

As a footnote the Union may be some way from exhausting more banal measures aimed at making European elections more European. Even a measure which encouraged national parties to indicate in brackets on ballot sheets the European parties to which most belong, would help clarify the link between those parties which structure voter choice in European elections and those which structure the work of the European Parliament.

4) Introduce an audit trail for all decisions which records in one place all the institutions and committees which considered it, together with justifications for positions reached at each stage. Again, this is an intentionally banal suggestion, but it is aimed at undermining a common alibi for poor accountability in complex systems. Whilst the multiplicity of actors may create a "problem of many hands" in which it is hard to attribute outcomes to any one in particular, it is no reason not to require actors to demonstrate, if challenged, that they followed procedures in their individual contributions to decisions.<sup>18</sup>

5) Remove unnecessary political *inequalities* in the design of Union institutions. A multi-level system such as the Union has little choice but to trade political equality of member states and political equality of citizens off against one another in the allocation of Council votes and Parliament seats. But any trade-off should be consistent and principled. By basing qualified majority voting on a simple calculation of percentage of member states and population the Lisbon Treaty would be a huge improvement on the present arbitrariness in the distribution of decision-making powers.

6) Make greater use of sun-set clauses in Union decisions. An obvious weakness of consensus systems

is that, once decisions are made, they can become a cross between "rule by ancestors" and "rule by minorities". Minorities of veto holders may be able to exploit decisions taken by yesterday's majorities to hold today's majorities to decisions they no longer want. Failing a change to the one decision-rule which treats defenders and opponents of the status quo symmetrically – simple majorities<sup>19</sup> – the difficulty can only be mitigated by making time-limited policies.

Recalling the conditions for democracy with which I started, proposal 1) is most directly aimed at allowing citizens to see themselves as authoring Union laws through representatives, though 3) could also help by better aligning the EP's legislative powers with European elections. Proposals 1-4) could all strengthen public control over the administration of Union policy and law. Likewise, 1-4) could all strengthen public justification of Union measures. Proposals 5-6) are both aimed at improving political equality. Proposals 2-3) could help promote a European *demos* in so far as that can be done endogenously (through the operation of democratic practice, rather than prior to it). However, even if it is more hope than science, the heavy emphasis that is put here on building obligations to justify opinions and decisions into institutional solutions is based on a belief that practices of mutual sensitivity and respect can do something to substitute for strong bonds of political community. Democracy is after all a decision-rule that can in principle be adopted by any group of people, provided it is prepared to understand its legitimacy as deriving from the procedural equality of voice and of votes it uses to reconcile the autonomy of individuals with the demands of collective decision, rather than from prior bonds of loyalty or affection.

<sup>18</sup> J. March, J. Olsen, *op. cit.*

<sup>19</sup> F. Scharpf: The Joint-Decision Trap Revisited, in: *Journal of Common Market Studies*, Vol. 44, No. 4, 2006, pp. 845-64.

Jacques Thomassen\*

## The Dutch and the European Union: a Sudden Cold Shoulder?

On 1 June 2005 Dutch voters rejected the constitutional treaty with a devastating majority of 62%. Also, and this was equally impressive, turnout at this referendum was no less than 63%, almost 25% high-

er than the turnout at the last European elections in 2004. The outcome of the referendum came as a total surprise to both Dutch and foreign observers. As one of the founding member states the Dutch were rightly known as being among the staunchest supporters of European integration throughout the history of the EU and its predecessors.

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One of the few questions which have continuously been asked in the Eurobarometer since the early 1970s is whether people think the EU membership of their country is a good thing or not. In Figure 1 the development of the positive answers to this question in the Netherlands is presented next to the development on average in the other five founding member states. Three clear observations can be made from this figure. First, throughout the whole period since the early 1970s a vast majority of Dutch citizens always thought that the membership of the EU was a good thing. Secondly, support for membership declined throughout the 1990s, but this decline did not continue in the new millennium. Thirdly, throughout this whole period support in the Netherlands was always higher than the average in the other five founding member states.

In light of this obvious support the outcome of the referendum was remarkable, totally unexpected and hard to understand.

But the outcome of the referendum was not only remarkable, it also was a painful one, painful at least for the political elites. It revealed an enormous gap between the political elites and the mass public. Almost all parties in parliament, together holding 85% of the 150 seats, were in favour of ratifying the constitutional treaty. Only a few smaller parties on the left and the right were against it.

