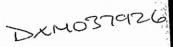# BRITISH THESIS SERVICE

DX213448

Awarding Body : NottinghamTrent

Thesis By : ROBERTS - THOMPSON Patricia

Thesis Title : DEMOCRATIC GOVERANCE , EU REFERENDUMS
AND THE EUROPEAN UNION

We have assigned this thesis the number given at the top of this sheet.

THE BRITISH LIBRARY
DOCUMENT SUPPLY CENTRE

ProQuest Number: 10290134

ProQuest 10290134

DEMOCRATIC GOVERNANCE, EU REFERENDUMS AND THE EUROPEAN UNION

PATRICIA ROBERTS-THOMSON

**A thesis submitted in fulfillment of the
requirements of The Nottingham Trent University
for the degree of Doctor of Philosophy**

July 2000

CONTENTS PAGE

CHAPTER EIGHT: THE EUROPEAN UNION, OTHER MEMBER STATES AND EU TREATY REFERENDUMS

CHAPTER NINE: CONCLUSION

TABLES

ABSTRACT

This thesis analyses the twenty-four 'EU referendums' held in Western Europe since 1972 on matters associated with membership of the European Union. It does so in relation to the European Union and to a form of what is claimed to be a distinctive pattern of democratic governance emerging there. In doing so the research eschews the usual approach to analysing referendums with respect to national political systems and/or their constitutional or legal origins. In order to facilitate this task, the thesis establishes a typology of EU referendums: accession, treaty, quasi-treaty, special purpose and withdrawal referendums. These are analysed in a comparative thematic way in terms of <u>constitutional</u> and <u>decision-making</u> practices, which highlight the sources of these referendums, and in terms of <u>participation</u> and <u>legitimacy,</u> which indicate the endorsement they carry and the extent of legitimation conveyed. This forms an important part of the analysis and the main body of the thesis.

EU referendums relate to the development of the European Union in the areas of enlargement, treaty reform and democratisation. Within these parameters, these referendums are highly significant for the European Union, and particularly so in view of the inadequacies of other forms of democratic authorisation and consent. The study concludes by suggesting that a number of conventional assumptions surrounding referendums need revision, and that EU referendums have a significant impact on both the European Union itself, and on the pace and direction of integration. More importantly, the study finds that these referendums contribute cumulatively to a form of democratic governance emerging in the European Union in explicitly political/electoral areas. The argument that referendums can be understood in terms of this idea of the emergence of a democratic governance system is the primary claim to originality arising from the thesis as a whole. This form of governance restricts the development of integration to that which can be reliably passed in Danish and Irish treaty referendums which, in turn, acts as a brake on the progress of integration. In doing so it imposes on the European Union, by a very indirect means, a specific form of West European liberal democracy which is based

on the explicit involvement of the people in European integration -- the major political issue of contemporary Western Europe.

ACKNOWLEDGEMENTS

I wish to thank Mr Chris Farrands and Dr David Baker for their help, support and encouragement in the preparation of this thesis.

CHAPTER ONE

EU REFERENDUMS AND THE EUROPEAN UNION

Introduction

This thesis is about national EU referendums[1] and how they have affected the European Union; it is also about the European Union and how it has been affected by EU referendums. At a theoretical level these interactions are explored within the concept of democratic governance. Here it is claimed that the increasing use of referendums to determine membership matters is indicative of a form of democratic governance emerging in the European Union. In exploring the relationship between EU referendums and the European Union, the thesis is also about EU referendums, their nature and characteristics. At an empirical level, the changing nature of these referendums in relation to other referendums is highlighted, and the implications for both national governments and the European Union, are explored.

The relationship between EU referendums and the European Union is complex. The European Union has neither sought nor encouraged the use of referendums. EU referendums have arisen either from interactions between the obligations of membership and national constitutional requirements as set out in state constitutions, or from the overt political circumstances of national governments. Yet despite these national origins, the European Union has not been immune from the impact of these same referendums. This is manifest in three ways: first, as an instrument for enlargement and second, as a mechanism for ratifying the treaties of the Union. The third is more complex and involves the cumulative effects of these referendums, in

---

[1] The term 'EU referendums' has a dual origin. Anthony King first used the collective term 'European Community referendums' in relation to the five referendums conducted between 1972 and 1975. See Anthony King, 1981, "Referendums and the European Community", Austin Ranney, ed., *The Referendum Device*, American Enterprise Institute, Washington, DC. This is an updated version of that term. Following the four Nordic referendums in 1994, the term 'EU referendums' became familiar but was restricted in scope to those particular referendums. See John Fitzmaurice, 1995, "The 1994 Referenda on EU Membership in Austria and Scandinavia", *Electoral Studies*, Vol. 14, No. 2, p 227.

particular their perceived democratic qualities, which have confronted the inadequacies in democracy and legitimacy commonly believed to occur in the European Union.

In order to have these effects EU referendums can thus, on occasions, be trans-national in their reach. Some EU referendums have conveyed a degree of democratic authorisation to the European Union, some have directly influenced particular European Union policies, some may in the future alter the shape of integration. Some have also created havoc in other member states and may alter the referendum institution itself. Yet these findings in no way change the location of EU referendums and they remain national political phenomena whose outcomes at times have had the capacity to transcend national boundaries and influence political circumstances elsewhere. This is one of the characteristics that makes them so interesting.

Democratic governance is a relatively new concept in the repertoire of governance in the European Union. Its key value to this study is that it encourages a more holistic approach to the study of referendums and provides a theoretical basis for understanding EU referendums. Democratic governance focuses on the principles of 'good government', explored in detail in Chapter Three, and the mutual dependency and interaction between actors. It rests on the supposition that representative government is legitimate, has adequate levels of participation and is based on the separation of powers between the legislature, the executive and the judiciary. While only some aspects of these characteristics have relevance for referendums, this theoretical framework allows us to consider, under one umbrella, the issues raised by referendums in their relationship with the European Union, and the dependencies and interactions between them.

Twenty-four national EU referendums have been held in Western Europe since 1972 and two more are scheduled for autumn 2000, while another has been foreshadowed. This thesis analyses these referendums, whose function has been to resolve a range of matters associated with membership of the European Union. Referendums are deeply embedded in national historical and political experiences and most academic scholars have maintained that they defy easy comparative analysis and have held back from

drawing too many general conclusions.[2] EU referendums are no different, except that they are linked by the common theme in that all have been held on matters arising from membership of the European Union. In this respect they differ from ordinary referendums in that they determine not only indigenous constitutional or legal issues, but also national relationships with a supra-national body and the form of integration involved. They are national events whose principal purpose from the perspective of the European Union is either to provide explicit evidence of public support for joining the Union or to confirm successive changes to the nature of that institution.

EU referendums are taken as given and this thesis is not concerned with a normative understanding of referendums. It asks two questions of these referendums – why were they held and, what has been their impact on the European Union? Two questions are also asked of the European Union – how have these national referendums affected it, and is this a form of democratic governance? Can these effects be attributed to the nature of these national referendums, or are they due to the interaction of national referendums with the political circumstances and environment arising in the European Union? In interrogating EU referendums the role of national constitutions in generating EU referendums, their unique decision-making properties, the degree of direct popular participation revealed and the legitimation they convey, are all important issues. This is especially pertinent when considering whether or not they are contributing to a form of democratic governance emerging in the European Union. These four elements underpin the concept of democratic governance, form the basis for the examination of EU referendums, and provide the analytical structure to this study.

Conventional scholarly approaches to the study of referendums, while providing invaluable micro insights, appear both to have ignored EU referendums and to be inadequate in the face of the altered role of EU referendums and the dual spaces which they occupy. David Butler and Austin Ranney in 1978 and 1994 drew systemic conclusions from all referendums held world wide, and Vernon Bogdanor, and

---

[2] Arend Lijphart, 1984, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, Yale University Press, New Haven, Connecticut, p 206, and Vernon Bogdanor, 1994,

Michael Gallagher and Pier Vincenzo Uleri analysed the referendum phenomenon in Europe, but none of these scholars focused specifically on EU referendums.[3] It was only in 1998, in the work of Anders Todal Jenssen, Pertti Pesonen and Mikael Gilljam that the first significant account was published which analysed comparatively the 1994 referendums in Finland, Sweden and Norway.[4] In so doing they established an analytical category 'EU referendums' but confined this to a Nordic[5] context. The other referendum literature is mostly narrower in its scope or theoretical in its outlook. The most numerous are those analyses of particular EU referendums with a focus on the role of political parties, referendum campaigns or voting behaviour. Only rarely have there been detailed accounts of one or several referendums such as the 1975 British or 1994 Nordic referendums referred to above.[6] Another, less prevalent approach, is to adopt a purely theoretical outlook and discuss the relationship of referendums to concepts of democracy such as sovereignty, as in the work of Markku Suksi,[7] or to the constitutional forms and functions that referendums perform in political systems, as in the work of Vernon Bogdanor.[8]

While all these approaches to understanding referendums are important they do not provide an adequate account of EU referendums in relation to the European Union. Most have simply regarded EU referendums as national political events whose meanings and implications extend no further than national boundaries. In this respect this thesis is highly original both in its focus and in the way it extends the boundaries of academic research and intellectual understanding. While on the one hand referendums can, under certain qualified circumstances, be considered as developing a

"Western Europe", David Butler and Austin Ranney, eds., *Referendums Around the World: The Growing Use of Direct Democracy*, Macmillan, Basingstoke, p 87.

[3] David Butler and Austin Ranney, 1978, eds., *Referendums: a comparative study of theory and practice*, American Enterprise Institute for Public Policy Research, Washington DC; Butler and Ranney, 1994; Vernon Bogdanor, 1994; Michael Gallagher and Pier Vincenzo Uleri, 1996, eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke.

[4] Anders Todal Jenssen, Pertti Pesonen and Mikael Gilljam, 1998, eds., *To Join or Not to Join: Three Nordic Referendums on Membership in the European Union*, Scandinavian University Press, Oslo.

[5] 'Nordic' refers to Norway, Sweden and Finland; 'Scandinavia' refers to Denmark, Norway, Sweden and Finland.

[6] David Butler and Uwe Kitzinger, 1976, *The 1975 Referendum*, Macmillan, Basingstoke, and Anthony King, 1977, *Britain Says Yes: The 1975 Referendum and the Common Market*, American Enterprise Institute for Public Policy Research, Washington, DC.

[7] Markku Suksi, 1993, *Bringing in the People: A Comparison of Constitutional Forms and Practices of the Referendum*, Martinus Nijhoff, The Hague.

form of democratic governance in the European Union, they can also, in terms of conventional understandings, be seen to shift these in a number of ways. No longer are referendums solely national political phenomena and this has important and far-reaching implications for both national governments conducting referendums and the development of integration within the European Union. It shifts, although does not transform, the rules of the game in European politics. Analysing these changes in referendums and their impact across political boundaries is the subject of this thesis.

The Literature

The literature on referendums forms the foundation of the thesis. In general this literature is nationally based and arises from a largely descriptive approach within mainstream political science. Since 1992/3 there has been renewed interest in referendums but specific analyses of EU referendums as a specialist group remains largely under-researched. The approach adopted in this thesis is to analyse mainly those EU referendums conducted during the Maastricht and post-Maastricht period in terms of the concepts provided by democratic governance. This literature has been augmented by my own empirical research undertaken in Brussels, Copenhagen, Dublin and Oslo.

Two other literatures are significant – that which analyses governance and that on democracy in the European Union. The literature on governance is more complex. In recent years as a research topic governance has become very popular but the concept of democratic governance in the European Union, although mentioned in the literature, remains under-developed. Most political science approaches to governance in the European Union do so either as a loose synonym for government or in the context of individual case studies of different policy areas. By contrast the international relations approaches, while providing invaluable conceptualisations of inter-state relations, often do not directly relate to understanding democracy in the European Union. As a consequence, this thesis establishes its own form of democratic governance. Its derivation reaches across the disciplines of international relations, and

---

[8] Vernon Bogdanor, 1981, *The People and the Party System: The referendum and electoral reform in*

its sub-field development theory, and political science. The governance literature that the thesis draws upon is therefore eclectic but this allows a concept to be developed which has significant explanatory power.

The literature on the European Union is narrow in its focus and limited in its extent. It is largely confined to that concerned to explain the 'democratic deficit' and the 'crisis of legitimacy', although it also encompasses enlargement and treaty reform. It is these features which provide the points of intersection between the European Union and EU referendums but for the most part they are taken as given rather than explored in depth. While the thesis largely eschews the major philosophical debates on the form of European integration, much of the literature on democracy in the Union has, as its starting point, federalist or intergovernmentalist assumptions. Given this, the thesis does recognise that at differing times and in differing circumstances EU referendums sometimes highlight the inter-governmental nature of the European Union or its supra-national form.

Thesis Outline

The thesis begins by indicating the parameters of the study and the points of contact between referendums and the European Union. This is followed by an outline of its claims and originality. The final section of this chapter sets out the referendums to be considered and establishes a typology of EU referendums. This typology provides a systematic basis for distinguishing between different referendums and their impact on the European Union, and this analysis is carried throughout the thesis. Chapter Two discusses the methodology and associated research issues which underpin the thesis while Chapter Three begins by outlining the derivation of the concept of democratic governance in the context of the European Union. It then discusses in greater depth the referendum literature within which the thesis is grounded, and the literature on democracy in the European Union.

British politics, Cambridge University Press, Cambridge.

Chapters Four to Seven discuss the major issues surrounding democratic governance and referendums. These are based on the constitutional form and decision-making features of referendums in West European democracies along with the extent of participation involved and the degree of legitimation conveyed. These chapters follow a similar format in that the issue is examined in both theoretical and empirical terms, in the general context of referendums and then specifically in relation to EU referendums. These referendums are finally analysed in relation to their impact on the European Union in terms of the particular types of EU referendums established by the typology. While this format has been largely driven by the dearth of analytical literature solely on EU referendums, its strength is that it highlights the points of difference between referendums in general and EU referendums in particular. This allows two parallel pictures to emerge - both of EU referendums as opposed to other referendums, and of EU referendums in relation to the European Union.

Chapter Eight examines the impact of EU referendums on the European Union and on other member states. By examining the Danish rejection of the Maastricht treaty, it suggests that this relationship is far more complex than may have been originally conceived and also, under particular circumstances, has far greater potential to effect the European Union and the direction of European integration than has been previously acknowledged. The final chapter concludes the thesis and argues that the concept of democratic governance has revealed new insights into the role of this particular group of referendums and their relationship to the European Union. Of more importance, however, is the recognition that a form of democratic governance is emerging in the European Union that is directly related to the continued use of referendums to resolve European Union issues.

Referendums

In establishing the parameters of this study a number of factors need to be considered including an understanding of the terms 'referendums' and 'EU referendums' and the relationship of referendums to direct democracy. The general and defining

characteristics of referendums and the collective West European characteristics of EU referendums are also important.

Definitions and Scope

In the academic literature the accepted definition of a referendum is that put forward by David Butler and Austin Ranney: "in a referendum a mass electorate votes on some public issue."[9] Other scholars such as Markku Suksi are more specific and defined the referendum as "a vote by the people in which every voter has the right to vote on a given issue."[10] As a political instrument the referendum is:

> a mechanism which provides an opportunity for submitting to popular vote an issue or a decision on a certain issue considered or made by a governmental body.[11]

A pedantic issue arises from this definition and concerns debate about the plural form of the word 'referendums' and claims about the correctness of 'referenda'. Contemporary academic usage refers to 'referendums' following the advice given to Butler and Ranney from the editors of the Oxford English Dictionary and over-rules earlier guidance that either 'referendums' or 'referenda' could be used.[12] In general this opinion is followed in the contemporary referendum literature and has been re-confirmed by Michael Gallagher and Pier Vincenzo Uleri although still disputed by some scholars.[13] Thus the plural form – 'referendums' – is adopted throughout the text.

The term 'EU referendums' is used as a generic term specifically referring to national referendums on matters associated with membership of the European Union. The abbreviation 'EU' distinguishes these referendums from referendums on other matters, such as those on the nuclear power in Sweden in 1980 and or on the Good

---

[9] Butler and Ranney, 1994, p 1.
[10] Suksi, 1993, p 5.
[11] Suksi, 1993, p 6.
[12] Butler and Ranney, 1994, p 1, footnote 1.
[13] Gallagher and Uleri, 1996, p viii. For a dissenting opinion see Geoffrey Marshall, 1997, "The Referendum: What, When and How?", *Parliamentary Affairs*, Vol. 50, No. 2, p 312.

Friday Agreement in Ireland in 1998. The term, however, in no way suggests that the European Union has instigated these referendums.

Some confusion arises over the distinction between referendums and plebiscites primarily because of the use of 'plebiscite' in international law.[14] Plebiscite is certainly the older of the two words with its origins stemming from the Roman plebeians voting in the 4th century BC, and its use in France from 1793 onwards. In Switzerland the word *'ad referendum'* was used from the mid 1600s but the word only appeared in the English language around the 1880s.[15] Agreement is lacking: Pier Vincenzo Uleri considers plebiscite has been used "to denote popular votes held to solve sovereignty conflicts over territories and boundaries."[16] By contrast Suksi maintains plebiscites are referendums called by governments as a vote of confidence in particular policies.[17] The term also has pejorative connotations following its use in the Napoleonic era and by Adolf Hilter. To add to the confusion Uleri suggests that in the German literature the term *"plebiszit"* holds both positive and negative meanings and is currently used both as a synonym for referendum and direct democracy.[18] In view of the above, the term plebiscite appears to hold a variety of meanings some of which depend on the national context and as a consequence will be avoided.

The distinction between referendums and initiatives is more straightforward.[19] Initiatives are "popular votes promoted by petitions signed by a number of voters"[20] and are common in Switzerland, Italy and various states of America, particularly California, and some Canadian provinces. In some of the American and Canadian examples the initiative is used as a mechanism for the rise of the populist agenda.[21]

---

[14] Butler and Ranney, 1978, p 4 and Pier Vincenzo Uleri, 1996, "Introduction", Gallagher and Uleri, 1996, pp 3-4. (Hereafter referred to as 1996a).
[15] Butler and Ranney, 1978, p 4.
[16] Uleri, 1996a, p 3, quoting S. Wambaugh, 1933, *Plebiscites since the World War*, Carnegie Endowment, Washington, DC.
[17] Suksi, 1993, p 10.
[18] Uleri, 1996a, p 4.
[19] For a discussion of the distinctions between referendums and initiatives see Butler and Ranney, 1978, pp 222-223, and Uleri, 1996a, pp 8-14.
[20] Uleri, 1996a, p 10.
[21] Margaret Canovan, 1999, "Trust the People! Populism and the Two Faces of Democracy", *Political Studies*, Vol. 47, No. 1; Patrick Boyer, 1992, *Direct Democracy in Canada: The History and Future of Referendums*, Dundurn Press, Toronto; Thomas E. Cronin, 1989, *Direct Democracy: The Politics of Initiative, Referendum and Recall*, Harvard University Press, Cambridge, Massachusetts.

Referendums, by contrast, do not originate in direct action by the people but rather arise from the constitution, the legislature or the government. This thesis clearly maintains the distinction between referendums and initiatives however this is complicated by the fact that 'referendums' is used as a generic term for both referendums and initiatives. Switzerland has both referendums and initiatives but those of concern here were all referendums while in Italy all their 'referendums' are technically initiatives in that they arise from the people. Italy has only held two referendums, one in 1946 to decide between a republic or monarchy and the other, in 1989, included in this study. The only initiative in Western Europe concerned directly with European Union matters arose in Austria in 1991.[22]

The relationship between referendums and direct democracy is another issue raised by this study. As the people vote directly on the issue before them, referendums are considered closer to a form of direct democracy than representative democracy, the latter which is usually considered indirect as the people are at one removed from the decision making process. Direct democracy however is a contested concept. Suksi considers that "democracy is direct to the extent that the citizens themselves initiate issues for discussion and voting, and also vote on these issues."[23] However the only forms of direct democracy, according to this definition, are the *'Landsgemeiden'* and town meetings in some communal governments in Switzerland where decisions are made only by those physically present. As this is not the case in referendums, Suksi concludes that referendums may be considered as a form of direct democracy, although not conforming to the requirements of 'pure' democracy.

The issue of direct democracy is also relevant to contemporary proposals for 'referendum democracy', more colloquially known as tele-democracy.[24] These proposals claim that citizens can, and should, take a far greater part in governing

---

[22] Austria has provision for initiatives but these are more akin to petitions and only extend as far as presenting draft bills to the Nationalrat, the Austrian parliament. In 1991 an initiative was proposed on conducting a referendum on membership of the European Economic Area. This has been the closest that European Union matters have been the subject of an initiative. See Wolfgang C. Müller, 1998, "Party Competition and Plebiscitary Politics in Austria", *Electoral Studies*, Vol. 17, No. 1, pp 22-36.

[23] Suksi, 1993, p 5.

[24] Giovanni Sartori, 1987, *The Theory of Democracy Revisited*, Part I, Chatham House, Chatham, New Jersey, pp 115-120; and Ian Budge, 1996, *The New Challenge of Direct Democracy*, Polity Press, Cambridge.

themselves through the opportunities provided by advances in information technology. These ideas have currency in some quarters and especially appear in relation to suggestions for European-wide referendums to remedy the deficiencies of democratic legitimacy apparent within the European Union. In the immediate future such proposals are fraught with difficulties and are unlikely to be seriously considered. As a result the scope of this thesis does not extend to considering referendum democracy in the European Union.

This thesis views referendums as closer to direct democracy than the usual parliamentary forms but only as an adjunct to representative democracy. Nowhere in the referendum literature have there been suggestions that governments revert to direct forms of democracy, only that referendums should supplement representative democracy. [25] Bobbio says that representative democracy and elements of direct democracy "are not two alternative systems, in the sense that where there is one there cannot be the other, but are two systems that can mutually complement each other."[26] However it is this closeness to direct democracy that has important implications for referendums both as a political mechanism for decision-making and participation, as well as for democracy in the European Union. It is not the intention of the thesis to advocate referendums or to consider them necessarily 'higher' forms of decision-making but it does recognise that they are very different from decisions reached through parliamentary processes and carry particular symbolic meanings. Coupled with the fact that there is an increasing tendency to put major issues concerning the European Union to referendum, it is these factors which have informed and sustained the thesis, not covert support for direct democracy.

---

[25] There is variation in the description of referendums and their relationship to representative democracy. Smith, 1976, p 3, uses 'adjunct'; Butler and Ranney, 1994, p 13 use 'supplement'; and David Magleby, 1984, *Direct Legislation: Voting on Ballot Propositions in the United States*, John Hopkins University Press, Baltimore, Maryland, p 2, uses 'complement'. There appears to be no substantive difference in these terms.

[26] Michael Gallagher, 1996, "Conclusion", Gallagher and Uleri, 1996, p 243 quoting N. Bobbio, 1987, *The Future of Democracy*, Polity Press, Cambridge, p 53. (Hereafter referred to as 1996b).

Other definitions

Referendums transfer decision making power to the people and therefore the particular concept of 'the people' is important.[27] 'The people' refers to the national electorate, or general public, as well as to any *ad hoc* bodies formed to fight a referendum which are otherwise outside the normal political or parliamentary arena. In this thesis 'the people' is used as a generic term to include all those not part of the political, intellectual, economic or bureaucratic elites, and who do not normally engage in political activity on a regular or sustained basis. It does recognise however that political parties are made up of representatives of 'the people'. The 'peoples of Europe' refers similarly to the mass of European citizenry and again this is used as a generic term to mean the collective European public. Specifically it may be distinguished by those whom it excludes – all the political, bureaucratic, technocratic, corporate and economic elites who are believed to have undue influence in the European Union. This term is not further refined and while it does touch on the debates about European demos and citizenship, around which much academic attention is focused, it is not elaborated further.[28]

General Characteristics of Referendums

Gordon Smith considers that the appeal of referendums lies in the fact that:

> Belief in political equality, popular sovereignty, and majority rule involves questions of first principle: the special merit of the referendum is that it enshrines them all. [29]

---

[27] For a discussion of 'the people' see Sartori, 1987, pp 21-28.
[28] See Elizabeth Meehan, 1993, *Citizenship and the European Community*, Sage, London; Antje Wiener, 1998, *European Citizenship Practice: Building Institutions of a Non-State*, Westview Press, Boulder, Colorado; and Dolores Taaffe, 1999, "The Referendum, Citizens and Citizens in Europe", Paper Presented to the Fourth UACES Research Conference, Sheffield. See also the Jack Hayward, 1995, ed., *West European Politics*, Special issue, *The Crisis of Representation in Europe*, Vol. 18, No. 3, plus Dimitris N. Chryssochoou, 1996, "Europe's Could–Be Demos: Re-casting the Debate, *West European Politics*, Vol. 19, No. 4.
[29] Gordon Smith, 1976, "The functional properties of the referendum", *European Journal of Political Research*, Vol. 4, No. 1, p 1.

As an adjunct to representative government referendums are very different in form and nature from the usual processes and procedures of decision making in government. Smith distinguishes four characteristics of referendums: a single electorate, a majority decision, a specific issue and a direct impact on governmental policy, although all may be qualified in particular instances.[30] These remain the defining features of referendums but can be extended and refined for EU referendums. Ten characteristics are important.

First, EU referendums are largely in the control of governments although they may arise either from the interaction of the national constitution with the obligations of membership or from an explicit political decision. In the latter case a majority in parliament is necessary for the enabling legislation to proceed. Secondly, they have unique decision-making characteristics as they are votes on a single-issue. Thirdly, and as a corollary to this, a referendum is a unique and very rare opportunity for the electorate at large to vote on national European policy, although the particular policy may have different implications for national governments as opposed to the European Union. EU referendums, unlike referendums on voting age for example, are for the most part concerned with fundamental political or constitutional issues of state. Fourthly, referendums move the issue from the parliamentary sphere and control of the political elites to the national electorate and a far wider public debate. However as in any political arena, there is no guarantee that the discussion will be focussed on the issue or that voters will cast their vote in a so-called rational way.

Referendums generally create difficulties for political parties and the fifth defining feature of EU referendums is that although most governing parties are on the side of the 'Yes' campaign, many have great difficulty maintaining party unity in the face of a referendum. In contrast small and/or marginal parties, as well as fringe or other social and political groups usually support the 'No' campaign. Sixthly, unlike general elections, the range of actors may be far wider in a referendum campaign and the government, along with economic interest organisations and other *ad hoc* groups, may

---

[30] Smith, 1976, p 4.

play an active part. Seventhly, and a consequence of this, the outcome of these referendums are becoming less structured by the political parties.

The final three points relate to the referendum as a political instrument. Referendums are atypical of most electoral contests in that the outcome is not registered in party terms but on the basis of a simple majority. Referendums are majoritarian instruments and the majority can be very small. So far, in all EU referendums the will of the majority has always prevailed.[31] Further, referendums are asymmetrical devices where a 'Yes' vote heralds radical change, including the voluntary surrender of aspects of national sovereignty, while a 'No' vote means maintenance of the *status quo*.[32] Finally, and again unlike referendums on voting age for example, the resulting changes in EU referendums are, to all intents and purposes, irreversible.

Regional Characteristics of EU Referendums

In spite of the general characteristics of EU referendums noted above generalisations about referendums are hazardous and on any West European comparative measure such as historical origins, constitutional position, political practice, degree of use, voting behaviour and participation, and the degree of legitimacy conveyed, all substantially differ. This appears to reflect the different influences on state formation and differing state-society relationships. Nevertheless there are patterns that can be identified and these are important and sustain the thesis. Moreover it will be shown that these patterns are converging in relation to national use of EU referendums and their relationship with the European Union.

From a regional perspective EU referendums are now the predominant type of referendums conducted in Western Europe. If both Switzerland and Italy are

---

[31] The smallest majority in an EU referendum was the Danish Maastricht referendum of June 1992 where 46,000 votes separated the 'No' majority from the 'Yes' minority. The smallest positive difference in an EU referendum was the French Maastricht referendum in 1992 where 417,000 separated the 'Yes and the 'No' votes. See Justin Morris and Juliet Lodge, 1995, "Appendix; The Referendums", Juliet Lodge, ed., *The European Community and the Challenge of the Future*, 2 edn., Pinter, p 395.
[32] Kaare Strom, 1997, "The Institutional Role of Referenda in Parliamentary Democracy" Paper presented to ECPR Workshop No 7, Bern.

excluded, nearly half of the forty-two national referendums held in Western Europe since 1970 have been associated in some way with membership of the European Union.[33] EU referendums are occurring with increasing frequency in Western Europe and fourteen have been held since the beginning of the 1990s. This trend is set to continue with new ones scheduled in both Denmark and Austria and others expected as a result of the negotiation of a new Union treaty and eastwards enlargement.

Some EU referendums have been held in non-member states of the European Union. Norway is not a member of the European Union and Switzerland is not a member of the European Economic Area (EEA). For stylistic reasons this difference will not be alluded to every time that reference is made to EU referendums and Western Europe but it is clearly recognised that Norway and Switzerland are not a members of the European Union. Liechtenstein is a member of the EEA though not of the European Union.

Not all member states of the European Union have determined their membership of the European Union via referendums and there is no question in this thesis that they should have, or should do so in the future. The context of either state formation or state-society traditions varies significantly between states and in some national referendums have little or no place. The Basic Law prevents Germany[34] from conducting any national referendums although there were demands for a referendum on the Maastricht treaty,[35] while the Netherlands[36] has historically often debated introducing a referendum into its political system but never done so. A referendum has never been held in Luxembourg in the post war period.[37] Other members of the

---

[33] Fitzmaurice, 1995, p 223. His figures have been updated to 1999. The number of seventeen EU referendums does not include those in Liechtenstein, Åland or Greenland. These figures need to be approached with caution as thirteen of the forty-two referendums held since 1970 have been held in Ireland.

[34] Suksi, 1993, p 107-112. There was an interesting, if limited, debate that the Basic Law permitted a referendum on German re-unification. See Bogdanor, 1994, p 25.

[35] Michael E. Smith and Wayne Sandholtz, 1995, "Institutions and Leadership: Germany, Maastricht, and the ERM Crisis", Rhodes, C. and Mazey, S., eds., *The State of the European Union: Vol. 3, Building a European Polity?*, Lynne Rienner, Boulder, Colorado, p 262, footnote 28.

[36] Joop van Holsteyn, 1996, "The Netherlands", Gallagher and Uleri, 1996, and Paul Lucardie, 1997, "Direct Democrats versus Elective Aristocrats: Dutch Political Parties in Debate about the Referendum", Paper presented to the European Consortium for Political Research, Joint Sessions, Bern.

[37] Butler and Ranney, 1994, p 271.

European Union have used referendums but not for resolving European Union matters. Belgium voted in 1950 in a referendum to support the return of the monarch but this resulted in rioting in the streets and one has never been held since.[38] The Mediterranean members have not held EU referendums, (except the 1989 Italian one), although Spain did hold a referendum on NATO membership in 1986 and previously on other regime issues, and Greece has held several on constitutional changes.[39] Portugal up until 1995 was not allowed to hold a referendum on an international treaty although revision of the constitution in 1995 widened the scope of referendums and two were held on domestic issues in 1998.[40] The Italian circumstances are interesting as since 1970 there has been a marked increase in the use of initiatives, (called referendums), but apart from the 1989 referendum discussed below none have been concerned with the European Union.[41]

With the exception of France all referendums have taken place in non-core members of the European Union. This also coincides with those member states on the northern and western geographical periphery of Europe. More referendums have been held in the smaller states of the European Union, especially Denmark and Ireland, than in the larger states and between them Denmark and Ireland account for nine of the total number of EU referendums. Further, referendums have been used in states where membership is not an overt political issue such as in Ireland, as well as in those states such as Denmark and the Britain which have found membership contentious.

The Influence of the Environment

Referendums do not occur in a political vacuum. Both the national and international environment can be important factors in the conduct of any referendum.[42] In the

---

[38] Butler and Ranney, 1978, p 17.
[39] Butler and Ranney, 1994, p 269 and 272. For the Nato referendum see Anthony Gooch, 1986, "A Surrealistic Referendum : Spain and NATO", *Government and Opposition*, Vol. 21, No. 3.
[40] David Corkill, 1999, "Portugal's 1998 Referendums", *West European Politics*, Vol. 22, No. 2, and Laurence Morel, 1993, "Party Attitudes Towards Referendums in Western Europe", *West European Politics*, Vol. 16, No. 3, p 241. Note also the comments on Italian referendums.
[41] Uleri, 1996b.
[42] William Wallace, 1992, "The Changing International Context", Adams, W. J., ed., *Singular Europe: Economy and Polity of the European Community after 1992*, University of Michigan Press, Ann Arbor,

Maastricht and EEA referendums the international environment was particularly volatile with the collapse of communism in the East, German re-unification and trouble in the Balkans. All of these events profoundly disturbed the European Union as it sought to establish good relations with its eastern neighbours, accommodate a reunited Germany and maintain stable security relations in a changing international landscape. These external factors coincided with, or were heightened by, internal political developments in the European Union and particularly its move to complete and sign the Maastricht Treaty. This treaty changed, sometimes subtly, the relationships between the major institutions of the Union. These inter-institutional factors meant that the European Union was in a period of acute change and its fundamental rationale was being challenged from many sides. On top of this the relationship of the Union to European civil society was being questioned and the largely 'taken for granted' approach was no longer satisfactory, while in the corporate environment the role of organised interests was also unsettled and unsettling.

In addition there were also increasingly complex pressures on national economies confronting recession as well as trade disputes with the United States and the newly emboldened World Trade Organisation. In Germany and France economic growth slowed bringing with it unemployment to large sections of the workforce. Domestic trouble and unrest surfaced in both countries often directed at the vulnerable immigrant communities. A tired and ageing President in France and a newly re-unified Germany unsure of itself, plus a wavering and embattled government in Britain, were not the most propitious circumstances in which to decide the future of European integration.

Referendums and the European Union

The link between referendums and the European Union is located within three distinct areas of the European Union – enlargement, treaty reform and democracy. Before these are examined however the terms used to describe the European Union and European integration need to be clarified. Notions such as the 'European Union',

---

Michigan; and Andrew Gamble, 1995, "Economic Recession and Disenchantment with Europe", *West*

'European integration', 'member states' as well as more colloquially 'Brussels', 'Europe' and the 'issue of Europe' are important.

European Definitions

In the process of growth and development, the European Union began in 1957 as the European Economic Community (EEC). After 1965 it became known as the European Community (EC) and from November 1993 the European Union. This latter term is used throughout the text and the two former terms only when determined by the context. The acronym 'EU' is not used except in relation to 'EU referendums' although on occasions use is made of the shortened form of the European Union, 'the Union'. The European Union is grounded in the treaties establishing it and its forebears and is collectively the European Commission, the European Council, the Council of Ministers, the European Parliament, and the European Court of Justice, along with all the associated policies, programmes and sub-ordinate organisations. The European Economic Area is a free trade area comprising all the members of the European Union as well as Iceland, Norway and Liechtenstein. Membership of the EEA is in effect partial membership of the European Union. It allows signatories to benefit from the free market whilst remaining outside the European Union, but only on condition that they agree to abide by the relevant sections of the *acquis communautaire*.[43]

European integration is the process that has led to the establishment of the European Union. There are major debates about how this process has proceeded, should proceed, how far and fast should it go, what should be included or excluded, and who should be involved.[44] To a large extent these debates are outside the scope of this thesis except to the extent that they illuminate issues or highlight interpretations pertinent to EU referendums. The thesis makes a distinction between the theories of

European Politics, Special issue, *The Crisis of Representation in Europe*, Vol. 18, No. 3.
[43] Timothy Bainbridge with Anthony Teasdale, 1997, *The Penguin Companion to European Union*, Penguin, Harmondsworth, pp 180-182. See also Neill Nugent, 1994, *The Government and Politics of the European Union*, 3 edn., Macmillan, Basingstoke.
[44] Ben Rosamond, 2000, *Theories of European Integration*, Macmillan, Basingstoke, and Laura Cram, Desmond Dinan and Neill Nugent, 1999, eds., *Developments in the European Union*, Macmillan, Basingstoke.

