 'all major politicians were on recess' up until two weeks before the referendum (Startin and Krouwel 2013:69). Besides, there was 'a responsibility crisis concerning who would run the campaign for the Yes side', as the government had been against calling a referendum in the first place (Atikcan 2015a:137). It further did not help the cause of the Yes that the other pro-Constitution parties were reluctant to share the same platform as the unpopular government (Atikcan 2015a:137), and that supporters of the Constitution hence kept a 'very low profile' (Startin Krouwel 2013:69).
In the event, the Yes campaign was fronted by the Minister for Europe, supported by the governing CDA, VVD, and D66, as well as the Green and Labour Parties. It was backed by all trade unions and business federations, which did not, however, launch significant campaigns. The No camp was small in comparison and ideologically diverse, a 'motley crew of far-left and further rightist individuals, groups, and organisations' (Qvortup 2006:92). It included right-wing groups LPF and Group Wilders, the fundamentalist Protestant parties and the far-left Socialist Party (SP). The SP quickly emerged as a key player in the No campaign, drawing on its grassroots support and local network as well as supplementing its own financial resources (Atikcan 2015a:141, 154; Startin and Krouwel 2013:69; Harmsen 2005; Schuck and de Vreese 2008:104).
In France, the governing UMP and its junior ally UDF campaigned in favour. Mindful not to share a platform with Chirac (many Socialist Party [PS] voters were still bitter that they had had to vote for him in 2002, Marthaler 2005:5), the PS nevertheless decided in an internal poll in December 2004 to campaign for ratification (59 per cent in favour). A sizeable left-wing faction, however, spearheaded by former Prime Minister Laurent Fabius, campaigned on the No side, as did the Communist Party, other groups to the left of the PS, and large parts

of the (officially pro) Green party. The left-wing No campaign was very united. Anti-ratification parties were joined by civil society in forming a No Committee with exceptional local support and about 900 to 1000 local committees across the whole country. The anti-globalisation group ATTAC played an important role in bringing diverse social forces together for the No side (Atikcan 2015a:118-21), using the referendum to 'gain credibility and momentum' for their cause (Marthaler 2005:236; Sternberg 2015a:3-4). Civil society mobilisation was exceptional in France, particularly on the No side and at the local level (Atikcan 2015a:118-21). The right-wing No campaign was less well integrated than that on the left (Atikcan 2015a:102-3). Its vocal proponent, traditionalist Eurosceptic Philippe De Villiers (*Mouvement Pour La France,* MPF)—a 'constant presence in the media'—steered clear of the FN and Le Pen, who himself lay low strategically so as not to alienate his opponents from the No by his association, while relying on his supporters' secure preference against ratification (Marthaler 2005:232; Berezin 2006; Ivaldi 2006:55-6).
The media in both countries gave a prominent position to arguments in favour of ratification. In the Netherlands, 'practically every newspaper in the country' and all major media outlets supported ratification (Hobolt and Brouard 2010:313; Aarts and van der Kolk 2006:243). The tone of the Dutch media coverage was overall positive towards the Constitution, and 'higher levels of exposure to referendum news increased the likelihood of voters to switch over to the Yes side'. Nonetheless, even if the media gave the Yes campaigners more coverage than the No campaigners, they also evaluated them more negatively and represented them as performing poorly overall (Schuck and de Vreese 2008:101, 114; Atikcan 2015a:156-7). The French media were widely perceived as having a 'pro-European bias', and did indeed give more coverage, and specifically television airtime, to the arguments of Yes campaign (Marthaler 2005:233; Gerstlé 2006). On the other hand, the No campaign made more extensive and effective use of non-traditional media such as blogs, internet forums and chain emails (Marthaler 2005:233; Sternberg 2015a:6).