The outcome of the referendum was all the more remarkable as it was not forced upon the government, parliament or political parties. The Dutch constitution does not even provide for a referendum, let alone an obligatory one. It was the very first time in history that a referendum was held in the Netherlands. It was initiated – against the will of the government – by a majority of the parties in parliament, which apparently were confident that their voters would follow them, which they subsequently did not.

Against this background I will address two questions in this paper:

- Why did the Dutch people reject the constitutional treaty?
- Did the outcome of the referendum have a lasting effect on Dutch politics?

### **The Rejection of the Constitutional Treaty**

How could it happen that the Dutch, who really were, and still are, among the most Europe-minded people of the Union, rejected the constitutional treaty?

There are several factors involved here that apparently strengthened each other. First, people's attitudes towards Europe. It is undoubtedly true that the Dutch in general always had a positive attitude towards the European Union, but this is not to say they did not have their reservations or criticisms. On a few subjects attitudes were far more negative. The first one is the euro. The Dutch had their misgivings about the euro, both before and, probably even more so, after its introduction.

In a study Hermann Schmitt and I did in the mid-1990s we clearly showed that people across Europe were anything but enthusiastic about the introduction of the euro. Had there been referenda on this issue we would still have our national currencies. In several member states sentiments against the euro were even much stronger than in the Netherlands, in particular in Germany. Already in the 1990s this was an issue in which the gap between the political elites and the mass public was enormous.<sup>1</sup>

Also, just after the 2004 enlargement people were concerned about a possible influx of cheap labour from the new member states. The proverbial Polish plumber was as popular in the Netherlands as elsewhere. Finally, the possible accession of Turkey as a new member state developed into a real issue.

As many observers and in particular politicians kept saying, these issues had nothing to do with the constitutional treaty. That observation is correct, of course, but at the same time it is not very relevant if the debate about the constitution is framed in terms of these issues. To a large extent this is exactly what happened.

Both the government and the political parties in favour of ratifying the treaty conducted a lousy campaign and left the initiative and the battlefield to the parties and organisations against ratification. As observed above, the initiative for the referendum was taken in parliament, against the will of the government. As a consequence, several cabinet ministers refused to campaign for a yes vote. They were very reluctant to see the referendum as their problem and were inclined to say to parliament, "This is your problem and you may keep it." Secondly, the major parties in favour of the Treaty were divided between government and opposition. In particular the opposition parties found it hard to define their position in the campaign. Although

<sup>1</sup> H. Schmitt, J. J. A. Thomassen (eds.): *Political Representation and Legitimacy in the European Union*, Oxford 1999, Oxford University Press.

they were on the same side as the parties in government, it was difficult for them to support the government enthusiastically.

As a consequence the opponents and in particular the populist parties from the left and the right managed to set the agenda of the debate and to frame it in terms of the issues on which people's feelings were known to be negative, like the admittance of Turkey, the negative social consequences of enlargement and the euro.

Also, because this was the very first time a referendum was held in the Netherlands, for many people this was the very first opportunity to express their feelings on the process of European integration. And that is exactly what many of them did. In the weeks before the referendum most TV channels broadcasted an endless number of street interviews. A typical interview went more or less like this:

*Interviewer:* "Are you going to vote in the referendum?"

*Man in the street:* "Yes, I am."

*Interviewer:* "And what will you vote?"

*Man in the street:* "No, of course."

*Interviewer:* "Why?"

*Man in the street:* "Because of the euro and Turkey."

*Interviewer:* "But that has nothing to do with the constitution, has it?"

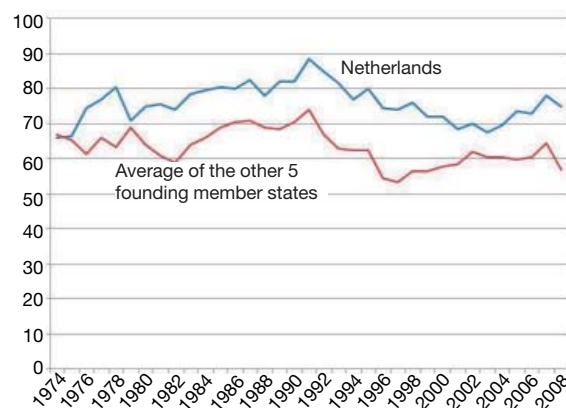
*Man in the street:* "Maybe that's true, but they never asked me anything and now I'm going to tell them."

This example and, more generally, the campaign for the referendum seem to indicate that the Dutch were far more critical about specific aspects of the EU than Figure 1 would suggest. To what extent did people's attitudes on specific issues have an impact on the outcome of the referendum?