European integration which provide the intellectual backbone for the construction of the European Union, and the political and institutional edifices that make up the European Union. The thesis also draws a distinction between 'member states' as participants in the European Union, and 'national governments' in their capacities as forming the political executive of independent sovereign states in Western Europe.

'Brussels' is a shorthand and more colloquial term referring to the European Commission and the bureaucratic and political elites of the other institutions of the European Union, mostly based in Brussels, which have as their main objective the advancement of European integration. 'Europe' on the other hand is a shorthand term primarily used by the people of Europe, as opposed to the political elites, to denote the European Union and the processes of European integration. 'Europe' is often used in a colloquial way, is seen as being remote and dominated by elites removed from the concerns of the ordinary people.

While 'Europe' is held in little public esteem, the 'issue of Europe' is one which national governments are forced to grapple with when confronted by a referendum on matters to do with the European Union. The difficulty with the 'issue of Europe' is that it is a relatively new addition to the repertoire of political issues and to a large extent cuts across the structural basis upon which the political parties depend such as class, religion and region.[45] Some national governments find the issue of Europe difficult to handle and often send ambiguous messages. They are not above casting the blame for compromises they have accepted onto the European Union yet, when confronted with a referendum campaign, find themselves having to adopt more positive positions. At other times governments are reluctant to discuss membership of the European Union maintaining a detached but critical involvement, yet simultaneously agreeing to further integration. At times these competing and occasionally unreconcilable demands create tensions between their two roles as both national government and member state. From the perspective of the European Union the issue of Europe is manifest in the unease about the location of the peoples of

---

[45] Jan-Erik Lane and Svante O. Ersson, 1992, *Politics and Society in Western Europe*, 2 edn., Sage, London, pp 268-293.

Europe. At the heart of these concerns are questions about democratic accountability, legitimacy and the construction of the European Union as a political system.

Enlargement

The European Union has experienced four waves of enlargement, two of which were preceded by national referendums. None of the six founding members of the European Economic Community held a referendum in 1957, and it would have been extra-ordinary had they done so to join what was then essentially a customs union. In 1973 the United Kingdom, Ireland and Denmark joined the European Community all of whom held referendums on joining, or remaining in, the European Community. In 1981 Greece and in 1986 Spain and Portugal joined none of whom sought public consent, and in 1995 Austria, Finland and Sweden entered the European Union following referendums in late 1994.

Enlargement has enormous consequences for the European Union. In particular it affects the internal political cohesion and balance of the Union, its sense of identity and purpose, and the structure of its decision-making processes and institutions. Further it has a significant impact on the Union's budgetary framework and the operation of key policies such as the Common Agricultural Policy and the Structural Funds.[46] It raises thorny disputes about qualified majority voting, the size of the Commission and the weighting of votes in the Council of Ministers and, at a prosaic level, adds extra languages to the Union's already overburdened translating services. Enlargement is a huge issue for the European Union and, as its membership increases, one which it does not undertake lightly.

From the perspective of the European Union national referendums on joining the Union are the final arbiter of a lengthy process of pre-accession that has already been undertaken. These include the lodging of the formal application to join the European Union by the respective national governments, to the acceptance of the application

---

[46] Michael Baun, 1999, "Enlargement", Laura Cram, Desmond Dinan and Neill Nugent, eds., *Developments in the European Union*, Macmillan, Basingstoke, p 269. See also P.-H. Laurent and M.

and approval to proceed, to the detailed series of accession negotiations. It is only once these stages have been passed and accepted by the Commission and the European Parliament[47] that applicants are then confronted by another condition of entry. Prospective members must show public support for entry though this in no way implies referendums have to be held. Some applicants chose to rely on the authority of their national parliaments and do not consult their people, others are obliged by their own constitution to conduct a referendum, while still others have to make the decision whether or not to seek public consent. It is only at this stage and in these circumstances that referendums impinge on the enlargement process.

In practice, if not in law, the outcome of national referendums determines whether accession proceeds to full membership or whether the issue dies, at least for the immediate future. It is important to acknowledge that from the perspective of the European Union, and despite the enormous work involved in the pre-accession negotiations, the European Union sees these referendums as only one of many stepping stones towards joining the Union. The decision to join, because of the enormous and irrevocable nature of the changes intended, is seen as properly one for prospective members themselves and not one in which the Union should actively campaign. This distance from accession referendums stands in stark contrast to the manner with which the Union views treaty ratification referendums. Nevertheless while these particular referendums are crucial to enlargement, they can also be seen as contributing to the development of governance in the European Union.

Treaty Reform and Ratification

Changes to the treaties of the European Union require formal ratification by member states. There have been three major treaty reforms beginning with the Single European Act (SEA) in 1986. The SEA deepened European integration by extending the European Community's scope and strengthening its supranational institutions. The Treaty on European Union followed this in 1992, otherwise known as the Maastricht

---

Maresceau, 1998, eds., *The State of the European Union, Vol. 4, Deepening and Widening,* Lynne Rienner, Boulder, Colorado.
[47] Christopher Preston, 1997, *Enlargement and Integration in the European Union*, Routledge, London.

treaty.[48] This treaty fundamentally changed European integration by recasting the European bargain, extending the scope of Union activities and altering the decision-making dynamics within the Union. Specifically it established European Monetary Union, and introduced a social dimension to Union affairs along with legal co-operation, European citizenship and increased the powers of the European Parliament. The third treaty, and culmination of reforms begun in 1986, was the Amsterdam Treaty of 1998. Compared to the two earlier treaties this treaty contained few major innovations or advances in European integration and principally clarified issues arising from the Maastricht Treaty. Citizenship, employment, police and judicial co-operation and inter-institutional changes were all features of the treaty.

The processes that bring about treaty changes are major events in the life of the European Union and involve a "complicated and protracted interplay among member states, institutions, issues, interests and individuals".[49] There are essentially three stages: the preparatory stage, the intergovernmental conference (IGC), and a ratification stage following the IGC. The origin of treaty changes comes from either of two sources: international or regional changes in the political and economic environment and circumstances confronting member states, such as the changes in Eastern Europe and the Soviet Union, and the prospect of German re-unification in 1989/91. These changes accelerated the pace of change in the Community prior to the IGC on Maastricht. The other source of change follows mention in the previous treaty. The Amsterdam IGC was specifically indicated in the Maastricht Treaty as a result of compromises and agreements reached to conclude that treaty. In turn the Amsterdam Treaty specified a new IGC on institutional reform which was to be called "at least a year before membership exceeds twenty."[50] This is the origin of the June 2000 IGC.

Once agreement is reached that change can be considered, then an intergovernmental conference is convened. These now have become major events in the life of the European Union and Desmond Dinan considers that they also have become more

---

[48] The term 'Maastricht treaty' is used to facilitate identification of each particular treaty referendum.
[49] Desmond Dinan, 1999, "Treaty Change in the European Union: The Amsterdam Experience", Cram *et al*, 1999, p 290. This section relies on this work.

important as the political stakes of the European Union are now much higher.[51] Not only do IGC's require extensive preparation, they are also "lengthy, complex, factious bargaining sessions, subject to scrutiny by a sceptical public."[52] Two parallel IGC's preceded the Maastricht Treaty - one on European Monetary Union (EMU), and the other on political union which further deepened European integration. In turn the Maastricht Treaty set in train the IGC that preceded the Amsterdam Treaty but by this time regional changes and the prospect of difficult ratification processes meant that reforms were more limited. The current IGC is expected to recommend only very modest changes but nevertheless these will still need to be ratified by members states.

The importance of ratification has increased both as the IGCs have become more significant and as the prospect of failure has become a reality. Ratification is vital to the continued development of the European Union and to the progress of European integration. The reforms painstakingly agreed through the IGC are jeopardised without ratification as, should any member not pass the treaty, it becomes void. There is no facility for any member to remain a treaty behind. However this is not expected to happen as treaty reforms within the Union are supposedly safeguarded by the requirement that they must be passed by the unanimous vote of all members and all members have a veto. This suggests that member state governments would not agree to reforms that they did not think they would be able to gain approval for through their individual ratification procedures.[53]

But, while the European Union is solely responsible for stages one and two of treaty reform, the preparatory stage and the intergovernmental conference, it has no control over stage three - ratification. Once the treaty has been agreed between member states then it effectively moves from the European space to the national political space. Each member state must ratify the treaty in accordance with conventional national processes and procedures for the ratification of international treaties. But these processes and procedures are embedded in national political traditions and

---

[50] *Treaty of Amsterdam*, 1997, White Paper, The Stationary Office, Dublin, p 111.
[51] Dinan, 1999, p 291.
[52] Dinan, 1999, p 291.
[53] Finn Laursen, 1997, "Lessons of Maastricht", Geoffrey Edwards and Alfred Pijpers, eds., *The Politics of Treaty Reform: The 1996 Intergovernmental Conference and Beyond*, Pinter, London, p 69.

conventions operative before membership was entered into and over which the European Union has no jurisdiction and little influence. As a result national political circumstances can impinge on treaty ratification and the treaty can become embroiled in domestic disputes and disagreements. Nevertheless some member states are required, and others choose, to conduct referendums to ratify treaties of the European Union. It is at this stage of treaty reform where national EU referendums become crucial to the European Union and to the future development of European integration. The European Union is totally dependent upon the successful ratification of new treaties to move forward to a new stage of integration.

Thus EU referendums are an important part of this process. Such referendums however are of interest because of the link they provide between EU politics and domestic politics. In this manner referendums are particularly well placed to expose the two level games governments play in relation to membership of the European Union both as member states and as national governments.[54] The tension between these two roles is exacerbated as, once located at the national level, governments have far less control over their European agenda. Competing forces such as national parliaments, the courts and the people conspire and on other occasions distort, divert or complicate governmental undertakings given at the European Union level. In this way referendums can be seen to be both highlighting the dual role of governments in relation to the European Union and contributing to a form of governance arising there.

Democracy

The themes of democracy and legitimacy are now key features in the contemporary discourse about European integration.[55] This is based on the twin assumptions that the European Union is a polity, however defined, and that it increasingly impinges on the institutions and practices of member states. Brigid Laffan believes the debates about democracy and legitimacy in the European Union are hindered by three problems:

---

[54] Robert Putman, 1988, "Diplomacy and domestic politics: the logic of two-level games", *International Organisation*, Vol. 42, No. 3.

[55] Brigid Laffan, 1999, "Democracy and the European Union", Cram *et al*, 1999, p 330. This section relies on this work. See also J. H. H. Weiler, Ulrich R. Halpern and Franz C. Mayer, 1995, "European

first, that both concepts are disputed and secondly that both are based on the nation state or stem from understandings derived in that context. The third arises because, as the European Union exists alongside nation states, there is a dual democratic requirement. The concept of democracy is understood as both a set of ideals about the exercise of political authority and a set of institutions and processes that organise government. In West European states it is based on representative government, characterised by a choice between competing political parties with free, fair and frequent elections, parliamentary institutions and executive government. The people are citizens "endowed with legal, political and social rights by virtue of their inclusion in the polity".[56]

Legitimacy is a key concept in democracy but the two are not the same:

> On the one hand, democracy legitimates the authority of those in power and, on the other, the effectiveness of political authority must rely on a degree of legitimacy. The authority of governments to govern and the public's acceptance of that authority rests on the assumptions that governments represent the will of the people as defined by competitive elections, and that governments are responsive to the concerns of the people.[57]

Legitimacy however is disputed by those who see it as primarily a belief, or when political institutions are seen as being better than any others, or because rules and laws are seen as being right. As there is no agreement on the concept of legitimacy in the European Union but widespread recognition that it is important, moves to address it have been hindered and the range of proposals to solve it has multiplied.

Laffan sees the growing concern about democracy and legitimacy in the European Union as a reflection of the increased politicisation of European integration. Two periods were particularly important: the late 1960s and the early 1990s. At the time of the formation of the European Economic Community and despite being based on high democratic ideals, integration depended, and still does formally, on the authority of member states in the form of ratifying international treaties to establish, and later to

---

Democracy and its Critique", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3.
[56] Laffan, 1999, p 331.

extend, the range and functions of the European Community. Laffan also believes that the manner of that joining – its "consensual and voluntary nature"[58] – was and is critical to its legitimacy. In addition, national governments brought with them authority and legitimacy based on, and from, their own national systems. Legitimacy was also derived from the Community's image as peacekeeper of Europe. While small specialised groups presided over the technical aspects of the Community's policies, amongst the peoples of Europe there was a permissive consensus that integration was important and worthwhile.[59] At the end of the 1960s all these sources of legitimacy were recognised but elite led unease that somehow these were insufficient focused attention on devising mechanisms for greater democracy and citizen participation in the Union. Eventually this resulted in the establishment of the European Parliament in 1979.

Questions of democracy and legitimacy in the European Union surfaced again in the 1990s with evidence of growing distrust with the institutions of the Union at national levels, accompanied by increased academic attention to the 'democratic deficit' and the 'crisis of legitimacy'. Laffan believes this is an outcome of five inter-related changes confronting European Union and integration. These are: the extended policy reach and growing Europeanisation of public policy which is now becoming intrusive on member states; this Europeanisation, particularly post-Maastricht, is affecting core state functions of money, borders and security; this is now effecting member state domestic politics with a depth and intensity not seen before; the evolution of the European Union with three treaties in eleven years, and possibly more to come, has had a disruptive effect on national political parties, governments, parliaments, courts and publics; and finally the increased visibility of the European Union has now made public opinion and public support for the Union an issue in itself, especially as some members are uneasy with membership and the direction of integration.

Laffan goes on the examine the democratic deficit in the Union which she believes stems from "structural features of the decision making system, …[and] barriers to

---

[57] Laffan, 1999, p 332.
[58] Laffan, 1999, p 333.

26

participation."[60] Within this framework the so called deficiencies are outlined: the constitutional architecture which has evolved through the treaties but which "have not received the direct consent of citizens at national level, except in those few member states with a tradition of direct democracy";[61] the institutional design which favours bargaining within and across policy making institutions; the weak foundations of the European Commission; the lack of electoral accountability and secrecy of the Council of Ministers; and the European Parliament which, although set up to solve the deficiencies in democracy and legitimacy, has been plagued by high absenteeism and low turnout in European parliamentary elections which have undermined its credibility. Other issues stem from the incomprehensibility of decision-making rules, the labyrinthine constitutional framework, the lack of and decline in public support, and the lack of an identifiable political community to buttress a commitment to the commonweal. In spite this long list of problems Laffan is not totally pessimistic and believes that democratisation in the European Union is developing and following "the well-worn path of incremental change and pragmatic adaptation, not unlike the process of market creation."[62]

It is precisely because democracy and legitimacy in the European Union are so salient, and because they are considered to fall short of acceptable democratic standards, irrespective that they apply to a supra-national institution, wherein the appeal of referendums lies. Referendums are believed to have, as one of their principal attributes, the capacity to convey legitimation. In the absence of direct electoral support for European Union and European integration, and in face of the criticisms and inadequacies of the European Parliament, national EU referendums can be considered to have added value. They bestow on the European Union implicit support for the Union itself, which is more than the formal support indicative of accession or treaty reform. In this way they are contributing to the development of governance in the European Union.

---

[59] Laffan, 1999, p 333, quoting Leon N. Lindberg and Stuart A. Scheingold, 1970, *Europe's Would-Be Polity*, Prentice Hall, Englewood Cliffs, New Jersey.
[60] Laffan, 1999, p 339.
[61] Laffan, 1999, p 336.
[62] Laffan, 1999, pp 340-341.

Thesis Claims and Originality

Claims on Democratic Governance

The central claim of this thesis is that the cumulative effects of EU referendums constitute a form of democratic governance in the European Union. This form of democratic governance reflects an important change in the method by which European integration proceeds. What is especially new about the concept is that it incorporates both the characteristics of 'good government' and the mutual dependency of actors upon one another.

Democratic governance is concerned with political behaviour that is and can be deemed to be constitutional, conforms to good democratic decision-making practices, conveys legitimation and is based on adequate levels of public participation, as Chapter Three explores. It is equally important that this development is occurring in a context of increasing inter-dependence between the European Union, other member states and the peoples of Europe. These changes have occurred over time but are particularly evident since the Maastricht treaty referendums of 1992 because these marked a watershed in the development of the European Union. Since then the Union has changed, more EU referendums have been held, and the impact of these more recent referendums has been far greater than those of earlier referendums. Further, it is maintained that this is a process of governance and not just a collection of isolated events in the immediate aftermath of the Maastricht crisis. In addition, as further EU referendums are expected, this concept will be claimed to hold explanatory value for the future as well as in the past.

It is argued that the connection between EU referendums and the European Union exists at both theoretical and empirical levels. Through examining referendums in relation to their theoretical concepts associated with constitutions, decision-making, participation and legitimacy at the national level, and then examining how these same concepts are understood at the European level, it can be seen that there is a *prima facie* relationship between the two. Empirically EU referendums both enlarge, deepen

and legitimise the European Union. The end result is not always a direct fit, as national and European political systems are two quite separate entities, but the link is established. It is also claimed that the inter-connections between them vary according to the type of EU referendum. This thesis establishes five distinct categories of EU referendums, each having a differing relationship to the European Union. The thesis will claim that the EU accession referendums act as a repository of good will in the explicit acts of consent which prospective members bring with them in joining the European Union. By contrast EU treaty, and in the future quasi-treaty referendums, have a more direct relationship to democratic governance than do EU accession referendums. In particular they act as a brake on the development of European integration insofar as it is dependent on specific electoral support to ratify the new treaties of the Union.

Claims on EU Referendums

The second claim which the thesis makes is that the role of EU referendums is changing in particular ways following their increasing use to resolve issues surrounding membership of the European Union. The nature of these changes is twofold: in some instances the nature of the referendum institution itself is changing. Following their use to ratify treaties of the European Union, EU treaty referendums have developed unique and unforeseen characteristics that suggest that they can be considered abnormal referendums. This has considerable implications both for national governments and the European Union, as well as for conventional understandings of referendums. The thesis also claims that some EU referendums are no longer only national political phenomena as their effects may cross national borders and impact on the European Union, and on the domestic political processes in other states. The impact of this inter-state influence can be unforeseen, acquire a momentum of its own and, in the case of quasi-treaty referendums, threaten European political integrity and the future shape of integration.

Originality

The thesis claims four areas of originality. First, the thesis provides an in-depth study of three subjects – governance, referendums and the European Union – where no previous direct relationship has been presumed to exist. The second claim lies in its development of a qualified concept of democratic governance in relation to the European Union, where previously this has been an under-researched area. This conceptual approach to democratic governance also provides a new analytical approach to the study of EU referendums. Thirdly, the thesis establishes a typology of referendums – EU referendums and associated sub-categories. Fourthly, it challenges some accepted understandings about referendums and highlights changes in the referendum institution. Further, the thesis also uses interview evidence as part of its methodology. All this makes it highly original in its subject matter, in its conceptualisation and analytical framework, in its detailed empirical approach to the study of referendums, and in its findings. The remainder of this chapter concentrates on the selection and classification of EU referendums.

A Typology of EU Referendums

The development of a typology of referendums has held a fascination for some scholars and a number of different approaches are apparent. Most have included both referendums and initiatives under one umbrella. In 1976 Gordon Smith[63] undertook a functional analysis of referendums and initiatives in terms of their hegemonic or anti-hegemonic effects on the prevailing political system. He established four different categories of referendums and initiatives, but some of these categories and the perceptions of their effects were open to dispute. In 1978 Butler and Ranney[64] established four categories of referendums but again the distinction between the categories was questionable, particularly the reliance on the degree of government or popular control. In 1993 Markku Suksi[65] established a much more extensive typology

---

[63] Smith, 1976.

[64] Butler and Ranney, 1978, pp 23-24. Another attempt was made by David Magleby, 1984, pp 35-36, but is not discussed here as this was principally based on American experiences.

[65] Suksi, 1993.

based on the concept of popular sovereignty within national constitutions. A matrix of twelve types of referendums and initiatives was formulated but the complexity of the typology meant that it has been difficult to utilise.

In 1996 Pier Vincenzo Uleri[66] designed another extensive typology. This was based on constitutional and legal forms, taking into consideration who, or what (usually the constitution), promoted the referendum or initiative, and what was the intention of the decision. At one extreme the decision could be to confirm a decision already taken by the government or, at the other extreme, to indicate a decision wanted by the people themselves. This range of possibilities, like Suksi's, was able to account for the variation in Italian and Swiss referendums and initiatives but at the cost of much of its explanatory power. Most of these proposals therefore have assumed that both referendums and initiatives are similar and hence ought to be compared and, with the exception of Smith, have focused primarily on constitutional and legal considerations.[67]

There have also been attempts to classify referendums on the basis of subject matter and comparative degree of importance.[68] In 1978 in a tally of all referendums held in Western Europe between 1900 and 1978, Butler and Ranney concluded that the predominant concern of national referendums has overwhelmingly been the resolution of constitutional issues.[69] This was broadly defined as those to approve a new constitution, to maintain or dispense with the monarchy, or to change the constitutional machinery such as the voting age or the electoral system. The next most common subject for referendums was to resolve territorial issues and membership of the European Community was located in this category. In 1994 Vernon Bogdanor updated this particular classification and considered the European Community referendums as 'territorial sovereignty issues.'[70] Butler and Ranney's two final categories were concerned with moral issues such as divorce and pragmatic issues

---

[66] Uleri, 1996a, pp 8-14.
[67] See also Maija Setälä, 1999, "Referendums in Western Europe – A Wave of Direct Democracy", *Scandinavian Political Studies*, Vol. 22, No. 4.
[68] Uleri, 1996a, p 8.
[69] Butler and Ranney, 1978, p 14. This table must be viewed with caution as it is now dated. It was calculated before referendums and initiatives became a relatively common feature of Italian political life, and before the series of referendums on moral issues in Ireland.

such as the land law referendums in Denmark. The major drawback of this classification was that it was purely descriptive.

In 1992 in another approach to analysing referendums Lane and Ersson attempted to grade referendums on the basis of their political intensity in each political system.[71] This recognised that, as modern discourse analysis suggests, issues can be transformed from one area to another and seemingly less important issues can carry disproportionate political weight. They assigned to each referendum a notional number based on an assessment of the degree of importance but, like Smith's earlier categorisation, this attempt appeared flawed and the issue remains unresolved. There is no attempt in this typology to pretend that all EU referendums are the same or carry the same political weight. Each remains embedded in its own national political space and similarly varies in relation to its impact on the European Union.

Most of the established typologies of referendums therefore provide valuable insights into referendums and initiatives in terms of both their constitutional and legal position and their impact on national political systems. Such categorisations are specifically directed at the nature and forms of referendums, and consequently are unable to shed light on the importance and role of these referendums in relation to the European Union. Given the significant increase in the number of EU referendums, and the apparent variations in their impact, then a new categorisation is called for. Such a new typology should focus narrowly and specifically on only those national referendums held to resolve issues surrounding membership of the European Union, (and thus should disregard initiatives.) Hence the central organising concept of this new typology is the referendum's function in relation to the political processes of the European Union. Several questions are asked: has the referendum been a stepping stone to enlarging the European Union; has it been necessary to ratify a Union treaty; has it facilitated the withdrawal of members from the Union; or has it been on extraneous legal or political issues of only tangential importance to the Union? As a consequence the constitutional, legal and political origins of these national referendums are set aside. These factors, which formed the basis of particularly

---

[70] Bogdanor, 1994, pp 89-90.
[71] Lane and Ersson, 1992, p 234.

Suksi's and Uleri's typologies, such as who initiates the referendum, whether or not it is obligatory or optional, and whether or not it is binding or only advisory, remain significant but they are not central to this categorisation. This new typology therefore draws no distinction between those referendums derived from constitutional imperatives or those *ad hoc* referendums following explicit political decisions.

The two most important categories both numerically and for the European Union are between those referendums conducted by prospective members to confirm public support for joining the European Union, called 'accession referendums', and those conducted by existing members of the Union to ratify successive treaties, called EU 'treaty referendums'. The third category is 'quasi-treaty referendums' which, although no referendums of this nature have yet been held, the first is expected in autumn 2000. The fourth and fifth categories include those to confirm public support for specific aspects of Union membership, referred to as 'special purpose referendums', and those to confirm withdrawal from the Union, called 'withdrawal referendums.'

Selection Criteria

Eleven countries in Western Europe have between them held twenty-four EU referendums. These countries are, in order of first referendum, France, Ireland, Norway, Denmark, Switzerland, the United Kingdom, Italy, Liechtenstein, Austria, Finland and Sweden. Two EU referendums have also been held in Greenland and Åland, semi-autonomous territories of Denmark and Finland respectively. See Table 1. Chronologically these referendums may be arranged into six broad groups beginning with the 1970's accession referendums, the Single European Act referendums, the Maastricht Treaty referendums, the referendums on membership of the European Economic Area, the 1994 accession referendums, and the Amsterdam Treaty referendums.

TABLE 1: A TYPOLOGY OF EU REFERENDUMS IN WESTERN EUROPE 1972 – 2000

Date	Country	Purpose	Type
23 May 1972	France	To enlarge the EC	Special purpose
10 May 1972	Ireland	To join the EC	Accession
24-25 May 1972	Norway*	To join the EC	Accession
2 Oct 1972	Denmark	To join the EC	Accession
3 Dec 1972	Switzerland	Free trade with EC	Special purpose
5 June 1975	United Kingdom	To remain in the EC	Accession
23 Feb 1982	Greenland	To withdrawn from the EC	Withdrawal
28 Feb 1986	Denmark	To approve the SEA	Treaty
26 May 1987	Ireland	To ratify the SEA	Treaty
18 June 1989	Italy	To legalise powers of MEP's	Special purpose
2 June 1992	Denmark*	To ratify the Maastricht Treaty	Treaty
19 June 1992	Ireland	To ratify the Maastricht Treaty	Treaty
20 Sept 1992	France	To ratify the Maastricht Treaty	Treaty
6 Dec 1992	Switzerland*	To join the EEA	Accession
13 Dec 1992	Liechtenstein	To join the EEA	Accession
18 May 1993	Denmark	To ratify the Maastricht Treaty	Treaty
12 June 1994	Austria	To join the EU	Accession
16 Oct 1994	Finland	To join the EU	Accession
13 Nov 1994	Sweden	To join the EU	Accession
20 Nov 1994	Åland	To join the EU	Accession
27-28 Nov 1994	Norway*	To join the EU	Accession
22 May 1998	Ireland	To ratify the Amsterdam Treaty	Treaty
28 May 1998	Denmark	To ratify the Amsterdam Treaty	Treaty
20 May 2000	Switzerland	Bilateral agreements with EU	Special purpose

* Denotes referendum rejected.
Source: The author – updated and adapted from M. Gallagher and P. V. Uleri, 1996, eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke, and A. T. Jenssen, P. Pesonen and M. Gilljam, 1998, eds.,*To Join or Not to Join, Three Nordic Referendums on Membership in the European Union*, Scandinavian University Press, Oslo, and D. Butler and A. Ranney, 1994, eds., *Referendums Around the World*, Macmillan, Basingstoke.

The twenty-four referendums also contain several whose inclusion in this study may be queried. Both Greenland and Åland have held an EU referendum and these are included as these territories are considered sufficiently independent to warrant such attention.[72] Liechtenstein is a micro-state and Switzerland conducts all her foreign and defence policies but, again, she is sufficiently independent to warrant inclusion in this study. There is however very little literature on these referendums and, with the

---

[72] Lee Miles, 1996, ed., *The European Union and the Nordic Countries*, Routledge, London, pp 8-9.

exception of Greenland, while they form part of the wider study they are not central to the thesis.[73] Also included in this study are the referendums associated with membership of the European Economic Area which have occurred in Switzerland and Liechtenstein and these are included for the reasons outlined above.[74] The 1992 Swiss referendum particularly was regarded as a precursor to membership of the European Union as, at the time of the referendum in December 1992, Switzerland had already lodged an application to join the European Union.[75]

The one Italian and three Swiss EU referendums hold a special place in this study. Switzerland has a long and distinguished history of referendums where they form an integral part of the Swiss political system, a situation not repeated in any other West European state.[76] Between 1848 and 1994, 430 were held over half of which were mandatory referendums, the others being initiatives. This means that the Swiss referendums are of a different order entirely from those in other West European states. They are held more regularly, their relationship with the political system is more complex, and they are frequently used for legislative purposes. Switzerland has held three EU referendums: the first in 1972 on free trade with the European Community, the second the EEA referendum of 1992 and the third on 20 May 2000 on a package of bilateral agreements with the European Union. These referendums all fall within the wider scope of this study although are not examined in any great depth because, particularly as Switzerland remains outside of the European Union, they have not greatly impinged upon the Union itself and their nature and form are very different from those in the rest of Western Europe.

---

[73] This must be qualified - there is very little literature on these referendums in English. Referendums are relatively common in Liechtenstein and over fifty have been held since 1918. See Kris Kobach, 1994, "Switzerland", Butler and Ranney, 1994, pp 98-99. Kobach considers briefly the Liechtenstein referendum in December 1992 which was most significant because it did not follow the Swiss result and reject membership of the EEA. For details on Åland see Jenssen *et al.*, 1996, p 15 and 35, and Tor Bjørklund, 1996, "The Three Nordic Referenda Concerning Membership of the EU", *Cooperation and Conflict*, Vol. 31, No. 1, pp 17-18. Åland had two consultative referendums on the European Union: first as part of the Finnish referendum and the second whether Åland should join the European Union. Both returned positive, but very different, results and are discussed in Chapter Six. For Greenland see Derek W. Urwin, 1991, *The Community of Europe: A History of European Integration Since 1945*, Longman, London, pp 197-198.
[74] Ulf Sverdrup and Stephen Kux, 1997, *Balancing Effectiveness and Legitimacy in European Integration: The Norwegian and Swiss Case*, No. 31, ARENA, Oslo, pp 8-9.
[75] This was lodged on 20 May 1992.
[76] Kris Kobach, 1993, *The Referendum: Direct Democracy in Switzerland*, Dartmouth, Aldershot. (Hereafter known as 1993a).

Italy has a growing contemporary history of initiatives dating from the 1974 when the first 'abrogative referendum' on the divorce laws took place.[77] Thirty-eight have since been held to December 1995 on nine different occasions. These initiatives are two types and in both instances the power of proposal rests with the electors: the 'abrogative referendum' which applies to statute laws and the 'rejective referendum' which applies to changes to the constitution. Italy has however had two government proposed referendums one being the 1989 EU referendum. This was an extraordinary referendum, is little mentioned in the literature and is atypical of the Italian experience. However it is an EU referendum and so is included in this study but given brief attention not because of a lack of importance but because of a dearth of literature.[78]

Therefore there are twenty four EU referendums included within the typology. The over-riding principle of the classification is the purpose and importance from the perspective of the European Union, not a particular referendum's national constitutional, legal or political origins, nor its perspective from the viewpoint of the people. With more referendums expected it is also important to note how these will fit into the typology. Only the details pertinent to a referendum's classification are considered below.

Accession Referendums

The most familiar type of EU referendum is the accession referendum. These have been conducted by prospective members either in accordance with constitutional imperatives and/or from a perceived need to have specific public support for membership. Only three of these referendums have been held for constitutional reasons, all the rest have been held at the behest of the governments of the day. As membership of the European Union involves a fundamental change in the nature of

---

[77] Uleri, 1996b.

[78] Every effort has been made to find out more about the 1989 referendum but even Italian scholars are unaware of any literature on this referendum – either in Italian or English. For a brief note see David Hine, 1995, *Governing Italy: the Politics of Bargained Pluralism,* Oxford University Press, Oxford, pp 154-155, and p 325 footnote 12.

the state, such referendums generally provoke intense national debate about whether or not to join the Union.

There have been eleven accession referendums including those in Ireland, Denmark and Norway in 1972 and those in the Austria, Finland, Sweden, Norway and Åland in 1994. See Table 2. The category also includes the British 1975 referendum on remaining in the European Community and the referendums on membership of the EEA in Switzerland and Liechtenstein in 1992. Not all of these referendums have been successful, as the case of the one Swiss and two Norwegian failures demonstrate. However some of these referendums present problems of classification. The EU referendums in Ireland in 1972, and Austria in 1994, technically were held to alter the constitution to allow the treaties of accession to be ratified suggesting that they could be regarded as treaty referendums. However from the perspective of the European Union the principal issue at stake was whether or not to join the Community and therefore these referendums are included as accession referendums. This line of reasoning does not necessarily follow with the 1975 British referendum as at the time Britain had already been a member of the European Community for three and a half years. This referendum was to decide whether or not to remain in the Community but as the principal issue at stake was membership, this referendum fits more easily in this category than any other.

In the next few years it is expected that other EU accession referendums will be held as, in the eastward enlargement of the European Union, it is anticipated that national accession referendums will be held to confirm public support for joining the Union. Of the prospective applicants in the first wave, Poland will be required to hold a referendum as the constitution prohibits transfers of sovereignty without reference to the people. In all other states the referendums will be discretionary *ad hoc* referendums, but given the Polish necessity, the likelihood of others doing likewise is expected to be compelling and at this stage all have indicated their intention to do so.[79] Furthermore there is already a tradition in many of the Central and European states since the late 1980s of using referendums to resolve major issues. Poland has had at least two and Hungary five referendums while only the Czech Republic has not

held any.[80] Turkish Cyprus and Malta have had referendums for regime changes although in the 1985 and 1964 respectively.[81] Along with this is a growing recognition that the direct expression of national consent is a significant factor in national resolve to join the Union.

TABLE 2: EU ACCESSION REFERENDUMS IN WESTERN EUROPE 1972 – 2000

Date	Country	% Yes Vote	% Turnout
1970's Accession Referendums			
10 May 1972	Ireland	83.1	70.9
24-25 May 1972	Norway*	46.5	77.6
2 Oct 1972	Denmark	63.3	90.1
5 June 1975	United Kingdom	67.2	64.5
EEA Referendums			
6 Dec 1992	Switzerland*	49.7	78.3
13 Dec 1992	Liechtenstein	55.8	87.0
1994 Accession Referendums			
12 June 1994	Austria	66.4	81.0
16 Oct 1994	Finland	56.9	74.0
13 Nov 1994	Sweden	52.2	82.4
20 Nov 1992	Åland	73.6	49.1
27-28 Nov 1994	Norway*	47.8	88.8

* Denotes referendum rejected.
Source: The author – updated and adapted from M. Gallagher and P. V. Uleri, 1996, eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke, and A. T. Jenssen, P. Pesonen and M. Gilljam, 1998, eds., *To Join or Not to join*, Scandinavian University Press, Oslo, and D. Butler and A. Ranney, 1994, eds., *Referendums Around the World*, Macmillan, Basingstoke.

