

National Governments and EU Referendums: Sorcerers or Apprentices?

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Abstract

Referendums on European integration have become a risky proposition for governments. Much has been written about the failed referendums in France and the Netherlands in 2005, but there has been almost no analysis of the decision to hold a referendum in the first place. This decision was puzzling on two counts: previous referendum experiences at home and abroad ought to have counseled against a referendum, and calculations of political advantage recommended that certain key political parties oppose a referendum. The decision against a referendum on the Lisbon Treaty in both countries is puzzling in its own way, for it is inconsistent with the earlier decision. This paper explains these puzzles through an in-depth study of the legislative debates in the Netherlands and France on the issue of a referendum on the Constitutional Treaty and the Lisbon Treaty. The analysis produces two key findings. First, political leaders assume general support for European integration will translate into a positive referendum vote, unless a recent experience has shown otherwise. Second, many political actors display a strong normative commitment to the public-level outcomes associated with an EU referendum: strengthening public participation in and knowledge of European integration.

Keywords

European Union, referendum, legislative debate, norms, perceptions

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Referendums on European integration issues are a risky choice for governments. The past few years have seen European Union (EU) treaties rejected at the polls in Ireland, the Netherlands and France. The Irish rejection of the Lisbon Treaty in June 2008 was, in fact, the second time that Irish voters rejected an EU treaty in a referendum — they had earlier done so in June 2001, saying no to the Nice Treaty before approving it the next year. In Ireland's case, the government has little choice but to submit EU treaties to a popular vote, as a referendum is required for any EU treaty change that would imply changes to the Irish Constitution. Other countries, however, have a choice. Indeed, both the Dutch and the French governments voluntarily chose to hold referendums on the Constitutional Treaty in 2005.

Public opinion on European integration has become gradually more skeptical since the implementation of the Maastricht Treaty; almost every EU member state today counts several political parties that are explicitly opposed to EU membership. Nevertheless, at least 10 EU member states decided to hold referendums as part of the ratification process for the Constitutional Treaty. Once the Dutch and French referendums failed, all other countries except Luxembourg canceled theirs. Two years later, these same countries had to decide how to handle the ratification process of the Lisbon Treaty, designed to replace the Constitutional Treaty. This time, every government that had a choice decided not to hold a referendum. Only Ireland, constrained by its constitution, submitted the treaty to its public, without success.

This raises two important questions. First, why did so many countries voluntarily decide to hold referendums on the Constitutional Treaty, although they must have been aware of the attendant risks? And second, how were they then able to justify *not* holding a referendum on the Lisbon Treaty, which was very similar to the Constitutional Treaty? Pragmatic considerations counseled against a referendum in each of the two cases, as parliamentary ratification is safer, cheaper, and faster. Normative considerations, such as a concern with the democratic legitimacy of the EU, would have called for a referendum in both cases. Why, then, did governments shift from normative to pragmatic considerations, and how were they able to justify this to their publics?

This paper shows that two factors account for this puzzling pattern. First, governments and observers alike mistakenly assumed that general support for European integration would translate into a ‘yes’ vote on an EU referendum, without taking into account popular dissatisfaction with recent EU developments. The failed referendums in the Netherlands and France — two countries whose basic pro-EU *bona fides* are not in doubt — made it impossible to sustain this belief. Second, many political actors value the public effects of a referendum campaign. Governments saw a referendum as an instrument to increase public awareness of and involvement in European integration. For most actors, however, these beneficial outcomes were of secondary importance and could not trump an expectation that a referendum would fail. In addition, a number of political parties had strong normative commitments for or against referendums as a political instrument, regardless of the context.

In most countries, the decision to have a referendum is driven by the relative power of different political parties, each with their own expectations about and commitments to

particular outcomes associated with a referendum. Accordingly, this paper analyzes on the positions adopted not just by governments, but also by individual political parties. In light of the centrality of the referendums in the Netherlands and France to discussions of EU referendums in recent years, the paper focuses on these two countries. The argument proceeds in three stages. The first section briefly discusses the history of referendums on European integration. Next I develop a theoretical framework for thinking about political party preferences regarding referendums. The third section, finally, presents an in-depth analysis of legislative debates in France and the Netherlands regarding referendums on the Constitutional Treaty and the Lisbon Treaty.

Referendums on European integration

There have been 46 national referendums on European integration issues as of 2008. The largest number of these has been on the question of membership: whether to join the European integration project and — in a small number of cases — whether to leave it. Nevertheless, the first country to hold a referendum on a European integration question was not a prospective member state, but rather one of the original six member states of the European Economic Community. French president Pompidou called a referendum on 23 April 1972, on the ratification of the accession treaty negotiated to make possible the membership of the United Kingdom, Ireland, Denmark, Norway, and Sweden.

France was not required to hold a referendum, nor did any precedent call for a referendum, since previous integration treaties had been ratified in parliament. Instead, Pompidou called a referendum in the hopes of dividing his political opposition, as well as strengthening his own stature and the strength of his government, leading up to the Paris

summit of European Community leaders that year. His motives were sufficiently transparent that in a poll published in *Le Figaro* on 4 April 1972, only 21% of respondents felt Pompidou had called the referendum to highlight the importance of Great Britain's entry into the EEC, while 45% thought its purpose was to express approval of Pompidou's leadership or to divide the opposition (Leigh, 1975, p. 160). In the event, the results fell considerably short of Pompidou's expectations. Turnout was less than he had hoped, and many voters spoiled their ballots. His own prestige and that of his government were weakened. Finally, though the opposition on the left was indeed divided, various groups opposition groups were able claim victory due to the unexpectedly poor results for the government (Leigh, 1975, pp. 165-167).

Each of the four candidate states also held a referendum in conjunction with its accession. Ireland, Norway, and Denmark held referendums as part of the ratification process prior to joining the European Communities between late Spring and early Fall 1972. In Ireland and Denmark the referendum passed comfortably; Norway's vote on 25 September, however, marked the first instance of a failed referendum on European integration, with 53.5% of those who turned out to vote rejecting membership. The United Kingdom held a referendum on continued membership after the 1974 general elections. The Labour Party had pledged to hold a referendum if victorious in the elections; the promised referendum took place on 5 June 1975, and passed comfortably.