In a survey conducted after the referendum people were asked several questions about these issues. No less than 94% of the people agreed with the statement that "as a result of the introduction of the euro, prices have gone up in the Netherlands". Also, only 27% of the people agreed that "the introduction of the euro is favourable for the Dutch economy".

What was the effect of the latter statement on people's choice in the referendum? Of the people who thought that the euro was good for the Dutch economy only 40% voted against the Constitutional Treaty whereas 75% of the people who thought it had a neg-

**Figure 1**  
"Membership of the European Union a Good Thing?"  
Percentage of Positive Answers 1974-2008



ative effect voted no. That's a big difference. A similar effect can be observed of people's expectations with regard to the effects of further European integration on prosperity in the Netherlands. Of the people who were convinced that it would have a positive effect 35% voted no but of the people who expected a negative effect 74% did so.

Finally, although not more than 42% of the people agreed with the statement that "our national identity and culture will disappear", people's feelings about national identity and culture had an enormous effect on their voting behaviour. Almost 90% of the people who agreed with this statement voted no, compared to just over 40% of the people who did not agree with the statement.<sup>2</sup> This is in line with several other studies showing that more and more people's attitudes towards the European Union are no longer mostly defined by economic considerations but by feelings of identity. In particular the eastward enlargement and the possible membership of Turkey has strengthened the feeling that European integration is threatening national identity and culture, in particular because of the expected migration from cheap labour countries and even from Muslim countries.

So the negative outcome of the referendum was at least partly due to true negative feelings among a majority of the electorate, but the effect of these feelings was strongly reinforced by an unbalanced campaign in which the effect of the opponents of the treaty was disproportional to their numbers.

<sup>2</sup> These data are based on C. W. A. M. Aarts, H. van der Kolk: Understanding the Dutch "No": The Euro, the East, and the Elite, in: PS: Political Science and Politics, Vol. 39, 2006, pp. 243-246.

### Enduring Consequences of the Referendum?

Does the referendum have any enduring consequences? Is the ghost of anti-European sentiments out of the bottle or are these sentiments subdued again?

Looking at Figure 1 once more might easily give one the impression that the referendum in 2005 was just an incident that was immediately forgotten afterwards. A large majority of the Dutch still think that their country being a member of the EU is a good thing. That majority has even increased after the referendum. Also, the Dutch remain above the average of the five other founding member states. In other words the referendum and the negative campaign preceding it had no visible effect on people's attitudes towards Europe.

That's a conclusion the political elites, in particular of the major political parties, would like to hear. If they got their way the whole debate about the referendum and the European Union in general would be buried and forgotten as soon as possible.

In a survey among members of the Dutch parliament in 2006 the question was asked what members of parliament thought was the major lesson to be learned from the referendum. The most frequent answer was "that we should never have a referendum on such an issue again"! If the referendum had proven anything according to a great number of MPs, it was that people simply were not well enough informed to decide on such an important issue and had based their vote on issues that had no relation whatsoever to the constitutional treaty. 65% of the MPs interviewed declared themselves against another referendum on any further treaties, i.e. 65% of the same parliament that took the initiative for the 2005 referendum.<sup>3</sup> Obviously, because the people did not vote the way their representatives wanted them to vote, the representatives decided the people should not get another chance.

And completely in line with this sentiment, the present coalition government that came to office in 2006 agreed in its policy agreement that future treaties would not be put to the people by way of a referendum. And therefore the proposal to ratify the Lisbon treaty passed the lower house of parliament without any problems in June 2008.

Does this mean that the referendum did not have any effect on Dutch politics? For two reasons this conclusion would be premature. First, Figure 1 is somewhat deceptive. It is undoubtedly true that the Dutch people

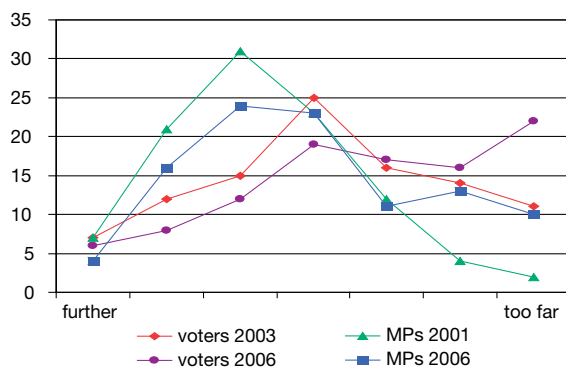
in general are still convinced that being a member of the European Union is a good thing for their country. Also, compared to other member states this conviction is deeply rooted. However, as argued before, being convinced that the membership of the Union is a good thing does not necessarily mean that people are not critical about the Union and don't have their misgivings about an ever broader and deeper Union. In the Dutch National Election Studies of 2003 and 2006 a question was included which asked people to position themselves on a seven-point scale running from "European integration should go further" to "European integration has gone too far".