[79] This information comes from personal correspondence listed in the Appendix as communication AA.
[80] See Henry E. Brady and Cynthia S. Kaplan, 1994, "Eastern Europe and the Former Soviet Union", Butler and Ranney, 1994; and Stephen White and Ronald J. Hill, 1996, "Russia, the former Soviet Union and Eastern Europe", Gallagher and Uleri, 1996, p 164.
[81] Butler and Ranney,1994, p 287 and 292.

Treaty Referendums

The purpose of EU treaty referendums is to ratify the treaties of the European Union, or to enable ratification to proceed. They have not arisen through any explicit action of the Union itself except in so far as it decided to negotiate a new treaty. There have been eight treaty referendums held in three member states: Denmark in 1986, 1992, 1993 and 1998, Ireland in 1987, 1992 and 1998, and France in 1992. See Table 3.

These referendums were to enable the ratification of the Single European Act, the Maastricht Treaty and the Amsterdam Treaty. Not all were constitutionally necessary but, in the case of Denmark and Ireland, were determined by the interplay of constitutional imperatives and political and legal developments. All have been successful except the Danish Maastricht referendum in 1992, although this result was overturned in the subsequent 'Maastricht plus Edinburgh' referendum of June 1993. The French Maastricht referendum was only narrowly passed.

These referendums are vital to the continued development of the European Union and to the progress of European integration. As a consequence the casual attitude of the European Union, as seen in accession or special purpose referendums, disappears in treaty referendums and instead the Union becomes a very interested player, albeit at one stage removed. But, as mentioned above, the Union itself has no control over how its treaties are ratified and this done in accordance with individual constitutional or legal practice. However the impetus for treaty referendums may come from another entirely different source – through an *ad hoc* political decision to refer the treaty to the people. Like any other referendum, EU treaty referendums can be held without any constitutional need to do so as governments are at liberty to call one through the conventional parliamentary channels for ordinary legislation. This was the origin of the French treaty referendum called by President Mitterrand in 1992.

The future of EU treaty referendums seems assured in the summer of 2000. The June 2000 IGC is expected to result in a new treaty which will need to be ratified by all member states.[82] Ireland will be required to hold another referendum as will Denmark where, as a result of the Edinburgh Agreements there was a clear commitment on

behalf of the Danish government that any further changes in Denmark's relationship with the European Union would be subjected to referendum.[83] Neither must it be forgotten that in ratifying the Maastricht treaty there were serious calls for referendums in all states, (except Italy and the Netherlands), although mostly from opposition quarters.[84] Although such calls did not arise in relation to ratifying the Amsterdam treaty, as the nature of the changes involved were much less significant, all the same the precedent to resolve European issues by resort to referendum has been established. This is a very powerful factor for governments to contend with - and refute - given the democratic credentials and rhetorical support that adheres to referendums.

TABLE 3: EU TREATY REFERENDUMS IN WESTERN EUROPE 1972 – 2000

Date	Member State	% Yes Vote	% Turnout
Single European Act Referendums			
27 Feb 1986	Denmark	56.2	74.8
26 May 1987	Ireland	69.9	43.9
Maastricht Treaty Referendums			
2 June 1992	Denmark*	49.3	83.1
19 June 1992	Ireland	69.1	57.3
20 Sept 1992	France	51.0	69.7
18 May 1993	Denmark	56.8	86.0
Amsterdam Treaty Referendums			
22 May 1998	Ireland	62.0	56.2
28 May 1998	Denmark	55.1	74.8

* Denotes referendum rejected.
Source: The author – updated and adapted from M. Gallagher and P. V. Uleri, 1996, eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke, and A. T. Jenssen, P. Pesonen and M. Gilljam, 1998, eds., *To Join or Not to Join*, Scandinavian University Press, Oslo, and D. Butler and A. Ranney, 1994, eds., *Referendums Around the World*, Macmillan, Basingstoke.

---

[82] Personal correspondence; communication BB.
[83] "Protocol on Certain Provisions Relating to Denmark" incorporated into the Maastricht treaty. See Richard Corbett, 1993, *The Treaty of Maastricht*, Longman, London, p 463.
[84] Morel, 1993, pp 240-241.

Quasi-treaty Referendums

Quasi-treaty referendums differ from treaty referendums in that they are on specific aspects covered by the treaties but are not treaty referendums themselves, hence the name 'quasi-treaty.' They reflect a new dimension to both EU referendums and European Union governance – referendums on particular facets of membership. The principal source of quasi-treaty referendums is the Maastricht treaty, either the exemptions that some members negotiated as a pre-condition of particular national acceptance, or other aspects of the treaty which are particularly controversial in some member states.[85] While no quasi-treaty referendums have yet been held the Danish EMU referendum has been announced for 28 September 2000.[86] In Britain the government has publicly committed itself to holding a referendum on British entry to EMU, although official policy is that a referendum is possible in the life of the next British Parliament.[87] Not all of the Maastricht exemptions are likely to result in referendums, only those which arouse most controversy at the national level and where the particular political environment is conducive to settling these issues in this manner. For example, the British government negotiated an opt-out from the Social Chapter but in the summer of 1997 this was revoked.[88]

Denmark is the member state where quasi-treaty referendums may become most prevalent, a consequence of the rejection of the Maastricht treaty referendum of June 1992 and the opt-outs negotiated in Edinburgh at the Heads of State and Government in the following December.[89] The opt-outs addressed the core issues of concern to the Danish people while also providing clarification of Denmark's future role in the European Union along with the specific agreements from other member states. As an

---

[85] Laursen, 1997, pp 68-69. In Portugal the Constitutional Court blocked a proposed referendum on EMU. See Corkill, 1999, p 192, footnote 1.

[86] *The Economist*, 18-24 March 2000, p 4.

[87] *The Independent*, 1 February 2000, 'The Independent Review', p 3.

[88] *Keesing's Contemporary Archives*, June 1997.

[89] Clive Church and Andrew Phinnemore, 1994, *The European Union and European Community: A Handbook and Commentary on the Post-Maastricht Treaties*, Harvester Wheatsheaf, New York, p 504 Annex 3 on citizenship and JHA. On the referendum on EMU membership see Corbett, 1993, p 463. It was also reported in private discussions that a referendum is politically required on participation in the West European Union (WEU) though this does not appear in print. See Appendix: interview W. (Hereafter all interview evidence is identified by the relevant letter as set out in alphabetical order in the Appendix.)

indication of the binding nature of these intentions, the Danish government indicated that any future consideration of these opt-outs would be regarded 'as if' they were a treaty. The first of these referendums is to be held on membership of EMU but the other opt-outs included the citizenship provisions and the Justice and Home Affairs (JHA) provisions. Denmark also agreed not to enter into defence co-operation in the West European Union (WEU). Needless to say these issues are the most controversial in Denmark. This situation may be complicated by the prospect of a future treaty arising from the current Inter-Governmental Conference which may directly challenge some or all of these provisions.[90]

The spectre of quasi-treaty referendums has also arisen in some other member states. In Sweden membership of EMU is problematic although the Swedish government's position is that a referendum is unnecessary as the provisions are covered following ratification of the Maastricht treaty. While legally this may be the case the use of referendums to resolve EMU membership in both Denmark, and possibly Britain, may make demands for a similar referendum in Sweden difficult to withstand, especially as there is a national precedent for referendums on contentious issues.[91] The prospect of further quasi-treaty referendums has also been raised in Ireland if the changes foreshadowed by the transfer of pillars two and three of the Maastricht treaty, CFSP (Common Foreign and Security Policy) and JHA, to the first pillar are deemed to involve constitutional change. As Sweden and Austria, like Ireland, have a tradition of neutrality in foreign policy, the possibility of opting out permanently of CFSP co-operation might also be highly attractive to some domestic constituencies in these countries. This scenario has already been seriously canvassed in relation to Sweden, particularly if Denmark conducts referendums on EMU and membership of the WEU.[92]

---

[90] In Denmark the IGC which preceded the Amsterdam treaty was seen as particularly threatening to the Edinburgh exemptions. See Nikolaj Petersen, 1997, "The Nordic Trio and the Future of the EU", Edwards and Pijpers, 1997, p 159. For discussion of these opt-outs see Nikolaj Petersen, 1993, "Game, Set and Match: Denmark and the European Union after Edinburgh", Teija Tiilikainen and Ib Damgaard Petersen, eds., *The Nordic Countries and the EC*, Copenhagen Political Studies Press, Copenhagen, p 105.

[91] Olof Ruin, 1996, "Sweden", Gallagher and Uleri, 1996; and Swedish difficulties with the Maastricht treaty see Laursen, 1997, pp 68-69, and Petersen, 1997. See also interview J.

[92] Laursen, 1997, p 68-70 quoting Patrick Keatinge, 1995, *The Security Doctrine of the New States, Denmark and Ireland, Report for DG IA*, The European Commission.

Special Purpose Referendums

The European Union has a virtual spectator role in relation to special purpose referendums. These have dealt with unique national political and legal circumstances surrounding membership but, so far, have impinged little upon the Union itself. There have been four special purpose referendums: the 1972 French referendum to allow the European Community to enlarge and the 1989 Italian referendum on the powers of Italian MEP's. Included in this category are two Swiss referendums: in 1972 on a free trade agreement with the European Community and in May 2000 concerning a package of agreements with the European Union negotiated to fill gaps left from not being in the European Economic Area. In the French case the referendum authorised the ratification of the treaty allowing for Britain, Denmark, Ireland and Norway to join the European Community.[93] It was called by President Pompidou for essentially domestic political reasons and was widely regarded as a personal vote of confidence.[94] The Italian referendum solved a legal conundrum for Italian MEP's following direct elections to the European Parliament. This referendum, while technically on a minor legal matter, was framed in federalist terms empowering the European Parliament to devise a new treaty. It received overwhelming support and, at the time, the Italian government hoped that other member states would follow suit and give their MEP's similar powers, although this did not eventuate.[95] A proposed Portuguese referendum on support for the European Union also would have been included in this category had it been held. [96]

The future of special purpose referendums seems unpredictable. With the passage of time and the greater experience of membership the likelihood of these referendums seems limited, especially in those instances where their purpose was to resolve

---

[93] Byron Criddle, 1972, "Politics by Plebiscite in France", *The World Today*, Vol. 28, p 240.
[94] Criddle, 1972, p 242. See also Claude Leleu, 1976, "The French Referendum of April 23, 1972", *European Journal of Political Research*, Vol. 4.
[95] Hine, 1993, p 155, and p 325 footnote 12. See also Luciano Bardi, 1991, "The Third Elections to the European Parliament: a vote for Italy or a vote for Europe?", Sabetti, F. and Catanzato, R., eds., *Italian Politics: A Review, Volume 5*, Pinter, London, p 139.
[96] José M. Magone, 1997, *European Portugal: the Difficult Road to Sustainable Democracy*, Macmillan, Basingstoke, pp 168-169 and Corkill, 1999. See also interview O.

outstanding legal issues or unusual circumstances, however new and unforeseen issues always appear to arise. In July 2000 Austria announced its intention to hold a referendum indicating its annoyance at sanctions imposed upon it by the European Union following the inclusion in the government of the right wing Austrian Freedom Party.[97] This particular referendum, echoing the 1972 referendum in France, appears to have arisen out of earlier suggestions that one would be held but with the intention this time of thwarting the eastward enlargement of the European Union.[98] Compounding the seriousness of this referendum are indications that the outcome will determine the Austrian government's position in relation to enlargement which is expected to be the key issue at the forthcoming European summit in Nice in late 2000.

Withdrawal Referendums

The only withdrawal referendum relates to Greenland's decision in 1982 to leave the European Community. The reasons behind this were complex and had to do with to Greenland's reluctance to join the European Community in the first place.[99] In the 1972 Danish referendum on membership 70.2% of the Greenland electorate had opposed joining the Community.[100] Also significant were Greenland's rich fishing resources and access to these by other members, and the constraints that membership imposed on her traditional trading relationships, especially with Canada. The sheer physical distance between Greenland and the remainder of the Community exacerbated all of these issues, as did the fact that the Faeroe Islands, another semi-autonomous Danish territory, had remained outside the European Community in 1972. Most importantly the Danes acceded to Greenland's desire to leave. Nevertheless within the Community the proposal aroused strong feelings and lengthy negotiations ensued. West Germany was concerned lest Greenland's withdrawal affected Community fishing interests while France saw it as setting a dangerous precedent for other disgruntled territories or national minorities.[101] Although feared at

---

[97] *Financial Times*, 5 July 2000, p 8, and *The Economist*, 8-15 July 2000, p 57.
[98] Personal correspondence: communication CC.
[99] Interview D.
[100] David Arter, 1993, *The Politics of European Integration in the Twentieth Century*, Dartmouth, Aldershot, pp 166-167. See also Urwin, 1991, pp 197-198, and Miles, 1996, p 9.
[101] The hostile attitude of France to Greenland's proposed withdrawal was reported in private discussions with Commission officials. See interview D.

the time of Greenland's leaving, withdrawal referendums have not proven to be an attractive option for other states or sub-national entities and have, at this stage, faded from political consideration.

Conclusion

As the European Union enlarges and the nature of integration alters to accommodate the increased numbers, EU referendums are likely to play an important and increasing role in this process. It should never be forgotten that despite constitutional obligations, governments are at liberty to call referendums on any issue through the normal channels for ordinary legislation. The increasing proclivity of governments to do so on matters associated with the European Union only adds to their currency, for example the proposed British EMU or Austrian referendum. This makes the distinction between the constitutional and legal forms of the referendum and *ad hoc* referendums increasingly immaterial, although not unimportant. All of this suggests that a new typology of referendums indicating their relationship to the European Union is both necessary and opportune.

The five distinct kinds of EU referendums have very different implications for the European Union. In accession referendums the Union plays a generally passive role as the decision to join is largely one in which the Union has little interest seeing it, rightly, as a decision for the government and people of the applicant state. However more accession referendums are likely as states continue to aspire to join the European Union. Although unrelated, this makes the prospect of more withdrawal referendums difficult to contemplate at the moment. In the past special purpose referendums have dealt with unique national political and legal circumstances surrounding membership but these have impinged little on the Union itself. With the passage of time and the greater experience of membership the necessity of such referendums is expected to disappear. Of far greater concern are the 'wild card' referendums, as in Austria, that could introduce a whole new dimension to the use of referendums in relation to the European Union and seriously effect eastward enlargement.

At present however it is with treaty and quasi-treaty referendums where the European Union is a very interested party. On the one hand the whole trajectory of European integration is predicated on the successful ratification of new treaties, while on the other the fissured nature of integration following the opt-outs from the Maastricht treaty may be either repaired or cemented in prospective quasi-treaty referendums. Nevertheless as the most numerous EU referendums in Western Europe, accession referendums remain important. Along with other national referendums they set the standard for the analysis and interrogation of referendums and are profoundly important at the national level. Furthermore it will be shown that national accession referendums convey particular meanings to the European Union. Therefore these three referendums – accession, treaty and prospective quasi-treaty referendums provide the principle focus for the remainder of the thesis. However this approach to the study of EU referendums is new and consequently no literature exists in this form. As a result the analysis of the EU referendums has to proceed on the basis of that applicable to all referendums, then sifted for that relevant to EU referendums. Only then can it be analysed according to this typology. Before this can be undertaken however attention must be given to the study's research methodology and concept of democratic governance.

CHAPTER TWO

RESEARCH METHODS

Introduction

The main purpose of this chapter is to discuss the research methods used in the thesis whilst a secondary purpose is to outline the origins of the researcher's interest in referendums, the evolution of the thesis and the attitudes towards referendums derived from experiences in the Australian context. The research methods used are quite conventional using a comparative research method within an institutional approach with the research reliant on secondary bibliographic sources augmented by elite interviewing. However, while the methods are those commonly used in political research, the three topics – referendums, the European Union and the concept of democratic governance – and the inter-relationships between them create complexities. In essence the philosophical basis which underpins each area differs: referendums are usually analysed within mainstream political science; research on the European Union is eclectic, dependent on the area of the research and attitudes towards theories of European integration; and governance usually is analysed within theories of international relations. In addition to this the focus of the research – national referendums on European Union matters – means that the research is located within three political spaces – the national, cross-national and within the European Union.

The chapter is structured in the following way. It begins with a brief outline of the evolution of the thesis beginning with a sketch of the personal interest and attitudes towards referendums and the influence of formative Australian experiences. These earlier interests and attitudes were manifest in draft proposals but, as the research progressed, faded in interest and appeal as other areas captured my imagination. The second part of the chapter discusses the research methods used in the thesis and the issues and problems surrounding the use of the institutional approach and comparative

research method. The final section of the chapter examines the research design and its reliance on secondary sources, and the experience of elite interviewing.

Interest in Referendums

My interest in referendums stems not from any philosophical position as an advocate of more direct forms of democracy but rather from two perceived difficulties with contemporary representative democracy. One of these difficulties is how to relate politics to the people in more meaningful ways and a common response is to suggest more direct forms of democracy. The underlying rationale behind this is that by giving people a greater say – in other words by conducting referendums on major issues – people would feel less alienated from the political process. The other difficulty is that the political party system is becoming too entrenched and/or moribund and no longer truly represents the people as it purports to do. This raises a number of issues about governments and political parties, but one of the means of circumventing this problem is for the governmental elites to by-pass it altogether and refer decisions, which previously would have been fought out within the party, to the people to decide. Thus governmental elites, troubled by the necessity to debate acrimonious issues within the party system, can move the responsibility for difficult issues from the party to the electorate at large. Both of these arguments predispose a renewed interest in referendums – do they in fact lessen the distance between the government, or governing elites, and the people, or are they instead simply an elite charade to get the people involved. If so is their real purpose to mask the increasing inability of the party system to govern? These two questions formed the basis of my personal interest in referendums and the backbone to the original outline of the thesis. They have now been incorporated within a more focused and specific interest in the use of referendums to resolve issues around the European Union.

My interest in referendums has been matched by another interest – that of the evolution of the European Union. As one socialised in a federal system in Australia the development of the European Union has been fascinating, particularly the public angst caused by the pooling of sovereignty, and the academic obsession with theories of European integration and the overwhelming desire to have a 'right' theory to

explain it. With the growing development of the European Union many states have found it necessary to reactivate or introduce the referendum institution into their political system. This, combined with my interest in referendums, has provided a fertile area of research and also explores the referendum as an institution and its location on the spectrum of democratic mechanisms. In addition it has also provided important insights into the major European political development of the late twentieth century – the development of integration.

The research in this thesis is largely empirical but, given the above, it is also reasonable to indicate my position in relation to the study. Where do I stand: as an advocate of national governments but in which role, national government or member state; as an advocate of the European Union; as a champion of the people or as a proponent of direct democracy? Whilst early ideas imagined encompassing national governments, the European Union and the people, this transpired to be highly confusing and to lack purpose and direction. I now stand as if on the city walls of Brussels looking outwards to national governments. This role predominates but is not immune from the demands of the member state role and the struggle to keep both relatively harmonised. To my back is the European Union - largely powerless to intervene but, on some occasions, very much affected by what goes on at the national level in both the short and long term.

Evolution of the Thesis

As implied by the above, the focus of the thesis has moved as it has evolved. My initial proposal was to analyse the 1992 Danish, French and Irish referendums as 'agents for the disruption and reconstruction in the established pattern of European integration'[1] with specific attention to the role of elites and public opinion within this shift. Within this framework my interest in political elites and the role of public opinion in relation to referendums has declined, as has the under-explored perspective of 'the people' and their relationship to referendums. While originally only a minor sub-theme of the research, its intention was to highlight their differing perspectives on

referendums from that held by government. As originally formulated the focus was on referendums and their relationship to theories of European integration, within the concept of governance. It is now re-orientated to one which is more concerned to analyse referendums and their use as a means of resolving issues surrounding membership of the European Union, but still within the concept of governance, but for the most part leaving aside European integration. More subtle changes have involved a shift from a theoretical to largely empirical interest in referendums while at the same time the scope has broadened to include all EU referendums not only those of 1992. In essence therefore the focus has moved from referendums in relation to European integration, to referendums and their impact on the European Union.

This re-orientation has come about from a variety of inter-related factors. Over time it became increasingly obvious that the original research proposal was too diffuse, highly abstract and the nature of the referendum literature did not lend itself to analysis in this manner. More importantly there emerged increasing evidence of the impact of EU referendums on the European Union that was not widely recognised or acknowledged outside of the Danish 1992 result. This became an increasingly attractive focus for the research and one that at the same time was also achievable. Simply, the relationship between national EU referendums and the European Union emerged as a far more fruitful area of research while earlier ideas seemed to pall.

Australian Referendums

A personal interest in the problems of contemporary politics and the search for a sound academic thesis was directly influenced by two other factors: exposure to referendums in Australia and an earlier academic experience studying referendums. As my formative experiences, and consequently some of my biases, have been formed in Australia it is appropriate to note some of the characteristics of these referendums and their differences with EU referendums.

---

[1] Patricia Roberts-Thomson, 1996b, "Registration Document", Nottingham Trent University, unpublished.

First, the Australian constitution, like the Irish constitution, is very prescriptive in its detail and can only be altered by referendum. Secondly, most of the Australian referendums are on machinery or operational matters and, with the exception of the 1999 referendum on a republic, do not deal with fundamental matters concerning the construction and identity of the state, such as those on whether or not to join the European Union.[2] Thirdly, as the issues at stake are less critical, there is rarely a broad consensus of the political elite in favour of the proposal. Australia is a federation and one of the givens in Australian political life, particularly in the face of constitutional reform, is that proposals can easily be painted as the federal government wishing to extend its powers at the expense of the states. As the party system is highly fractured as in the Westminster system, and is bifurcated between federal and state levels, one consequence is that electoral cues become very diffuse.

Fourthly, Australian referendums need a double majority for a referendum to be successful. They must be passed both by a majority of the people and a majority of the states. This makes the likelihood of success very difficult and indeed only eight of forty-five referendums have been approved.[3] This regularity of voting 'No' forms a bias within my research. My experience suggests that it is quite possible for the people to reject a referendum proposal and may do so with impunity but, because the issues at stake are less intrinsically important, little substantive political fall out occurs. Within the European context the people usually compliantly return the result favoured by the government, but, should attitudes towards referendums, governments or the European Union substantially change, and this be reflected in EU referendum voting, then this could seriously jeopardise the whole future of European integration. The example of the Danish rejection and the marginal result in the French referendum, coupled with the increasing resort to referendums to resolve issues surrounding European integration, all make a heady cocktail of issues which lead me to believe that the likelihood of further rejections is a possibility.

---

[2] *The Sydney Morning Herald*, Monday 8 November 1999, and *The Australian*, Monday 8 November 1999.
[3] Colin Hughes, 1994, "Australia and New Zealand", Butler and Ranney, 1994, and Don Atkin, 1978, "Australia", Butler and Ranney, 1978.

The final influential factor determining my interest in referendums is previous research which analysed the 'Simultaneous Elections' referenda in Australia in 1977 with particular attention to the campaign strategies of the major political parties. This was undertaken for a dissertation for the equivalent of a master's degree in Political Science.[4] These referenda covered four issues three of which were machinery matters but the most politically sensitive was to synchronised the electoral cycles of the House of Representatives and the Senate. The three machinery referenda were passed but the synchronisation of elections was defeated. This highlights another bias in my research – a belief that the people are usually, and often, astute in responding to referendums.

Research Methods

As mentioned the research methods are those used within conventional political science using a positivist epistemological and ontological position characteristic of much political research. The research is empirical but also explores a theoretical concept. This is undertaken through a broadly institutional approach. The methods are comparative and the focus is on qualitative and not quantitative research. The comparative method involves analysing countries in parallel and in their interdependent relationship with the European Union but the focus in this research is not on countries *per se* but on an analytic category – EU referendums - which are common to many West European countries. The particular research method adopted is a 'comparative interdependent analytic case method' using data derived from critically analysing secondary scholarly sources and augmented by information from elite interviews. This provides a coherent link between the theory, the data, and the method upon which the research relies.

As part of my research training two research skills training courses have been attended run by the Faculty of Humanities and the Department of Politics at Nottingham Trent University. These courses have been valuable for their introduction

---

[4] Patricia Roberts-Thomson, 1977, "The Simultaneous Elections Referenda of May 1977", BA Honours Thesis, unpublished.

to research methods, epistemology and introduction to philosophy for social scientists, and have informed my understanding of the methods used in my research.

The Institutional Approach

The thesis is located within the institutionalist approach as set out by R. A. W. Rhodes.[5] This approach has a particular manner of dealing with theory and emphasises both causal statements and political values in its explanations. On the one hand it acknowledges that rules and procedures influence political behaviour in particular ways and on the other that 'political institutions express particular choices about how political relationships ought to be shaped.'[6] In this way political institutions reflect the normative elements, or values, of liberal democracy. This is the dominant tradition of political research although very little attention has been given to it. As Rhodes notes it is:

> one of the central pillars of the discipline of politics. It focuses on the rules, procedures and formal organisation of government. Its methods are institutional-descriptive, formal-legal, and historical-comparative. It employs the techniques of the historian and the lawyer. It seeks to explain the relationship between structure and democracy and the ways in which rules, procedures and formal organisation succeed or fail in constraining political behaviour.[7]

As indicated, the manner by which the institutional approach proceeds is typically one of either three methods – the descriptive-inductive or 'contemporary history' method which attempts to explain and understand phenomena and is derived from inferences drawn from observations. The second is the formal–legal method, which focuses on the legal and constitutional aspects of government structures. This particular aspect has come in for criticism as being too formalistic and not being able to explain policy or power and for placing undue emphasis on facts thereby neglecting the development of theoretical frameworks. The third is the historical-comparative method that emphasises the benefits of comparison as a means of understanding and recognising

---

[5] R. A. W. Rhodes, 1995, "The Institutional Approach", David Marsh and Gerry Stoker, eds., *Theory and Methods in Political Science*, Macmillan, Basingstoke.
[6] Rhodes, 1995, p 47 quoting N. Johnson, 1975, "The Place of Institutions in the Study of Politics" *Political Studies*, Vol. 23, pp 276-7.
[7] Rhodes, 1995, pp 54-5.

the unique features of political systems. All three methods are used in this research in an attempt to interrogate the data. Rhodes makes the claim that institutionalist analysis should not suffer from its 'slightly apologetic air because it is a subject in search of a rationale.'[8] Nevertheless he believes as the state system exists it therefore is worthy of study while its rationale lies in its use of a number of theoretical approaches using a variety of research methods of which two are case studies and comparative case studies.

Comparative Research

Roy Macridis, writing in 1955, described the function of comparative research and elaborated on the importance of causal factors as one of the main purposes of comparison:

> the function of comparative study is to identify uniformities and differences and to explain them. Explanation requires the development of theories in the light of which similarities and differences come, so to speak, to life. They then lose their adventitious character and assume a significance that has a causal, i.e. explanatory, character. ... The comparative study of political institutions and systems, therefore, entails the comparison of variables against a background of uniformity, either actual or analytical, for the purpose of discovering causal factors that account for variations. [9]

More recently this has been re-stated and extended by Tom Mackie and David Marsh.[10] They identify two reasons for comparative analysis: first, the necessity to avoid ethno-centric bias, and secondly, the need "to generate, test, and subsequently reformulate theories, and their related concepts and hypotheses, about the relationship between political phenomenon."[11] In relation to the first this is self-evident as the area under investigation is twenty-four referendums in eleven countries, while in relation to the second this reiterates Macridis' view that this method allows for the establishment of causal factors between differing phenomenon.

---

[8] Rhodes, 1995, p 55.
[9] R. C. Macridis, 1973, "The nature of comparative analysis", P. G. Lewis and D. C. Potter, eds., *The Practice of Comparative Politics: A Reader*, Open University Press, Buckingham, pp 18-19.
[10] Tom Mackie and David Marsh, 1995, "The Comparative Method", David Marsh and Gerry Stoker, eds., *Theory and Methods in Political Science*, Macmillan, Basingstoke, p 174.

There are however recognised problems with comparative research and the more general problems are outlined by Hague, Harrop and Breslin,[12] Dogan and Pelassy,[13] as well as Mackie and Marsh. Three of these difficulties – enthocentric bias, the same phenomenon having different meanings in different countries, and the increasing interdependence of countries - are significant. A more immediate problem is the selection of what is to be compared but in this thesis the selection criteria is inherent in the topic – EU referendums – therefore the method of selection has in fact been self-selection. By definition this eliminates all countries which have not held an EU referendum. Another problem is too many variables but this again this is overcome by the analytical nature of the research - the focus is specifically on EU referendums and therefore is delimited to the extent to which referendums inter-relate in functionally specific ways within each political system.

Two problems warrant attention even if they are difficult to address. The first is the inherent bias involved. Hague *et al* considers this is one of the key problems of comparative research meaning, "the values of the researcher affect the results of the analysis",[14] while Mackie and Marsh refer to bias in the context of 'problems of interpretation'. Both forms affect this study. First, as mentioned above, referendums are studied in Western Europe from long-standing residence in the United Kingdom, yet formative experiences of referendums have occurred in an Australian context where referendums are a more familiar part of the political landscape. Secondly, many of the concepts used in this thesis derive from a British understanding of the terms, based on the Westminster model of parliamentary democracy. It is recognised that the subtleties behind many of these concepts may not be the same in the consensual democracies of continental Europe[15] and this is discussed in more detail below.

---

[11] Mackie and Marsh, 1995, p 174.
[12] R. Hague, M. Harrop and S. Breslin, 1992, *Comparative Government and Politics*, Macmillan, Basingstoke, p 27-31.
[13] M. Dogan and D. Pelassy, 1990, *How to Compare Nations*, 2 edn., Chatham House, London.
[14] Mackie and Marsh, 1995, p 181.
[15] Lijphart's original formulation of 'consociational democracies' has been dissolved into 'consensual democracies' in contrast to majoritarian democracies. See Dogan and Pelassy, 1990, p 102.

There is also another issue of bias referred to here as 'British bias'. Although referendums have achieved something of a political renaissance under the new Labour government they have been very rare in the United Kingdom and are not considered a traditional part of the British political system, being viewed mostly as an aberration. Not surprisingly they have been given little academic attention. This is manifest in the few articles in the British academic literature and precious few in the 'English-European'[16] journals where many of those who sit on the editorial boards are steeped in the British tradition. This is despite referendums being more frequent in European countries. Further differences are also noticeable in the nature of those articles that do appear. For example the focus of articles in *Scandinavian Political Studies* is different in content and analysis from those in British journals.[17] In the former the tendency is for articles on electoral characteristics, particularly voting behaviour, to predominate with a bias towards statistical analysis while those in the British journals are more likely to be case studies of particular referendums. While it is recognised that this may have many causes, cognisance needs to be taken of the bias of both content and approach.

The second, and probably more serious, problem is an epistemological problem that attaches to the meanings belonging to the same phenomena in differing countries. This issue has been addressee by Mackie and Marsh: "any comparativist must recognise that the meanings and understandings of concepts is affected by the cultural context of the researcher and the country being studied."[18] Do institutions, procedures, processes and political behaviour in different countries mean the same thing even if called by the same name? Not only is there the problem of adequate translation across eight different languages, there is also two broad political systems to cover – the Westminster and consensual. To add to further differences Switzerland and Austria are formally federations, Denmark, Norway, Sweden and Britain are constitutional

---

[16] 'English-European' meaning English language but designed for a wider European readership as opposed to 'British' in this context meaning English language and designed for a British audience.
[17] For some interesting comments on the Scandinavian tradition in foreign policy analysis and the European Union, as opposed to British and American preferences, see Ole Wæver, 1995, "Resisting the Temptation of Post Foreign Policy Analysis", Walter Carlsnaes and Steve Smith, eds., *European Foreign Policy: The EC and Changing Perspectives in Europe*, Sage, London, pp 250-252.

monarchies, and Ireland, Italy, Finland and France are republics. The range and scale of these differences suggest the likelihood of epistemological issues arising but, while this is acknowledged and watched for, it is difficult to resolve.

The third problem identified is the nature of comparative research in an age of the increasing permeability of boundaries, or increasing interdependence, used as a term "to describe those forms of permeation that involve extra-territorial influence, whether emanating from other governments or from non-governmental actors.[19] The problem here is that the assumption that the state is a discrete unit of analysis and that institutions, procedures and processes are unique within that system and not subject to influences from outside is directly challenged. Research in relation to the European Union now encompasses a wide spectrum from policy related matters, to theories of integration, to the legal construction of the Union, to areas of specific inter-governmental activity such as CFSP or JHA. Whilst to date within the European Union economic and other policy areas, such as the environment, have received great attention, this research is not comparable to that on EU referendums as these remain firmly in the domain of national domestic politics. In relation to the European Union the mode of interdependence with national political systems differs from that typical in Union policy areas for example. The European Union is much more 'acted upon' in relation to accession referendums, but 'acting in' EU treaty referendums. Therefore it is instructive to consider when the comparisons are made – before or after the interaction, or is it the interactions which are important? Richard Rose raised these questions in his study of differing forms of comparative analysis although these specific questions appear not to have been answered with respect to research on the European Union.[20]

---

[18] Mackie and Marsh, 1995, p 183 quoting D. Collier, 1993, "The Comparative Method", A Finifter, ed., *Political Science: The State of the Discipline*, American Political Science Association, Washington DC, p 113.

[19] Richard Rose, 1991, "Comparing Forms of Comparative Analysis", *Political Studies*, Vol. 39, No. 1, p 460 referring to Robert O. Keohane and Joseph S. Nye, 1989, *Power and Interdependence*, 2 edn., Little Brown, New York.

[20] Rose, 1991, p 454.

The Case and Comparative Case Method

Two of the typical means of conducting research following an institutional approach is to adopt a case study or comparative case study method. The characteristic nature of case studies is that they seek out both what is common and what is particular about the case, but the end result usually comes up with something unique. In much political research however, generalisations leading to the development of theory are more often valued than what is unique. Thus the comparative case method comes into its own as this allows for a number of cases to be researched simultaneously but the drawback is that detail is sacrificed to the wider generalisability of the claims. Thus Rhodes refers to this method as allowing "valid generalisations provided that there is a theoretical statement against which to compare the case studies".[21] The individual case study also varies in relation to comparative case study research in that the derivation and location of the theory – either at the beginning or the end of the research – differs. As Rose explained:

> Whereas case studies may arrive at concepts and generalizations at the end of research, comparative analysis of more than one country requires the specification of concepts at the beginning in order to identify what is required to be examined in different national contexts.[22]

The comparative case method is now one of the more popular methods in comparative research but the nature of this popularity is also evident in the subject matter of the comparisons. While traditional comparative politics was concerned with comparing differing countries, the shift now is to compare political "attributes" as Rose outlined:

> Within comparative politics the norm now is to conduct studies relying upon explicit concepts defined with sufficient clarity to permit systematic comparison with other countries. The concepts employed focus upon particular segments of society ... The subject is not countries *per se* but analytic attributes common to many countries.[23]

---

[21] Rhodes, 1995, p 56.
[22] Rose, 1991, p 455.
[23] Rose, 1991, p 454.