After this initial round, a number of years passed without any referendums. The 1980s and early 1990s saw European integration referendums on a variety of issues. Greenland left the European Economic Community in 1982 following a local referendum. Denmark and Ireland held referendums on the Single European Act in 1986

and 1987, respectively. A referendum inspired by a citizens' initiative in Italy encouraged the European Parliament to begin work on drafting a European Constitution. In 1992, Denmark and Ireland once again were required to hold a referendum, on the Treaty of Maastricht. The Irish public approved the treaty, but the Danes did not, rejecting it in the on 2 June. In response, taking a page from Pompidou's book, French president Mitterrand announced that France would have a referendum too, on 20 September.

Mitterrand's goals were similar to those of Pompidou: to strengthen his government, divide the opposition, and increase his personal stature in meetings with his European colleagues. Though Mitterrand's own party was more unified on the issue than most other political parties, every major party faced some internal division on the issue. As the referendum campaign proceeded, it became clear that Mitterrand was likely to be even more disappointed in his hopes than Pompidou had been. During the last few weeks prior to the referendum, the government had to pull out all the stops to convince the majority of the French public to vote yes. The referendum barely passed, with 51% in favor against 49% opposed. About 20% of the voters from Mitterrand's own party defected, voting against the treaty. Voters aligned with other parties were more evenly divided, with the UDF (centrists) and the Greens more supportive, and the RPR (Gaullists) less so (Habert, 1993).

The frequency of European integration referendums has increased over time. None were held in the 1950s and 1960s; 10 were held in the 1970s and 1980s combined. The 1990s saw 15 referendums, and there have been 21 in the present decade. Along with the increasing frequency, the rate at which referendums fail has also been going up. There have been more successful referendums than failures, but if one excludes referendums on

membership issues, six referendums since 2000 have failed, while just three have passed — a success rate of just 33%. Even if we turn the clock back to 2004, when European governments were deciding about referendums on the Constitutional Treaty, the pattern looks less than promising. By that time, two countries had rejected membership (or even its prospect) more than once: Norway in 1972 and 1994, and Switzerland in 1992, 1997, and 2001. Two long-time member states had experienced failed referendums on major treaties: Denmark over the Maastricht Treaty, and Ireland over the Nice Treaty. Finally, the last European integration issue other than membership to be put to a popular vote — the adoption of the euro — had been rejected in both countries that held referendums, Denmark (in 2000) and Sweden (in 2003).

All this should have given pause to governments not constitutionally required to hold a referendum. Yet of the 10 scheduled referendums on the Constitutional Treaty, only one was mandatory: all others were voluntary. Moreover, several additional countries, including original member states Belgium and Germany, seriously considered holding a referendum of their own, despite the risks. To help understand this sudden interest in polling the public, the next section briefly reviews the existing literature.

Choosing a referendum

The literature on European integration referendums has become quite extensive, receiving a new impetus in the aftermath of the failed referendums of 2005. However, almost all of the literature focuses on analyzing voter choice in referendums, not on the prior choice to hold a referendum to begin with. Moreover, most studies focus on a single referendum or a single country (Franklin, Marsh, & Wlezien, 1994; Siune, Svensson, &

Tonsgaard, 1994; Svensson, 1994). Only in recent years has the study of European integration referendums become more comparative (Hug, 2002; Jenssen, Pesonen, & Gilljam, 1998). The dominant debate in the literature concerns whether voters are more likely to treat referendums as ‘second order’ elections, in which their vote expresses their opinion on the current national government (Franklin, 2002; cf. Reif & Schmitt, 1980), or as expressive opportunities, in which their vote reflects general attitudes towards European integration (Svensson, 2002, p. 1145). The evidence suggests that some elements of both enter into voters’ decisions. As Schneider and Weitsman explain, this means that many voters will be faced with a “punishment trap”: they may wish to express dissatisfaction with the national government but would prefer to say “yes” on the issue of European integration; or, conversely, they would like to support the government but dislike the EU issue under consideration (1995).

The respective contributions of second order considerations and European integration attitudes vary from one referendum to the next, depending on the wider context and on the actions of political leaders. For example, Garry, Marsh, and Sinnott show that in Ireland’s two referendums on the Nice Treaty, an active government campaign prior to the second referendum significantly increased the impact of European integration attitudes on voters’ decisions (2005). The literature characterizes this as “issue-based” voting, even though voters express their general attitude towards European integration, rather than their opinion on the specific issue or treaty under consideration. As we shall see, politicians tend to make the same error, and fail to recognize that general support for the EU need not translate into approval of a particular initiative.

Hug highlights two additional factors that may predispose voters towards second order or EU-attitude voting: whether the government has a choice in calling for a referendum, and whether the outcome is legally binding.¹ He suggests that the second order election effect is more likely when governments use consultative referendums for domestic political reasons (2002). France's experiences in 1972 and 1992 certainly support this argument. Although this insight ought to affect decisions on holding a referendum, it does not appear to have figured into any country's decision to hold a referendum on the Constitutional Treaty in 2005.

The literature on government decisions to hold a referendum is sparse.² In a recent study, Closa outlines four plausible hypotheses, two rationalist and two constructivist. First, governments will prefer to avoid referendums, since they relinquish control over an important outcome (compared to ratification within parliament). Second, governments do call a referendum only if they believe it will allow them to score a domestic political or electoral advantage. Closa believes both of these factors to operate in the EU context, though he argues that the second consideration will dominate the first (2007, p. 1314). In light of France's experiences, this would suggest, counterfactually, that we ought to see very few referendums.

Closa also proposes two constructivist hypotheses. First, governments will call a referendum when national institutional norms suggest it is appropriate to do so. Second,

¹ Some constitutions, such as that of the Netherlands, do not provide for binding referendums. However, governments may hold consultative referendums to poll the public. In theory they could ignore the outcome of such consultations, but in practice this would come at considerable political cost. For example, both of Norway's referendums on membership were non-binding, but the government felt they could not ignore the public's vote.