X.2.i Argumentative and discursive strategies

The main reason for the No camps' dominance over the discursive agenda in both cases was that opponents of ratification were more successful than its proponents 'in initiating public debate and in defining the meaning' of the constitutional treaty (Maatsch, 2007:261). Political campaigns can significantly shape voting behaviour and public opinion, and are more likely to do so for referendums than in elections (see Schuck and de Vreese 2008:104; Hobolt and Brouard 2010:310; Atikcan 2015a:15). They work by 'priming' certain issues, that is, placing them on the agenda, making them salient by 'making information about that issue available in people's memories' (Hobolt and Brouard 2010:310), and defining them as principal dimensions for evaluating the question on the ballot paper. In addition, they work by 'framing' the question at hand in particular ways, delimiting what it is about and orienting people's thinking about the issue in particular ways (see Atikcan 2015a:16-9). In the case of the two referendums under discussion, the No campaigners were the 'better *framers*' because they managed to connect the EU constitution to certain existing problems and fears in people's minds, and to promote 'vivid, concrete, image-provoking frames that contain negative information,' which, research shows, are more likely to affect people's opinions. By contrast, the Yes campaigns, tied to the content of the treaty and unable to make its benefits tangible, 'sounded overly technical and broad, presenting the treaty as an institutional step toward a better Europe' (Atikcan 2015a:4, 7-8, 13, 32; see Sternberg 2015a).
In France, the anti-ratification camp focused heavily on social and economic issues (Hobolt 2009:205-6). Strong No frames (as in frames that the public later used in explaining their vote

choices) linked the constitution to 'declining social protection, increasing immigration, and the potential Turkish accession' (Atikcan 2015a:32, 159ff, 165). The No campaign successfully tapped into existing fears of globalisation and anti-liberal sentiments and linked them firmly to the EU and the Constitution. Indeed, the constitutional debate marked the 'coming of age' of the anti-globalisation discourses discussed above and their articulation with respect to European integration (Crespy, 2008; see Sternberg 2015a:12-3). It also chimed with the above-mentioned national republican discourses around political voluntarism and the ability to control one's destiny in the face of market constraints. The French debate was structured in part by the binary between a 'social Europe' and a 'liberal Europe' (Sternberg 2015a). The first side of this was equated with a snug, humane world where political will and the French social model triumphed over external constraints. The other side of the binary was that of the inhuman forces of 'the market' and of globalisation, of a dismantled French education and social system, of unemployment. The constitution-liberalism link was underpinned by a corresponding link between the constitution and unemployment, that is, both the relocation of French jobs abroad (omnipresent in the French media) and the influx of cheap East European labour into France (see Cambadélis 2005:33; Le Gall 2005:106). The infamous 'Polish plumber' became a symbol of such fears. The No camp successfully associated the Constitution with the bugbears of liberalism and employment. Although the Yes camp meekly kept repeating that the constitution was instead the way to 'social Europe', to controlling 'liberalism', the No camp's associations were so deeply anchored that even the mention of the word 'liberalism' tended to trigger a reaction against the Constitution (Duhamel 2005). The social-liberal binary structured the French debate so deeply that even supporters of the Constitution came to justify it on the grounds of social justice (Glencross 2009).

Dutch No campaigners, in turn, successfully primed culture and identity concerns, and framed the EU Constitution in these terms (Hobolt 2009:205-6). The far right emphasised that the constitution represented a threat to Dutch national sovereignty and culture. Interestingly the left No campaign and the Socialist Party, too, focused on the dangers the draft treaty accordingly represented to Dutch liberal culture and identity, and to what made the Dutch institutional and policy landscape what it was (Hobolt and Brouard 2010:313). 'As in France, the Dutch No campaign frames effectively linked the public's existing concerns to the European Constitution, highlighting the danger of losing social protection and sovereignty in a European "super-state"' as well as increasing immigration (Atikcan 2015a:32-3). The anti-constitution camp 'successfully struck an already sensitive nerve given unpopular welfare state reforms and recent assassinations of populist politician Pim Fortuyn and the controversial film-maker Theo van Gogh – both related to increasing immigration in the Netherlands' (Atikcan 2015a:32-3, see 159-65; see Arts and van der Kolk 2006). At the same time, the EU was painted as a distant entity, unable to see people's real concerns, as was the Dutch mainstream political elite' (Atikcan 2015a:32-3; 159ff., 165). The media coverage of the Dutch campaigns, further, has been shown as preoccupied with procedural issues, including whether the result of the consultative referendum would be respected, and with the French debate (Hobolt and Brouard 2010:319). Economic and social questions, moreover, came to play in the Dutch debate as well, particularly when the Executive Director of the Dutch Central Bank, Henk Brouwer, admitted that the Dutch guilder had been undervalued when the Euro was created, causing contestation around its introduction to flare up belatedly and consolidating the widely shared perception that it had caused serious damage to the Netherlands and that prices had risen because of it (Atikcan 2015a:152; 160-1; Engelen 2007).