However while in one sense this research conforms to the definition of the comparative case method, on the other hand EU referendums can be seen as a particular case of 'referendums' and therefore could be considered as a singular category - the case of a particular type of referendum. Within this context the research would be using the heuristic case method whereby generalisations are drawn from the case and the case study sets out explicitly to test a theoretical proposition, in this instance democratic governance. However, while it could appear that this research conforms to both criteria, depending upon which level of analysis is taken as the starting point, the use of twenty-four cases in eleven countries stretches the criteria of a singular case study to its limits. Further as indicated in Chapter 1, there are five different categories of referendums, or in this terminology, cases. As a consequence this research is best described as following a comparative case method. Such a description indicates with greater clarity the derivation of its theoretical concepts - broadly ascertained at the beginning of the research - and determine its nature, rather than being the outcome of the research as in the singular case method.

The case and comparative case method has also been described in other ways by Tom Mackie and David Marsh.[24] Their means of analysing case studies have been derived from the typology of case studies as postulated by Arend Lijphart in 1971.[25] In their view what constitutes comparison for an individual case study is that it uses concepts derived elsewhere, tests some general theory or hypothesis, or develops theories that can be used in another context.[26] A considerable amount of comparative study however uses a number of cases and this they describe as the "systematic comparisons of a limited number of cases" or, after that used by Hague et al, as 'focused comparisons'.[27] Under this categorisation this research may be described as a case study which is designed to interrogate a theory – in this case democratic governance – if considered a case study of EU referendums, or 'focused comparisons' if considered a 'limited number of cases'. This research, by using a large number of particular cases, appears to fall between the two categories. Nevertheless it is comparative in

[24] Mackie and Marsh, 1995.

[25] Mackie and Marsh, 1995, p 177, quoting Arend Lijphart, 1971, "Comparative Politics and the Comparative Method", *American Political Science Review*, Vol. 65.

[26] Mackie and Marsh, 1995, p 177.

[27] Mackie and Marsh, 1995, p 178.

essence although the focus of the comparisons are predominantly, though not exclusively, in relation to the European Union. Research into the European Union however is not straightforward and encounters another set of problems.

Research and the European Union

> The European Community (EC) has posed problems for political science since its inception. Its institutions and legal capacity have confounded traditional distinctions made between national states and international organizations.[28]

Although there has now been forty years experience, research into the European Union has been beset with difficulties within the academic community and a plethora of approaches is now available. Very early research was predominantly in the political science comparative politics mould and concentrated particularly on the institutions of the European Union, treating them as an extension of the state. However the development of the Union found many of these wanting, while the increased range of activities, policies, processes and practices has spawned a vast new literature, much of it theoretical, and now dominated by international relations approaches to the field.

This however raises a number of problems for this research. First, the research is concerned with EU referendums but, as illustrated in Chapter 1, the nature of that relationship varies considerably both between EU treaty and EU accession referendums and in the context of the deficiencies in democracy in the European Union. But it is only EU treaty referendums that affect European integration in that they are fundamentally necessary to further integration, although all EU referendums have some impact on the issue of democracy. Secondly, within the sub-fields of European Union research where does this research fit? It is not primarily concerned with institutions, it is not policy, and while it is one of the outcomes of the intergovernmental conferences, it is not specifically a practice of the European Union. It is however an aspect of the political co-operation evident within the Union in that it is concerned with those procedures which, as an outcome of the treaty negotiation

---

[28] Carole Webb, 1983, "Theoretical Perspectives and Problems", Helen Wallace, William Wallace and Carole Webb, eds., *Policy-Making in the European Community*, John Wiley, New York, p 1.

process, enable the Union to proceed to the next stage of integration. However it is also unique in that it is concerned with only a few states not all, and depends on either their constitutional requirements for ratification of international treaties, or on direct domestic political decisions. These requirements existed prior to membership negotiations and cannot be bargained or negotiated away. The thesis then spans two research fields – that which examines the European Union and that which is concerned with national political developments, albeit in relation to the Union.

Within the academic literature there has been a debate about the role of comparative politics as opposed to international relations in the analytical understanding of the European Union.[29] This debate has been most forcefully put by Simon Hix who maintains that while international relations approaches have generally dominated the study of the European 'integration' - meaning the relationships between states - the study of European Union 'politics' - meaning the study of policy making, representation and participation - has generally proceeded within a comparative politics mode. However this has been rarely recognised and now "direct applications of comparative politics to the politics of the EC remain few and far between."[30]

Hix discusses the various modes of comparative politics and concludes that under the 'new' institutional approaches the concepts relating to federalism and consociational democracy are able to describe adequately the political aspects of the European Union. These he claims are more useful than international relations approaches as they describe the current decision-making environment of the Union than those international relations approaches that seek to prescribe the institutional structure of the Union. These aspects of federalism and consociational democracy are also significant in that:

---

[29] Simon Hix, 1994, "The Study of the European Community: The Challenge of Comparative Politics", *West European Politics*, Vol. 17, No. 1, and 1996, "CP, IR and the EU! A Rejoinder to Hurrell and Menon" in *West European Politics*, Vol. 19, No. 4. Simon Hix, 1998, "The study of the European Union II: the new governance agenda and its rival", *Journal of European Public Policy*, Vol. 5, No. 1, and 1998, "Elections, Parties and Institutional Design: A Comparative Perspective on European Union Democracy", *West European Politics*, Vol. 21, No. 3. (Hereafter known as 1998a and 1998b respectively.) Other scholars to engage in this debate include T. Risse-Kappen, 1996, "Exploring the Nature of the Beast: International Relations Theory and Comparative Policy Analysis Meet the European Union", *Journal of Common Market Studies*, Vol. 34, No.1; and Rhodes and Mazey, 1995.
[30] Hix, 1994, p 12.

it is these institutional features that organise the behaviour of the actors, and structure the conflict. Describing the EC in these terms thus allows further comparisons to be drawn from politics in other federally organised and territorially pillarised systems.[31]

Not all however agree with his claims and Andrew Hurrell and Anand Menon[32] maintain that his distinction between 'politics' and 'integration' is artificial and, further, relies on the implicit suggestion that the European Union behaves in a manner typical of any other democratic system – both of which they dispute. The European Union in their view is a different system in that it is comprised of particular relationships between states, which themselves are subject to the prevailing circumstances of the international environment. Neither of these features of the European Union can be adequately subsumed under comparative politics approaches. Two conclusions emerge from this debate. First, the suitability of the general approach to the study of EU referendums and its focus on those aspects of democratic politics, falls within the bounds of that typically undertaken by the comparative politics approaches to the study of the European Union. Secondly most of the theories of European integration are not applicable to this research because, in essence, the study is focused at the national, not the European level.

Another aspect of this discussion is not so easy to resolve. One of the criticisms of Hurrell and Menon, and agreed by Hix, was that the comparative approaches generally tend to downplay the effects of the international environment. In this study of EU referendums however, particularly those 1992 referendums, many scholars consider the prevailing tensions of the international environment were influential in the outcome of the referendums. While the particular line of reasoning varies, and has already been referred to in Chapter 1, all agree that the combination of uncertain global events, internal political developments in the European Union, and complex pressures on national economies were significant. This suggests that the boundaries of the comparative approach can, on some occasions, be more fluid than previously maintained.

---

[31] Hix, 1994, p 20.

Research into the European Union is not straightforward for other reasons and the task of simultaneously investigating both the European Union and national states raises a number of problems for research technique. One of the few comments on this difficulty comes from Ole Wæver and his study of European foreign policy within the parameters of foreign policy analysis (FPA). He writes that:

> Studies from the FPA tradition have (as actually have most other studies) a problem in dealing with the simultaneity of the unitness at the states level and at the EC level. They oscillate between dealing with one (EC foreign policy) and with the other (states positions on a common foreign policy).[33]

Wæver goes on to suggest that what happens is that one unit is implicitly more important than the other and this is just doubled and operated at both the Union and state level. This, he maintains results in an "unclear dualism"[34] which is compounded by the lack of reflection and understanding of the process undertaken, and further complicated by taking on board a number of assumptions, particularly about sovereignty. The problem also arises in FPA that "only one level at a time is foreign policy and the other is part of the environment."[35] He goes on to suggest that "preferably one should study the simultaneity, the interplay, the contest and the differentiation between the states and the quasi-state, the EC", [36] but notes that many choose to focus only on one aspect of foreign policy. However, quoting Pfetsch, in fact:

> the foreign policies of the member states have become a two-track enterprise: on the one hand the members act like traditional independent policy-makers, and on the other they act like representatives of the EC/EPC [European Political Co-operation].[37]

---

[32] Andrew Hurrell and Anand Menon, 1996, "Politics Like Any Other? Comparative Politics, International Relations and the Study of the EU", *West European Politics*, Vol. 19, No. 2.
[33] Wæver, 1995, p 248.
[34] Wæver, 1995, p 248.
[35] Wæver, 1995, p 248.
[36] Wæver, 1995, p 248.
[37] Frank Pfetsch, 1994, "Tensions in Sovereignty: Foreign Policies of EC Members Compared", Carlsnaes and Smith, 1994, p 120.

However this raises new research questions which Wæver considers are largely ignored: that what goes on at the European Community level is also as important as what goes on at the national state level, and the two should be dealt with in parallel as the dynamics which emerge there are just as important as those at the state level. These issues also are explored in greater theoretical detail by Pfetsch,[38] but together they heighten awareness of the pitfalls in studying the European Union. On the one hand there is the analysis of the states, on the other the European Union, and how the states act as members of the Union, and on yet another is the interaction between the two deriving from their differing roles in each political space. Research which has a dual focus – the European Union and national states – is a complex undertaking.

Research Design

The research design of the thesis has been governed by the combination of the theory, subject matter and data. The referendum research is conducted on a cross-national basis but the application of political concepts such as democracy, decision-making, legitimacy and participation is based on that understood in conventional political science. These, however, are subject to conceptual modification in relation to the European Union. The concept of governance, at least in its earliest derivations, appears to have a particular American flavour. In addition to this, the derivation of the concept of democratic governance relies upon a cross-disciplinary approach, further adding to the eclecticism of the research. Finally, the level of theory that the research aspires to also differs in each of its major areas. The theory of democratic governance is a middle range theory applicable to "intra-area comparisons among relatively homogeneous contexts"[39] while that of referendums is a narrow-gauge theory based on a country by country analysis. These factors make the research design complex but do not necessarily question to the validity of the research.

---

[38] Pfetsch, 1994, pp 120-137.
[39] Giovanni Sartori, 1973, "Faulty Concepts", P. G. Lewis and D. C. Potter, eds., *The Practice of Comparative Politics: A Reader*, Open University Press, Buckingham, p 199.

The research has been designed to access two sources of data – secondary bibliographic sources supplemented by empirical data gathered from elite interviewing.

Secondary Sources

The information on which the thesis relies is derived from secondary textual sources and their content is addressed in detail in the following chapter. The secondary textual sources are focused around three subject maters – governance and governance in the European Union, national referendums, and enlargement, treaty reform and democracy in the European Union. Of these sources that on referendums is the most problematic as the information used is in English though not necessarily written by those for whom English is their first language. The inability to access material in other languages has restricted this research as it is apparent that there is an indigenous tradition in most of those countries where referendums are a familiar part of the political landscape. This is particularly so in Scandinavia, Italy and France, and of course Switzerland.

The referendum literature revolves around six texts, mostly edited compilations focusing on European or international experiences. Additional literature on referendums is based on American or Swiss experiences which, although helpful, are not directly relevant. These sources are supplemented by journal articles in the major English language West European journals such as *West European Politics*, the *European Journal of Political Research*, the *Journal of Common Market Studies* and, particularly for the Scandinavian referendums, *Scandinavian Political Studies*. A number of articles have also appeared in *Electoral Studies* which has a wider focus than specifically Europe. None of the more prestigious British journals have published an article on EU referendums since the aftermath of the 1975 British referendum.

The sources on governance are broader and many American scholars dominate the field. The sources on governance in the European Union are less diverse and the focus is mainly on policy areas, although here too a number of studies are published by American authors. The norm appears to be edited books covering different policy

areas. Articles in journals similar to those listed above supplement this literature. This field is currently experiencing a real growth in the literature.

The sources for democracy in the European Union are centred on *West European Politics, European Journal of Political Research*, and the *Journal of Common Market Studies*. In more recent years this has seen the appearance of several single authored and a few edited texts on specific aspects of democracy and legitimacy in the European Union, along with those on the European Parliament. Treaty reform and the difficulties over the Maastricht Treaty were the inspiration of many edited texts in the immediate aftermath of 1992. As this treaty also represented a significant change in the construction of the European Union then this was perhaps not surprising. The interest in the Amsterdam Treaty was much less evident and only a few, again mostly edited texts, have appeared. Since then however treaty reform itself has become the subject of several books, marking a new and more specific interest in reform within the European Union. Finally enlargement of the European Union has seen a revival of interest with the prospect of the accession of the Central and Eastern European states and in the last few years four books have appeared on this topic.

Elite Interviewing

The second aspect of the research design was to interview a small sample of senior party, government officials and academics in those countries which had conducted EU referendums. The principle purpose of these interviews was to gain a greater understanding of the national political culture surrounding referendums in general and that of EU referendums in particular. In addition it was hoped that the interview material would substantiate, qualify, clarify or lead on from that which had already been gained from secondary sources. Twenty-three interviews were conducted and a list of all those interviewed is found in the Appendix. In June 2000 this information was updated in correspondence with some interviewees and with other specialists in the field. This is also detailed in the Appendix.

Interviewing is a form of qualitative research designed to capture the meaning, process and context of any situation.[40] This was particularly important for this research given its cross-national nature and reliance only on the published sources in English – although the interviews were all conducted in English. It was hoped that such interviews would provide valuable information on party attitudes and approaches to referendums and on the particular political circumstances that surrounded the decision to call a referendum, often not covered in the literature. It also has disadvantages in that access to 'the right' people is difficult and often their status and experience mean that they are familiar with interviewing techniques and are quite able, should they wish, to present an edited version of events.

A large number of 'fieldwork' decisions were made governed principally by the twin constraints of money and time. These had to be reconciled with the dual focus of the fieldwork – national capitals for EU referendums and Brussels for European Commission officials who could speak of behalf of the European Union. A fieldwork budget of £1000 was available later augmented by £250 specifically for the Norwegian research and a smaller amount to visit London. This meant that visits to European capitals and Brussels were limited and restricted to a maximum of three days and that efficient use of interview time, as opposed to travelling time, was a paramount.

Denmark, Ireland, Norway and Brussels were selected on the basis of importance to the research. Other states such as Sweden, Finland, and Austria which had held EU referendums were covered whilst in Brussels where interviews were arranged with European Commission and European Parliament officials. A telephone interview was conducted with a Portuguese representative, and an Italian European Commission official also gave details of the Italian EU referendum while a former European Commissioner, interviewed in London, gave both a European Commission and British perspective. The only country not represented was France and this has proved a limitation of the research.

---

[40] Fiona Devine, 1995, "Qualitative Methods", Marsh and Stoker, 1995; also L. Dexter, 1970, *Elite and Specialised Interviewing*, Northwestern University Press, Chicago, Illinois; D. Richards, 1996, "Elite

The initial interviewing sample was designed to be as broad as possible and proved to be somewhat ambitious and unrealistic. In the beginning the sample included a representative from the major political parties and any coalition party representing the 'Yes' side; the major party that was involved in the referendum campaigns if that was different; a representative of the 'No' side; a government official, and more if possible; and an academic who was an expert in national referendums. The selection of European Commission officials was more open and dependent on those who were, and had been, involved in EU referendums from within the Commission and similarly within the European Parliament. In the event twenty-three people were interviewed in four research trips to European capitals and Brussels. This was a satisfactory outcome but a variety of problems had intervened. The sample often snowballed and at the same time distorted the original design. In the event the interviewees were only roughly comparable with one another in either status or position as the researcher was totally dependent on the willingness of parties to co-operate, and on those selected for interview by the political parties or the government departments.

In general the major political parties contacted responded affirmatively and willingly allocated someone for interview, usually their international officer or officer of similar status. These people invariably were able to converse fluently in English and had a grasp of the intricate details of their party's response to each referendum, as well as being able to discuss referendums in abstract conceptual terms. They were also aware of the characteristic features of referendums in their own political system. Nearly all of these interviewees asked not be taped, (two asked explicitly about hidden tape recorders), and all asked not to be quoted directly.

Interviews with representatives of the 'No' campaigns, except for one in Denmark, and the smaller parties did not eventuate. A combination of factors appeared to be the cause. Mostly the 'No' campaign was not a conventional political party but rather an *ad hoc* group dominated by significant individuals. Consequently they did not have formal headquarters, permanent staff or representatives in the national parliaments,

---

Interviewing: Approaches and Pitfalls", *Politics*, Vol. 16, No. 3; and Lewis Minkin, 1997, *Exits and Entrances: Political Research as Creative Art*, Sheffield Hallam University, Sheffield.

and the location of some of these individuals, on the advice of London embassy staff, precluded interviews because of the time involved in travelling to outlying parts of the cities or countryside. Nevertheless those small and minor parties that were contacted without exception failed to respond, although language difficulties may have been a contributing factor.

Interviews with government officials were very easy as all spoke excellent English and appeared comfortable talking about the EU referendums and their location within the national political system. They were sometimes more forthcoming of the party difficulties, (without a party's reputation to defend), and provided a greater context for the individual national referendums. Generally they also were the only people to have a grasp of the national – European Union relationship, the party officers often being primarily concerned with the conduct of the referendum within their political system, and especially *vis à vis* other parties, and not on its wider European ramifications. Interviews with national academics were limited in number but very interesting and helpful.

The interviews with European officials in Brussels were determined for the most part from the information supplied from a knowledgeable officer in DG I. Most were highly difficult to organise even though arranged well in advance. The visit to Brussels had been specifically timed to coincide with the sitting of the European Parliament there, nevertheless many of the officials and MEP's with whom interviews were arranged had to alter arrangements on a number of occasions and some did not happen at all. The quality of the information gathered from some of these interviews was variable, and it became readily apparent some had far greater knowledge and direct experience of the various national referendums than others. Nevertheless the access offered by DG I to documents relating to the Danish 'No' was exceedingly helpful.

The particular technique adopted was of a semi-structured interview that asked open-ended questions from a list of topics to be covered.[41] It was considered that this

---

[41] Minkin, 1997.

technique would allow the interviewee to elaborate as much as they liked within reasonable limits and enable the interviewer to pick up on interesting features, issues and ask for clarifications or check understandings. The recording of the interviews was by hand-written notes. This was determined by familiarity with this approach, recognition that it is also less threatening to interviewees and past experience with the inadequacies and frustrations of recordings. This proved a fortunate decision in the light of the sensitivity of some interviewees to being recorded. As this study is not concerned with content analysis or reliant on other post-modern interviewing techniques, and as the interview data was supplementing that gained from secondary sources, this manner of recording seemed appropriate.

As most of the later EU referendums, (except the Danish Amsterdam referendum), have been extensively analysed in the literature the most important finding that came through the interviews was of the emotional intensity that the EU referendums aroused in each country. The issue of membership in Scandinavia was highly controversial, fought as a battle, and divided opinion across the countries. This often lingered years after the event. Although mentioned in the academic literature this had not come through particularly strongly where analytical descriptions of the voting behaviour or the campaign strategies of the parties were often reduced to seemingly rational explanations. Other findings included the significance of deep-seated national attitudes towards membership of the European Union and that each political system varied more than expected.

Significant information came from the interviews conducted in Brussels. Those with European Commission officials, where the real impact of the Danish 'No' was felt most keenly, were particularly important. The rather hostile attitudes of the Commission towards the use of referendums for ratifying Union treaties was not something that had been noted in the European literature. Apart from this issue much of the information gained either in Brussels or in the national capitals had already appeared in the academic literature, a factor which was not surprising given that they had been held a number of years previously. The information from the interviews, given that most officials wished to remain anonymous, appears in the text as 'reported in private discussions'.

Conclusion

A personal interest in the problems of representative democracy and the evolution of the European Union has inspired the fundamental aims of this research. Early research experiences in studying referendums in Australia stimulated an interest in referendums now transposed to the European political environment where referendums are increasingly being used to solve problems surrounding membership of the European Union.

The research methods used are quite conventional: only the nature of the subject matter and its cross-national and European Union focus, and the resulting inter-relationships, make it unusual. It is located within an institutional approach typical of much political science research using a comparative case method. This method is further refined by examining the analytic category – referendums. The research however is complex in that it relies of three bodies of literature underpinned by three differing, and in the case of the European Union fractured, academic disciplines. It is also both theoretical and empirical and it covers three political spaces – the national, the European and the cross-national – as well as the interdependencies and interactions between them all. Consequently this study of national referendums, in the context of national governments who are also constitutive member states of the European Union, and in relation to the European Union itself, is a difficult and at times confusing undertaking.

Fortunately the research data upon which the thesis is based is relatively straightforward – it relies for the most part on secondary sources on EU referendums augmented by primary sources from elite interviewing in some European capitals as well as in Brussels. In also relies on the specific European Union literature. The data from the interviews provided valuable insights into the position of EU referendums within each national political system and the circumstances and particularities which surrounded each referendum. In Brussels it gave invaluable insights into the attitudes of the European Commission officials towards national EU referendums, particularly those upon which its future depends. But it also raised another set of methodological

issues about cross-national research and the cultural determinants of meanings in particular political settings. These, like the other unusual characteristics of this research, are difficult to resolve, but a reflexive approach to this form of empirical research goes some way to addressing them. Attention must now be turned to the content of this research data, to the secondary sources on EU referendums, as well as to the concept of democratic governance which provides the theoretical foundation of the thesis.

CHAPTER THREE

DEMOCRATIC GOVERNANCE AND THE REFERENDUM LITERATURE

Introduction

This chapter has a dual purpose both to describe the evolution and derivation of the concept of democratic governance and to provide an overview of the referendum literature. In undertaking the first task the governance literature is reviewed and the inadequacies of present notions for analysis of EU referendums highlighted. This leads to the search for alternative concepts and eventually to the establishment of 'democratic governance', a concept which is able to explain more coherently the pattern and form of governance emerging from the impact of national EU referendums on the European Union.

In outlining the literature on governance the origins of the word from political science and international relations are highlighted. Although many of the elements are similar this literature differs from that concerned specifically with governance in the European Union. Two major interpretations have emerged there – that which for ease of identification is called the 'new governance agenda' and its 'rival' which sees governance in the European Union as not inherently different from that of the state. Another interpretation takes this rival perspective but adds to it concerns from the international and regional economic and security environment. The predominant focus of all these three interpretations is with the development of policy in the European Union and not with political/electoral issues. This suggests that these concepts of governance are not entirely suitable vehicles through which to examine the EU referendums and their importance to the European Union. By looking wider to other types of governance, and taking from them some common elements and then placing them in a different framework, a more suitable concept is developed. This enables the interactions and interdependencies between all actors, one of the more significant elements of governance, to be fully taken into account.

The second half of the chapter reviews the referendum literature but referendum research has received little academic attention and as recently as 1993 scholars were lamenting its paucity. While this has increased substantially in more recent years, many aspects of referendums remain under-researched one area being EU referendums. The referendum literature forms an almost self-contained body and is predominantly located in mainstream political science. It is dominated by empirical research on particular referendums and is principally concerned with studies on the relationships between referendums and political parties or referendum voting behaviour. There is very little theoretical, conceptual or comparative research on referendums in general and even less on EU referendums.

Governance

The Concept of Governance

There is no academic consensus on the meaning of the word 'governance' although it is now very popular. This confusion arises from a number of sources not least because it is a relatively new word in the lexicon of political science and international relations and meanings have yet to be entrenched. While this state of affairs exists, many scholars continue to use the word in different ways to describe differing phenomenon. James Rosenau[1] noted sixteen different types of governance in international situations while in an overview of all usages of the term, R. A. W. Rhodes[2] identified six quite different types of governance. What these two authors have in common, but approached from differing intellectual traditions, is that governance in not a synonym for government. Rhodes expressed it in the following way:

> Current use does not treat governance as a synonym for government. Rather governance signifies a change in the meaning of government, referring to a *new* process of governing; or a *changed* condition of ordered rule; or the *new* method by which society is governed.[3]

---

[1] James N. Rosenau and Ernst-Otto Czempiel, 1995, eds., *Governance Without Government: Order and Change in World Politics*, Cambridge University Press, Cambridge, p 7 footnotes. (Hereafter referred to as 1995a).
[2] R. A. W. Rhodes, 1996, "The New Governance: Governing without Government", *Political Studies*, Vol. 44. No. 4.

Another importance difference is that government is ultimately reliant on the formal authority of the state while governance is reliant on the shared purposes amongst participants.

From the discipline of international relations, James Rosenau[4] defines governance in relation to international order where, in the absence of any over-riding international authority, he finds 'governance without government'. He maintains that the concept is wider than government and more encompassing including both formal governmental institutions and informal non-governmental mechanisms. Using the example of the Cold War, he believes that the increasing changes at the global level have precipitated both centralising and de-centralising tendencies, the reality of which has been a shift in the loci of authority away from national governments to something more akin to an international system of governance.

Rosenau believes that the profound changes in the international system is manifest in ways not only suggestive of changes in the nature of authority, but also of legitimacy, of compliance and of states in relation to trans-national organisations, social movements, common markets and political parties. These changes contribute to new forms of governance which are, if not overtly then at least tacitly, accepted by the majority of the people or at least the most powerful. Such changes can be both consciously arrived at as well as developing in ways that are unforeseen and unexpected being the cumulative effect of many apparently separate decisions. With the shrinking of political distances such individual decisions can be aggregated to system wide changes. Despite this, order is still maintained within the international system suggesting that such changes occur in ways that provide for the maintenance and development of the system rather than in ways that may endanger it. As a result governance and order and closely inter-related with the one sustaining the other, "there can be no governance without order and there can be no order without governance."[5]

---

[3] Rhodes, 1996, p 652-3.
[4] James N. Rosenau, 1995a, "Governance, order, and change in world politics", Rosenau and Czempiel, 1995, pp 1-29.
[5] Rosenau, 1995a, p 8.

To Rosenau the emergence of governance has implications for citizens and the assumption that they are simply givens in the process of global governance no longer holds. Citing a list of recent changes such as: the collapse of the communist regimes in eastern and central Europe, and the erosion and dispersal of state power, the advent of global television, pollution, Aids, the revolution in information technologies and finally the new found ability of citizens to be aware of their role in mass social and political movements, all have contributed to a decline in those traditional factors such as leadership and organisation which predisposed mass activity. The ability of citizens therefore to play a part, or even determine, the shape and nature of governance is now an important consideration, if only for the latent potential which it holds. No longer can governance be sustained by governments operating on their behalf:

> Given a world where governance is increasingly operative without government, where lines of authority are increasingly more informal than formal, where legitimacy is increasingly marked by ambiguity, citizens are increasingly capable of holding their own by knowing when, where, and how to engage in collective action.[6]

Within the political science literature Jan Kooiman[7] defines governance in similar terms as encompassing interactions and interdependencies between governmental and non-governmental bodies. He formulates a theory of social-political governance in which governance "can be seen as the pattern or structure that emerges in a socio-political system as a 'common' result or outcome of the interacting intervention efforts of all involved actors."[8] No one actor is totally responsible thus for Kooiman, examining governance in sectors of public management, governance is concerned with interaction and is characterised by complexity, dynamics and diversity. He separates out governance from governing, or 'goal orientated behaviour', and governability which he defines as the ability of the system to govern itself, both of which are separate from but interact with, governing and governability. He talks

---

[6] James N. Rosenau, 1995, "Citizenship in a changing global order", Rosenau and Czempiel, 1995, p 291. (Hereafter referred to as 1995b).
[7] Jan Kooiman, 1994, ed., *Modern Governance: New Government-Society Interactions*, Sage, London. (Hereafter referred to as 1994a).
[8] Jan Kooiman, 1994c, "Findings, Speculations and Recommendations", Kooiman 1994, p 258. (Hereafter referred to as 1994c).

specifically about 'political governance' as that which "emerges from a plurality of governing actors." [9]

The differing types of governance that Rhodes outlines in his overview of the whole term, includes governance: as the minimal state; as corporate governance; as the new public management, as 'good governance'; as a socio-cybernetic system; and as self-organising networks. The last of these he considers best describes the change in British government encompassing, amongst other factors, the effects of privatisation, the loss of functions by central and local government as well as to the European Union. Some of the major characteristics of this form of governance are an interdependence between organisations; continuing interactions between members due to shared purposes; game-like interactions based on trust and rules commonly understood between participants; and a degree of autonomy from the state as these networks are in essence self-organising.[10] While his overview is directed at changes in British government, many of the characteristics are seen in other interpretations of governance.

Rosenau, Kooiman and Rhodes' conception of governance show remarkable similarities although their application differs between the state, the European level and the international system: governance is not government, it is about shared purposes, and it is about interdependence and interaction between organisations which may or may not be governments or government agencies. These activities may be formal or informal and are not necessarily directed by governments; and they may represent a change in the loci of authority, of legitimacy and of compliance; and they may result in outcomes that are the cumulative result of many independent actions. These activities may have unforeseen outcomes but are generally in the direction of the maintenance of the system rather than its destruction. Finally they also encompass the role of the people who may or may not follow the lead of their governments. This form of governance therefore denotes a new process of governing involving governments, other agencies and an emerging but different concept of polity. While this development of the concept of governance is held here, and will be returned to later, attention now turns to the understanding of governance in the European Union.

---

[9] Kooiman, 1994c, p 258, quoting Marin and Mayntz, 1991, backflap.

77

Here it will be shown that the conventional approaches to governance in the Union are not really applicable to the analysis of referendums.

Governance and the European Union

The concept of governance in the European Union is dominated by two contrasting approaches. Simon Hix[11] describes these as the 'new governance' agenda which essentially sees the European Union as *sui generis*, and the other which he calls its 'rival' which has some of the same characteristics but which sees the concept as being a particular variant of the nation state. A third alternative is that developed by Helen Wallace and is more sceptical of the distinctiveness of these approaches and sees governance as not inherently different from government, but influenced more by international and economic factors. Most concepts draw their empirical data from analysis of the development of policy in the Union although a few focus on institutional development or political processes. All appear to be based on an underlying recognition that neo-functionalist or intergovernmentalist approaches to theorising about European integration are unable to give a true picture of the processes involved.

Names however are rarely indicative of the approach and in the bewildering array of interpretations, governance is variously prefixed with a number of adjectives. These include the 'multi-level governance' of Marks *et al* and Hooghe, the 'supranational governance' of Stone Sweet and Sandholtz, and 'internationalized governance' of Niedermayer and Sinnott, the 'transformation of governance' of Kohler-Koch and the 'evolution of complex governance' of Hughes.[12] In addition to this there is the 'challenge of governance' of Helen Wallace, the 'new forms of governance' of Matlary, the 'reflexive approaches to European governance' of Jørgensen, the 'post-parliamentary governance' of Andersen and Burns and the 'governance without

---

[10] Rhodes, 1996, pp 660-661.
[11] Hix, 1998a.
[12] Gary Marks, Fritz W, Scharpf, Phillipe C. Schmitter and Wolfgang Streek, 1996, *Governance in the European Union*, Sage, London; Liesbet Hooghe, 1996, ed., *Cohesion Policy and European Integration: Building Multi-Level Governance*, Oxford University Press, Oxford; Wayne Sandholtz and Alec Stone Sweet, 1998, eds., *European Integration and Supranational Governance*, Oxford University Press, Oxford; Oskar Niedermayer and Richard Sinnott, eds., 1995, *Public Opinion and Internationalized Governance*, Beliefs in Government, Vol. 2., Oxford University Press, Oxford.

opposition' of Neunreither.[13] Furthermore, although not specifically in relation to the European Union, there is the 'socio-political governance' of Kooiman.

The New Governance Agenda

As a broad generalisation the 'new governance agenda' is adopted by Marks, Hooghe, and Stone Sweet and Sandholtz, and is principally used to describe, explain and understand the dynamics and uneven development of policy in the European Union. The activities of national governments and bureaucracies, the European Commission and other European institutions, markets and the role of interest groups and corporate concerns are highlighted along with trans-national relationships usually characterised by a degree of mutual dependence and which occur across a number of governmental levels. An example illustrates this approach. Stone Sweet and Sandholtz[14] define supranational governance as "the competence of the European Community to make binding rules in any given policy area."[15] Governance to them is a dynamic activity determined by the influence of three factors – supra-national organisations, supra - national rules and trans-national society, though their particular notion emphasises trans-national exchanges as being particularly influential. Governance in any particular policy areas is conceived of as on a continuum between inter-governmental politics at one end and supra-national politics at the other.

The exploration of the concept of governance in the Union has also been discussed by Wolfgang Streek and Philippe Schmitter[16] in the context of the role of organised

---

[13] Helen Wallace, 1993, "European Governance in Turbulent Times", *Journal of Common Market Studies*, Vol. 31, No. 3; (Hereafter referred to as 1993a).and Helen Wallace, 1996, "Politics and Policy in the EU: The Challenge of Governance" Helen Wallace and William Wallace, eds., *Policy Making in the European Union*, 3 edn., Oxford University Press, Oxford; Janne Haaland Matlary, 1995, "New Forms of Governance in Europe?: The Decline of the State as the Source of Political Legitimation", *Cooperation and Conflict*, Vol. 30, No. 2; Kund Erik Jørgensen, 1997, ed., *Reflective Approaches to European Governance*, Macmillan, Basingstoke, (Hereafter referred to as 1997a).; Svein S. Andersen and Tom R. Burns, 1996, "The European Union and the Erosion of Parliamentary Democracy: A Study of Post-parliamentary Governance", S. S. Andersen and K. A. Eliassen, eds., *The European Union; How Democratic Is It?*, Sage London; Karlheinz Neunreither, 1998, "Governance without Opposition: The Case of the European Union", *Government and Opposition*, Vol. 33, No. 4; Jan Kooiman, 1994a.
[14] Alec Stone Sweet and Wayne Sandholtz, 1997, "European integration and supranational governance" *Journal of European Public Policy*, Vol. 4, No. 3.
[15] Wayne Sandholtz and Alec Stone Sweet, eds., 1998, *European Integration and Supranational Governance*, Oxford University Press, Oxford, p 2.
[16] Wolfgang Streek with Philippe Schmitter, 1992, "From National Corporatism to Transnational Pluralism: Organised Interests in the Single European Market", Wolfgang Streek, ed., *Social Institutions and Economic Performance*, Sage, London.

interest groups. In doing so they considered that the governance of the future will be considerably different from that which has preceded it. They write

> Europe's future polity, that is to say, will be composed of traditional domestic relations *within countries*, traditional inter-national relations *between countries*, less traditional transnational relations between both individuals and organizations across national boundaries, and entirely non-traditional supra-national relations *between European-level public institutions*, on the one hand, and, on the other, a *European civil society* consisting of domestic, international, and transnational forces and relations and including both nation-states and, in manifold national and cross-national combinations, their constituents. The possible dynamics of this unique, and uniquely complex, system of governance are as yet only poorly understood, and there is very little theory, if any at all, to guide such understanding.[17]

This vision of the new form of multi-layered governance in the Union was taken further by Schmitter when 'imagining the future of the new Euro-polity'. He developed new names for alternative forms of possible patterns of integration including 'stato/federatio', 'confederatio', 'consortio' and 'condomino' based on differing forms of territorial and functional constituencies.[18]

Other concepts of governance within this agenda include Jørgensen's 'reflective approaches'.[19] In this interpretation the concept of governance is explored in philosophical and theoretical terms in space and time dimensions rather than in policy making or inter-institutional relations. While the reasoning is highly abstract the concept of governance is more explicitly stated and is perceived as having three advantages over current theoretical approaches. The first is that its teleology does not necessarily lead to a Euro-federal state, as Jørgensen quotes "'the idea of governance *beyond* the state dies not mean governance *above* the state, thus reconstituting the state with all its constituents simply on a higher institutional level."[20] Secondly, the concept differs from traditional intergovernmentalism because it "connotes something more than simply international co-operation. Rather, it refers to a regional integrated

---

[17] Streek with Schmitter, 1992, Streek, 1992, p 217.
[18] Philippe Schmitter, 1996, "Imagining the Future of the Euro-Polity with the Help of New Concepts", Marks *et al*, 1996. (Hereafter referred to as 1996a).
[19] Kund Erik Jørgensen, 1997, "Introduction: Approaching European Governance", Jørgensen, 1977a, p 2. (Hereafter referred to as 1997b).
[20] Jørgensen, 1997b, p 2.

system of rule in which the member states are no longer exclusive possessors of legitimacy and authority."[21] Thirdly, it allows for the transcendence of borders and the changing of boundaries - the line between domestic and international, between comparative politics and international relations and the state and the market.