² (Hug, 2002) deals with it only incidentally. (Kaufmann & Waters, 2004) provides a country by country overview of constitutional provisions for referendums in EU member states, but says little about the politics involved in taking advantage of such provisions.

governments may call a referendum if peer pressure from neighboring states is sufficiently strong. In Europe, Closa argues, the first of these dominates the second (2007, p. 1315). Closa's framework does not explicitly combine the rationalist and constructivist factors; instead, he applies them to different empirical cases. Moreover, his tests remain impressionistic: Closa fails to suggest ways to operationalize the variables of interest in the four claims, making the empirical investigation rather *ad hoc*.

More importantly, Closa's analysis assumes that governments can simply decide whether or not to hold a referendum. However, in many countries parliament has the final say. As a result, governments cannot usually call referendums for private, capricious reasons. In certain countries it is even possible for parliament to call a referendum over the objections of the government: the Dutch referendum on the Constitutional Treaty is one example. Even in France, where the president can call a referendum against the wishes of parliament, the political costs of doing so over the strong objections of the Assemblée Nationale would be considerable. Ultimately, whether the legislature or the executive decides, each side will need to justify its preferences publicly. In light of parliament's prominent role in any referendum decision, this paper shifts the emphasis from the executive to the legislature, and studies the attitudes of different political parties, along with the justifications they offer for their attitudes.

We can distinguish three different levels of outcomes associated with referendums. First, and most obviously, referendums result in a yes or a no vote on the specific issue at hand. Second, referendums have domestic political implications for political parties and the government alike: indeed, France's referendums under Pompidou and Mitterrand suggest that these are, at times, the dominant consideration. Third, and least discussed in

the literature, referendums have broader implications for public opinion and participation. I refer to these as the policy, political, and public outcomes of a referendum.³

*** Table 1 about here ***

We should expect each of the three outcome types to enter into the calculations and justifications of political parties. However, the literature focuses almost exclusively on the first two: whether a referendum passes or fails and, secondarily, whether it will expose internal party divisions. In a recent article Crum offers two basic hypotheses: government parties are likely to support a treaty signed by the government, and opposition parties that favor European integration are likely to support the treaty, whereas those that oppose integration will oppose it (2007, p. 62). If the main political opposition is anti-EU, the referendum campaign will pit the government against the opposition. On the other hand, if the major opposition parties are pro-EU, we would expect a coalition of government and opposition parties jointly promoting a positive vote. In such cases, the opposition is likely to suffer internal divisions driven by the punishment trap discussed above: some of its supporters will lodge a protest vote against the government, while others will support the treaty, and thus, indirectly, the government (2007, p. 62).

However, the punishment trap is not the only source of internal divisions: many parties simply are internally divided on the issue of European integration. Although Crum suggests that government parties “remain distinctively immune from any significant

³ As we saw with Pompidou and Mitterrand, some leaders also hope to increase their international stature. This can only be achieved if a referendum is both successful and strengthens the government; as such, it is simply a potential secondary result of the policy and political outcomes.

factionalization,” this claim is undermined by the French experiences in 1972 and 1992, and even more so by the results of the Dutch referendum. In the latter case, each of the three government parties was evenly split between ‘yes’ and ‘no’ voters (Crum, 2007, p. 76). Expectations about internal divisions ought to affect a party’s stance on the desirability of a referendum, especially when combined with an assessment of the likelihood of success of a referendum.

If government parties are unable to deliver their own rank and file, even the support of some opposition voters might not suffice to pass the referendum.⁴ Prior to any strategic calculations, therefore, political leaders need to have a sense of the fraction of the population likely to vote ‘yes’ in a referendum. In fact, they would prefer to have a sense of the fraction of each political party’s supporters likely to vote ‘yes’: this will enable them to predict the costs and benefits of internal divisions likely to arise in different parties during a referendum campaign.

Unfortunately, such information is elusive. The literature remains divided on the impact of the different factors that drive voter decisions. Moreover, government and opposition alike can affect the policy outcome of a referendum through their actions during the campaign. In a study of the two Danish referendums on the Maastricht Treaty, for example, Hobolt concludes that parties can shape voter choices by framing either of the two outcomes as more extreme. The ‘yes’ campaign for the second Maastricht referendum succeeded in convincing voters that the consequences of a ‘no’ vote would be serious and costly for Denmark (Hobolt, 2006). On the other hand, both the Dutch and

⁴ It is also possible that elections take place between the signing of a treaty and a referendum, in which case some government parties may be opposed to the treaty. This complicates matters further, but in a fairly straightforward manner. It was not an issue in the cases of France or the Netherlands.

the French government failed miserably in their attempts to convince their voters of the serious and costly implications of a ‘no’ vote on the Constitutional Treaty, so the influence of political actors is indeterminate at best (Van der Veen, 2007).

The complexity of most EU treaties constitutes an added complication. As we have seen, the EU referendum literature considers a voter’s general attitude towards European integration to constitute “issue-specific” voting. However, true issue-specific voting would require specific knowledge of a treaty — a difficult challenge even for informed voters (cf. Hobolt, 2007). In addition, voters may make another type of issue-specific assessment: a retrospective vote on developments in European integration during the recent past. It stands to reason that when voters are asked to approve a European integration initiative, they will consider not just their general attitude towards European integration, nor only what the initiative is, but also how pleased they have been with recent developments in European integration (cf. Fiorina, 1981).

All of this makes it very difficult for parties to have an accurate sense of likely referendum outcomes. As Sørensen and Vestergaard note in a discussion of Denmark’s planned referendum on the Constitutional Treaty, “EU-referenda are highly volatile political experiments: To venture a prediction of outcome a few days before a referendum is risky business” (2005, p. 2). France’s referendum experiences bear this out, as we have seen. Two factors can reduce the likelihood of miscalculation: prior national experience with similar referendums, and recent foreign referendums in similar contexts. It is less surprising that the Dutch — who had no prior experience with referendums — miscalculated than that the French did.

This discussion illustrates a key difference between the referendum decisions on the Constitutional Treaty and the Lisbon Treaty respectively: in the second case, political leaders had learned that general support for European integration need not translate into a vote supporting a new EU initiative. Denmark's or Ireland's recent history had not been deemed germane by either the Dutch or the French in 2004-2005; three years later, they could hardly deny the relevance of their own experiences. More aware of the likelihood of failure, most political actors now preferred parliamentary ratification. On the other hand, they were constrained by arguments and promises made during the debate over the first referendum.