The prospect of Turkish accession to the EU, finally, was both central and a strong frame in both debates. In the Netherlands, Geert Wilders notably linked his opposition to ratification

to the threat of Turkish membership and the erosion of what made the Netherlands what it was under the slogan of 'The Netherlands must remain!' (Arts and van der Kolk 2006). In France, too, the issue of Turkey turned into a symbol of the people's loss of control over the integration process, of not having been consulted over the 2004 enlargement. The 2005 referendum was hailed as their one chance finally of throwing a spanner into the works of a process that had been racing ahead inexorably beyond their influence. Although Chirac had attempted to disentangle the issue by promising a separate referendum on Turkey, opponents of the constitution insisted that a No was the only way to stop Turkey from joining (Sternberg 2015a:19-20).

28.3 Explanations of the vote

The campaigns, and their framing dynamics, have been identified as 'the key' to the puzzle of a monumental reversal of public opinion on the EU constitution over the course of the campaigns (Atikcan 2015a; Hobolt 2009; Hobolt and Brouard 2010; Schuck and de Vreese 2008). In the autumn of 2004, 73 per cent of the Dutch and 70 per cent of the French said they supported the idea of a constitution for the EU (Standard EB 62:150). Yet, by May and June the following year many had changed their minds, with only 38.5 and 45.3 per cent voting in favour of ratification, respectively. In fact, public attitudes towards the constitution shifted even more, if changes between individual vote intentions at the beginning of the campaign and final vote choices rather than aggregate figures are considered (Schuck and De Vreese 2008:113).

Polling data on people's motivations in voting confirms the No campaigns' success in framing the ballot question in terms of social and economic issues in France, and sovereignty, culture and identity concerns in the Netherlands (see *Flash Eurobarometers* 171 and 172; Atikcan 2015a:162-3). The single most important reason to vote No in France was economic and social concerns, even if they played a more 'marginal' role among voters on the right (Brouard and Tiberj 2006:266–267; Ivaldi 2006; Hobolt 2009:224, 215). More specifically, voters named as reasons for their choice their discontent with the current economic situation in France (52 per cent), the risk of making unemployment worse (46 per cent), and that the EU/the constitution were 'too liberal in economic policies' (40 per cent; see Atikcan 2015a:124-5).

In the Netherlands, in turn, concerns with national power and sovereignty losses ranked highest, and identity concerns were also prominent (see Atikcan 2015a:162), as were cost-benefit calculations regarding EU membership. The chief motivation cited by No voters was that 'the Netherlands pays too much to the EU' (62 per cent), closely followed by it 'will have less control over its own affairs' (56 per cent), had 'too little influence in comparison with other countries' (55 per cent) and 'will lose its own identity' (53 per cent). Moreover, a 'diffuse sense of European integration having gone "too far, too fast" and the rejection of a European "superstate" found an unexpected resonance with Dutch voters' (Harmsen 2005:1, see 10). Most importantly, people felt that the costs of European integration were too high and the benefits too low (see Glencross and Trechsel 2011) and that the common market was 'a threat rather than an opportunity.' This perception was fuelled not least by the only now, tardily established notion that the Euro had greatly disadvantaged the Dutch (Aarts and van der Kolk 2006:246, Engelen 2007).