Other approaches within this interpretation of governance include Andersen and Burns, Kohler-Koch and Ingeborg Tömmel.[22] All these scholars are concerned with aspects of governance in the European Union that touch on political issues. Kohler-Koch discusses the issue of sovereignty and regulatory power and believes that these have transferred in incremental ways compared to the relatively unrestricted scope allowed in the area of policy development. Andersen and Burns consider the EU is an example of 'post-parliamentary governance'. They consider that:

> the direct 'influence of the people' through formal representative democracy has a marginal place. ... In general, the EU is not a political system in which rulers are held accountable for their politics and actions in the public realm by citizens, and where competing elites offer alternative programmes and vie for public support at the European level – and in this sense, it is not a modern political democracy. ... One can distinguish between *government* based on representative democracy and *governance* based on a variety of different regulative, representative and authority processes.[23]

Within this framework their preferred solution is to re-conceptualise parliamentary democracy although they admit that problems of legitimisation and integration would still remain. Ingeborg Tömmel in her research considers that the European Union is becoming both 'post-parliamentary' and 'post-national' but leaves unresolved whether is it also becoming 'post-people.'

The new governance agenda and its pre-occupation largely with policy making and regulation of the single market has a number of characteristics identified by Simon Hix in his overview of this 'new governance' agenda. First, "the process of governing

---

[21] Jørgensen, 1997b, p 2.
[22] Andersen and Burns, 1996; Beate Kohler-Koch, 1996, "Catching up with change: the transformation of governance in the European Union", *Journal of European Public Policy*, Vol. 3, No. 3; Ingeborg Tommel, 1998, "The Political System of the EU, a Democratic System?", Paper presented to ECPR-ISA Joint Conference, Vienna.
[23] Andersen and Burns, 1996, p 227.

is no longer conducted exclusively by the state"[24] and, to quote Kooiman, involves "all those activities of social, political and administrative actors that ... guide, steer and control or manage ... society."[25] Secondly the relationship between the state and other actors is polycentric, non-hierarchical, and mutually dependent,[26] while thirdly the key function of governance is regulation rather than resource distribution. As such the 'new governance' agenda treats European governance as *sui generis*. Hix believes that this agenda stands in opposition to its 'rival', another form of governance but without a name, which considers the European Union in political and governmental terms as "not inherently unique" and thus may be compared to other political systems.

In his critique of the 'new governance' agenda, Hix examines empirical, methodological, theoretical and normative arguments and suggests that the 'new governance' agenda is inherently flawed. Empirically he maintains that government and politics still matter in the European Union: formal rules still apply; policy outputs are characteristic of the system; and citizens are mobilised to secure outcomes commensurate with their interests and values. All these suggest that the EU is a normal functioning political system, little different than any other. Methodologically the *sui generis* approach of the new governance agenda is also questionable as, if it is a unique system then comparing it with other systems runs into problems, but if it is a strange variant of the same phenomenon then comparisons remain valid and reliable. In defence of this argument Hix claims that much of the research on the EU is in fact comparative in both policy making as well as the understandings about the political system, such as its similarities to a federal or consociational system. In addition much of the research on the political behaviour of parties in the European Parliament and the EP elections also is inherently comparative.

Theoretically Hix examines the 'new governance' agenda's preference for the institutionalist explanations as opposed to rational choice explanations of the 'rival' agenda but it is in the normative analysis of the 'new governance' agenda that the limitations of the approach are most pronounced. Jachtenfuchs, an adherent of the new agenda, considers that " 'the models of democracy developed in the national

---

[24] Hix, 1998a, p 39.
[25] Kooiman, 1994b, p 2.
[26] Hix, 1998a, p 39 quoting Jachtenfuchs, 1997.

context cannot be easily transferred to the EU'"[27] because, as the EU is not a national state, it does not have a demos and can therefore only be legitimate if it is non-majoritarian. However, the central tenets of political theory such as legitimacy, authority and democracy are linked to models of the state. Yet the real issue at stake for the new governance agenda is that "public opinion judges governance at the European level by the same (modernist) criteria for legitimacy as at the national level."[28] Hence the proponents of this agenda "argue that democracy needs to be redefined and reconstructed to fit the EU. The favoured solutions are problem-solving rather than competition, efficiency rather than representation, consensus rather than majority, transparency rather than election, and independence rather than partisanship."[29] The 'rival' agenda however, through demos-building and the efficacy of competitive democracy, maintains faith in "the possibility of designing institutions to create competitive and partisan democracy at the European level,"[30] though notes that the essence of the disagreement lies in the nature of majoritarian and consensual models of democracy.

In conclusion it appears that while the 'new governance' agenda is encumbered with a number of difficulties it does appear to be able to explain certain developments in policy making and in the market place, and has great difficulty when transferred to the realm of democratic politics in the European Union. There the concept of governance, according to the 'new governance' agenda seems to be lacking in explanatory power as well as methodological and normative consistency. The 'rival' concept of governance, in Hix's terms, appears to hold more explanatory power. While many of the ideas raised within this approach are exciting and significantly impact on the interpretations of EU referendums, this is not the direction which this research pursues preferring instead to follow more conventional notions of governance.

The rival form of governance

The rival or alternative form of governance has had a relatively longer history although its usage is more diffuse. While not a synonym for government, it retains the

---

[27] Hix, 1998a, p 50 quoting Jachtenfuchs, 1997, p 7.
[28] Hix, 1998a, p 51.
[29] Hix, 1998a, p 51.

elements of democratic politics and government familiar in the nation state but allows for significant departures in the construction of the European Union as a political system. Helen Wallace in an article in 1993 after the Maastricht Treaty ratification difficulties implicitly considered that European governance was heading for 'turbulent times' as the question of political authority and legitimacy of the European project came to be questioned by the people of Europe. Her analysis of the problem revealed that the core issues were not only the more obvious political shortcomings, but the interaction of these with economic sustainability and what she calls "the shadows of the past and the shadows of the future."[31] In other words, the inadequate construction of the European Union as a political system and the impetus of the Cold War in maintaining the integrity and direction of European integration.

Several years later Wallace also considered this wider political environment influential in what she called as the 'challenge of governance' in the context of understanding of the dynamics of policy development in the European Union. Using the metaphor of a pendulum, she considers that the determination of policy in the European Union is largely driven by the pendulum swing of a combination of trans-national forces largely outside state control, economic and business cycles, geo-political security concerns, and globalisation, all combined with specific national concerns. This leads to what she calls a 'seamless web' approach in which governance in Western Europe "involves efforts to construct policy responses at a multiplicity of levels, from the global to the local."[32]

David Coombes has a more traditional approach to governance and interprets it in relation to European integration "in terms of traditional and conservative precepts of good government."[33] Like Helen Wallace, the background to his discussion of governance was the continuing debate over the establishment of the Common Foreign and Security Policy (CFSP). The current incremental approach to the political governance of the European Union had been driven by economic exigencies and consequently had led to a lack of development of a European polity. This in turn had

---

[30] Hix, 1998a, p 54.
[31] Wallace, 1993a, p 298.
[32] Wallace, 1996, pp 11-12.
[33] David Coombes, 1995, "Problems of Governance in the Union", A. Duff, ed., *Maastricht and Beyond*, Routledge, London, p 176.

weakened parliamentary accountability and the rule of law at both national and European levels. A return to the rule of law and classic constitutionalism along with the clear separation of powers would preserve democratic accountability in all its forms. Meanwhile Coombes considered alarming the extension of the Union in to areas of security policy given the significant lack of democratic control exercised by the Council or the Presidency in these matters.

Karlheinz Neunreither begins his work by noting that in recent European Union research there has been a tendency to replace the word 'governance' for that of 'government', thereby indicating his own approach to the concept.[34] His study investigates the consequences of the failure of the European Union to have any form of democratic opposition. Niedermayer and Sinnott, by contrast, define their concept of 'internationalized governance' as primarily a synonym for European integration.[35] Their purpose is to consider public attitudes towards integration – internationalised governance - in relation to mass culture and public opinion in the European Union and, as part of this, to address the question what do the citizens of Europe want from European governance. This research highlights the inadequacy of current theoretical approaches on integration to address the question of public opinion, but adds little to the concept of governance.

From the above it can be seen that there are two differing senses in which the term governance is used, but these are best described as being on a continuum rather than as discrete entities. The first which Hix has called the 'new governance' agenda and the second which considers governance as a word that best describes the form of government in the European Union but, as the analogy does not hold in all respects, accepts that there are differences in decision-making, policy formulation and democratic representation from that of the nation state. An extension of the second of these two approaches is that of Helen Wallace who uses governance as a broad synonym for government but couples it with a wider context of regional and international economic, geo-political and security concerns. The former approach considers the European Union as *sui generis* and its more extreme versions claim that

---

[34] Neunreither, 1998, p 426 and footnote 11, "Governance is in, government is out. This could be the bottom line of a research survey on the EU."
[35] Niedermayer and Sinnolt, 1995.

the end result of integration is uncertain and not necessarily a Euro-federal state. The second and third versions accept that the European Union is a unique form of government, now more appropriately called governance, but in essence is based on largely the same principles as that of the state. All these approaches highlight the multiplicity of actors and variety of 'levels' over which governance is conducted. Most of these interpretations of governance have greatest salience in explaining policy development or the extension of the single market, but run into difficulties when confronted with the political/electoral aspects of the European Union. This has led to the search for other frameworks as a possible means of explaining these developments.

The concept of democratic governance

Returning again to Rhodes' assessment of governance as that which describes either a new process of governing, a changed condition of ordered rule or a new method by which society is governed, 'democratic governance' can be described as a new process by which the European integration is furthered. Specifically the increasing use of referendums to ratify treaties or legitimate enlargement of the Union can be described as a new process by which the European Union is governed. The task now is to describe the derivation of this understanding, its characteristics and coherence as means of explaining this phenomenon.

Rhodes identified six differing interpretations of governance including its use as 'good government' and in its socio-cybernetic form. The first of these derives from the development literature where Adrian Leftwich[36] discusses the concept of 'good governance'. This has dominated Western aid policy and development thinking since the term first appeared in a World Bank report on Africa in 1989. Since that time there has been discussion between aid agencies, western governments and the World Bank over the relationship between governance, democracy and development. This debate Leftwich considers has ranged over three levels: the systemic, the political and the administrative.

The concept at the systemic level refers to both political and economic power in a looser and wider relationship than that traditionally associated with government and more readily akin to a regime. At an administrative level good governance means " an efficient, open and accountable and audited public service."[37] The World Bank defines governance in this context as "the exercise of political power to manage the nation's affairs"[38] although many western governments use a much broader interpretation based on the inclusion of specifically political criteria. At the political level good governance "implies a state enjoying both legitimacy and authority, derived from a democratic mandate and built on the traditional liberal notion of a clear separation of legislative, executive and judicial powers." [39]

For the purposes of this thesis of most interest here is Leftwich's identification of governance in its specific political form in terms of legitimacy, authority, representation and constitutionalism, and the separation of this from the notion of governance at a systemic level. Although the question arises whether comparing concepts derived in one setting are transferable to another – that is from the Third World to the European Union - this alternative derivation of the term extends and refines the rather broad concept of political governance apparent in the discussion of governance in the European Union. That is, there is a sense of governance which is different from that of government, and which focuses on such factors as representation and legitimacy, but which does not specifically interact with the concept of governance at a systemic level and the inter-relationship between political and economic factors.

The other of Rhodes' concepts of governance was that of the socio-cybernetic form of governance. This is elaborated by Kooiman and his concept of socio-political governance. Although his work focuses on governance in policy areas, and incorporates many characteristics of the 'new governance' agenda, inherent in his notion is the sense of a fluidity, of interactions and interdependence between actors in this process. This is critical to his notion in that the actors are interdependent as none

---

[36] Adrian Leftwich, 1993, "Governance, democracy and development in the Third World", *Third World Quarterly*, Vol. 14, No. 3.
[37] Leftwich, 1993, p 611.
[38] Leftwich, 1993, quoting World Bank, 1989, *Sub-Saharan Africa: from Crisis to Sustainable Growth*, World Bank, Washington DC.

can resolve the problem or issues alone, nor can one enforce others to conform to a preferred method of behaviour. In addition to this Kooiman believes that governance emerges where existing or traditional methods or lines of authority have eroded; new fields or patterns of political activity have not yet become firmly established; the issues are of considerable public concern and finally it is in the interests of all participants to reach agreement. In addition to these 'objective' factors predisposing governance, there are three 'subjective' factors including a degree of mutual trust, a willingness to accept responsibility, and a degree of political involvement.[40] All these factors predispose the emergence of socio-political governance, but, this governance is characterised by complexity, dynamics and diversity and awareness of these changes is important. All of these produce 'co'-arrangements between participants as they cannot be done by governments acting alone.

Governance therefore to Kooiman becomes both a descriptive and analytical tool where searching for a pattern of interactions becomes important. This pattern is not set but rather is based on rules or structures which "are interpreted, reinterpreted, formulated and reformulated"[41] in the process of the interactions that take place. This then provides for:

> the 'duality of structure' approach in which a pattern of governance is not only the unintended outcome of social (inter)action but also the mechanism through which actors have the capability to act and to govern, we can see that governing and governance are subjected to a permanent process of mutual interaction. Actors who govern, or try to govern, also influence the governance structure of the subsystem.[42]

The resulting outcomes of governance Kooiman believes is system specific in that the interactions result in a 'style' of governance that is either highly participatory or conflictual, but which cannot easily be transferred to other systems as it is embedded too deeply in the characteristics of each and the nature of their interactions.

---

[39] Leftwich, 1993, p 611.
[40] Kooiman, 1994c, "Findings, Speculations and Recommendations", Kooiman, 1994, p 251. (Hereafter known as 1994c)
[41] Kooiman, 1994c, p 258.
[42] Kooiman, 1994c, p 258.

What Kooiman's analysis of governance highlights is the complex nature of governance and its descriptive, analytical and normative nature. It also illuminates the relationship between governance and governing and the notion that activities of governments are also contributing to the notion of governance by continually contributing to unintended changes. Embedded within the notion is also the emergence of a style of governance. By combining these characteristics with those of Leftwich and the idea of governance relating to democratic principles, then it is possible to arrive at a notion of democratic governance that specifically examines these issues in the European Union. Such a synthesis of existing conceptual usages suggests that democratic governance is a dynamic structure of both formal and informal interactions which cut across and around state boundaries, and which is focused on the basic tenets of good government - legitimacy, representation and participation, and constitutionalism. The particular significance of the concept, and where it is superior to other analytical concepts in this context, is that it highlights the effects of interactions between politically interdependent actors and this is particularly suited to research between national referendums and the European Union.

In summary the concept of democratic governance involves the search for emerging patterns and forms to the relationships between EU referendums and the European Union. Democratic governance:

- is both a descriptive and analytical tool which may be used to describe and analyse the increasing use of referendums to resolve issues surrounding membership of the European Union
- it has normative characteristics based on notions of representative government such as constitutionalism, legitimacy, and participation
- is located at a political level, not at a systemic nor administrative level
- is concerned with the interactions and inter-dependencies between national governments and the European Union, 'the people' and other member states
- is characterised by complexity, dynamics and diversity – many of which originate in national political constraints or obligations to the European Union
- its teleology is not necessarily that of a federal-Euro state

89

- there is a fluidity in the relationships, they are not set nor one-directional, nor purposively determined by either national governments or the European Union
- they are subject to a variety of influences both national and international including the wider political, economic and security environment and they can transcend national borders.

The task now is to examine EU referendums and their relationship to the European Union within this framework. Before this occurs however, the literature on referendums and that relevant to this and to the European Union will be reviewed.

The Referendum Literature

The literature on referendums may be grouped into three broad areas although there is much overlapping especially between the foundation literature and the other areas. The first is the core or foundation literature that has formed the backbone to scholarly approaches to referendums. The second is that which is specific either to a particular referendum or country and this is where the majority of the referendum literature is found. For the most part this literature is located in journal articles and is pre-occupied with general accounts of referendums. The third strand of the literature is that which adopts a conceptual or thematic approach such as the concern to compare constitutional forms or to establish an understanding of the political origins of *ad hoc* referendums.

Two other areas of referendum literature need acknowledgement but are not addressed in the thesis. The first is that found mainly in the literature on democracy and discusses referendums in relation to democratic theory, direct democracy or political participation.[43] This largely falls outside the scope of this thesis. The second is analyses of the American and Canadian experiences where there is a growing body of literature. This has largely been put to one side because most are citizen sponsored

---

[43] Benjamin Barber, 1984, *Strong Democracy*, University of California Press, Berkeley, California; David Held and Christopher Pollitt, 1986, eds., *New Forms of Democracy*, Sage, London; Ian Budge, 1996; and Carole Pateman, 1970, *Participation and Democratic Theory*, Cambridge University Press, Cambridge.

initiatives rather than government sponsored referendums, and consequently little of this literature is transferable to the European/European Union context.[44] However, the American experiences are important to the extent that they have been influential in informing the theoretical work of Butler and Ranney.

The literature on referendums in Western Europe is variable, not extensive and, for the most part, is dominated by studies on referendums in Ireland and Denmark followed by that on referendums in Scandinavia, France, Switzerland and Italy where referendums are more common.[45] Kris Kobach, writing in 1993 on referendums in Switzerland, had this to say about the current state of referendum literature:

> astonishingly little has been written about the referendum device in general. Most of what exists was produced shortly after the turn of the century when the subject was in vogue. There is only one comparative analysis of the modern device, which was written in 1978.[46]

Since that time there has been a growing body of literature published on referendums but still the basic claim holds that it has not been the focus of intensive research interest. This may be partly because referendums have not been, until very recent times, significant in British politics.

Foundation literature

The cornerstone of the referendum literature are three books, two of which have been edited by David Butler and Austin Ranney entitled *Referendums: A Comparative Study of Theory and Practice* (1978) and the second, *Referendums Around the World: The Growing Use of Direct Democracy* (1994). Included in this latter book is an important and lengthy chapter by Vernon Bogdanor entitled "Western Europe".[47] Referendums in Western Europe is also the subject of Michael Gallagher and Pier Vincenzo Uleri's edited book titled *The Referendum Experience in Europe* (1996).[48] Four other books are also important and all have been published in recent years. In

---

[44] Magleby, 1984; Cronin, 1989; Boyer, 1992.
[45] As mentioned in Chapter 2 this thesis is restricted to examining the literature published in English and this comment only applies in this context.
[46] Kobach, 1993a, p 8.
[47] Butler and Ranney, 1978; Butler and Ranney, 1994; Bogdanor, 1994.
[48] Gallagher and Uleri, 1996.

chronological order they are: John Rourke, Richard Hiskes and Cyrus Zirakzadeh, *Direct Democracy and International Politics: Deciding International Issues Through Referendums* (1992);[49] Markku Suksi, *Bringing in the People: A Comparison of Constitutional Forms and Practices of the Referendum* (1993);[50] Kris Kobach on Swiss referendums, *The Referendum: Direct Democracy in Switzerland* (1993);[51] and Anders Todal Jenssen, Pertti Pesonen and Mikael Gilljam's edited book on the three Nordic referendums of 1994 titled *To Join or Not to Join: Three Nordic Referendums on Membership in the European Union* (1998).[52]

The two Butler and Ranney books take an international comparative approach to referendums with specific chapters on regional or national experiences including Western Europe, Switzerland, Scandinavia, the United Sates and Australia and New Zealand. Their approach focused on the issues, the campaigns and their impact on parliaments, parties and representative democracy. In 1994 after a significant increase in referendums they revised and updated their work but maintained the 'comprehensive historical perspective'. The most lasting aspect of the two books has been the chapters on referendum theory and practice. These set out the forms and functions of referendums and their major claims. However much of their theoretical understanding of referendums appears to be influenced by American experiences where, for example, they maintained that one of the continuing arguments in favour of referendums was as a means of overcoming the corruption and contempt for public officials.[53] This argument appears to owe more to the populist agenda in the United States and Canada and is unknown in Western Europe where the motivation for referendums stems from far more pragmatic origins.[54]

The other chapter of particular interest is that by Vernon Bogdanor which examines referendums in Western Europe. This adopts a comparative approach and focuses

---

[49] John T. Rourke, Richard P. Hiskes and Cyrus Ernesto Zirakzadeh, 1992, *Direct Democracy and International Politics: Deciding International Issues Through Referendums*, Lynne Reinner, Boulder, Colorado.
[50] Suksi, 1993.
[51] Kobach, 1993a.
[52] Jenssen *et al*, 1998.
[53] Butler and Ranney, 1994, p 14.
[54] For comments in the Danish context rejecting Butler and Ranney's rationale on referendums as a means of circumventing political corruption see Kenneth E. Miller, 1982, "Policy-Making by Referendums: The Danish Experience", *West European Politics*, Vol. 5, No. 1, p 65.

solely on referendums in empirical, and specifically constitutional and political terms on a country by country basis. In the search for the commonalities between national usages and forms Bogdanor was forced to confirm Arend Lijphart's conclusion and "admit defeat in the search for general propositions and theories."[55] Bogdanor however did consider that the future of the referendum was inherently tied up with that of the role of mass political parties. He believed that changes to them, especially their incapacity to resolve major constitutional or moral issues which cross traditional cleavage lines, coupled with the demand for greater participation and popular accountability, would have significant affects on the use of national referendums to resolve sensitive issues.[56]

National history, constitutional provisions, political parties, referendum campaigns and electoral behaviour in referendums form the substance of Gallagher and Uleri's book specifically devoted to referendums in Western Europe.[57] Using individual national experiences in a comparative framework the book examines in greater depth national experiences with referendums and their impact on each political system. The relationship between political parties and referendums receives particular attention however Gallagher and Uleri see the increasing intervention of *ad hoc* groups in the referendum process as an important development. As parties are often deeply divided on the referendum issue they are unable to exercise leadership in their customary manner and consequently the referendum vote becomes less structured. Like Bogdanor, Gallagher and Uleri conclude that due to changes in the forms and nature of political participation it is likely that the pressure for more referendums will increase.

While both Bogdanor, and Gallagher and Uleri take a comparative approach based on a country by country analysis, *To Join or Not to Join* on the three Nordic 1994 referendums is the only book to adopt a thematic comparative approach.[58] This allows the three referendums to be compared in relation to the differing national factors that

---

[55] Bogdanor, 1994, p 87 quoting Lijphart, 1984, p 206.
[56] Bogdanor, 1994, p 89.
[57] The impetus for this book arose out of dissatisfaction with some of the facts, comments and conclusions of Bogdanor, 1994, in "Western Europe". This was acknowledged by Bogdanor himself in his review of Gallagher and Uleri. See Bogdanor, 1998, *West European Politics*, "Book Reviews", Vol. 21, No. 1, pp 215-217.
[58] Jenssen *et al*, 1998.

were reflected in the campaigns, the roles of the political parties, the outcome and the voting behaviour of the respective national publics. It also allows for a review of the main features of referendums and its place in representative democracy. The book draws on extensive survey data formulated specifically for this research project which was set up to monitor both the referendum as a political institution and changes in public attitudes both before and after the referendums. While containing a wealth of detail about the three referendums it also addresses a number of hypotheses about referendums most of which come out positively. In doing so it challenges some of the traditional arguments critical of this form of direct democracy.

Markku Suksi's analysis of referendums is quite different from those described above.[59] Taking an international perspective his concern is to analyse referendums in constitutional terms by indicating where and how they involve the people, and extrapolating from there how the constitutional form of the referendum reflects the decision-making capabilities, or sovereignty, of the people. By drawing on the work of political theorists he dissects the concept of sovereignty into political, legislative and state sovereignty, roughly equating to popular sovereignty at one extreme and parliamentary sovereignty at the other. From this theoretical base he then constructs a complex matrix of referendum types based on whether the people take an active or passive role, as in referendums or initiatives; whether the outcome of the referendum is decisive or consultative; and if the referendum is mandatory or not. Through this matrix Suksi establishes a more precise terminology of the referendum institution and its relationship to democratic principles, as well as showing the location of particular referendums on a continuum from popular sovereignty to state sovereignty. Most of his descriptive work however is concerned with comparing the legal forms of referendums in Denmark with that of Ireland, and Sweden with Finland.

Swiss referendums are analysed extensively by Kris Kobach in *The Referendum: Direct Democracy in Switzerland*.[60] Using an historical approach he shows that there are considerable differences in function and characteristics between Swiss referendums and those conducted in other European countries. Central to an understanding of the Swiss referendum is the fact that most of their 'referendums' are

---

[59] Suksi, 1993.

initiatives and not sponsored by the government of the day.[61] Kobach considers that the referendum in Switzerland is part of the legislative process and has wide influence throughout the governmental structure.[62] This can be seen both in the threat referendums hold against legislation that may provoke the ire of minority or opposition groups and can also be seen in the pronounced negative impact on the political parties.[63] The referendum's role is primarily as a check on the government given the particular nature of the Swiss consociational political system.

Kobach also spends considerable time on the theory of referendums and their relationships to direct and representative democracy, as well as to consensual versus majoritarian forms of government. This particular chapter gives the most comprehensive account of referendum theory of any of the current texts, (excepting Suksi), including those of Butler and Ranney. Finally, although the principal focus of the book is on Swiss referendums, he compares the Swiss experience with that in other countries particularly Australia, Italy and California. His conclusion is that the popular conception of Swiss referendums as being unique and anomalous is misguided, and in fact the Swiss experience of mixing representative and direct forms of democracy offers particular lessons of great significance given the increasing use of referendums world wide to resolve political disputes.[64]

The final book on referendums in that of Rourke, Hiskes and Zirakzadeh which examines referendums as a means of settling international disputes. This is approached from an international relations perspective unlike those above which are grounded in mainstream political science. It is also appears to have its origins in American understandings about referendums and initiatives and their assumptions about referendums facilitating public participation. As mentioned these ideas are not pre-eminent in European understandings about referendums. Rourke *et al* look at referendums in three contexts: the first which suggests democracy is evolving in ways which include more direct forms of democracy; the second which explores the relationship between referendums and democracy from the notion of 'positive

[60] Kobach, 1993a.
[61] Alexander H. Treschsel and Hanspeter Kriesi, 1996, "Switzerland", Gallagher and Uleri, 1996; and Kobach, 1994.
[62] Kobach, 1993a, p 7.
[63] Kobach, 1993a, p 252.

liberty'; and the third which justifies the increasing use of referendums to settle issues surrounding international affairs.

In examining this third question Rourke begins with the realist school of international politics which starts with the assumption that politics is based on power and national interest, and not on morality, rights or justice, and that international and domestic politics are fundamentally different. By maintaining this distinction realism is therefore distrustful of public participation in international affairs, a position that Rourke considers is anti-democratic as democracy requires that citizens have a say over decisions which affect their lives. In addition to this the boundaries between the international and the domestic are breaking down and, in any event, the arguments which maintained the division have been shown to be flawed and established on fear and distrust of the people, a position he deplores. To Rourke therefore referendums to settle international issues are both necessary and desirable and would also remove the secrecy from the diplomatic task making the world a safer place. From this position he then examines the use of referendum to solve international territorial issues such as those in sub-regions of Britain, (the Scottish devolution referendum of 1979), Spain, (the Basque referendum of 1979), and Canada (the Quebec referendum of 1980) as well as those which considered membership of the European Community.

Referendum and/or country specific literature

The predominant referendum literature is found in the large body of articles in political journals describing a particular referendum in empirical terms. This research is restricted to analysing only that written in English, but it is recognised that in countries where referendums are familiar this exists in parallel with an indigenous national literature. That which is published in English appears to be designed for the wider European audience and is dominated by general accounts of the referendums or, in the Danish case, the Danish-European Union dimension. Other topics to receive some attention are voting behaviour, public opinion and party responses. Aspects of referendums rarely featured include referendum campaigns and financing, the role of the incumbent government or the response of the media. Nearly every contemporary

---

[64] Kobach, 1993a, pp 252-261.

referendum, and all national EU referendums, (excepting the 1989 Italian referendum, the Swedish 1994 referendum and the Danish Amsterdam treaty referendum),[65] have been reviewed. In this respect the apparent policy of *Electoral Studies* to cover all major electoral contests has ensured that no referendum goes unrecorded. As expected, Danish and Irish experiences dominate this literature.

The domestic controversy surrounding Denmark's participation in the European Union, reflected in her ambivalent response in EU referendums, has stimulated a vibrant academic interest in referendums in Denmark. Before referendums became the defining feature of Danish European policy, referendum articles were very general and covered most of the aspects of the referendum – its origin and the parliamentary controversy, the positions of the various parties, the campaigns and the referendum outcome. An example typical of this approach is by Petersen and Elkit "Denmark Enters the European Communities."[66] However as more referendums have been held the general literature has given way to more critical analyses of Danish EU referendums. This focuses around three broad themes: analyses of the referendum institution, the Danish-European Union relationship and the EU referendums, and the relationship between Danish public opinion and referendum voting. A typical example of the first theme is Ole Tonsgaard "A Theoretical Model of Referendum Behaviour", and of the second theme Nikolaj Petersen's "Denmark and the European Union 1985-96."[67] Articles of this nature also increasingly appear in a number of edited books on Denmark's, or the Nordic countries' responses to Europe, such as Lee Miles' edited volume, *The European Union and the Nordic Countries.*[68]

The third theme, Danish attitudes towards the European Union has seen the greatest scholarly interest. The Danish 'No' to Maastricht, and subsequent 'Yes' to 'Maastricht plus Edinburgh' spawned at least nine articles in the major European journals such as the *Journal of Common Market Studies, Electoral Studies,*

---

[65] There does not appear either to be any specific articles in English on the Greenland, Åland, or Liechtenstein referendums.

[66] Nikolaj Petersen and Jørgen Elkit, 1973, "Denmark Enters the European Communities", *Scandinavian Political Studies*, Vol. 8.

[67] Ole Tonsgaard, 1992, "A Theoretical Model of Referendum Behaviour", Peter Gundelach and Karen Siune, eds., *From Voters to Participants: Essays in Honour of Ole Borre*, Politica, Copenhagen; and Nikolaj Petersen, 1996, "Denmark and the European Union 1985-96: A Two-level Analysis", *Cooperation and Conflict*, Vol. 31, No. 2. (Hereafter referred to as 1996a).

[68] Lee Miles,1996.

Scandinavian Political Studies and *West European Politics*. Much of the focus of this debate concerned the 'real' meaning of the Danish result in 1992 and the attempt to explain the difference between 1992 and 1993. This was stimulated in part by a provocative article by Mark Franklin, Cees van der Eijk and Michael Marsh, "Referendum Outcomes and Trust in Government: Public Support for Europe in the wake of Maastricht."[69] This suggested that the Danish result was more likely a reflection of the unpopularity of the Conservative government and, as this government fell to be replaced by a more popular Social Democratic government, this accounted for the change in electoral response between the June 1992 and May 1993. Danish scholars strongly disputed these findings based on extensive longitudinal survey data on Danish attitudes towards the European Union. Led by Karen Suine and others from the University of Aarhus, they maintained that this was a misleading and limited interpretation. To them survey data showed that the response in May 1993 reflected greater acceptance of the form of integration implied by 'Maastricht plus Edinburgh'.[70]

Ireland has history of referendums on moral, institutional, and technical issues as well as EU referendums and as a result the Irish literature reflects this mix. The referendums on religious-moral issues, particularly divorce and abortion, have aroused the most political and public disquiet, and analysis of these referendums, rather than EU ones, tends to predominate. It includes articles such as those by Brian Girvin[71] and Maura Adshead[72] where the referendums became a means of highlighting the nexus between the Roman Catholic Church and the Irish state in the face of social, economic and political change. EU referendums have also been given attention such as those of Michael Gallagher, "The Single European Act Referendum", and Michael Holmes, "The Maastricht Treaty Referendum of June

[69] Mark Franklin, Cees van der Eijk and Michael Marsh, 1995, "Referendum Outcomes and Trust in Government: Public Support for Europe in the Wake of Maastricht", *West European Politics*, Special issue, *The Crisis of Representation in Europe*, Vol. 18, No. 3.
[70] Karen Siune and Palle Svensson, 1993, "The Danes and the Maastricht Treaty: The Danish EC Referendum of June 1992", *Electoral Studies*, Vol. 12, No. 2; and Karen Siune, Palle Svensson and Ole Tonsgaard, 1994, "The European Union: The Danes Said 'No' in 1992 but 'Yes' in 1993: How and Why?" *Electoral Studies*, Vol. 13, No. 2; and Mark Franklin, Michael Marsh and Christopher Wlezein, 1994, "Attitudes toward Europe and Referendum Votes: A Response to Siune and Svensson", *Electoral Studies*, Vol. 13, No. 2.
[71] Brian Girvin, 1986, "Social Change and Moral Politics: the Irish Constitutional Referendum 1983", *Political Studies*, Vol. 34, No. 1.

1992", and Karen Gilland in "Referenda in the Republic of Ireland" which considered the Amsterdam treaty.[73] Most of these have given a general overview of the referendums. Richard Sinnott has undertaken the most extensive analysis of referendum voting behaviour in a book devoted to Irish voting behaviour in general, *Irish Voters Decide*.[74] Here the political party and socio-economic patterns in referendum voting are analysed in depth but with particular reference to the moral referendums.

The Maastricht referendum in France stimulated considerable interest but already the greater use of referendums had meant a pre-existing English language literature. The most important of these articles was Laurence Morel's analysis of referendums and the party system discussed below. The Maastricht referendum itself saw seven articles in English including most of a volume in 1993 of *French Politics and Society* to which a number of internationally renowned scholars contributed including Andrew Moravcsik, Alec Stone and Ronald Tiersky.[75] The French referendums are also given attention in the wider literature on French Presidents such as Alistair Cole's *François Mitterrand*.[76]

There are only a very limited number of journal articles in English on the Norwegian, Finnish, Austrian or Swedish EU referendums. The focus of much of the Norwegian literature is on the similarities of the 1994 results with those of 1972 such as: "Norway and Europe: 1972 and Now" by Ingrid Sogner and Clive Archer, and "The 1994 EU Referendum in Norway: Continuity and Change" by Pettersen, Jenssen and Listhaug.[77]. The Finnish and Austrian articles include "The EU Referendum in

---

[72] Maura Adshead, 1996, "Sea Change on the Isle of Saints and Scholars?: The 1995 Irish Referendum on the Introduction of Divorce", *Electoral Studies*, Vol. 15, No. 1.