At this point, we can deduce a number of general hypotheses regarding party preferences for a referendum. First, expectations about the policy outcome are likely to trump other considerations. Accordingly, pro-EU parties that expect a referendum to fail will prefer parliamentary ratification, while anti-EU parties that expect a referendum to fail will prefer a referendum. If, on the other hand, a referendum is expected to pass, calculations about political outcomes enter into play. Here, government parties that know their own constituents to be divided on the issue will prefer parliamentary ratification to a referendum. On the other hand, government parties who believe their own constituents to be united while opposition parties are internally divided will prefer a referendum to legislative ratification (this was Pompidou's logic in 1972.)

For opposition parties, some additional factors enter the calculation. Pro-EU opposition parties will oppose a referendum, because the punishment trap will provoke internal factionalism. For anti-EU opposition parties the calculation is more complex. Unless parliamentary ratification requirements are unusually steep, they do not expect to

win a parliamentary ratification battle. Moreover, a public referendum campaign may uncover latent euroskepticism among the public, as well as expose internal divisions in government and pro-EU parties. On the other hand, a successful referendum may be used by the government to claim a public mandate for additional European integration initiatives. The first two considerations should incline them towards support for a referendum; the latter, however, points in the opposite direction.

Next, we need to take into account the public outcomes of a referendum. Evidence from a number of countries suggests that a large portion of the national public supports the idea of ratifying European integration treaties by means of referendums (Bowler, Donovan, & Karp, 2007; Donovan & Karp, 2006). Parties may give in to such pressures in their desire to be responsive to the public. More importantly, normative considerations also come into play. If holding a referendum is seen as the legitimate way to ratify a treaty, rationalist considerations of political advantage may be trumped. The anticipated public outcomes of a referendum also feed into normative evaluations. Proponents of a referendum consistently emphasize the importance of increasing public awareness and involvement in European integration. They also argue that this will reduce the democratic deficit of the European Union. In fact, for a party strongly committed to such goals, an expected positive public outcome may even trump the risk of a negative policy outcome in the form of a failed referendum (van der Ham & Dubbelboer, 2005). Opponents of the European Union apply a similar logic to support a referendum. They argue that a referendum campaigns will uncover a strong current of euroskepticism among the public, forcing political elites to change their pro-EU tendencies.

We can now generate a few additional hypotheses. First, a strong commitment to ratification by referendum — and the associated implications for public awareness, involvement, etc. — will trump fears regarding negative political outcomes of a referendum, and may even trump fears of referendum failure. Conversely, a strong norm against ratification by referendum will outweigh calculations of possible political advantages to be derived from a referendum. Finally, if public opinion is strongly supportive of a referendum, government parties that expect a referendum to pass without exposing internal divisions will support a referendum.

Debating the choice of a referendum

Before turning to an examination of the Dutch and French cases, we need to consider the justifications likely to be associated with different positions on the referendum issue. Justifications are of interest for two key reasons. First, they help shed light on the factors shaping a party's choice for or against a referendum. Several of the hypotheses presented above give rise to convergent predictions. However, we can expect them to be associated with different arguments. For example, if a party's preference for a referendum is driven by the likely policy and political outcomes of *this* referendum, its representatives are likely to put forward arguments specific to the treaty, rather than claims that imply general support for referendums as a policy tool. If a party's preference for a referendum is driven by its opinion on the EU, on the other hand, it is more likely to offer arguments invoking European integration. Finally, parties whose preference on the referendum issue changes from one treaty to the next are likely to make arguments that are specific to this particular treaty, in order to avoid appearing inconstant and disingenuous.

*** Table 2 about here ***

Table 2 shows the complete set of arguments coded across the different debates, though not every argument was used in every debate. We can classify arguments for or against a referendum along two dimensions. The first separates arguments that are specific to this particular treaty from those that are not; the second separates arguments that explicitly reference the EU and European integration in general from those that do not. The coding process was straightforward. Each time a speaker made a particular argument, it was coded; if a speaker made the same argument repeatedly, it was coded multiple times only if the repeated instances were separated by a substantively different discussion (a different argument, or a substantial discussion of some empirical or legal point). Since the overall goal is simply to get a sense of the balance of different arguments made by the various parties, no further adjustments were made for the size of a political party's representation in the legislature or the length of a particular speech.

The Netherlands

As noted earlier, the Netherlands had no history with referendums. The initial proposal to hold a referendum on the Constitutional Treaty was introduced into the Tweede Kamer (the lower house of the Dutch legislature) by Timmermans of the Labor Party (PvdA), and co-sponsored by five other parties. The motion did not insist on a referendum; it simply encouraged the government to hold one. With the addition of 2 supportive votes from a small splinter party, the six parties in support of the motion were

able to muster a bare majority of 72 against 70 votes in favor. However, the government had already indicated it was not in favor of such a referendum, and rejected the motion.⁵

A new legislative initiative — this time binding on the government — was introduced in May 2003, after elections had changed the composition of the legislature and the government. The legislative proposal was jointly introduced by representatives of the PvdA (this time in the person of Dubbelboer), the Green Left and D66, a center-left liberal party. Each of these parties had also supported the initiative of the previous fall. While the PvdA and Groenlinks remained in the opposition, D66 now was a member of the coalition government. Nevertheless, D66 had long been supportive of the idea of introducing referendums into Dutch politics, so it came as no surprise that the party signed on to the initiative, even though this went against the government's preferences (van der Ham & Dubbelboer, 2005). The other two parties were more specifically interested in the public outcome of a referendum. As the explanatory memorandum accompanying the initiative argued: "A greater involvement in the European Constitutional process on the part of the citizens is urgently needed" (Karimi, Dubbelboer, & van der Ham, 2003, p. 1).