Turkish accession was an important secondary motivation for French No voters overall (35 per cent), and the most decisive issue for UMP and FN supporters who voted No (Atikcan 2015a:124-5; Brouard and Sauger 2005:132–134). In the Netherlands, by contrast, very few voters named Turkey as a reason for voting No (only 1.2 per cent of No voters, see Atikcan 2015a:162). Yet, the prospect of a Turkish enlargement indirectly intensified negative cost-benefit evaluations as well as sovereignty and identity concerns; for, 'new member states

[were] not seen as new markets to be explored, but as expensive reservoirs of cheap labour threatening Dutch jobs', in that it was perceived to mean that 'the power of the Netherlands in the EU will be further watered down, while at the same time Dutch, or Western, values [were] perceived to be in danger' (Aarts and van der Kolk 2006:246).

At the time, many commentators further explained the French vote on the ground that it was at least in part a sanction vote against the unpopular President, Jacques Chirac, and the centre-right government (see Hainsworth 2006; Ivaldi, 2006; Hobolt and Brouard 2010:316-7). Yet, only 24 per cent of the No voters specified their opposition to Chirac and the government as one of their motivations (see Atikcan 2015a:124-5). On the whole, opposition to Chirac has been shown to have been important in explaining the No vote among his opponents, and more specifically among right-wing and neither left-nor-right factions, but not among the leftist voters (Brouard and Tiberj 2006:266). It was, however, the No vote on the left that made all the difference, and that was much stronger than on the centre right; 94 per cent of far left (Communist and *Lutte ouvrière*) voters, and 56 per cent of PS voters went for the No, against only 20 per cent of UMP voters (see Qvortrup 2006:94). On this basis a chief cause of the French No has been located in the division of the PS (Crum 2007:76-77).

In the Netherlands, too, there is 'little statistical evidence' to support a hypothesis that the referendum outcome was a result of the unpopularity of the Balkenende government. The supporters of both CDA and D66 voted overwhelmingly for ratification (at 76 per cent, respectively), while support was significantly lower among liberal VVD voters (57 per cent). The Dutch result, too, was 'largely due to a split' among the voters of the Labour Party, which persuaded only 42 per cent of its voters to support the treaty (Qvortrup 2006:94; Harmsen 2005:12). In fact, in the Dutch case, partisanship was the best predictor of vote choice (Hobolt and Brouard 2010:316). Yet, whereas in France, the hypothesis that, in common with the 2002 presidential election, the referendum was a vote of distrust and dissatisfaction with political elites is not supported by polls and surveys (Brouard and Tiberj 2006), the No vote in the Netherlands does fit in a 'wider trend of disconnection' and the 'sense of a growing "gap" (*"kloof"*) between the political establishment and Dutch society' (Harmsen 2005:13). Either way, in both countries the unpopularity of the governments was in part due to unpopular reforms, which had also fostered a general discursive climate defined by a sense of exposure to social and economic decline or cutback, incontrollable forces globalisation or Europeanisation, all of which, combined with more or less latent fears for a national culture, identity, and values, provided abundant campaign material for the No sides (Atikcan 2015a).

Against explanations centred on domestic politics—and mirroring the debate on whether or not EU votes are really 'second-order national elections' (see Crum, 2007; 63–64 for an overview) - a number of survey-based studies have concluded that both votes were indeed 'about Europe', or EU-related issues. Whereas some do see a general 'rejection of the European project' at play (Brouard and Sauger 2005:140), others clarify that vote choices were 'driven by specific issue concerns rather than general dissatisfaction with the European Union or national governments' (Hobolt and Brouard 2011:309). From this vantage point, the No votes were *not* a vote against Europe as such. Rather, they were dramatic assertions that the voters were re-claiming a say in deciding on their countries', and Europe's, future, including when it came to making choices about its economic and social setup (see Sternberg 2015a).

Interestingly, democracy, or a lack thereof conspicuously does not feature as an important voting motivation. Only 3 per cent of French and 5 per cent of Dutch respondents spontaneously mentioned a lack of democracy as one of several possible reasons for voting No (*Flash Eurobarometer* 171:17 and 172:15). The Yes campaigns did prominently justify the Constitution in terms of its making the EU more democratic (Maatsch 2007:272-3;

Atikcan 2015a:139), but with little resonance, even among Yes voters. Even the No frame that the EU was not democratic enough proved weak even among No voters (see Atikcan 2015a:161-3; Hobolt 2009:210).