[73] Michael Gallagher, 1988, "The Single European Act Referendum", *Irish Political Studies*, Vol. 3; and Michael Holmes, 1993, "The Maastricht Treaty Referendum of June 1992", *Irish Political Studies*, Vol. 8; and Karen Gilland, 1999, "Referenda in the Republic of Ireland", *Electoral Studies*, Vol. 18.

[74] Richard Sinnott, 1995, *Irish Voters Decide: Voting behaviour in elections and referendums since 1918*, Manchester University Press, Manchester. (Hereafter referred to as 1995a).

[75] Andrew Moravcsik, 1993, "Idealism and Interest in the European Community: The Case of the French Referendum", *French Politics and Society*, Vol. 11, No. 1; Alec Stone, 1993, "Ratifying Maastricht: France Debates European Union", *French Politics and Society*, Vol. 11, No. 1; and Ronald Tiersky, 1993, "French Foreign Policy Stumbles", *French Politics and Society*, Vol. 11, No. 1.

[76] Alistair Cole, 1994, *François Mitterrand: A Study in Political Leadership*, Routledge, London.

[77] Ingrid Sogner and Clive Archer, 1995, "Norway and Europe: 1972 and Now", *Journal of Common Market Studies*, Vol. 33, No. 3; and Per Arnt Pettersen, Anders Todal Jenssen and Ola Listhaug, 1996, "The 1994 EU Referendum in Norway: Continuity and Change", *Scandinavian Political Studies*, Vol. 19, No. 3.

Finland on 16 October 1994: A Vote for the West not for Maastricht" by David Arter, and "Party Competition and Plebiscitary Politics in Austria" by Wolfgang Müller.[78] Sweden's EU referendum appears not to have been the subject on any sole article although it was covered in several cross-national analyses such as that by Tor Bjørklund: "The Three Nordic 1994 Referenda Concerning Membership in the EU" and also in *To Join or Not to Join* considered above. It was also addressed extensively by Lee Miles in his book *Sweden and European Integration.*[79]

While the above description has concentrated mostly on journal articles there are also a few texts devoted solely to particular referendums and this is the location of the most important works on the British 1975 referendum. It includes those by Anthony King, *Britain Says Yes: The 1975 Referendum and the Common Market* and David Butler and Uwe Kitzinger *The 1975 Referendum.*[80] The focus of these two books is more on British attitudes to entry, the political circumstances and intrigue in the British Labour Party and the subsequent campaigns, as on the referendum institution or analysis of voting trends. Vernon Bogdanor extensively examines the referendum institution in Britain from both an historical and constitutional perspective in *The People and the Party System.*[81] He indicates that debates about the referendum in the British constitutional history are more common than often presumed and believes that the rigidities of the political party system restricts the sovereignty of the people. As a result he favours the increasing use of the referendum as an instrument to improve the relationship between the government and the people. This philosophical position appears to underpin much of his later work on referendums including that in Butler and Ranney (1994) noted above.

Thematic or Conceptual Referendum Literature

While the majority of the literature is on specific referendums or countries, there is a small but important body of literature that examines referendums in a thematic or

---

[78] David Arter, 1995, "The EU Referendum in Finland on 16 October 1994: A Vote for the West not for Maastricht", *Journal of Common Market Studies*, Vol. 33, No. 3; and Müller, 1998.
[79] Bjørklund, 1996; and Lee Miles, 1997, *Sweden and European Integration*, Ashgate, Aldershot.
[80] King, 1977; and Butler and Kitzinger, 1976. Other books include S. Alderson, 1975, *Yea or Nay?: Referenda in the United Kingdom*, Cassell, Cambridge.
[81] Bogdanor, 1981.

conceptual way. There have been a number of recurring themes in the referendum literature including the legal and constitutional form of the referendum and the development of a typology already addressed in Chapter One. Other areas include the referendum and its relationship to the party system, legitimacy, voting behaviour as well as cross-national studies and EU accession referendums.

An important theme in the referendum literature asks the question why do governments choose to conduct referendums? Most of this research focuses on the relationship between referendums and political parties. In 1982 Tor Bjørklund examined mainly Scandinavian referendums in "The Demand for Referendum: When Does It Arise and when Does It Succeed?"[82] He established a typology of demand based on a referendum's functions for a political party. In 1993 Laurence Morel in "Party Attitudes Towards Referendums in Western Europe"[83] adopts a similar approach to that of Bjørklund and reconsiders party attitudes towards referendums, but based mainly on French experiences. Her research highlights four major concerns which parties may have surrounding referendums including issues surrounding party cohesion and the necessity for some decisions to be seen as legitimate as possible.

The need for legitimacy was addressed by Detlef Jahn and Ann-Sofie Storsved who examined the 1994 EU referendums.[84] They believed that these were held primarily to legitimise the decision to join the European Union when only one of the four prospective members, Austria, was constitutionally required to do so. The relationship between legitimacy and referendums however is not straightforward as an article by Patricia Roberts-Thomson suggests.[85] The motive for the referendum and the legitimacy of the outcome are quite different aspects of legitimacy although generally it is the latter that is of most concern to governments. Referendum voting behaviour

---

[82] Tor Bjørklund, 1982, "The Demand for Referendum: When Does It Arise and when Does It Succeed?", *Scandinavian Political Studies*, Vol. 5, No. 3.

[83] Laurence Morel, 1993, "Party Attitudes Towards Referendums in Western Europe", *West European Politics*, Vol. 16, No. 3.

[84] Detlef Jahn and Ann-Sofie Storsved, 1995, "Legitimacy through Referendum?: The Nearly Successful Domino-Strategy of the EU-Referendums in Austria, Finland, Sweden and Norway", *West European Politics*, Vol. 18, No. 4.

[85] Patricia Roberts-Thomson, 1996, "Referendums and Legitimacy: Myth or Reality?", *Contemporary Political Studies, 1996*, Political Studies Association of the United Kingdom, Blackwell, Oxford.

was examined by Sten Sparre Nilson and Bjørklund in 1986.[86] To this end they established three 'ideal types' of behaviour which related to whether the referendum campaigns were either party-structured, group-structured or unstructured. This research acknowledged the role that transitory political groups have come to play in referendums, in some countries often surpassing that played by political parties.

A small but growing body of thematically based comparative literature is found in Scandinavia where there is considerable interest in cross-national responses to the European Union as exhibited through referendums. This found the most explicit expression in *To Join or Not to Join*, but was also evident in earlier articles such as Dag Arne Christensen "The Left-Wing Opposition in Denmark, Norway and Sweden: Cases of Euro-phobia,"[87] "The Three Nordic Referenda Concerning Membership in the EU" by Tor Bjørklund,[88] and "Scandinavian Exceptionalism and the European Union" by Peter Lawler.[89]

The final theme in the referendum literature has been the tendency to group together the EU accession referendums. Anthony King first began this in 1981 in "Referendums and the European Community"[90] when he considered the then five EU referendums. The four 1994 accession referendums also meant that these referendums were grouped together in cross-national comparative analyses such as that by John Fitzmaurice "The 1994 Referenda on EU Membership in Austria and Scandinavia: A Comparative Analysis", as well as the work of the authors of *To Join of Not to Join* described above. Apart from this research on the 1994 accession referendums there is very little evidence of any other comprehensive comparative research on EU referendums as a distinct category of referendums.[91]

---

[86] Sten Sparre Nilson and Tor Bjørklund, 1986, "Ideal Types of Referendum Behaviour", *Scandinavian Political Studies*, Vol. 9, No. 3.
[87] Dag Arne Christensen, 1996, "The Left-Wing Opposition in Denmark, Norway and Sweden: Cases of Euro-phobia", *West European Politics*, Vol. 19, No. 3.
[88] Bjørklund, 1996.
[89] Peter Lawler, 1997, Scandinavian Exceptionalism and the European Union", *Journal of Common Market Studies*, Vol. 35, No. 4.
[90] King, 1981.
[91] Patricia Roberts-Thomson, 1998, "The Crisis of Legitimacy in the European Union and the EU Referendums", Paper presented at the ECPR/ISA Joint Conference, Vienna; and Patricia Roberts-Thomson, 1999, "The European Union and EU Treaty Referendums", Paper presented to UACES Research Conference, Sheffield.

European Union Literature and EU Referendums

The impact of EU referendums on the European Union is not located within the referendum literature but rather in the literature on the European Union. In the immediate aftermath of the events of 1992/3 almost every book or article on the European Union or the future of integration mentioned the impact of the Danish and French referendums. Most however did so *en route* to analyses of a different nature and were not concerned with the referendum as an institution, but rather what the particular outcomes represented for the future of the Union.

There is an extensive literature on the European Union. This thesis touches upon five different areas although not with the same degree of intensity. First, the literature on democratic governance is important to the thesis and has been covered above. Secondly, the points of contact between EU referendums and the Union are in the areas of enlargement, treaty reform and ratification but these are taken as given and so only warrant cursory attention. Thirdly, the thesis is concerned with the literature on the impact of EU referendums on the European Union although this is usually confined to national responses to membership. Finally the thesis does engage with the literature on democracy and legitimacy in the European Union.

Enlargement, Treaty Reform and Ratification

Enlargement of the European Union is the subject of several recent books stimulated by the prospect of the forthcoming entry of Central and Eastern European states and others into the European Union. These include Christopher Preston, *Enlargement and Integration in the European Union*, Redmond and Rosenthal's edited volume, *The Expanding European Union: Past, Present and Future*, and Laurent and Maresceau's edited volume, *The State of the European Union, Deepening and Widening.*[92] Articles or texts on treaty reform are less prevalent and only after Maastricht has it been given any attention at all. The two most informative articles are by Desmond Dinan "Treaty Change in the European Union: The Amsterdam Experience" in a volume edited by

---

[92] Preston, 1997; J. Redmond and G. G. Rosenthal, 1998, eds., *The Expanding European Union: Past, Present and Future*, Lynne Rienner, Boulder, Colorado; Laurent and Maresceau, 1998.

Cram, Dinan and Nugent, *Developments in the European Union*[93] and a chapter by Finn Laursen, "The Lessons of Maastricht" in Geoffrey Edwards and Alfred Pijpers edited volume *The Politics of European Treaty Reform.*[94]

EU referendums also arise as a subject in books covering the various treaties and the processes of ratification. The most significant book here is an edited volume by Laursen and Vanhoonacker *The Ratification of the Maastricht Treaty: Issues, Debates and Future Implications*[95] which concentrates on the ratification processes in member states. Another book which also gives considerable space to the 1992/3 referendums is Richard Corbett's *The Maastricht Treaty*[96] but this account is concerned with establishing the chronology, procedural relationships and direct outcomes in the immediate aftermath of the ratification of the Treaty rather than wider political or referendum issues. In contrast with Maastricht, the Amsterdam Treaty has been the focus of much less overall academic attention but greater awareness of the role of referendums in the ratification process. Several chapters in Geoffrey Edwards and Alfred Pijpers edited volume mentioned above concentrate specifically on referendums as instruments of ratification such as that already mentioned by Finn Laursen, and that by Nikolaj Petersen, "The Nordic Trio and the Future of the EU."[97]

National Responses

The European Union literature that analysed the 1992/3 referendums usually did so in the context of comparative national responses to membership of the Union or as part of the whole ratification process of the Maastricht Treaty. An example of the above is an edited compilation by Cafruny and Lankowski, *Europe's Ambiguous Unity: Conflict and Consensus in the Post-Maastricht Era.*[98] The second half of this book is organised on a country by country basis and is concerned with national responses to membership of the Union. It is particularly concerned to show how the sites of

---

[93] Dinan, 1999.
[94] Laursen, 1997.
[95] Finn Laursen and Sophie Vanhoonacker, 1994, eds., *The Ratification of the Maastricht Treaty: Issues, Debates and Future Implication*, Martinus Nijhoff, The Hague.
[96] Corbett, 1993.
[97] Petersen, 1997.
[98] Alan W. Cafruny and Carl Lankowski, 1997, *Europe's Ambiguous Unity: Conflict and Consensus in the Post-Maastricht Era*, Lynne Rienner, Boulder, Colorado.

conflict and debate over Europe vary between members. A book with a similar purpose is Bideleux and Taylor's edited volume, *European Integration and Disintegration*.[99] Texts that focus on the Nordic countries' response to the European Union also deal in passing with the EU referendums in the context of national responses to membership. Such books include those edited by Lee Miles, *The European Union and the Nordic Countries* and that by Tiilikainen and Petersen, *The Nordic Countries and the EC*.[100]

Democracy and the European Union

The literature on democracy and the European Union is predominantly located in journals such as *West European Politics* where there have been ongoing debates about the nature and form of democracy in the European Union. One special edition in 1995 titled *The Crisis of Representation in Europe*[101] was solely devoted to discussing this issue. Within this volume the particular nature of the democratic deficit was described by Weiler *et al* in "European Democracy and its Critique"[102] and this work, along with this volume, has become the foundation account on this subject. More recent additions to the debate have included Brigid Laffan's " Democracy in the European Union" in Cram, Dinan and Nugent's edited book *Developments in the European Union*.[103]

Over the last few years a range of books exploring aspects of European democracy and legitimacy have also emerged including Andersen and Eliassen's edited book *The European Union: How Democratic Is It?*;[104] Christopher Lord's *Democracy in the European Union*;[105] David Beetham and Christopher Lord's *Legitimacy and the*

[99] Robert Bideleux and Richard Taylor, 1996, eds., *European Integration and Disintegration: East and West*, Routledge, London.
[100] Lee Miles, 1996; and Teija Tiilikainen and Ib Damgaard Petersen, 1993, *The Nordic Countries and the EC*, Copenhagen Political Studies Press, Copenhagen.
[101] J. Hayward, 1995, ed., *The Crisis of Representation in Europe*, Special Issue, *West European Politics*, Vol. 18, No. 3.
[102] Weiler *et al*, 1995.
[103] Laffan, 1999.
[104] Svein S. Andersen and Kjell A. Eliassen, 1996, eds., *The European Union: How Democratic Is It?*, Sage, London.
[105] Christopher Lord, 1998, *Democracy in the European Union*, UACES and Sheffield University Press, Sheffield.

European Union;[106] and Banchoff and Smith's edited volume *Legitimacy in the European Union.*[107] A book edited by Albert Weale and Michael Nentwich, *Political Theory and the European Union: Legitimacy, constitutional choice and citizenship*[108] is one of the few to take a specifically theoretical approach to the question of Union democracy. The predominant focus of most of this literature includes a range of inter-related topics such as reform of national parliaments, reform of the European political institutions, the relationships between the European Parliament and the Council of Ministers, to proposals to elect the President of the European Commission on a European-wide franchise. Much of this literature addresses these issues from particular theoretical positions.

Another large area of literature surrounds the European Parliament. The Parliament has for a long time been the focus of books explaining its establishment, operations and nature, such as Jacobs, Corbett and Shackleton *The European Parliament.*[109] In more recent years other books have begun to appear addressing questions of its democratic nature including *Europe's Elected Parliament* by Julie Smith.[110] A subset of this literature is the study of the elections, and voting behaviour of national publics in European Parliament elections. Juliet Lodge's[111] edited books in this field established a trend. Van der Eijk and Franklin, *Choosing Europe?: the European Electorate and National Politics in the Face of the Union*[112] concentrates on the 1989 elections but from the perspective of member states. While much of this literature is tangential to this thesis, there are many factors of relevance between EU referendums and national responses in European Parliament elections.

---

[106] David Beetham and Christopher Lord, 1998, *Legitimacy in the European Union*, Longman.

[107] Thomas Banchoff and Mitchell P. Smith, 1999, eds., *Legitimacy in the European Union*, Routledge, London.

[108] Albert Weale and Michael Nentwich, 1998, eds., *Political Theory and the European Union: Legitimacy, constitutional choice and citizenship*, Routledge, London.

[109] Francis Jacobs, Richard Corbett and Michael Shackleton, 1992, *The European Parliament*, Longman, 2 edn.

[110] Julie Smith, 1999, *Europe's Elected Parliament*, UACES and Sheffield University Press, Sheffield.

[111] Juliet Lodge, 1986, ed., *Direct Elections to the European Parliament 1984*, Macmillan, Basingstoke; and Juliet Lodge, 1990, ed., *The 1989 Election of the European Parliament*, Macmillan, Basingstoke.

[112] Cees van der Eijk, and Mark N. Franklin, 1996, *Choosing Europe? The European Electorate and National Politics in the Face of Union*, University of Michigan Press, Ann Arbor, Michigan.

Conclusion

The literature on referendums is dominated by empirical accounts of particular referendums with little attention to the theory outside that established by Butler and Ranney in 1978 and updated in 1994. While both their books took an international comparative approach to referendums the influence of the American experiences seems to appear in their conclusions. Referendum theory has not been given attention by many European scholars and some of Butler and Ranney's findings do not resonate well with European experiences of referendums. In addition there is remarkably little referendum literature on thematic or conceptual issues which extend or challenge conventional approaches towards referendums.

The empirical studies are usually general accounts of the referendums examining their constitutional or legal basis, the role of the political parties, the campaign and voting behaviour. Their principal purpose either is solely descriptive of the referendum or highlights a particular feature or aspect of referendum practice. This literature in Western Europe in dominated by Danish and Nordic experiences plus those of Ireland and France.[113] This is not surprising as these countries are those which have held most referendums in general and EU referendums in particular. But this literature is restricted to that which is published in English and is biased in favour of issues salient to a wider regional readership. As there is a very limited British literature on referendums this means that the referendum literature is particularly narrow.

The referendums of 1992/3 stimulated renewed academic interest in EU referendums and especially those of Denmark and the manner in which they gave expression to her attitudes towards Europe. Also the four EU referendums in Austria and the Nordic countries saw an interest develop in comparative approaches towards referendums. Not surprisingly the referendums also stimulated interest from scholars of the European Union. They were particularly interested in processes of ratification as well as cross-national comparisons about how membership interacts with particular features of the national political system. The direct importance of the referendums on the European Union was simply taken for granted though by the time of the

---

[113] These comments exclude the literature on Italy and Switzerland.

Amsterdam treaty the processes and procedures of treaty reform and ratification were given far more explicit attention in the literature.

The thesis does not explicitly engage with the literature on treaty reform, ratification or enlargement in the European Union and only tangentially with that on democracy in the Union. This literature however largely ignores EU referendums and instead focuses on competing interpretations of democracy and the problems surrounding the European Parliament and the other institutions of the European Union. This is usually done in the context of the inter-governmentalist or supra-nationalist interpretations of the Union, or within a framework established by one of the theories of European integration.

This thesis however is not only about referendums and the literature on governance in the European Union is also an integral part of its structure. Governance as a concept in the European Union is largely dominated by its relationship to the development of policy and its ability to relate to theories of European integration. As a concept attempting to explain or illuminate the relationship to the political aspects and inter-relationships of the Union, it has been largely under-developed. Nevertheless it is a concept which has more explanatory power than those which currently imagine the European Union as just another state, or those from the 'new governance' agenda which believe it has few characteristics similar to the traditional states. As remarked by Hix, the difficulty is that the only manner in which it is possible to understand the developments in the political aspects of the Union is through notions and concepts taken from what already exists. While new words may describe or encapsulate something around which there is uncertainty, they have little meaning if not anchored in familiar concepts. Consequently the notion of democratic governance is one which takes familiar interpretations of democratic government and combines them with notions about governance and in so doing provides a concept which has the power to elucidate what may be developing in the relationship between national referendums and the European Union.

In relation to the referendum literature this thesis challenges the existing conceptualisations of EU referendums and introduces a new typology specifically focused on EU referendums. It also eschews individual descriptions of particular

national referendums, the usual style of referendum research, and instead analyses them via theoretical notions around constitutions, decision making, participation and legitimacy. For the most part it takes the research which already exists and re-examines it from these different perspectives. In the process it also excludes large areas of referendum literature such as that concerned with political parties, referendum campaigns and voting. Finally it examines national referendums in relation to the European Union, a field which is currently under-researched. In terms of the European literature this thesis engages most with the construction of the European Union as a political system and examines an area otherwise given little academic attention – the dependency of the European Union on the outcome of some national referendums. In terms of the governance literature the thesis extends existing conceptualisations of governance to encompass a form of democratic governance which specifically focuses on political dimension involving the inter-relationships and interactions between the European Union and member states. To understand all these differing relationships it is time now to turn to the specific analysis of referendums in terms of concepts of democracy – of constitutions and constitutionalism, decision-making in representative government, political participation and legitimacy.

CHAPTER FOUR

EU REFERENDUMS, NATIONAL CONSTITUTIONS AND THE EUROPEAN UNION

Introduction

The basis of the relationship between EU referendums, the European Union and democratic governance depends on two questions being asked of referendums – why were they held, and what meanings do they carry? These two questions reveal the extent of the dependence of the European Union on national constitutions and decision-making practices, and highlight the political weight and legitimacy they convey. It follows from this that two questions can also be asked of the European Union – how has it been effected by these referendums and does this contribute to a form of democratic governance? The next four chapters address these questions. Once the EU issue itself has arisen EU referendums derive from two sources – constitutional requirements or a political decision of a government. The purpose of this chapter is to show how national constitutional requirements have precipitated referendums, which in turn have intersected in distinct and particular ways with membership of the European Union and laid the foundation for a form of democratic governance emerging in the European Union.

National constitutions have interacted with membership of the European Union in a variety of unexpected ways. Although many states have referendum provisions covering a range of issues and eventualities, only in Denmark, Ireland and Austria did the decision to join the European Union run directly into constitutional strictures – all of which varied. While a referendum as part of the process of joining was expected, what was not was that future reforms of the treaties of the European Union would also entail referendums. But here the imperative to hold a referendum was, in Denmark, as a result of the interaction of political circumstances with the constitutional stipulations, and in Ireland, as a result of the intervention of the courts. Neither state expected at the time of joining to have to continue to ratify successive changes to the

nature of European integration by referendum. This set in train a pattern of national referendums which has encouraged others and, more importantly, meant that the progress of European integration is dependent on the successful passage of EU treaty referendums.

While treaty referendums have become established as a means of ratifying EU treaties, they have also had serious consequences for the European Union itself. The control over the ratification process moves from the national political and parliamentary sphere to the people and, at the same time, governments are increasingly restricted in their ability to chose the most favourable timing for such a referendum. Further, for the referendum institution, these referendums appear to revisit the same decision and compromise the sense of fairness as the behaviour of other member states affects the referendum outcome.

This chapter has two tasks: first, to trace the manner by which national constitutional requirements have interacted with membership of the European Union and brought about EU treaty referendums; and secondly, to note the several ways in which EU treaty referendums have consequences for both the referendum institution and for the European Union. The chapter begins by sketching very briefly the presence of referendum provisions in some national constitutions in Western Europe. It then examines in a more comprehensive manner the way in which the constitutions of Denmark, Ireland and Austria have interacted over time with membership of the European Union. The final section of the chapter examines the impact of these referendums on the European Union. Accession referendums have established an international precedent for referendums to determine membership of the European Union while treaty referendums have subtly altered the nature of the referendum institution and made the progress of European integration dependent on their successful outcome. In the process they also reveal the dual role of governments in relation to the European Union.

The following four chapters confine their analysis to nineteen EU referendums. Many of the conceptual issues involved are not applicable to the EU referendums in

Switzerland, nor that in Liechtenstein, while the referendum in Åland has not greatly impinged on the European Union.

Constitutions, Referendums and Western Europe

A constitution is:

> a code of rules which aspire to regulate the allocation of functions, powers and duties among the various agencies and offices of government, and defines the relationships between these and the public.[1]

Traditionally constitutions have been regarded as legal frameworks which bore little relationship to the political system and exerted minimal influence over the government. However this notion of constitutions is becoming outdated as they impinge in significant ways on membership of the European Union and create their own constraints in unique and particular ways.[2] Vernon Bogdanor claimed that:

> the functioning of democratic institutions has became intertwined with the working of constitutions to an extent which could hardly could have been imagined twenty to thirty years ago.[3]

Constitutions limit the powers of both the elected representatives and of the people but do so in a manner that reflects both historical and cultural influences. They are inevitably contested documents and the meanings attributed to them vary across states and particularly between continental Europe and Great Britain. For the most part they are accompanied by conventions and the effect these have on political behaviour is considerable, for it is through these that constitutions intersect with political life. They also reflect a particular relationship with the past. This can either provide a rich and acceptable source of constitutional norms or, by contrast, its mistakes can be something to avoid. In Western Europe the constitutions of Germany, Italy and France

---

[1] Vernon Bogdanor, 1988, ed., *Constitutions in Democratic Politics*, Gower, Aldershot, p 4.
[2] Richard Bellamy and Dario Castiglione, 1966, "Introduction: Constitutions and Politics", *Political Studies*, Special issue: *Constitutionalism in Transformation: European and Theoretical Perspectives*, Vol. 44, p 413.
[3] Vernon Bogdanor, 1988, pp 2-3.

represent a decisive break with earlier times while those of Spain and Portugal represent a transition from authoritarian regimes to democratic ones. In addition constitutions are often the subject of change particularly if they become inadequate, unworkable or if they no longer correspond to modern political cultures.

The provision for referendums has appeared in some state constitutions in Europe since the time of the French Revolution.[4] Although discussed further in the following chapter, the combination of philosophical support along with evidence of their practical use found expression in many national constitutions drawn up in Europe, particularly in the period post World War I. Referendums are included in the constitutions of Austria, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Portugal, Spain and Sweden and Switzerland.[5] All of these provisions differ from one another and (excepting Switzerland) most have rarely, if ever, been used. There are few comparative similarities between them and the more obvious constitutional architecture of the states of Western Europe.[6] These provisions are continually being amended right up to the present day but such debate is rarely harmonious as ideas and circumstances change. Finland incorporated referendum provisions into her constitution for the first time in 1987, Austria altered hers in 1989, and France and Portugal amended theirs in 1995. In the Netherlands the introduction of referendum provisions has been debated periodically since the late eighteenth century yet still there has been no national referendum.[7] The referendum provisions of concern to this thesis however are only those that determine EU referendums.

At a theoretical level Markku Suksi believes that the greater the referendum provisions the greater the sovereignty of the people and the less distance there is between the rulers and the ruled.[8] But, as the trend towards popular sovereignty grows, then it is also to be expected that referendums will facilitate what Suksi describes as the 'agenda-influencing' and 'agenda-setting' functions of the people. In other words referendums will become far more influential over a wider range of

---

[4] Butler and Ranney, 1978, Chapter 1; Suksi, 1993, Chapter 3; Kobach, 1993a, Chapter 1.
[5] Bogdanor, 1994, pp 24-30. See also relevant chapters in Gallagher and Uleri, 1996.
[6] Bogdanor, 1994, pp 26-27, Table 3-1.
[7] Paul Lucardie, 1997.
[8] Suksi, 1993, pp 278-279.

governmental activities. However, at a more pragmatic level, Bogdanor considers that at present the people's role in referendums is essentially negative because, as they have no power to amend, they can only really confirm or reject that which the government has already decided.[9] Jan-Erik Lane and Svante Ersson perhaps highlight the real position of referendums in the constitutions of Western Europe when they say that while many, (excepting Switzerland), "pay homage to the principle of direct citizen rule in the constitutions ... few practise referendum on a regular basis."[10] Nevertheless the appearance of referendum provisions in many national constitutions of Western Europe does in fact reflect a particularly West European form of liberal democracy.

EU Referendums and National Constitutions

Denmark, Ireland and Austria have been required to hold referendums on EU matters because membership of the European Union has intersected with national constitutions in a variety of ways. The causes of these referendums depend on the role of the people in the constitution; the degree to which the constitution is enumerated; the process of amendment; the transfer of sovereignty to international bodies; the manner of ratification of international treaties; and political conventions and practices. Other factors such as the intervention of the courts can also be important. These provisions are an established component of the legal order and therefore, once the issue itself has arisen, these referendums must be held. They are known as mandatory referendums and their outcome is binding on the government. However, while only some of the Danish and Irish referendums have been mandatory, all Danish and Irish referendums will be considered here both to maintain a sense of national coherence and comprehensiveness and to follow the pattern of increasing referendum use.

---

[9] Bogdanor, 1994, p 30.
[10] Lane and Ersson, 1992, p 232.

Denmark

Denmark is a constitutional monarchy and amongst the oldest of the European states to have held continuous national sovereignty. The principle of parliamentary government did not come into existence until the 1840s and government responsibility to the Folketing, the lower house, was not introduced until 1901. In the Danish political system the Folketing is the centre of political life. The proportional representation electoral system ensures a broad spectrum of representation and, as no government has held power outright since 1909, there is a tradition of minority coalition governments. As a consequence the defining features of Danish political culture are the large and fragmented nature of the political parties,[11] especially those on the right referred to collectively as the bourgeois parties,[12] another is the domination of the Social Democratic Party as the largest party, and another is the consensual style of government.

In the aftermath of the traumatic events of the Second World War, Denmark designed a new constitution in 1953. This constitution was intensely debated between the major parties and included, as a return for abolition of the upper house, a number of referendum provisions to give protection against the undue power of parliamentary majorities and to shield the constitution from unnecessary tampering.[13] Most of the referendum provisions therefore are based on the principle of parliamentary sovereignty, as opposed to popular sovereignty. The constitution made provision for referendums to be used on four different occasions and a fifth, the *ad hoc* referendum, was deemed not to be prohibited by the constitution.[14] With the exception of the *ad hoc* referendum all are mandatory referendums and the result is binding. Each provision was designed to cover an express problem or issue and therefore generalisations about them are misleading and, unlike Irish referendums discussed below, most have a double hurdle to surmount in the stipulation of minimum voting

[11] After the referendum of 1972 and the election of 1973 there was a significant increase in the number of parties in the Folketing. This now numbers eleven.
[12] The 'bourgeois' parties are the non-socialist parties – the Conservatives, the Liberals, the Centre-Democrats and the Christian People's Party.
[13] Palle Svensson, 1996, "Denmark", Gallagher and Uleri, 1996, pp 33-38; and Miller, 1982, pp 62-65.
[14] Svensson, 1996, p 34; Miller, 1982, p 58; and Ole Borre, 1986, "The Danish Referendum on the EC Common Act", *Electoral Studies*, Vol. 5, No. 2, p 190.

figures for the whole electorate.[15] Since 1953 Denmark has conducted sixteen referendums on eleven occasions of which ten have been successful and six defeated.[16] Thus Denmark has a political culture familiar with referendums on important issues and capable to rejecting those of which it disapproves.

The referendum provision that determines most Danish EU referendums is Article 20 of the constitution. This Article specifically permits "powers vested in the constitutional authorities ... [to] be delegated to international authorities."[17] Such a law needs to be passed either by a five-sixths majority of members or, if this is not forthcoming, an ordinary majority and the issue the subject of a referendum.[18] In practice with a large number of small parties the requirement of a five-sixths majority is difficult to attain. The background to this provision appears to have had its origins in the events and discussions about political and defence co-operation in Europe in the early 1950s. Given Denmark's entry into NATO in 1949 this provision was in recognition of the difficulty of amending the constitution should Denmark wish to be involved in any of these international organisations sometime in the future.[19] Denmark therefore, in contrast with Ireland, holds most of her EU referendums in accordance with the stipulations of the constitution; they do not amend the constitution as such. The other type of EU referendum in Denmark is an *ad hoc* referendum and Danish governments have called two of these.

Danish EU referendums

Denmark has held five EU referendums of which three were constitutionally required: the accession referendum in 1972, the Maastricht treaty referendum of 1992 and the Amsterdam treaty referendum of 1998. Both the SEA referendum and the 1993 'Maastricht plus Edinburgh' referendum were *ad hoc* referendums but the outcome of the former was advisory whilst the latter was binding. The EMU referendum

---

[15] Article 42 includes stipulations on minimal voting turnouts for rejection but in practice this is not a significant factor in Danish EU Referendums because of the high voter turnout. See Svensson, 1996, pp 33-38; and Miller, 1982, p 58.

[16] Those to have been defeated include all those on land ownership in 1963, one on the voting age in 1969 and the Maastricht treaty of 1992. See Svensson, 1996, p 39.

[17] The Danish Constitution, Article 20.

[18] Acceptance provisions for Article 20 are the same as those in Article 42 noted above.

scheduled for 28 September 2000 is to be considered as if involving a transfer of sovereignty and therefore Article 20 conditions will apply which will mean the outcome will be binding.

When Denmark entered the European Communities in January 1973 this represented the culmination of twelve years of negotiations. In 1961-63 Denmark first engaged in accession negotiations, the issue was raised again in 1967 and negotiations were pursued during in the period 1970-71. Despite an early aloofness from European affairs, Danish motivations were primarily economic rather than political as the over-riding fear was the loss of her traditional markets especially if other countries, notably Britain, joined the Community.[20] The October 1972 referendum was held according to Article 20 of the constitution but the manoeuvrings of the major political parties meant that the constitutional requirements were pre-empted rather than allowed to take their course.

The referendum decision appears to have been centred on electoral calculations within the Social Democratic Party. At the beginning of May 1971, with a bourgeois government in power, there was no requirement for a referendum under Article 20 as the five–sixths majority necessary to pass the bill without resort to referendum was evident, but an election was looming which introduced uncertainties into such reckonings. The Social Democratic Party was split on the issue of membership and opposition to entry was growing within the Party. Consequently it did not wish to fight an election campaign on membership for fear of loosing too many voters especially to its nearest rival, the Socialist People's Party, which staunchly opposed joining.[21] These assessments were sufficient to prompt a search for alternative ways to diffuse the issue and separate it from the forthcoming election. On May 3 the Social Democratic leader took the Party and others by surprise by suggesting that an

---

[19] Petersen and Elkit, 1973, p 198.

[20] The economic motivation for Denmark joining the European Community is discussed in Petersen, 1993, p 81.

[21] The left wing parties opposed to Europe are the Socialist People's Party, the Left Socialists and the Communists. The middle group are the Social Democrats, the Radicals and the Progressives which support Europe but are against any further reforms in favour of political union. The right wing parties generally are supportive of membership. See Torben Worre, 1988, "Denmark at the Crossroads: The Danish Referendums on 28 February 1986 on the EC Reform Package", *Journal of Common Market Studies*, Vol. 24, No. 4, p 367.

advisory referendum be held before the final vote in the Folketing but, several days later, the parliamentary group altered this and demanded a decisive referendum after the final vote in the Folketing. This meant that a referendum would be conducted according to Article 20 irrespective of whether the vote was passed by the five-sixths majority. This strengthened the position of the Radical Liberals, the centre party in coalition government with the bourgeois parties, who agreed with the proposed referendum and forced the government to concur. After an eighteen month campaign dominated by the expectation of economic benefits, and extended negotiations over the date in view of other Nordic referendums,[22] the referendum was held on 2 October 1972.