The referendum proposal was debated over the course of three days, on 18, 20, and 25 November 2003. Every political party represented in the Tweede Kamer (except for one small fringe party) declared and justified its position. The most significant change in party preferences since the previous year was a shift in position on the part of the VVD (Liberals), the main center-right party, which was due in part to a change in leadership at the top of the party (van Holsteyn, 2005). Without exception, speakers in the debate

⁵ The motion was introduced on 30 October. *Handelingen Tweede Kamer* TK14, pp. 759-760. Voting took place on 5 November. *Handelingen Tweede Kamer* TK16, pp. 877-878.

assumed that a referendum would easily pass, given widespread public support for European integration. As discussed above, nobody pointed out that general public support might not translate into a 'yes' vote, or that voters might not approve of the specific contents of the Constitutional Treaty. In fact, as predicted, several opponents of the referendum expressed a concern that the government would exploit a positive referendum outcome to claim a non-existent mandate to continue moving forward in the EU. No parties appear to have anticipated internal divisions either among their own rank and file or among opposing parties. Party positions are summarized in table 3.

*** Table 3 about here ***

In total, 15 different speakers participated in the debate, which occupied 75 pages in the parliamentary record. Together, they accounted for 115 speaking turns, which included more than 175 arguments for and against a referendum. These are summarized by party in table 4. Two findings emerge immediately from the table. First, speakers framed the referendum primarily in terms of European integration, rather than in terms of either this specific Treaty or the issue of referendums more generally. Second, as might be expected, the three parties sponsoring the legislative proposal for a referendum contributed the greatest number of arguments for a referendum, with GroenLinks (the Green Left) standing out in particular.

*** Table 4 about here ***

The three Christian parties in the legislature — Christian Democrats (CDA), Christian Union (ChristenUnie), and Christian Reformed (SGP) — stood out both in emphasizing general political considerations over European integration, and in opposing a referendum. The concern of the Christian Democrats was not specific to the treaty: they worried about the threat any referendum poses to the health and legitimacy of representative democracy. The two smaller parties were concerned, in addition, with the policy implications of a positive vote, since both were opposed to the Constitutional Treaty, and to recent developments in European integration more broadly. The CDA may also have feared that some of its supporters shared the opinion of the smaller Christian parties on the Constitutional Treaty; if so, a referendum would expose such internal disagreement. The CDA's opposition to a referendum might be driven by fears about its political outcome.

If this were the dominant concern, however, we would expect the CDA's entry in the final column of the table — EU- and treaty-specific arguments — to be larger than the figure in the first column, which is not the case. Moreover, the similarity of their position to that of the other two Christian parties suggests that the norm against referendums was stronger. Similarly, for both smaller parties, this norm trumped the prediction based on calculations of political advantage that as anti-EU opposition parties they ought to favor a referendum. Two more parties were opposed to the Constitutional Treaty (although not to the EU altogether): the Socialists and Pim Fortuyn's party. These did behave as their political outcome preferences would predict, and supported a referendum. Moreover, as we might expect, both justified their stance by referring to the importance of learning the public's 'true' opinion about European integration.

Both coalition partners of the CDA, the right-wing (VVD) and center-left (D66) liberals, supported the referendum against the wishes of the government, causing some discomfort for their representatives in the government.⁶ Neither party was driven to support a referendum by expectations about its political outcome. Instead, both were normatively committed to the public outcomes associated with a referendum: increased public awareness of and involvement in European integration issues ("Referendum EU-grondwet gaat door nu VVD instemt," 2003).

This leaves the three main opposition parties: Pim Fortuyn's party (LPF), Labor (PvdA) and the Green Left. The first did not participate extensively in the debate, whereas the latter two, as co-sponsors of the legislative initiative, were the most active. All three emphasized the importance of allowing the public to have a say on European integration; the specifics of the Constitutional Treaty were secondary at best. Their stance is at odds with political calculations: as pro-EU opposition parties they ought to oppose a referendum for fear of internal factionalism. Indeed, the fact that two of these parties initiated the proposal over the objections of the government is even more surprising from this point of view. Clearly, public outcomes mattered more for than did inter-party political advantage: a commitment to public consultation was the deciding factor.

In sum, the positions adopted by the individual parties, as well as the arguments employed to justify these positions, indicate that normative considerations as well as

⁶ In table 4, the speakers representing the government — D66 minister De Graaf and VVD state secretary Nicolai — are classified by their party affiliation. For Nicolai, the problem of defending the government's opposition to a referendum was minor: he avoided explicitly supporting a referendum, though his speech implied such support. De Graaf's situation was worse, since his party traditionally supports referendums. Moreover, he had been one of the co-sponsors of Timmermans' 2002 motion in favor of a referendum. Due to his position, De Graaf now was forced to argue against a referendum. He attempted to resolve the quandary by claiming that a referendum on this treaty would not be a proper referendum, since the government had a strong preference and would thus distort the outcome.

preferences for public outcomes associated with the referendum outweighed narrower rationalist calculations regarding political advantage. Only the non-Christian anti-EU opposition parties behaved in line with predictions derived from preferences for political outcomes; all other parties — including, significantly, the two opposition parties that were most strongly pro-EU — followed the predictions associated with an interest in the public outcomes of a referendum.

As the Lisbon Treaty was being negotiated in the Fall of 2007, the Dutch parliament met once again to discuss whether or not to hold a referendum. This time, most legislators were uncertain about the policy and political outcomes of a referendum. The failed referendum of 2005 had shown that general public support for European integration need not translate into support for a specific EU treaty in a referendum. Moreover, the failure of the pro-EU parties to mount a successful campaign prior to that referendum made parties less confident of their ability to deliver their own rank and file, raising fears of internal factionalization. Given the changed context, we might expect political calculations to be more prominent than they had been in the first debate.

The debate took place on 4 October 2007. Speakers from every party represented in the legislature took part, making 65 different speeches spread over 42 pages in the parliamentary record. The government was opposed to a referendum, as it had been three years earlier. Back then, however, expecting a referendum to pass easily, the government had not been particularly concerned. Now the government's opposition was much stronger.⁷ Indeed, this time the prime minister himself participated in the debate on behalf of the government. Table 5 shows the positions taken by the different political parties.

⁷ Fully 77% of the Dutch public believed that the government's reasons for opposing a referendum were its fear that such a referendum would fail. See *Handelingen Tweede Kamer*, TK9, p. 9-560.