Two of the lines in Figure 2 show the simple frequency distribution of the answers to this question for both years. The two lines clearly differ: between 2003 and 2006 the distribution has moved towards the eurosceptical end of the scale, showing that more people have become convinced that integration has gone too far. But there is a second reason why it would be premature to conclude that the referendum did not have an enduring effect. The same question was asked in surveys among all members of the Lower House of Parliament in 2001 and 2006. Figure 2 shows the frequency distributions from these studies as well. Obviously, Members of Parliament have moved in the same direction as the voters. Therefore, the conclusion might be that politicians, despite their misgivings about the referendum, nevertheless got the message. Political parties in the Netherlands have become far more critical about the EU than they used to be. And this shows not only in these surveys. It also shows in party manifestoes and the public debate. Candidates running for a ticket on their party's list for the European Elections in 2009, even in the major parties, are increasingly competing by taking a eurosceptical position.

One might wonder to what extent this development is a direct consequence of the referendum. To some extent it undoubtedly is, but I am more inclined to say that the referendum was no more than a catalyst bringing to the surface eurosceptical sentiments that otherwise might have been neglected like they had been for such a long time. The referendum led to a sudden politicisation of the issue of European integration. But that politicisation might have occurred in any case. The major political parties had and still have all sorts of reasons for not politicising the issue of Europeanisation. First, they hardly differ on the main aspects of this issue dimension. Political parties tend to emphasise the issues on which they differ from one another, not the issues on which they agree. Secondly, the major political parties, being in favour of European integra-

<sup>3</sup> R. Andeweg, J. J. A. Thomassen: Binnenhof van binnenuit. Tweede Kamerleden over het functioneren van de Nederlandse democratie, Den Haag 2007, Raad voor het openbaar bestuur.

**Figure 2**  
Should European Integration Go Further or  
Has It Gone Too Far?



tion, have nothing to win by politicising the issue. They are well aware that a large part of their potential electorate is not with them on this issue and therefore they have nothing to win and much to lose by politicising it.

For a very long time the major political parties managed to keep the issue of European unification off the political agenda. However, this is obviously changing, not only in the Netherlands but all over Europe. Populist parties on both sides of the left-right dimension successfully take advantage of people's fear of the effects of globalisation and manage to link the issue of European integration to issues of globalisation like immigration, the loss of jobs to cheap labour coun-

tries and the loss of national identity. Since the major established political parties, being on the pro-globalisation and pro-European side of this dimension, have nothing to win by politicising these issues, they are inclined to leave the battlefield to the – so far mostly small – parties on the anti-globalisation/anti-European integration side of the dimension. Given the big gap between the major political parties and a large part of the mass public on the issue of European integration, this one-sided politicisation can only lead to a mobilisation of euroscepticism.<sup>4</sup> Also, the more successful populist parties are – and they are very successful in the Netherlands – the more the major political parties see themselves forced to move in the same direction and become more eurosceptical. And this is exactly what has been happening since the referendum.

Whether this is good or bad depends on one's perspective. Apparently, there is a tension between an ever closer and wider Union and a stronger involvement of the people. Involving the people in major decisions on the European project will almost certainly slow down and probably even set back the process of European integration. Yet, as long as political elites will not accept that it is not only for them to decide what is good for the European people, the European Union will never become a Union of the people.

<sup>4</sup> J. J. A. Thomassen (ed.): *The Legitimacy of the European Union after Enlargement*, Oxford 2009 (forthcoming), Oxford University Press.

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## EU: Closing the Community Deficit

The main challenge currently facing the EU is a community deficit: the low valuation the majority of its citizens accord the evolving collectivity. The EU is challenged by the mismatch between its increasing supranational decision-making and the strong loyalties of its citizens to their respective nation states.<sup>1</sup> To deal with this community deficit, the EU must either introduce strong measures of community building or else significantly scale back its plans for action in unison.

I first briefly cite illustrative data to show that there is a considerable level of disaffection from the EU project and the EU institutions. I then turn to examine the first set of measures needed to reduce the strain on the EU by scaling back *for the near future* those provisions that alienate many citizens. A second set of measures is needed to build up citizens' commitment to the EU, by fostering public dialogues, developing a common European media and language, and holding EU-wide elections.

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<sup>1</sup> On supranational communities see Amitai Etzioni: *From Empire to Community*, New York 2004, Palgrave Macmillan.