The Single European Act or, as it was known in Denmark the 'EC Reform Package,' was generally agreed not to involve any derogations of Danish sovereignty and therefore did not require a referendum.[23] Nevertheless one was held primarily due to the machinations of the Social Democrats and Radical Liberals. Again the government was held by the bourgeois parties but depended for support on the Radical Liberals. European foreign policy co-operation in the Folketing had been based on a broad consensus although in reality driven by a delicate balance of parliamentary positions in the European Affairs Committee of the Folketing. At the time of the SEA the divisions in the Folketing in relation to Europe were about one-third in favour dominated by the bourgeois parties, about one-sixth against led by the Socialist People's Party, and just over one half comprising a middle group of Radical Liberals and Social Democrats less than whole-hearted about membership.

The Radical Liberals and the Social Democratic Party were divided on Europe. The Radical Liberals decided to vote against the SEA because it foreshadowed European political co-operation to which they were opposed. The Social Democrats meanwhile were under severe strain from their grassroots supporters. While the Folketing consensus on foreign policy issues had continued while they held government, this was placed under severe strain when they lost control to the bourgeois parties in 1982.

---

[22] It was assumed that Norway would have a referendum and possibly Sweden if it lodged an application. See Petersen and Elkit, 1973, p 206.
[23] Borre, 1986, p 190.

118

Grassroots disenchantment over Nato membership and a proposal to establish a nuclear-free zone amongst the Nordic countries had caused havoc in the Party. The SEA, with its expansion of powers in the direction of political union, only exacerbated its troubles. This led to a breakdown of the parliamentary consensus on foreign policy and by rejecting the SEA it meant that the Social Democratic Party had, with the Radical Liberals, a parliamentary majority on the issue. The leader of the Social Democrats informed Prime Minister, Poul Schlüter, that the Social Democrats would not support ratification of the SEA, no doubt hoping thereby to precipitate an election they hoped to win. The Prime Minister refused to countenance this option and the behaviour of the Social Democrats was widely condemned as being self-serving and irresponsible.[24] The Prime Minister, unable to re-negotiate the treaty, announced instead an advisory referendum to break the parliamentary deadlock and to out-manoeuvre the Social Democrats. The SEA referendum would be held before the vote in the Folketing. The eventual agreement of the parties to respect the wishes of the people had the effect of making the result binding in a *de facto* sense if not *de jure*. The referendum was held on 27 February 1986.

There was no real debate in Denmark about whether or not to hold a referendum on the Maastricht treaty as it was considered that the treaty did involve the derogation of a number of powers to the European Union and therefore would be subject to Article 20 of the constitution. The two previous referendums had created a political climate where the public expected to be consulted and, as the issue was so controversial, it would have been suicidal for the government not to do so.[25] In expectation of this the bourgeois government of Poul Schlüter had attempted to pre-empt any repeat of the divisiveness which had so marred the SEA referendum and, at the end of 1990, had reached a memorandum of understanding with the Social Democrats.[26] Consequently the government was confident that the referendum would be supported both in parliament and amongst the people. In the event the referendum was mandatory under the Article 20 of the constitution as the necessary five-sixths majority required to

---

[24] Worre, 1988, p 370.
[25] Nikolaj Petersen, 1993, p 81.
[26] Karen Siune and Palle Svensson, "The Danes and the Maastricht Treaty: The Danish EC Referendum of June 1992", *Electoral Studies*, Vol. 12, No. 2, 1993, p 99.

avert a referendum was not achieved with the Folketing vote of 130 to 25.[27] The referendum was held on 2 June 1992.

The Maastricht treaty referendum was defeated and the crisis that followed is discussed in detail in Chapter Eight. In December 1992 the government re-negotiated Danish acceptance of the treaty at the Edinburgh summit of Heads of State and Government. These were seen as the minimal conditions under which the Danish people might reconsider the Maastricht treaty and were supported by all the major parties in the Folketing. In January 1993 the bourgeois government fell and was replaced by a coalition government led by the Social Democrats. In February they introduced into the Folketing three new bills to allow Denmark to ratify the Maastricht treaty, adopt the Edinburgh Agreement and hold a new referendum on 'Maastricht plus Edinburgh' which would be binding in its effects. This referendum was not held under Article 20 but did adopt Article 42 conditions on rejection. When 'Maastricht plus Edinburgh' came to the vote a five-sixths majority was present in the Folketing (154 votes to 16) but a referendum had already been decided upon and in any event was politically imperative. The referendum was held on 18 May 1993.

The Amsterdam treaty was the subject of legal discussion whether or not it involved any derogations of sovereignty.[28] The Danish Ministry of Justice considered that there were four paragraphs affecting sovereignty and therefore recommended that Article 20 of the constitution apply. Regardless of this, the convention of putting issues surrounding European integration to the people was so established that it was inconceivable that a referendum would not to be held, only exemption from Article 20 would mean an advisory as compared to a binding referendum. In the event the issue was more polarised than ever in the Folketing and the vote, 92 to 22 with 65 abstentions, in favour of the treaty fell well short of the five-sixths majority to avert a referendum. This time however the Social Democratic Party held government and consequently the manoeuvrings around the procedural decisions were less dramatic than on previous occasions. The referendum was held on 28 May 1998.

---

[27] Petersen, 1993, p 81.
[28] This was reported in private discussions. See interview W.

On the 28 September 2000 the Danish government has announced that it will hold a referendum on Danish membership of EMU.[29] This origin of this referendum lies in the opt outs negotiated by the Danish government as part of the Edinburgh Agreement. This Agreement, already mentioned in Chapter One, stipulated in protocols to the treaty that the Danish government would consider the issues of membership of EMU, co-operation in JHA, and citizenship as involving a transfer of sovereignty, and therefore as subject to the conditions of Article 20 of the constitution. Thus the probability of future referendums on these issues, and probably also defence co-operation, was signalled.

Denmark and EU Referendums

The juxtaposition of a recent trouble past, the desire for a new constitution and the possibility of some form of European co-operation led to the inclusion of Article 20 in the Danish constitution to allow for referendums in the case of the transfer of sovereignty to international authorities. Little did the framers of the constitution know how this article, included as a matter of foresight and precaution, would determine to a large extent Danish relationships with the European Union. Denmark entered the European Union in 1973 primarily as a matter of economic policy because her closest trading partners were also attempting to do likewise. At no stage in Denmark's entry negotiations, or since, has she really been able to contemplate the development of a political form of union as this touches too closely on memories of German domination in earlier times. Consequently Danish membership of the European Union has not always been a positive one and, while they have met the legal requirements, they have found it difficult if not impossible to share with the other members the spirit of integration.

The combination of Article 20 with deeply held national attitudes sceptical of the European political union, a powerful but divided Social Democratic Party, and a government commitment that any further extension of European integration will be subject to referendums, makes likely more Danish EU referendums. The Social

[29] *The Economist*, 18-24 March 2000, p 4.

Democratic Party, in opposition at the time of most EU referendums, has shown itself to have been more concerned with its domestic electoral standing and desire to keep its 'own' voters than with the ratification of EU treaties. Its political manoeuvrings precipitated the SEA referendum, arguably the most important as far as precedent is concerned because it was constitutionally unnecessary. Thus it set in train the public expectation that referendums would be held irrespective of the constitutional requirements and this has been reinforced by further EU referendums, although some were required, a factor irrelevant to the public at large. The debacle that followed the Maastricht rejection has heightened the role of referendums in the resolution of Danish-European Union matters still further. Although negotiated under duress, the commitment to hold more EU referendums on the most controversial of issues on the Maastricht treaty has cemented the role of referendums in Danish–European politics. From the perspective of the European Union this has serious consequences.

Ireland

The introduction of the referendum in Ireland was tied up with her troubled political history involving separation from the United Kingdom, strong republican sympathies and civil war.[30] From 1922-1937 the constitution of the Irish Free State made provision for both the referendum and initiative following the models of Weimar Germany and the new constitutions of the post World War I European republics.[31] Nevertheless Maurice Manning considers that the introduction of the referendum, unknown in British constitutional practice, was really an expression of popular sovereignty and democratic radicalism. In the Dáil debates of October 1922 the referendum was claimed to "bring home to the people the reality of democratic control."[32] Although often the subject of bitter debate between the parties no referendums or initiatives were ever held under the constitution of the Irish Free State.

---

[30] For information on Ireland see Maurice Manning, 1978, "Ireland", Butler and Ranney, 1978, and Suksi, 1993, Chapter 5.
[31] Manning, 1978, p 193 quoting Leo Kohn, 1932, *The Constitution of the Irish Free State*, London, p 328, and for another opinion Suksi, 1993, p 186. See also Alan J. Ward, 1994, *The Irish Constitutional Tradition: Responsible Government and Modern Ireland, 1782-1992*, The Catholic University of America Press, Washington, DC.
[31] Manning, 1978, p 194.
[32] Manning, 1978, p 194.

In 1937 Eamon de Valera, the Prime Minister, introduced a new constitution 'Bunreacht na hÉirann'. This was drafted to remove any trace of its British origins and introduce more 'Irish' characteristics such as republicanism and Catholic social values. Unlike the constitution of the Irish Free State, de Valera considered that his constitution was largely a finished document and therefore any amendments needed would be minimal, hence the amendment procedures, Articles 27 and 46, were deliberately difficult.[33] For de Valera the referendum had been a useful weapon against both the Anglo-Irish treaty and the opposition parties but, despite having championed it so robustly in earlier times, he had no further use for it. Maurice Manning interprets these actions as indicating that any referendum "would take place in circumstances favourable to the government and with the purpose of achieving some specific government objective."[34] The people through a plebiscite (as it was known), formally accepted the constitution and its symbolic power marked a fundamental break in Irish history. It placed the referendum as a respected institution in Irish constitutional history. However, the 1937 constitution inscribed a large range of powers, responsibilities and other matters that with the passage of time have become outdated or unworkable, and which in most other West European states are simply altered by parliamentary legislation. The significance of this is that many issues in Ireland become the subject of a referendum.[35]

Ireland has had twenty-one referendums, including the first in 1937 to approve the new constitution. Sixteen have been successful.[36] They have been conducted on fifteen different occasions although it was not until 1959 that the second referendum was held. The referendums can be grouped into four subject areas including institutional, moral, technical and European Union referendums.[37] Since 1983 seven referendums have been held on moral and subordinate issues such as divorce and abortion and all have been highly controversial. Richard Sinnott believes that much of

---

[33] Manning, 1978, pp 193-197. Article 27 of the Constitution which also allows for a referendum under certain circumstances has never been used and is unlikely to impinge in any way on EU referendums.
[34] Manning, 1978, p 209.
[35] Sinnott, 1995, p 219.
[36] Jane O'Mahony, 1998, "The Irish Referendum Experience", *Representation*, Vol. 35, No. 4.
[37] Gallagher, 1996a, Chapter 6, and O'Mahony, 1998, pp 227-233.

the angst caused by these referendums is that they fly in the face of societal change in Ireland.[38] By contrast the Irish EU referendums have been relatively low key affairs.

Irish EU Referendums

On 10 May 1972 the first of four successful EU referendums was held to allow Ireland to join the European Economic Community. This referendum was required because membership of the EEC would contravene a number of clauses in the Irish constitution the most important of which was Article 15 whereby all legislative power was vested in the Oireachtas (the Irish parliament).[39] Membership of the EEC would mean that all Community legislation would be applicable in Ireland and hence this clause and others would need to be amended. Rather than amend this and other Articles, including Article 46, it was decided to insert a new subsection to Article 29 of the constitution enumerating all three EEC treaties and "authorising membership with all its consequences."[40] In practice the referendum campaign was about whether or not Ireland should join the EEC, and the "only rarely did the actual specific issue of the amendment receive much attention."[41]

Since then Irish EU referendums have increasingly been affected by judicial decisions directly or indirectly related to the issue. In 1986 both houses of the Oireachtas had passed the European Communities (Amendment) Act (1986) dealing with the Single European Act but, before it was lodged with the Italian government as holder of the presidency, a decision of the Supreme Court intervened declaring it unconstitutional. This followed the actions of Raymond Crotty, "a 'radical and nationalist' economist who had been prominent in the campaign against EC entry in 1972."[42] Crotty secured an injunction preventing the government from lodging the instrument of ratification. In the case, *Crotty v. an Taoiseach and Others,* he claimed that the foreign policy co-

---

[38] Sinnott, 1995, Chapter 9.
[39] Basil Chubb, 1978, *The Constitution and Constitutional Change in Ireland,* Institute of Public Administration, Dublin; and 1991, *The Politics of the Irish Constitution,* Institute of Public Administration, Dublin.
[40] Suksi, 1993, p 197.
[41] Manning, 1978, p 207.
[42] Gallagher, 1988, p 77.

operation as envisaged by Title III of the Act breached the constitution.[43] In a 3-2 decision the Court declared that the specific provisions of Article 29 did not allow the government to ratify "a measure which would bind and limit the external sovereignty of the state as formulated in the Constitution."[44] This meant that a referendum was required to amend Article 29 of the constitution to allow for the ratification of the whole of the Single European Act. This was an unexpected outcome and "the reaction to the decision among the political establishment was one of incredulity."[45] It meant that a referendum would have to be held on the SEA, and effectively any subsequent European Union treaties. Like the entry referendum of 1972, the SEA referendum was presented to the people as the country's continued membership of the European Union and not on the precise nature of the Act "which few either understood or cared about."[46]

The decision of the *Crotty* case meant that the Maastricht treaty referendum of 19 June 1992 was inevitable due to the major changes involved.[47] This referendum was subject to two important events including the outcome of the Danish referendum discussed further in Chapter Eight and a significant, but technically unrelated, judicial decision. In the Maastricht negotiations the Irish Government had annexed a protocol to the treaty specifically excluding the Treaty of European Union from affecting Article 40.3.3 of Ireland's constitution, and thus preventing possible liberalisation of Ireland's abortion laws through appeal to European law.[48] However, the case of "X" in February and March of 1992, and the subsequent ruling of the Supreme Court, effectively legalised abortion in certain circumstances. As a result a degree of confusion surrounded the case and in the process entangled arguments surrounding abortion with debate about the Maastricht treaty. Both sides in the abortion debate - Catholic and anti-abortion groups - ended up being highly suspicious of the

---

[43] Basil Chubb, 1991.
[44] Suksi, 1993, p 197.
[45] Patrick Keatinge, 1988, "Annual Review of Irish Foreign Policy", *Irish Studies in International Affairs*, Vol. 2, No. 4, p 82.
[46] Gallagher, 1988, p 79.
[47] Holmes, 1993, pp 105-110; Bogdanor, 1994, pp 82-87; Gilland, 1999.
[48] Anti-abortionists had been alarmed by the liberalisation of the abortion laws in Italy and had wished to prevent any similar occurrence in Ireland, as the prohibition on abortion was only an ordinary law and not entrenched in the constitution, hence the desire for the referendum. See Bogdanor, 1994, p 82.

implications of the treaty, and made curious and unlikely partners in the 'No' campaign.

The Amsterdam treaty referendum was unlike any other conducted in Ireland as a result of another court decision and a related judgement.[49] Patricia McKenna MEP wished to clarify the government's role in referendums following the 1992 abortion referendums. In 1995 the Supreme Court ruled in *McKenna v an Taoiseach* that it was illegal for the government to use public money to promote its preferred option in a referendum campaign. Following from this, but in a separate decision delivered a month before the date of the Amsterdam treaty referendum, a High Court ruling prevented the RTE (the state broadcasting service) from continuing in its policy of allocating air-time on the proportion of seats in the Dáil.[50] The consequences of this decision meant that the government could not spend public money solely on the 'Yes' campaign. As a result the government hastily established an independent Referendum Commission and allocated it IR £2.5 million to mount a balanced and objective information campaign on the treaty.[51] To many however this smacked of artificial evenhandedness and over emphasised the 'No' case.[52] Although the referendum was held on 22 May 1998 in conjunction with the Good Friday Agreement on Northern Ireland, a significant concurrence, the campaign was generally agreed to have been lacklustre. As in the Maastricht treaty, the precise constitutional provisions were ignored in favour of the referendum being portrayed as continued Irish support for the European Union.

Ireland and EU referendums

In conclusion a troubled past driven by the twin imperatives of independence from Britain and republican idealism, led de Valera to devise a watertight constitution virtually impossible to amend without reference to the people. Enumerated within it were a large number of powers and associated matters which in other states are normally dealt with under ordinary legislation. In this manner de Valera enshrined in

---

[49] Gilland, 1999.
[50] *Judicial Review*, No. 209, 1997, "Coughlan, Broadcasts Complaints Commission and RTE".
[51] Referendum Commission, 1998, *Amsterdam Treaty '98*, Dublin, p 4.

the constitution the belief that it belonged to the people and gave only them the power to change it. Although a referendum was required when Ireland first joined the European Community, at the time of accession the Irish government did not expect to have to consult the people again as their behaviour testified in all but formally ratifying the SEA in 1987. However the interval of time which fell between lodging the document in Rome and the judgement of the Supreme Court changed forever the relationship between the Irish government and any future treaty ratification. This would now require a referendum. The Supreme Court in Ireland upheld the original ethos of the constitution by interpreting it in a way that limits the power of governments and at the same time protects the rights of the people over the document. Other courts have similarly reflected this in judgements on other referendums issues, such that the necessity for 'balanced' information. This now has the potential to distort the negative case and make the likelihood of success more difficult. For Ireland's membership of the European Union these decisions have serious implications as the ratification of any new European treaty will require a referendum.

Austria

The Austrian constitution of 1920 was modelled on the constitution of the Weimar Republic and includes two instruments of direct democracy – the referendum and the initiative.[53] Both of these institutions remained after the establishment of the Second Republic in 1945, although in practice the initiative was not available until after 1963. But while the Austrian constitution appears, after Switzerland and Italy, to have strong direct-democratic institutions, this is in form only as the state is highly dependent on representative democracy and its institutions. There are four provisions in the constitution for referendums and three have been used: Article 43 was used in the unsuccessful nuclear power referendum of 1978; and Article 49b, introduced in 1989, allows for a consultative referendum. It is presumably this Article which is being invoked in the consultative referendum to be held in the autumn of 2000.[54]

---

[52] Gallagher, 1996b, p 248.
[53] Anton Pelinka and Sylvia Greiderer, 1996, "Austria", Gallagher and Uleri, 1996.

Membership of the European Union was deemed to affect the international status and sovereignty of the Austrian republic under Article 44 of the constitution and therefore from the time of the Austrian application to join the European Union in July 1989, a referendum was accepted as necessary.[55] For this to occur the Nationalrat (the lower house) and the Bundesrat (the Federal Council) have to pass the legislation by a majority of two-thirds, the vote taken before the referendum. While Austria had been on the periphery of 'Europe' since the establishment of the EEC in the 1950s, the introduction of the SEA had the potential to curtail severely her relationship with her main trading partners Germany and Italy. The coincidence of a lessening of international tension following the rise of Gorbachev in the Soviet Union, coupled with her existing position as an EFTA member, gave her a 'window of opportunity' in the late 1980s to apply to join the European Union. Anton Pelinka and Sylvia Greiderer consider the Austrian people "simply took the chance offered by this historic moment."[56] The referendum was conducted on 12 June 1994, the date determined by considerations of a forthcoming general election. Within the enabling legislation provision was made for ratification of any new treaties of the European Union thereby pre-empting the need for treaty referendums as in Denmark and Ireland.[57]

The Austrian constitution also has provision for the initiative.[58] This however is more akin to a petition in that, on the stipulated number of signatures, it asks the Nationalrat (the Austrian lower house) to consider an issue. The form of the initiative must be presented as if it was a draft bill and the Nationalrat is obliged to deal with the matter as expeditiously as possible although there the matter ends. Two initiatives have been presented concerned with matters pertaining to the European Union. In 1991 an initiative asked for a referendum on membership of the European Economic Area which was considered, and rejected, by the Nationalrat. In 1993, as mentioned in Chapter One, another initiative asked that immigration be controlled. This appears to

---

[54] The other provision includes that which allows for the removal of the president from office but has never been used. Pelinka and Greiderer, 1996, pp 20-22.
[55] Of note here was that the Austrian application was lodged before the revolutions in Central and Eastern Europe in late 1989.
[56] Pelinka and Greiderer, 1996, p 24.
[57] See interview H.
[58] Müller, 1998, pp 22-36.

be the origin of the demand for a possible 'enlargement' referendum which would seek both to tie the hands of the Austrian government in the negotiations with applicant states, and to restrict the eastward expansion of the European Union. Discussion along these lines however, presumably, has been pre-empted by the announcement of a referendum on lifting the sanctions imposed on Austria by the European Union.[59]

Thus the Austrian referendum provisions, again the product of republican ideals, have contributed to the prevalence of referendums in the European Union and, in the 1994 enlargement, made accession referendums the norm. Of particular interest too are the initiative provisions which may, if pursued any further, contribute to a popular backlash against immigration and complicate, if not unduly delay, eastward enlargement of the European Union.

EU Referendums, National Constitutions and the European Union

National constitutions have laid the ground rules for the resolution of European Union matters - either to accede to the Union, in the case of Denmark, Ireland and Austria, or to move to new stages of integration in the approval of subsequent treaties as in Denmark and Ireland. All member state constitutions differ in the manner in which they deal with transfers of sovereignty and/or the ratification of international treaties and in two states, Ireland and Denmark, these now generally require referendums. The implications of this for the European Union, as well as for the referendum institution, have been serious indeed.

Accession Referendums

In the case of Denmark, Ireland and Austria membership of the European Union was dependent on the successful passage of an accession referendum. As both Denmark

---

[59] At the time of writing the referendum has been announced but the details are unclear. *The Economist*, 8-15 July 2000, p 57.

and Ireland have an extensive history of referendums for both major and apparently minor changes, then it was to be expected that the question of joining the European Community would be put to referendum. Nevertheless only in Ireland and Austria was the referendum obligatory while in Denmark the referendum was a possibility, but not imperative, and only the manoeuvrings of the political parties contrived to force one to be held. The most important aspect of national constitutions in their relationship to EU accession referendums and the European Union therefore was that they set in train the pattern of political behaviour that saw referendums as appropriate for this purpose. This in turn has set established an international precedent for accession referendums and all prospective applicants in the next enlargement are expected to hold one.

Treaty Referendums

National constitutional and political requirements regarding the ratification of European Union treaties have interacted with the obligations of membership in far-reaching and highly unexpected ways. EU treaty referendums have unique characteristics in relation to conventional understandings about referendums, which, in turn, have implications for national governments and their participation in the European Union. For the most part these complex relationships have remained obscured by the usual success of these referendums. Three issues particularly stand out which question conventional understandings about referendums: first, the purpose of treaty referendums in re-affirming essentially the same decision and the consequences of this; secondly, the lessening of governmental control over the holding and timing of these referendums; and thirdly, the loss of the sense of fairness as the *status quo* position 'moves' with the ratification of the treaties by other members. A fourth issue, but unrelated to the above, is also important in that these referendums highlight the dual roles of governments - as both national government and member state - and the difficulty in keeping these two roles harmonised.

The Danish and Irish treaty referendums may be considered abnormal referendums as they challenge the assumption that referendums are held only rarely and to determine

major constitutional or political change.[60] Treaty referendums are not being used for this purpose as the issue of membership has already been decided. Instead, largely because of the manner in which they are presented to the people, an issue discussed again in Chapter Six, their public purpose is to re-affirm that decision rather than to agree to the precise changes in the nature and form of integration, although the *de jure* purpose in Ireland is to ratify the treaties. In this way these treaty referendums are not legitimating major changes as in accession referendums but, instead, are increasingly becoming periodic votes of confidence in continued membership of the European Union, at a time of fragile legitimacy for the European Union. While this has been brought about by the unexpected interplay of national constitutional provisions and political conventions with the obligations of membership of the European Union, it nevertheless marks a departure in the generally accepted use of referendums.

The constitutional origins of treaty referendums has changed another facet in the conventional understandings of referendums. Laurence Morel maintains that even though referendums may be legally or constitutionally required in certain circumstances, governments have the right to decide whether or not to hold them and may not do so if they fear their favoured outcome would not be successful.[61] In EU treaty referendums these rights are encroached as the source of the referendum is effectively external to national governments, residing as it does in the decision to reform the treaties.[62] Further, at the ratification stage, national governments have no power to amend or modify the treaties which are essentially presented as a *fait accompli*. Therefore in treaty referendums, governments have lost control over the holding of such referendums and a large degree of effective control over their timing as, once the treaties have been agreed, then national governments are responsible for ratifying them as soon as possible. Consequently governments may not defer indefinitely the holding of such referendums until a time of their own choosing. Thus in EU treaty referendums the rights to decide if, and when, to hold a referendum are increasingly being curtailed by the collective obligations of membership.

---

[60] Butler and Ranney, 1978, pp 23-37, and 1994, pp 1-23.
[61] Morel, 1993, pp 233-234.
[62] Ulf Sverdrup, 1998, *Precedents and Present Events in the European Union : An Institutional Perspective on Treaty Reform*, No. 21, ARENA, Oslo, pp 21-25. The IGC's are themselves subject to their own constraints, in particular the rhythm of election and budget cycles in member states.

EU treaty referendums are also different in form to other ordinary referendums. These referendums, to an extent, have lost their inherent sense of fairness, one of the major attributes of referendums and a crucial component of their ability to confer political legitimacy, discussed in Chapter Seven.[63] The assumption has always been that referendums were a very fair way of resolving issues - strictly majoritarian in nature so that a 'Yes' result would give the authority to change while a 'No' result would mean maintenance of the *status quo*. But, due to the underlying implications of a possible negative outcome, EU treaty referendums have lost this inherent sense of fairness. While the decisiveness remains, the consequences of the outcome have changed as the parallel actions of other members of the Union mean that there is no acceptable *status quo* position left which would respect a negative vote. This really changes treaty referendums into asymmetrical political instruments. For a treaty of the European Union to come into force it has to be ratified by all members, otherwise the treaty falls. But, as other members do so, the current situation - the *status quo* position - moves on, leaving behind a very ambiguous situation in those member states ratifying a treaty via referendums. As the Danish predicament in 1992 showed, new treaties can introduce such substantial changes to the legal relationships, procedures and processes of the European Union that there is no opportunity for some members to continue their membership on the basis of the preceding treaties, while others work on a new treaty. This new situation has a number of implications for governments faced with treaty referendums - the referendum has to be held but the people must vote 'Yes'. While governments have always conducted referendums with the expectation of winning them, the unacceptability of a 'No' vote heightens the political stakes.

The final issue revealed by EU treaty referendums is that in these referendums the dual roles of government – as both national government and member state of the European Union – are highlighted. In these referendums, as mentioned in Chapter One, the origin of the treaties takes place in the collective decisions of members

---

[63] Butler and Ranney, 1978, p 24, and Kobach, 1993, pp 66-68. See also Thomas Chr. Wyller, 1996, "Norway", Gallagher and Uleri, 1996, p 149, for a very brief note on the element of fair play in referendums.

within the Council of Ministers and later on in the Inter-Governmental Conferences. Here, in the bargaining which takes place mostly behind closed doors, the member states negotiate new treaties. However once treaties reach the national level, governmental control over their ratification processes is much less assured. As shown in this chapter, the intervention of individuals and the courts in Ireland exhibiting, in the latter cases, attitudes towards the constitution which hark back to its republican origins, have meant that the government has been forced to bring the treaties to the people for ratification in a way not expected at the time of joining. In Denmark likewise, while the precise details differ, the combination of minority government, a powerful Social Democratic Party and the jockeying for domestic electoral advantage, has so complicated the ratification of European Union treaties that from now on all major changes will require referendums.

The real significance of these developments however is that support for the European Union is not a foregone conclusion in Denmark, and that in Ireland is positive but lukewarm, issues addressed in Chapter Six. As these referendums remove the power of ratification from the government to the people this loss, and lack, of control is particularly worrying for the European Union. National governments may not always be able to deliver what their alter ego agrees to at the European Union level. The seriousness of this issue is highlighted in recent reports that the current IGC is considering, as part of its discussion leading up to the next treaty, to control the ratification of its own treaties.[64]

Assuming the inexorable progress of European integration, the continued development of the European Union is highly dependent on the successful ratification of the new treaties which in turn is dependent on the outcome of referendums in Denmark and Ireland. The fundamental nature of this linkage led Martin Westlake to write of the European Union "the future of the whole enterprise is predicated on constitutional change."[65] With further developments in treaty reform expected following the current IGC this will mean the likelihood of more EU treaty referendums. Not only has this contributed to the environment where referendums are

---

[64] *Financial Times*, 28 June 2000, p 1.
[65] Martin Westlake, 1998, ed., *The European Union Beyond Amsterdam*, Routledge, London, p 24.

becoming an increasingly familiar way in which to resolve European issues, it has also meant that to a large extent the whole ratification process of the European Union rests on the outcome of these referendums.

Conclusion

Membership of the European Union has been probably the biggest constitutional issue confronting states in Western Europe in the last fifty years. It is not surprising therefore that this has been determined by constitutional imperatives which, in some cases, have pre-ordained national referendums on transfers of sovereignty or the ratification of international treaties. What was more surprising was that, once a member, subsequent changes to the nature and form of integration would also require a referendum. This was not foreseen in Denmark and Ireland at the time of accession in 1972, though was in the case of Austria in 1994. Thus national constitutional traditions, deeply embedded in historical and political circumstances and West European ideas on liberal democracy, have governed the ratification of international treaties and interacted with membership of the European Union in highly unexpected ways.

From the perspective of the European Union it was expected that some member states would have to hold an accession referendum to allow them to join the European Union. What was not foreseen was that from this foundation successive treaty reforms would also require some national referendums or that the European Union would be so dependent on their successful passage. However, these circumstances have also given rise to particular changes in the nature of the referendum institution itself. They are no longer used as once only occasions, their timing is determined by events external to the national arena and the perception of their fairness has been compromised. All these changes subtly alter the nature of the referendum institution and, as time goes by, may possibly have a bearing on their success.

The real impact therefore of these constitutional provisions in relation to a form of democratic governance emerging the European Union has been, firstly, to tie the

extension of European integration to the successful passage of EU treaty referendums, secondly, to give referendums a far higher profile than they have ever had previously, and thirdly, to undermine, through changes in the referendum institution itself, the public perception of referendums and thus, in the future, their chances of success. Thus the consequences of the referendum provisions in Denmark and Ireland have been enormous for the European Union. Yet at the national level, their enhanced profile has made them a far more attractive option for other governments to use when confronted by difficult European Union matters. Not only have governments been compelled to use national referendums, many have chosen to do so and it is to these *ad hoc* referendums that attention now turns.

CHAPTER FIVE

EU REFERENDUMS, DECISION-MAKING AND THE EUROPEAN UNION

Introduction

One of the major decisions that has confronted states in Western Europe over the past thirty years has been whether or not to join the European Union. As discussed in the previous chapter once this issue has arisen in some states the constitution demands a mandatory referendum. In all other instances this decision is one that the incumbent governments have authority to take and some opt to consult the people. In continuing to explore the question why were EU referendums held and what impact have they had on the European Union, this chapter examines these *ad hoc* referendums. As the European Union is becoming increasingly affected by EU referendums then those factors which caused them to be held become unduly important, and underpin the form of democratic governance emerging in the European Union

Political parties operating in the context of parliamentary government are the usual means by which political decisions are made in representative democracies. It is generally assumed that trouble within parties is responsible for most referendums and the referendum literature supports this assumption. However in some EU referendums this link appears weaker than traditionally thought and the issue itself, precedent, and the behaviour of significant other states appears to have been equally if not more influential. The decision to hold a referendum also can be analysed using alternative approaches to decision-making such as that suggested by elite theory, while the Marxist analytical framework adopted by Habermas and others suggests that referendums on the European Union could be interpreted as specific acts of desperate governments aimed at addressing a crisis of legitimation. While these perspectives are not explored in any great depth, both the apparent importance of individual national context along with the absence of a clear pattern of causation, suggests that these interpretations should not be dismissed.

The increasing propensity of governments to hold an EU referendum where it is not legally necessary has contributed significantly to the numbers of EU referendums and, consequently, to their impact on the European Union. EU accession referendums convey to the European Union a willingness to be involved which could, if it was recognised, carry significant democratic weight to the Union itself. However, for the most part the European Union disregards the consent derived from this source believing it to be important only at the national level. Of much more concern to the European Union are those instance where EU treaty referendums are held without any constitutional obligation. Given the importance of treaty ratification to the European Union these referendums are considered to endanger unnecessarily the successful completion of treaty reform. In the future the prospect of quasi-treaty referendums – again *ad hoc* referendums called to resolve specific aspects of a treaty – may hold even more serious implications for the direction of European integration.

The chapter begins by examining the relationship between referendums and representative government followed by the role of political parties in the decision-making practices of government. It then spends some time on the significant body of literature that explores the functional relationship between political parties and the referendum institution as it relates to the decision to call a referendum. While the conventional assumptions of this relationship retain some explanatory power, a more diffuse picture emerges. It is becoming increasingly clear that motives often overlap and that, in the more recent EU referendums, the influence of the political parties has declined while that of governments increased. The chapter then briefly explores alternative interpretations of the cause of referendums before the final section which examines the implications of this form of decision-making for the European Union in terms of EU treaty, accession and quasi-treaty referendums.

Representative Government and Referendums

In modern West European democracies the concept of democracy is given expression in a parliamentary form of representative government. Here the principal role of the people in consensual democracies is to elect representatives to parliament. The representatives belong to particular political parties and, through accumulation of the largest number of representatives in parliament, a party or parties forms the executive and is entrusted with governing. The government has the authority to, and the responsibility of, governing in the best interests of the whole of society not just in their own interests. In governing the role of the representative is to decide between differing policies. However within that role, and occasionally written into the constitution as discussed in the previous chapter, is found an appreciation of referendums.

Referendums predated representative government and, for the most part written constitutions, and have a long and extensive history as a means of deciding fundamental issues of state in particular circumstances. It is not difficult to see the reasons for their lingering presence in constitutions and political practice, as referendums tap into an idealised version of democracy. Anthony Arblaster in attempting to get to the core of the concept of democracy wrote:

> At the root of all definitions of democracy, however refined and complex, lies the idea of popular power, of a situation in which power, and perhaps authority too, rests with the people. That power or authority is usually thought of as being political, and it often therefore takes the form of an idea of popular authority.[1]

Dorothy Pickles wrote of referendums and their relationship to democracy:

> The attraction of the referendum is partly explained by the persistence of the illusion that direct government is in some way a purer form of democracy than representative government.[2]

---

[1] Anthony Arblaster, 1987, *Democracy*, 2 edn., Open University Press, Buckingham, p 8.
[2] Dorothy Pickles, 1971, *Democracy*, Methuen, London, p 132.

The remnants of these origins have remained and, up until the establishment of the European Union, referendums played a very minor role in the armoury of decision-making practices some West European states. In other states however this role was more explicit depending for a large part on particular traditions of state-society relationships.

The Referendum Tradition

The history of referendums has two strands: one based on political practice especially as conceived of in ancient Greece and followed by the Swiss and some American states, and the other based on political philosophy arising from developments in the understanding of democracy, and especially democratic participation, from the time of Rousseau in the 1700s.[3] Both are largely interwoven today where referendums have pragmatic support as a means of making difficult decisions as well as a powerful rhetorical support as a 'higher' form of democratic decision-making. Complicating this is the recognition that the history of referendums is also tarnished with examples of its misuse. While many of these ideas were sufficiently influential for referendum provisions to be included in some West European constitutions, most of the referendums held in Europe since the early 1970s, and a number of EU referendums have not been governed by constitutional imperatives. Governments have chosen to hold them, not because they have been forced to. Here the political context, pragmatic practice and the philosophical principles underpinning referendums have been influential.