*** Table 5 about here ***

The pro-EU opposition parties were placed in a difficult position, since they shared the government's doubts about the likely policy outcome of a referendum. Nevertheless, the most striking change in position we observe is Labor's move from support to opposition. This change was not unexpected, since Labor was now a member of the government coalition. Nevertheless, it made the debate particularly uncomfortable for State Secretary Timmermans, who was closely and personally associated with the earlier drive for a referendum on the Constitutional Treaty. Each party's arguments are classified in table 6. The table shows that the debate was much less extensive, due to the fact that the outcome was not really in doubt. As their arguments show, several opposition parties continued to support a referendum in principle. In the end, however, their fear of another failed referendum induced them to vote with the government and against a referendum. The motion to force another referendum over government objections accordingly failed by 93 votes to 44.⁸

*** Table 6 about here ***

The three Christian parties (CDA, ChristenUnie, and SGP) took the same positions as they had in the earlier debate, and justified their position with essentially the same arguments too. On the part of the CDA, this might be seen as a confirmation of the

⁸ Voting took place on 9 October 2007. *Handelingen Tweede Kamer TK10*, p. 10-644.

hypothesis about the policy outcome of a referendum, which predicts opposition to a referendum when failure is considered likely. However, the consistency with the party's earlier position suggests that normative opposition to referendums continued to play a role, just as it once again best explains the behavior of the two smaller Christian parties. The non-Christian anti-EU opposition once again supported a referendum, as predicted by calculations about the likely policy outcome (i.e. rejection of the Treaty) and political advantage alike. However, none of the three parties in this group put forward an emphatic case in favor of a referendum; they recognized that they were fighting a losing battle.

The three pro-EU opposition parties faced a more difficult quandary. All three continued to support a referendum in principle. In the final vote, however, the Green Left and the right-wing Liberals (VVD) both chose certain ratification within the legislature over uncertain ratification by referendum, with policy preferences trumping commitment to any positive public outcomes associated with a referendum. Only D66 stuck to its pro-referendum principles, voting for a referendum. This leaves the Labor party, which had argued so strongly in support of a referendum for the Constitutional Treaty, but now opposed a referendum. Its justification challenged the very principle of a referendum. The Labor representative argued that a referendum on the Constitutional Treaty had been justified because it had constitutional implications. The Lisbon Treaty was much more limited, and hence fit within a tradition of past EU treaties. None of those had ever been ratified by referendum, and doing so for this treaty might undermine representative democracy.⁹ The party's position was consistent with fears of a failed referendum as well

⁹ *Handelingen Tweede Kamer TK9*, pp. 575-579.

as worries about internal factionalism; the arguments made by its representatives do not permit us to distinguish between the two.

The second debate demonstrates that expectations about the policy outcome of a referendum will generally trump calculations about both the political and the public outcomes of a referendum campaign. Changed expectations about the likely success of a referendum explain most of the new party positions. Nevertheless, even here normative commitments for or against referendums have an impact, as seen in the positions of the Christian parties (opposed to referendums) and, even more strikingly, D66 (in favor).

France

The referendum debates in France were shorter, largely because Presidents Chirac and Sarkozy presented the legislature with a *fait accompli*. Nevertheless, eight legislators participated in the debate on the Constitutional Treaty on 5 April 2005: three representing the government, and five representing the four major parties, with about 20 further legislators contributing relatively brief interjections. Although some legislators spoke more about the Constitutional Treaty itself than about the question of the referendum, 25 different arguments for and against the referendum were made. The result is a less exhaustive record than we have for the Dutch case, but it is nonetheless informative. Table 7 summarizes the different party positions, and table 8 classifies the arguments made by representatives of the different parties.

*** Table 7 about here ***

The debate was primarily between the Communists (PCF) and the ruling Popular Movement party (UMP). Most of the smaller parties did not participate in the debate at all. As in the Dutch case, all participants expected the referendum to pass, even though poll numbers in support of the Constitutional Treaty had been steadily dropping. Once again, political leaders assumed that general support for European integration would suffice to ensure a successful referendum. In fact, in arguing that a referendum was appropriate, the UMP put forward exclusively arguments related to European integration in general, rather than to this particular Treaty.

Three different hypotheses can account for the UMP's preference. First, it was well-known that the Socialists were internally divided on the issue, and a referendum would bring those divisions painfully to light. Second, public opinion — within the UMP as well as in France as a whole — was strongly supportive of a referendum, especially since governments in several neighboring countries had promised their publics a referendum ("Chirac Under Pressure for EU Referendum," 2004; Marthaler, 2005, p. 1135). Third, the arguments made by UMP Prime Minister Raffarin emphasized the public outcomes associated with a referendum: it would allow the French people to reaffirm their support for European integration, it would increase the legitimacy of the European Union, and it would encourage public debate. Along the same lines, French Foreign Minister Barnier had said a year earlier that "personally, I have always believed in the pedagogic and democratic virtues of a referendum" ("Chirac Under Pressure for EU Referendum," 2004); Chirac, announcing the referendum on 14 July, had struck a similar note: "The French people are directly concerned and therefore will be directly consulted" (Carvajal, 2004). Such statements by UMP leaders suggest that a normative commitment to the

public outcome of a referendum was at least first among equals; the available evidence does not allow us to reject either public opinion pressures or calculations of political advantage, however.

*** Table 8 about here ***

The two largest opposition parties, the Socialists (PS) and the Union for French Democracy (UDF), also emphasized European integration in general, rather than the treaty specifically. The socialist speaker noted a referendum's potential contribution to reducing the EU's democratic deficit, while the UDF's representative predicted that the referendum would show other EU member states how committed the French were to European integration. In this, he echoed one of Mitterrand's goals in 1992. The Socialists were internally divided, so political calculations would suggest that they oppose a referendum. That they did not do so — they were clearly ambivalent on the issue — indicates the political difficulty of denying the public a right to speak out, once the possibility of a referendum was on the agenda. Popular pressure thus counteracted fears regarding the political outcome of a referendum. In the case of the UDF, the former appears to have trumped the latter entirely, and that party supported the referendum.