28.4 Conclusion

By way of conclusion, two observations may add additional pieces to the puzzle of what meanings, beyond the literal Yes or No answers to the ballot question, people's vote choices may have carried for them, and what messages they may have wished to get across in them. Firstly, as mentioned, the literature on political campaigns finds that frames that contain negative information do better than positive ones in influencing public opinion and voting behaviour (Atikcan 2015a:4). On the other hand, positive news framing has been shown to mobilise *sceptics* rather than supporters of a proposal, by generating a perception of risk among those opposing it (Schuck and de Vreese 2009). Is this mechanism what explains the following discursive dynamic? Perhaps the decisive argumentative move of the French No campaign was that they effectively redefined the question at hand, shifting it from the one on the ballot paper, about whether or not to ratify the constitution, to a rather different, open one, of 'What kind of Europe do we want?' (Sternberg 2015a). This allowed them to exploit a glaring gap between an ideal, brave new Europe and the Europe of the Constitution. On top, everyone could define this ideal measuring stick as they liked. Redefining the question also allowed taking on board all those who were fundamentally in favour of integration – the great majority in France. In the redefined picture, a No vote was not an act of obstruction, but an 'act of hope', of ushering in a better Europe.

Secondly, was the issue of democracy really as absent from people's considerations as the relevant literature on public opinion and voting behaviour has it? If one looks at the arguments and narratives on offer in the debates, it did arguably feature - and very prominently – albeit indirectly. The indisputably salient controversies over Turkish accession and over the social and economic makeup of France, the Netherlands, and the EU as a whole, were on some level reassertions of popular sovereignty. They importantly asserted a desire to participate in the political will-formation and to hold decision-makers accountable when it came to taking critical decisions in these regards. In France, the most powerful critique of the EU's democratic deficit did not concern institutional or procedural questions. Rather, it took as its emblem the disenfranchisement of the European citizens in the construction of 'Europe' over the previous five decades, including when it came to enlargements and here particularly the 2004 wave, and to momentous economic decisions (see Sternberg 2015a:18-9). Democracy and 'the political' were re-cast as being essentially about enabling and channelling contestation. The EU Constitution of course had been in part an exercise in depoliticising parts of the EU's framework by placing certain rules and principle beyond contestation. If read against important narratives and arguments in the French and Dutch referendum debates, the 2005 votes made a resounding statement against the long-standing 'unwillingness' of Europe's political and administrative elites 'to subject the question of integration to meaningful political contestation in domestic politics' (Glencross 2009:244; see Sternberg 2013:210-23). The French and the Dutch were claiming their right to disagree and to make their voices count. If the legitimacy of European integration was to rest on the delivery of certain outputs (see Sternberg 2015b), then these European citizens were asserting their right to have a say in defining what the EU should be doing and how, and where it should stop.

References

Aarts, K., & Kolk, H. van der. (2006). Understanding the Dutch "No": The Euro, the East, and the Elite. *PS: Political Science & Politics*, *39*(2), 243–246.

Atikcan, E. Ö. (2015a). *Framing the European Union: The Power of Political Arguments in Shaping European Integration*. Cambridge: Cambridge University Press.

Atikcan, E. Ö. (2015b). Diffusion in Referendum Campaigns: The Case of EU Constitutional Referendums. *Journal of European Integration*, *37*(4), 451–470.

Atikcan, E. Ö. (2018). Agenda control in EU referendum campaigns: The power of the anti-EU side. *European Journal of Political Research*, *57*(1), 93–115.

Berezin, M. (2006). Appropriating the "No": The French National Front, the Vote on the Constitution, and the "New" April 21. *PS: Political Science & Politics*, *39*, 269–272.

Berezin, M. (2009). *Illiberal Politics in Neoliberal Times: Culture, Security and Populism in the New Europe*. Cambridge University Press.