The Communists, who opposed both the Treaty and recent trends in European integration, were ambivalent on the referendum question, with one representative (Brunhes) offering arguments against a referendum, while another (Buffet) made several claims in support of a referendum. The PCF faced the quandary outlined in the previous section: since a referendum campaign would likely divide their competitor parties and

possibly uncover latent Euroskepticism among the French public, one might expect them to support a referendum. However, its arguments also highlighted the countervailing consideration: they feared the government would use a positive policy outcome to claim a general mandate for further integration. Moreover, since the government would strongly back the ‘yes’ side, the Communists argued that a referendum would not give an honest indication of public sentiment: it would produce, at best, a false mandate.

*** Table 9 about here ***

The possibility of a referendum on the Lisbon Treaty received even less legislative deliberation. A motion to force President Sarkozy to call a referendum was introduced by the opposition Socialist Party and briefly discussed, but only six speakers participated actively in the debate (with another 15 making brief interjections). The motion was discussed on 6 February 2008, as part of the larger ratification debate for the Lisbon Treaty. The political risks to the Socialists of actually succeeding in their demand for a referendum were considerable, as they were deeply divided on European integration as well as on the Lisbon Treaty. With the main sponsor of the motion ambivalent at best, it was doomed to fail, and no other parties presented strong cases one way or the other.

*** Table 10 about here ***

The Socialists called for a referendum only to embarrass the government. Though Chirac had been replaced as president by Sarkozy, the government remained run by the

UMP. Driven by fears about another failed referendum, this party was now forced to argue against a referendum, while they had supported one before. Indeed, the UMP's speaker in the debate argued that despite public support for another referendum, the risk of another 'no' vote justified not holding one. The government's own representative, Bernard Kouchner — an independent who had been a Socialist Party member until he joined Sarkozy's government as foreign minister — claimed that recourse to a referendum threatened to undermine representative democracy. Interestingly, this was the same argument put forward by the Dutch Labor Party when forced to justify its position against a new referendum.

The Socialists attempted to highlight the inconsistency of the UMP's new position by making pro-referendum claims that had been used three years earlier by the government and the UMP. In arguing that a referendum would reduce the democratic deficit, allow the public to reaffirm its support for European integration, and encourage public participation, the Socialists were implicitly asking why considerations that justified a referendum in 2005 now no longer did so. In addition, the Socialists also mentioned the precedent that had been set with the referendum on the Constitutional Treaty. The tactics of the Socialist Party clearly focused on political advantage: there is no evidence of a strong commitment to the public outcome associated with a referendum. However, their behavior is not neatly predicted by any of our hypotheses, all of which focus on preferences over the outcome of a referendum. The Socialists were interested, instead, in the possible reputational implications of the referendum debate itself.

For the Communist Party, the situation had become reversed since 2005. Earlier, they had seen a referendum as carrying a double cost: an undesired policy outcome as well as

an undesired public outcome. Now they expected it to result in a double benefit: the desired policy outcome (rejection of the treaty) and a desired public outcome (highly publicized public disaffection with the European Union). As such, it is not surprising that they had become converts to the idea of consulting the public. Finally, the Nouveau Centre party expressed its opposition to a referendum without offering a justification.

Conclusion

The failed referendum on the Lisbon Treaty in the summer of 2008 has further dampened the enthusiasm for referendums among political actors throughout the European Union. Nevertheless, several governments have already promised their publics a future referendum. The Danish, British, and Swedish governments have all committed to a referendum prior to adopting the euro, for example, while France and Austria have promised a vote on Turkish accession to the EU. More generally, there is widespread public support throughout the EU for referendums on major new European integration initiatives. It thus remains important to develop a better understanding of the considerations that enter into the decision to hold a referendum.

This paper makes two important corrections to the literature, which has concentrated primarily on calculations of political advantage. First, I have shown that the widespread tendency to assume that general EU support translates into a positive referendum vote generates overly optimistic predictions about the likely policy outcome of a referendum. Evidence that this assumption is faulty is discounted unless it is both recent and local. Before 2005, France and the Netherlands ignored earlier lessons in France (1972, 1992) as well as more recent episodes in Denmark and Ireland.

Second, political actors often behave at odds with standard calculations of political advantage, because such calculations are trumped by expectations about the public outcomes associated with a referendum. As we have seen, some parties simply have a strong normative commitment against or for referendums, because they believe referendums undermine representative democracy or because they value direct democracy, respectively. In addition, most political actors value public participation in specific political debates, and are interested in promoting more public awareness and involvement. This is particularly true for European integration, where concerns about the EU's democratic deficit have become increasingly prominent over the past two decades. Finally, public demands for a referendum only strengthen an interest in allowing the public to have a voice. In the Netherlands, a commitment to these public outcomes of a referendum had a greater impact than in France. Calculations of political advantage played at most a peripheral role in the two Dutch referendum debates. In France, political calculations were more prominent, but there, too, public opinion and a desire to promote to public involvement exerted an influence. The importance of these public outcome aspects of referendums indicates that the literature on European integration referendums has been too narrowly focused until now.

Public demands for referendums on European integration are unlikely to diminish. As a result, we are likely to see many more debates on EU referendums in the coming years. Some politicians have suggested that Austria's promised referendum on Turkish accession may not take place if the domestic political context in Austria changes by 2015. On the other hand, Ireland's rejection of the Lisbon Treaty prompted Austria's Chancellor to propose referendums on *all* future EU Treaties, which precipitated the

collapse of his government coalition. The issue thus remains unresolved. In the summer of 2008, France dropped its constitutional requirement to hold a referendum on Turkish membership, but demand for such a referendum remains strong. Another French debate is thus inevitable as well.

This paper has shown that leading political actors are more likely to support an EU referendum if they are confident it will pass, and they are likely to become more confident as the lessons from 2005 (and 2008) look less relevant. Compared to their Austrian counterparts, French politicians will be warier of extrapolating from general public support to a positive vote, simply because France's referendum experience is more recent. More importantly, to predict the outcomes of referendum debates we must look beyond simple calculations of political advantage and public pressure. Commitments to the public outcomes of a referendum — greater public knowledge, awareness, and participation — may well be decisive, as they were in the Netherlands and France in 2005. We have every reason to expect they may be so again in future debates about referendums throughout the European Union.

Tables

Outcome	Description
Policy	Result of referendum vote: Yes/No
Political	<p>Government & government parties strengthened vis-à-vis opposition, or vice versa.</p> <p>Internal divisions exposed with political parties, in government as well as in opposition</p>
Public	<p>Public knowledge & awareness of EU increases</p> <p>Public participation & involvement with EU issues may rise or fall</p> <p>Levels of public Euroskepticism and Euro-idealism become clear</p> <p>Referendum becomes legitimate instrument for such decisions</p>

Table 1. Three levels of outcome associated with a referendum.

General politics	EU-related
<i>Arguments not specific to the Constitutional/Lisbon Treaty</i>	
<p>For Value of direct democracy Referendums improve connection between the public and its representatives</p> <p>Against Referendums turn into 2nd order elections Referendums aggravate cleavages among public Referendums undermine representative democracy Referendums cause factionalism in party system Referendum not legal (not in Constitution)</p>	<p>For Overcome EU's democratic deficit Allow public to express support for EU Increase legitimacy of EU Improve public knowledge/awareness of EU Encourage public debate on EU Encourage public participation/involvement in EU Prove to other countries how pro-EU our public is Find out how strong public euroskepticism is</p> <p>Against Will be a second-order vote: people will express opinion on EU, not on Treaty Risk of inflaming nationalism Risk of populism, rabble-rousing</p>
<i>Arguments specific to the Constitutional/Lisbon Treaty</i>	
<p>For Other countries are holding referendum Precedent has been set for EU referendums Promised earlier to have a referendum Public demand for referendum on treaty Treaty referendum makes it possible to bypass parliament, whose vote can't be trusted</p> <p>Against Referendum represents 'fake' consultation; government will claim mandate for general EU policy without deserving it Turnout will be unrepresentative (only those who feel strongly either way will vote) Confusion on referendum will reduce general confidence on government/legislature Government represents the 'yes' side, giving that side an unfair propaganda advantage</p>	<p>For Treaty has serious implications so deserves public ratification</p> <p>Against Reasons for yes/no vote too ambiguous => cannot draw useful conclusions (e.g. does treaty go too far, or not far enough?) Confusing procedures for referendum may alienate public from EU Constitutional Treaty is too complex for average citizen to understand and give simple yes/no opinion Forces citizens to choose a side, even if they are not prepared to do so A 'no' outcome is possible and would hurt European integration Public is insufficiently informed.</p>

Table 2. Classifying arguments for & against a referendum.

	For Treaty	Against Treaty
For Referendum	<u>D66</u> , <u>VVD</u> , PvdA, GroenLinks	SP, LPF
Against Referendum	<u>CDA</u> , <u>government</u>	SGP, CU

Table 3. Dutch party positions in referendum debate, Constitutional Treaty.
(Government parties underlined)

Party	General politics		EU-related	
	<i>Not specific</i>	<i>Treaty-specific</i>	<i>Not specific</i>	<i>Treaty-specific</i>
<u>CDA</u>	8	1	1	3
LPF	1	0	6	0
<u>VVD</u>	2	0	6	4
PvdA*	3	2	11	0
GroenLinks*	4	2	42	10
SP	2	2	10	1
<u>D66*</u>	6	5	17	2
ChristenUnie	1	3	2	1
SGP	4	9	2	4
<i>Totals</i>	<i>31</i>	<i>24</i>	<i>97</i>	<i>25</i>

Table 4. Dutch party arguments in referendum debate, Constitutional Treaty.
(Parties listed in descending order of number of seats in the Second Chamber;
government parties underlined; referendum supporters in boldface; parties that introduced
the legislative proposal for a referendum marked with an asterisk.)

	For Treaty	Against Treaty
For Referendum	D66, VVD, GroenLinks	SP, PVV, PvdD
Against Referendum	<u>CDA</u> , <u>PvdA</u> , <u>government</u>	SGP, <u>CU</u>

Table 5. Dutch party positions in referendum debate, Lisbon Treaty.
(Government parties underlined)

Party	General politics		EU-related	
	<i>Not specific</i>	<i>Treaty-specific</i>	<i>Not specific</i>	<i>Treaty-specific</i>
<u>CDA</u>	3	0	0	3
<u>PvdA</u>	2	0	0	0
SP	0	1	0	0
VVD	2	0	0	4
PVV	0	0	1	1
GroenLinks	0	1	3	2
<u>ChristenUnie</u>	1	1	0	0
D66	1	3	4	2
SGP	2	1	0	2
PvdD	0	2	1	1
<i>Totals</i>	<i>11</i>	<i>9</i>	<i>9</i>	<i>17</i>

Table 6. Dutch party arguments in referendum debate, Lisbon Treaty.
(Parties listed in descending order of number of seats in the Second Chamber;
government parties underlined; referendum supporters in boldface.)

	For Treaty	Against Treaty
For Referendum	<u>UMP</u> , UDF	PS
Against Referendum		

Table 7. French party positions in referendum debate, Constitutional Treaty.
(Government party underlined)

<i>Party</i>	General politics		EU-related	
	<i>Not specific</i>	<i>Treaty-specific</i>	<i>Not specific</i>	<i>Treaty-specific</i>
<u>UMP</u>	0	0	10	0
PS	0	0	1	0
UDF	0	0	1	1
PCF	0	6	3	1
Communistes/Republicains	0	1	0	0
<i>Totals</i>	<i>0</i>	<i>7</i>	<i>15</i>	<i>2</i>

Table 8. French party arguments in referendum debate, Constitutional Treaty.
(Parties listed in descending order of number of seats in the Second Chamber;
government party underlined; referendum supporters in boldface.)

	For Treaty	Against Treaty
For Referendum		PCF
Against Referendum	<u>UMP, NC</u>	PS

Table 9. French party positions in referendum debate, Lisbon Treaty.
(Government party underlined)

<i>Party</i>	General politics		EU-related	
	<i>Not specific</i>	<i>Treaty-specific</i>	<i>Not specific</i>	<i>Treaty-specific</i>
<u>UMP</u>	0	1	0	1
PS	0	4	11	2
PCF	1	0	0	1
Kouchner	1	0	0	0
<i>Totals</i>	2	5	11	4

Table 10. French party arguments in referendum debate, Lisbon Treaty.
(Parties listed in descending order of number of seats in the Second Chamber;
government party underlined; referendum supporters in boldface.)

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