Binnema, H. and Crum, B. (2006). Resistance to Europe as a Carrier of Mass-Elite Incongruence: The Case of The Netherlands. In J. Lacroix and R. Coman (eds) *Resisting Europe. Euroscepticism and national civic culture* Université Libre de Bruxelles: (pp. 113–128)

Bowen, J. R. (2008). *Why the French Don't Like Headscarves.* Princeton: Princeton University Press.

Brouard, S., & Sauger, N. (2005). Comprendre la victoire du 'Non' : proximité partisane, conjoncture et attitude à l'égard de l'Europe. In A. Laurent and N. Sauger (eds) *Le référendum de ratification du Traité constitutionnel européen du 29 mai 2005 : comprendre le 'Non' français. Cahiers du CEVIPOF*, 121–142.

Brouard, S., & Tiberj, V. (2006). The French Referendum: The Not So Simple Act of Saying Nay. *PS: Political Science & Politics*, *39*, 261–268.

Cambadélis, J.-C. (2005). Pourquoi le 'non' a été irrésistible. In G. Finchelstein (ed.) *Le jour où la France a dit non. Comprendre le référendum du 29 mai 2005.* Paris: Fondation Jean-Jaurès, 26–36.

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

Crespy, A. (2010). When 'Bolkestein' is trapped by the French anti-liberal discourse: a discursive-institutionalist account of preference formation in the realm of European Union multi-level politics. *Journal of European Public Policy*, *17*(8), 1253–1270.

Crum, B. (2007). Party Stances in the Referendums on the EU Constitution: Causes and Consequences of Competition and Collusion. *European Union Politics*, *8*(1), 61–82.

Duhamel, O. (2005). *Des raisons du "non."* Paris: Seuil.

Eichenberg, R. C., & Dalton, R. J. (2007). Post-Maastricht Blues: The Transformation of Citizen Support for European Integration, 1973-2004. *Acta Politica*, *42*, 128–152.

Engelen, E. R. (2007). *How to solve the riddle of belated Euro Contestation in The Netherlands?* The Hague: WRR (Scientific Council for Government Policy).

Gerstlé, J. (2006). *The impact of television on French referendum campaign in 2005: from the European Parliamentary election of 2004 to the French referendum of 2005*. Paris: Notre Europe.

Glencross, A. (2009). The Difficulty of Justifying European Integration as a Consequence of Depoliticization: Evidence from the 2005 French Referendum. *Government and Opposition*, *44*, 243–261.

Glencross, A. & Trechsel, A. (2011). First or Second Order Referendums? Understanding the Votes on the EU Constitutional Treaty in Four EU Member States. *West European Politics, 34*(4), 755-772.

Hainsworth, P. (2006). France Says No: The 29 May 2005 Referendum on the European Constitution. *Parliamentary Affairs*, *59*, 98–117.

Harmsen, R. (2008). The Evolution of Dutch European Discourse: Defining the 'Limits of Europe.' *Perspectives on European Politics and Society*, *9*(3), 316–341.

Harmsen, R. (2005). The Dutch Referendum on the Ratification of the European Constitutional Treaty. *EPERN Referendum Briefing*, *13*.

Hay, C., & Rosamond, B. (2002). Globalization, European Integration and the Discursive Construction of Economic Imperatives. *Journal of European Public Policy*, *9*, 147–167.

Hobolt, S. B. (2009). *Europe in Question: Referendums on European Integration*. Oxford: Oxford University Press.

Hobolt, S. B., & Brouard, S. (2010). Contesting the European Union? Why the Dutch and the French Rejected the European Constitution. *Political Research Quarterly*, *64*(2), 309–322.

Hooghe, L., & Marks, G. (2009). A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus. *British Journal of Political Science*, *39*, 1–23.

Ivaldi, G. (2006). Beyond France's 2005 referendum on the European constitutional treaty: Second-order model, anti-establishment attitudes and the end of the alternative European utopia. *West European Politics*, *29*(1), 47–69.

Le Gall, G. (2005) La démythification d'un 'non' tribunitien. In G. Finchelstein (Ed.) *Le jour où la France a dit non. Comprendre le référendum du 29 mai 2005*. Paris: Fondation Jean-Jaurès, 100–123.

Lechner, F. J. (2008). *The Netherlands: Globalization and National Identity*. London: Routledge.

Leruth, B., Startin, N., & Usherwood, S. (Eds). (2017). *The Routledge Handbook of Euroscepticism*. London: Routledge.

Maatsch, S. (2007). The Struggle to Control Meanings: The French Debate on the European Constitution in the Mass Media. *Perspectives on European Politics and Society*, *8*, 261–280.

Marthaler, S. (2005). The French referendum on ratification of the EU constitutional treaty, 29 May 2005. *Representation*, *41*, 228–236.

Mergier, A. (2005). Pourquoi le “non” était possible. In G. Finchelstein (Ed.), *Le jour où la France a dit non. Comprendre le référendum du 29 mai 2005* (pp. 14–25). Paris: Fondation Jean-Jaurès.

Morel, L. (2007). The Rise of ‘Politically Obligatory' Referendums: The 2005 French Referendum in Comparative Perspective. *West European Politics*, 30(5), 1041-1067.

Qvortrup, M. (2006). The Three Referendums on the European Constitution Treaty in 2005. *The Political Quarterly*, *77*(1), 89–97.

Qvortrup, M. (2007). *The politics of participation: From Athens to e-democracy*. Manchester University Press.

Reh, C. (2009). The Lisbon Treaty: De-Constitutionalizing the European Union? *Journal of Common Market Studies*, *47*(3), 625–650.

Ricard-Nihoul, G. (2005). The French “No” Vote on 29 May 2005: Understanding and Action. *Notre Europe. Etudes & Recherches No. 44*.

Roes, T. H. (2008. *Facts and figures of the Netherlands: social and cultural trends 1995-2006*. The Hague: Netherlands Institute for Social Research.

Schmidt, V. A. (2002). Does Discourse Matter in the Politics of Welfare State Adjustment? *Comparative Political Studies*, *35*(2), 168–193.

Schmidt, V. A. (2007). Trapped by their ideas: French élites’ discourses of European integration and globalization1. *Journal of European Public Policy*, *14*(7), 992–1009.

Schuck, A. R. T., & de Vreese, C. H. (2009). Reversed Mobilization in Referendum Campaigns: How Positive News Framing Can Mobilize the Skeptics. *The International Journal of Press/Politics*, *14*(1), 40–66.

Schuck, A. R. T., & de Vreese, C. H. (2008). The Dutch No to the EU Constitution: Assessing the Role of EU Skepticism and the Campaign. *Journal of Elections, Public Opinion and Parties*, *18*(1), 101–128.

Schuck, A. R. T., & de Vreese, C. H. (2009). Reversed Mobilization in Referendum Campaigns: How Positive News Framing Can Mobilize the Skeptics. *The International Journal of Press/Politics*, *14*(1), 40–66.

Scott, J. W. (2010). *The politics of the veil*. Princeton: Princeton University Press.

Smith, T. B. (2004). *France in crisis: welfare, inequality, and globalization since 1980*. Cambridge: Cambridge University Press.

Startin, N., & Krouwel, A. (2013). Euroscepticism Re-galvanized: The Consequences of the 2005 French and Dutch Rejections of the EU Constitution. *Journal of Common Market Studies*, *51*(1), 65–84.

Sternberg, C. S. (2013). *The Struggle for EU Legitimacy*. London: Palgrave Macmillan.

Sternberg, C. (2015a). What were the French telling us by voting down the ‘EU constitution’? A case for interpretive research on referendum debates. *Comparative European Politics*, *16*(2), 145–170.

Sternberg, C. S. (2015b). Political legitimacy between democracy and effectiveness: trade-offs, interdependencies, and discursive constructions by the EU institutions. *European Political Science Review*, *7*(04), 615–638.

Taggart, P. (1998). A Touchstone of Dissent: Euroscepticism in Contemporary Western European Party Systems. *European Journal of Political Research*, *33*(3), 363–388.

Taggart, P. (2006). Keynote Article: Questions of Europe - The Domestic Politics of the 2005 French and Dutch Referendums and their Challenge for the Study of European Integration. *Journal of Common Market Studies*, *44*(s1), 7–25.