Political Practice

In terms of political practice the history of referendums can be traced back to the direct democracy of the Greek city-state and to the Roman *plebiscita*. However the assumptions and practices of this commonly regarded 'pure' form of democracy are vastly different from modern concepts of democracy today, although this is rarely

---

[3] Butler and Ranney, 1978, p 3. See also Magleby, 1984.

acknowledged by proponents of direct forms of democracy.[4] In the fifteenth century there are recorded instances of referendums in Swiss cantons and in the sixteenth century in France. In French revolutionary and Napoleonic periods ten referendums were held and they were also a feature of the early forms of the Italian state.[5] The first American experience recorded is in 1778 in Massachusetts followed soon after by other states, especially those in New England which adopted or altered their constitutions by referendums.

The most prevalent users of the referendum both prior to World War I and today are the Swiss, the Italians and some states of the United States of America. From the experience of the early Swiss cantonal assemblies, the Swiss from 1848, and especially from 1874, decided that almost every major national decision should be decided by referendum and this practice continues today.[6] In the United States the current use of the referendum dates from the early experiences referred to above, and to the Progressive era around the beginning of the twentieth century when more direct democratic methods were instituted. American theories of democracy have both faith and confidence in the people along with an underlying distrust of the motives and behaviour of politicians.[7] Thus the early referendum provisions gave expression to these competing views and, at the time, were seen as a means of circumventing the political corruption of office holders then considered rife. These factors contributed to the referendum and initiative provisions found in twenty-three American state constitutions.[8] The renewed interest in direct democracy in the late 1960s and early

---

[4] In particular democracy was dependent on all participating directly and the right of participation was very limited. It was widely condemned by writers of the day including Plato, Aristotle and Thucydides. See Pickles, 1971, pp 29; and Anthony H. Birch, 1993, *The Concepts and Theories of Modern Democracy*, Routledge, London, p 45.

[5] Vincent Wright, 1978, "France", Butler and Ranney, 1978, pp 139-142; and Henry W. Ehrmann, 1963, "Direct Democracy in France", *American Political Science Review*, Vol. 57. See also Uleri, 1996b, p 106.

[6] Kobach, 1993a, pp 13-50

[7] Birch, 1993, pp 49-56.

[8] In the USA there are three forms of direct democracy – the referendum, the initiative and the recall. See Magleby, 1994; and Duncan Watts, 1997, "The Growing Attractions of Direct Democracy", *Talking Politics*, Vol. 10, No. 1. The USA has had never held a national referendum.

1970s, as a result of civil unrest in the Untied States,[9] has meant that many of these provisions, which were largely dormant, have now been activated.[10]

Of particular interest to this thesis is the influence American experiences have exerted over referendum theory and participation as mentioned in Chapter Three. Michael Gallagher however considered that:

> the record of direct democracy in a country with weak parties, strong federalism, a presidential system and a very distinctive political culture offers only the weakest of bases for drawing conclusion about how the referendum might operate in Europe.[11]

While the Swiss and American experiences have been influential, other influences arose in Western Europe from ideas of liberal representative democracy and self-determination that swept Europe after the end of World War I. The conduct of some plebiscites, to resolve disputed territories in the years immediately following the First World War, further enhanced the reputation of referendums.[12]

Philosophical Principles

Since the mid 1700s the referendum has received support as a democratic institution from a philosophical standpoint. The ideas of the French philosopher Jean-Jacques Rousseau and his concept of popular sovereignty have been, and remain, particularly influential in the conceptual understanding of democracy and in much contemporary support for referendums. This is particularly so for supporters of participatory democracy, discussed further in the following chapter. In *The Social Contract* Rousseau expounded on his ideas of the *general will* which he saw as a philosophical ideal greater than the sum of its parts: "a moral, qualitative idea, more like a great surge of patriotic spirit in a time of crisis."[13] If states were governed in this manner on

---

[9] Terence E. Cook and Patrick, M. Morgan, 1971, *Participatory Democracy*, Canfield Press, San Francisco, California; and Barber, 1984.
[10]. Rourke *et al*, 1992, pp 42-43 and endnotes 24 - 26 p 55. Concurrent with the November 1998 USA Senate elections there were 234 state and local referendums. *The Guardian* 5 November 1998, p 15.
[11] Gallagher, 1996b, p 242.
[12] Suksi, 1993a and Rourke *et al*, 1992.
[13] David Thomson, 1990, "Rousseau and the General Will", David Thomson, ed., *Political Ideas*, Penguin, Harmondsworth, p 97.

the basis of a higher moral existence, then states would be governed by the *general will*. By this route came the theory of popular sovereignty.[14] To Rousseau democracy should be direct and participatory and, on this basis also, one person cannot represent another, thus he questioned the whole basis of representative democracy:

> In Rousseau's view the people could never surrender their sovereignty, it was inalienable, and the social contract was therefore an agreement which was forever being renewed. A legitimate state would be one in which the people participated as citizens in the regular exercise of their sovereignty. Where they did not the government had become a despotism and its right to command obedience was at an end.[15]

Writing at the time just before the French Revolution his ideas became profoundly influential and buttressed republicanism, though not of democracy which at the time was regarded as little better than government by the rabble.[16] The legacy of Rousseau's ideas remains in two ways pertinent to referendums: in the desire for the semblance of popular sovereignty supporting the major decisions of the state and in the emphasis on participation as a legitimating feature of government. These two strands support the common belief that referendums are a 'good' and 'higher' way of making political decisions because the people have made them themselves.

In West European democracies the referendum as an institution has never received universal affirmation and the rhetorical support for participatory democracy, evidence of misuse and pragmatic contemporary use remains unreconciled. Further, another argument directed against the referendum institution maintains it undermines the role of the elected representative.[17] This appears most commonly in British debates and centres on sovereignty of parliament as representating the people. The nub of this argument is that if the role of parliament is to govern then that role is relinquished if the responsibility for the decision is passed back to the people.[18] Other scholars

---

[14] In this respect it is important to note that Rousseau did not advocate a pure form of direct democracy but rather a more participatory form of democracy. His ideal state was of a small compact city-state like the ancient Greeks, or of his native Geneva. See Thomson, 1990, pp 95-105.

[15] Birch, 1993, p 92.

[16] Birch, 1993, pp 56-59.

[17] A. H. Birch, 1971, *Representation*, Macmillan, Basingstoke; and Hannah F. Pitkin, 1967, *The Concept of Representation*, University of California Press, Berkeley, California.

[18] Marshall, 1997. See also Philip Goodhart, 1971, *Referendum*, Stacey, London.

however consider this debate irrelevant as nowhere is it suggested that elected representatives give up all of their rights to decide issues only that they have chosen to do so on one particular occasion for one issue. In this respect Vernon Bogdanor saw the referendum not as "an attack on representative government, but as an instrument to remedy its defects."[19] Why then do governments chose to subject issues to referendum?

Referendums and Political Parties

Political decisions today are largely taken through the party system and, excepting mandatory and French referendums,[20] referendums are decided upon by governments acting through the usual parliamentary channels for normal legislation. The relationship between referendums and political parties is not straightforward and, while it forms the richest literature on referendums, most is highly specific to particular referendums. Four dimensions occur – the role of the parties in the decision to hold a referendum; the role of the political parties in the referendum campaign; the relationship between the political parties and the referendum result; and the impact of the referendum on the parties in the immediate and longer term. While interesting, not all of these dimensions are relevant to the question why were EU referendums held. As a consequence only the relationship between parties and the decision to hold a referendum will be explored here, although the referendum outcome is considered in the next chapter.

---

[19] Bogdanor, 1981, p 81.
[20] In France the prerogative to call a referendum on EU matters resides with the French president, not the government. However, the president is also the head of a political party and, as his position is not apolitical, therefore his decisions are very much tied up with the standing of his political party. To maintain stylistic integrity the term 'government' will be used in the text although it is clearly understood that in France the power to call a referendum lies with the President.

The Decision to Hold a Referendum

In 1982 Tor Bjørklund maintained that governments primarily called *ad hoc* referendums as a way of defusing issues within their own parties.[21] In expanding and qualifying these claims in 1993 Laurence Morel established a functional analysis of referendums which highlighted a more extensive range of reasons that prompted parties to advocate referendums.[22] Both scholars based their findings on mostly non-EU referendums but nevertheless these works form the basis for understanding the role of political parties in the calling of referendums. These findings have lost some of their explanatory power in EU referendums, but remain important all the same.

Bjørklund was concerned to find out why referendums were often advocated but very rarely held. He maintained that minority parties generally advocated them to pressurise the government to refer an issue to the public in the hope that it would create another and final chance to have their opinion on the issue upheld. Central to this view was the knowledge that, as minority parties, their standpoint would be voted down if the proposals were decided on by parliament in the normal manner. Bjørklund maintained that in these instances minority parties advocated referendums as a 'weapon' against the parliamentary majority. But on occasions referendums are held and therefore support for this course of action must be supported not only within minority parties but also amongst the major and/or governing parties. From this Bjørklund postulated two further scenarios: one was that the referendum becomes a 'mediation device' to placate that part of the party opposed to the majority course of action, thereby avoiding damaging party splits and maintaining party unity. While the party cannot unite around the issue, it can unite around the question of holding a referendum through transferring the responsibility for the decision to the people. The other scenario was that a referendum was held because it acts as a 'lightning rod for dissent' and removes a particularly difficult issue from the immediate party agenda usually necessary in the face of a forthcoming general election.

---

[21] Bjørklund, 1982. Bjørklund uses the word 'optional' for these referendums. This word is now used to distinguish those referendums which are permitted by the constitution, as opposed to '*ad hoc*' referendums which have no constitutional origins. See Setälä, 1997, p 329.

Bjørklund drew his evidence mainly from *ad hoc* referendums in Scandinavia and the UK but when applied to the twelve *ad hoc* EU referendums the evidence suggests only three conform to his explanation. All three were held in the 1970s and are the 1972 Norwegian referendum, the 1972 Danish referendum and the 1975 British referendum on remaining in the Common Market.

Bjørklund believed that the role of the referendum Norway was as a mediating device both between the parties, and to resolve the internal party split within the governing Labour Party. However he believed that the 'real' decision to hold a referendum was taken in 1961, eleven years before the referendum, when the issue first arose. The Liberals were divided on the question and demanded a referendum. Support for the referendum was also forthcoming then from the smaller parties especially the Socialist Peoples' Party, the Communist Party and the Agrarians. While the majority in the Labour Party was opposed to a referendum from the beginning, in April 1962 the Labour parliamentary group unanimously supported it as by this time the Party was clearly split on the issue. Although Norway's membership application lapsed following de Gaulle's rejection of British membership, the foundation had been laid that the issue would be settled by referendum. In the intervening years the possibility of a referendum was kept alive by continuing controversy about Norwegian membership of Nato and calls for a referendum to settle that dispute.[23]

The most telling evidence for the referendum as a mediating device comes from the 1975 British referendum. The Labour Party in Britain was deeply divided on Europe and, to avoid a damaging party split, the decision was made to refer the issue of continued membership to the people in a referendum. Anthony King, mid way through his book *Britain Says Yes,* writes:

> Readers of this book must be beginning to wonder whether it is a book about the Common Market or about the internal politics of the Labour Party. The answer is that it has to be both. From the spring of 1972 onwards, the question of the referendum and the question of Labour's policy towards Europe were intertwined ... The decision to hold a referendum was a direct

---

[22] Morel, 1993.
[23] Bjørklund, 1982, pp 249-253.

outcome of Labour's internal struggle over Europe. The Conservatives played no part in the decision.[24]

Bjørklund believed that the referendum as both a mediation device and lightning rod was applicable to the 1972 Danish referendum on membership of the EEC. Although discussed in Chapter Four, this referendum was eventually mandatory only because the constitution was invoked due to the dissent within and between the parties. A referendum was attractive for the divided Social Democratic Party and it uncoupled it from the forthcoming general election. In the event the outcome of the general election saw an increase in the numbers of opponents to EEC membership and a referendum would have been obligatory.

Morel's study of referendums looked for patterns in the functions they had for political parties. Using a far wider sample than that of Bjørklund she examined seventeen referendums and ninety-four party positions from which she established a typology of referendum functions *vis à vis* parties. Importantly, these functions can either have positive or negative consequences for parties, usually dependent on whether they are in or out of government, and can vary according to expectations of benefits or losses in impending general elections. Although Morel's sample of referendums included only a few EU referendums, a far more complex picture emerges of the relationship between political parties and referendums. Her table of party functions is reproduced below.

---

[24] King, 1977, p 55.

TABLE 4: TYPOLOGY OF PARTY FUNCTIONS AND DYSFUNCTIONS OF REFERENDUMS

Party concern	Function	Dysfunction
Internal cohesion	Unifying	Divisive
Legislation	Passing a policy	Popular rejection
Power	Political profit	Political losses
Legitimacy	Special legitimation of policy	Delegitimation of party role

Source: Laurence Morel, 1993 'Party Attitudes Towards Referendums in Western Europe', *West European Politics*, Vol.16, No.3, p 230.

Like Bjørklund, Morel considered that the principal reason for parties advocating a referendum was to maintain party unity, although the downside of such a referendum was that it could exacerbate divisions. The prime example of this was the 1975 British referendum for the Labor Party, while the Conservative Party feared it for precisely the opposite reason in that it would expose their divisions. Referendums also can be functional for parties to pass important legislation. The only EU referendum that fitted this category was the 1986 Danish referendum on the Single European Act discussed in Chapter Four. In this case, in order to enable Denmark to fulfil her obligations to the European Community, the minority government of Poul Schlüter called a referendum as it could not rely on a parliamentary majority to pass the Act.

However, while parties sometimes hold referendums to pass important legislation, they can also be very hostile to holding them if their position could be defeated or exposed as being less than consistent. Morel considered the Single European Act in Ireland in 1987, and discussed in the previous chapter, was a good example of these circumstances. Although the referendum was brought about by a surprise decision of the Supreme Court, and after the treaty had been passed by parliament, none of the political parties wanted a referendum although for different reasons. Fine Gael had held government during the negotiation and initial ratification of the treaty but had lost power and been replaced by Fianna Fáil who had voted against it at the time of parliamentary

ratification. Now in power, however, it was inconceivable of Fianna Fáil to advocate 'No' in a referendum on the treaty given Ireland's membership obligations. Their position then was highly inconsistent. Meanwhile Fine Gael was concerned lest their role in ratifying the treaty was condemned by the electorate. By contrast the Labour Party had reluctantly supported ratification in parliament but was racked by internal divisions over the issue and did not wish to expose them to the people. The referendum, unexpected as it was, suited no major party.

Morel's third function of a referendum was to enlarge party power through the expected political benefits for the party in government. The assumption here was that governing party was relatively united on the referendum issue and expect to win easily, and the referendum was not necessary for either party unity or to pass legislation. The referendum was held for the principal reason that it would be particularly damaging on the political opposition and in so doing enlarge the governing party's prestige, authority and power. Critical to the success of such a referendum, however, was the size of the outcome and whether it had successfully forced the other parties to follow its lead. The 1992 French referendum on Maastricht typically falls into this category. After Mitterrand's announcement,[25] the French Socialists thought they would win the referendum easily and in so doing divide the Right and establish new alliances before the March 1993 elections. A resounding referendum victory was believed would help them enormously in these elections. Meanwhile the Right was hostile to the referendum for exactly the reasons outlined above - the exposure of internal divisions and fear of electoral consequences. Morel sees these starkly opposite reasons for supporting or opposing the referendum as contributing to the campaign being highly politicised on both sides. A similar case for enlarging party power can also be made for the first EU referendum in France when President Pompidou called a referendum to ask the French people whether they would allow Britain, Denmark, Ireland and Norway to join the EEC.[26] The final function that Morel sees referendums fulfilling for parties was the legitimation of a particular policy but in 1993 Morel indicated that no EU referendums fell in this category.

---

[25] Byron Criddle, 1993, "The French Referendum on the Maastricht Treaty September, 1992", *Parliamentary Affairs*, Vol. 46, No. 2.
[26] Laurence Morel, 1996, "France", Gallagher and Uleri, 1996, p 74.

In the accession referendums in 1994 in the Nordic countries and Austria, the importance of party factors seemed minimal. Detlef Jahn and Ann-Sofie Storsved saw legitimacy as the pre-eminent reason behind the referendums and wrote: "in order to obtain a broad legitimacy for European integration each newly joining nation conducted a national referendum on this issue."[27] In *To Join or Not to Join*, the authors make no mention of the origin of the referendum decisions and, in a book which extensively analyses every other aspect of the referendums, this omission is surprising. Instead they merely stated that "the politicians chose not to make the historic decision without first consulting the people."[28] Some other scholars however suggest that party reasons appear to have played some part in the decisions.

Olof Ruin on the Swedish referendum indicates that the demand for a referendum was first raised by two small parties, the Left Party and the Environmental Party. This request was initially rebuffed by the major parties until the Social Democrats decided that a referendum was the appropriate course of action, after splits appeared in their own party.[29] The Swedish EU referendum also was necessary to separate it from the 1994 parliamentary elections due in September, only eight weeks before the referendum. In Finland, Suksi considered that:

> It must be recognised that for the predominantly agrarian Centre Party ... a referendum was probably the only possible method of deciding the issue given that a clear majority of its supporters opposed entering the EU.[30]

Further, John Fitzmaurice considers that in all of the Nordic countries the referendums were necessary to ensure the passage of the treaties of accession through the parliaments, but this was an issue that only arose after membership had become highly politicised and had effected the distribution of parliamentary support for membership in the intervening general elections.[31]

---

[27] Jahn and Storsved, 1995, p 19.
[28] Pertti Pesonen, Anders Todal Jenssen and Mikael Gilljam, "To Join or Not to Join", Jenssen *et al*, 1998, p 13.
[29] Olof Ruin, 1996, "Sweden", Gallagher and Uleri, 1996, p 177.
[30] Suksi, 1996, "Finland", Gallagher and Uleri, 1996, pp 56-57.
[31] Fitzmaurice, 1995, p 227.

In Denmark the party role in EU referendums in the immediate future has largely been pre-empted by the fallout from the Maastricht 1992 referendum and efforts to ensure support for that treaty. In the Danish 'Maastricht plus Edinburgh' referendum in 1993 and in the forthcoming EMU referendum, the public commitments from both the parties and the government to hold EU referendums has marginalised the attitudes of the parties. This is also likely to be the case in any future referendums on the opt outs as the government has indicated they will be held when the time is appropriate. However as Morel indicated, governments may chose not to proceed with a referendum if their preferred option is not expected to succeed. In the case of EU treaty referendums, this course of action is severely curtailed by the obligations of membership.

Relevance of Party Factors

Updated to 1998 and restricted to EU referendums, Morel and Bjørklund's analyses have given a far more complex picture of the role of political parties in the decision to call an EU referendum. These decisions have been determined by four factors including the desire to maintain party unity, to enlarge the party's power, as a means of passing necessary legislation and as a legitimation device. However, in the more recent accession referendums in the Nordic countries the role of the parties was less apparent and provides more evidence of the declining role of political parties in Western Europe.[32] In addition, in Denmark this role has been pre-empted given that referendums have become the conventional way that Danish-European matters are resolved. This suggest that party factors are being increasingly overtaken by other factors in the decision to call EU referendums.

Two comments on Bjørklund's findings and EU referendums are apposite. First, in many states in Western Europe the smaller and/or minority parties were those that initially called for a referendum on the EU issue, although more often than not their calls were rejected. But as shown above, as the issue of membership assumes greater importance in the domestic arena, the influence of these parties is overtaken. Perhaps

[32] Peter Mair, 1990, ed., *The West European Party System*, Oxford University Press, Oxford.

here the role of the smaller parties in EU referendums is more to put the idea of a referendum on the political agenda than to use it as a weapon of last resort. Secondly, the evidence that EU referendums are used as a lightning rod of dissent is ambivalent. No EU referendum has been specifically called only because the issue would otherwise become embroiled with a general election, but there is evidence that which suggests that governments wish to keep separate an EU referendum from a general election. (See Table 6 in the following chapter).

This suggests that the issue of Europe is one which is both very important and one which the parties themselves find difficult to handle.[33] The usual explanation for this is because the issue of Europe cuts across the traditional societal cleavages that sustained the parties in the first place. An outcome of party differences over Europe is that often they are unable to lead or find it impossible to present a united position. Further as the evidence above suggests, their role is being increasingly marginalised while that of governments enhanced. This is compounded by the fact that the issue itself often arises in events external to the national political arena – either in the influence of significant neighbours in aspiring to join as in accession referendums, or in the negotiation of new treaties as in treaty referendums. In both these instances the role of the government is pre-eminent and that of the parties sidelined.

Non-Party Influences and EU Referendums

The Importance of the Issue

The shift away from party factors in explaining the cause of EU referendums was first apparent in the comments of Gilljam, Pesonen and Listhaug on the 1994 Nordic accession referendums. They considered Bjørklund's party propositions limiting and suggested that they:

---

[33] In a number of referendums the divisiveness of referendums has been blamed for the long term fragmentation of the party system. Fragmentation occurred in Norway after 1972, in Denmark in the 1970s and in the UK contributed to the rise of the Social Democratic Party in the late 1970s.

might be expanded to include the possibility of a genuine stand on a democratic principle which would be strong enough to motivate politicians to consult the people directly on an important issue.[34]

Clearly these authors wished to establish that, at least in the Nordic countries with a well developed democratic culture, EU referendums could be held for the reason that the people had a right to be consulted on major national decisions. The question of accession was sufficient in itself to warrant a referendum irrespective of considerations of party positions. This also may reflect another more deep-seated change in state-society relationships where governments can no longer make fundamental constitutional or political changes without first seeking the consent of the people.

Precedent

The importance of precedent both nationally and internationally has been an important factor in the conduct of nearly all EU referendums. It is most apparent in the Nordic referendums, in Britain in 1975 and in France in 1992. The only two EU referendums which can reliably be said to have been free of the influence of others are the first EU referendum held by France in 1972 and the Italian referendum of 1989 which was precipitated by a legal dilemma. In both these cases however national familiarity with referendums was significant.

Referendums are not mentioned in the Norwegian constitution and all power is vested in the Storting, the Norwegian parliament.[35] Prior to 1972 four referendums had been held but the previous one was in 1926 on the prohibition of alcohol. In 1972 the referendum had been brought about by a combination of party factors referred to above, by the perceived importance of the issue, and the failure to consult the people over Nato membership.[36] By 1994 all these factors had combined such that Wyller commented:

---

[34] Mikael Gilljam, Pertti Pesonen and Ola Listhaug, 1998, "The Referendum in Representative Democracies", Jenssen *et al*, 1998, p 289.
[35] Wyller, 1996; and Sogner and Archer, 1995.
[36] Wyller, 1996, p 149.

> The 1994 vote was ... not preceded by any real conscious decision at all, a mandatory referendum on the EU issue being by this time in effect a silent dimension in the political system, given expression by the Storting in a formal bill.[37]

Other scholars such as Lars Svåsand and Ulf Lundström concurred and noted that "once a referendum has been held on such a divisive issues, it is politically impossible *not* to have a referendum once more."[38]

However not only did the 1972 Norwegian referendum establish a national precedent followed in 1994, it also contributed to the development of an international precedent, apparent particularly in the other Nordic accession referendums of 1994. This of course was given added impetus by the constitutional referendum in Austria and the fact that Sweden had a previous history of national referendums on important issues. In Sweden, Olof Ruin suggests that the attitude of Carl Bildt, the leader of the Conservatives, who actively advocated a referendum was particularly influential. Ruin considers Bildt's personal plea:

> was influenced both by traditional pre-referendum sentiments among Conservatives and by a feeling that this important national decision had to be preceded in Sweden, as in several other European countries, by direct popular involvement.[39]

In Finland similar sentiments were behind the decision to hold a referendum as indicated by Ilkka Ruostetsaari:

> The government decided very early on that Finland would hold a consultative referendum. ... Firstly, the EU referendums which were held in other European countries, influenced the government's decision. ... Secondly, membership of the EU was seen to mean a surrendering of some portion of the nation's sovereign independence, and it was thought that such a change would be legitimate only if approved by direct vote of the people.[40]

---

[37] Wyller, 1996, p 142. (Note that the context of mandatory is in a *de facto* sense not *de jure*.)
[38] Lars Svåsand and Ulf Lundström, 1992, "Sliding Towards EC membership; Norway in Scandinavian Perspective", *Government and Opposition*, Vol. 27, No. 3, p 336.
[39] Ruin, 1996, p 177.
[40] Ilkka Ruostetsaari, 1997, "Co-existence of Direct and Representative Democracy: Effects of Direct Democracy on the Party System in Finland", Paper presented to the European Consortium for Political Research, Joint Sessions, Bern, p 7. (Some editing of the English has been undertaken in this quotation).

The British referendum of 1975 is also illustrative of another dimension of precedent. The 1972 French referendum permitting the accession of Britain, Denmark, Norway and Ireland was significant for the influence it indirectly exercised on the decision to hold the British Common Market referendum. Although this was principally determined by the dissension in the British Labour Party referred to earlier, the fact that the French had been asked whether they would permit the EEC to expand propelled the issue onto the British agenda and made the option more likely. Bogdanor refers to these circumstances, the irony of which was not lost on those in the pro-referendum camp who were outraged that the French could be asked to allow Britain to enter the European Community, but not the British themselves.[41] The 1975 referendum, along with recent sub-national referendums on devolution,[42] broke those arguments claiming that referendums were contrary to British political practice, and contribute to the likelihood of a referendum on European Monetary Union, foreshadowed in the life of the next British parliament.

The most persuasive example of a referendum being held due to the influence of other referendums was in the case of the Maastricht Treaty in France in 1994. This however can be considered as much a reaction to the outcome of another national referendum than the precedent exerted by the referendum itself. The day after the Danish Maastricht result, 3 June 1992, President Mitterrand announced that France would have its own referendum on the Maastricht treaty.[43] This was an extraordinary decision for a number of reasons and is explored in more detail in Chapter Eight.

Thus the influence of precedent in all its dimensions in the decision to conduct EU referendums appears to have become compelling. The influence of national precedents determined the conduct of the two Norwegian referendums in 1972 and again in 1994, while international precedent, accentuated by the concurrence of the Austrian mandatory referendum, was important in the decision of Finland and to a

---

[41] Bogdanor, 1981, p 40.
[42] The British government held two referendums on devolution in Scotland and Wales in 1997. Both were successful.

lesser extent in Sweden. In 1975 the earlier French referendum on the entry of new members contributed to the British Common Market referendum while the outcome of the Danish 'No' to Maastricht appears a direct contributory factor in the decision to hold a referendum on the Maastricht treaty in France.

Referendums and Alternative Conceptualisations

Analysing the behaviour of political parties has been the usual means of understanding the motives of governments in relation to calling an EU referendum. However alternative conceptualisation are also possible and focus on the role of the political elites[44] and the breakdown of conventional government in times of crisis.

The Role of Elites

In the Nordic referendums of 1994 Jahn and Storsved maintained that one reason for their conduct was that the decision of the political establishment needed to be legitimised by the people.[45] Implicit in this statement was the belief that the referendums were called specifically to legitimate the elite decision to join the European Union. The statement also implied that this was not the preferred course of action of the people suggesting a gap between elite views about membership of the European Union and those of the people. There is considerable evidence in many EU referendums that support for membership of the European Union is an elite led undertaking, but there is little support so far for the claim that EU referendums were called specifically for this purpose.[46] For example, the Danish the Maastricht result was considered by Palle

---

[43] Cole,1994, pp 159-160; and Criddle, 1993; Andrew Appleton, 1992, "Maastricht and the French Party System: Domestic Implications of the Treaty Referendum", *French Politics and Society*, Vol. 10, No. 4.

[44] Geraint Parry, 1976, *Political Elites*, Allen and Unwin, London; Robert Putman, 1976, *The Comparative Study of Political Elites*, Prentice Hall, Englewood Cliffs, New Jersey.

[45] Detlef Jahn and Ann-Sofie Storsved, 1995, pp 19-20.

[46] The European Commission conducts regular 'Eurobarometer' surveys of public opinion on attitudes towards the European Union and towards integration. For the most part they have indicated deep differences in opinion between those states supportive of membership, such as Italy, and those such as Britain and Denmark where support is a best lukewarm. See also Soren Holmberg, 1998, "The Extent of European Integration", Jenssen *et al*, 1998, p 275; and John Coakley, Michael Holmes and Nicholas Rees, 1997, "The Irish Response to European Integration: Explaining the Persistence of Opposition", Cafruny and Lankowski, 1997, p 234 and pp 211-225.

Svensson as "the strongest expression in modern Danish history of a deep divergence between the political elite, who overwhelmingly backed the treaty, and the voters, who rejected it",[47] while in the Nordic states the comment of Suksi on Finland in general also applied to Sweden and to Denmark:

> EU membership was nevertheless mainly seen as a project of the political elite and establishment, something that manifested itself during the summer of 1994 in increasing support for the opponents of the EU.[48]

But in all cases while the divergence of elite and mass opinion was acknowledged, in no case was it suggested that the referendums had been called specifically to legitimate the decision of the elites.

From a different perspective Bogdanor, analysing the Maastricht ratification debates in a number of states, suggested that the Maastricht difficulties had shown a gulf between the parliamentary support for the treaty and the attitudes of the people:

> The unwillingness of electors to endorse Maastricht when contrasted with the large majorities for it in the legislatures of the member states showed that the European Community was beginning to give rise to that deepest and most intractable of all political conflicts – that between the electorate and the political class. The referendum is an instrument well equipped to expose such a conflict.[49]

The most serious of these differences, and outlined in the previous chapter, was in Denmark where the Maastricht treaty had been supported easily in the Folketing but defeated in the referendum. This issue is also addressed again in Chapter Eight.

Habermas and the crisis of legitimation

The divide between the elites and the masses is given particular attention by the political philosopher Jurgen Habermas in what he describes as a 'crisis of legitimation'. His notion takes as its starting point a Marxist view of society and is concerned with the

---

[47] Svensson, 1996, p 43.
[48] Suksi, 1996, p 57

crisis facing the modern state in terms of political dilemmas and radical change.[50] The basis of the crisis has its roots in the intersection of political and economic activity and the increasing burden of economic responsibility that modern society expects of contemporary government. This burden is considered to be too much for the state. Persistent attempts to remedy it have the effect of undermining the state's credibility in the eyes of the people such that confidence is undermined in the capacity of government to govern in the interests of the whole of society. As disaffected groups become more persistent in their demands, so does the government increasingly have to resort to more forceful means to exert its authority. This engenders a crisis of legitimation within the state. To overcome such crises and to bolster the appearance of public support, the government engages in frequent and massive displays of public support, of which resort to referendums, accompanied by enticements to vote according to the government's preferred outcome, is one such means.

Another interpretation of referendums came from Antonio Gramsci.[51] He maintained that the state is intent on maintaining its hegemonic ideology and, as a means of illustrating that the people support the government, resort to referendums becomes an increasingly preferred means of governing in disputed arenas. Both this interpretation, and that of Habermas, suggesting an instrumental use of referendums harks back, or in the case of Gramsci looked forward to, referendums as a means manufacturing public support as in those conducted by Hitler in the 1930s. The usual compliance of the people in supporting the government is exploited, or demanded, precisely to legitimate government when it does not have the support of the people. EU referendums over the last nearly thirty years have little in common with these views although, as indicated above, there is a growing recognition of diverging opinions between the elites and the people over participation in Europe.

---

[49] Bogdanor, 1996, p 96
[50] David Held, 1995, *Political Theory and the Modern State: Essays on State, Power and Authority*, Polity Press, Cambridge, pp 118-126. See also Birch, 1993, pp 37-42.
[51] Birch, 1993, pp 37-38.

EU Referendums, Decision-making and the European Union

National governments have chosen to hold referendums to determine whether or not to join the European Union and for the purpose of ratifying EU treaties. For the most part their decisions were prompted solely by domestic reasons although on occasions their decisions have been influenced by the behaviour of others. In this respect the European Union has precious little control or even influence over the holding of EU referendums. The only indirect influence exercised by the Union was in the decision, made along with its constituent member states, to decide on treaty reform. Yet the European Union is not immune from a range of implications from these referendums which vary from those of relatively minor importance to those with major implications for the future of European integration.

Accession Referendums

The use of *ad hoc* referendums to decide whether or not to join the European Union is an increasingly common cause of EU referendums. In the 1970's considerations of party unity appeared important but by the time of the 1994 accession referendums in the Nordic countries, these had declined significantly. Other concerns were equally as important such as the significance of the issue itself, national familiarity with referendums and the precedents set by others. Together these exerted sufficient pressure that the decision on whether or not to hold a referendum was not a major issue in itself but rather one largely taken for granted.

For national governments what do these referendums mean? The principal import of these referendums is that they have the capacity to either confirm or, as the case may be, reject, the national intention to join the European Union, and they indicate this is the most democratic way possible – through the direct vote of the people. By implication this supports both national involvement in the European Union and, by inference, the European Union itself. It is inconceivable that a referendum on joining the European Union stops short of conveying endorsement to the European Union as well. While this may not be a significant issue in such campaigns, particularly as at

158

the stage of an accession referendum the applicant state is outside the European Union, the implied support for the European Union is nevertheless present.

For the European Union accession referendum have particular implications, though these are not usually acknowledged. The successive confirmation of national publics in supporting their government's intention to join the Union implies a high degree of democratic support for the European Union. That this occurs only irregularly and rarely and, with the exception of the British public, by those outside the European Union does not necessarily deny the importance of the support conveyed. The irregularity and the externality, however, appears to those inside the institutions of the European Union to mean that these referendums are relatively unimportant and, at the same time, sustains the impression that they are only about joining the Union.[52]

Thus EU accession referendums are thought of as impinging little on the European Union itself. But, by dismissing them in this way the European Union deprives itself of the specific electoral support that these referendums convey. With the prospect of six or maybe even ten accession referendums arising in the next wave of enlargement, the democratic messages conveyed to the European Union may be, on the one hand, harder to ignore and, on the other, accorded more weight. By looking for democratic support only from elections to the European Parliament, or through national governments via national parliaments, the European Union is perhaps exhibiting blinkered vision. The full implications of Suksi's remark of "integration by referendum"[53] should be taken up.

Treaty Referendums

Three EU treaty referendums were *ad hoc* referendums decided upon by the incumbent governments – the Danish SEA referendum in 1986, the French 1992 Maastricht referendum and the Danish 'Maastricht plus Edinburgh' referendum. Although the two Danish referendums have been discussed in Chapter Four, the inter-weaving of constitutional stipulations with political calculations meant that these

---

[52] See interview Q.

159

referendums were always a possibility given Article 20 of the Danish constitution and her history of referendums. The French referendum however was almost a total surprise. This clearly establishes a far more serious issue for the European Union in that treaties, like joining, can be equally confirmed by referendum, even when there is no legal compulsion to do so. This has serious implications for the European Union particularly if a negative result is returned, an issue explored further in Chapter Eight. Hence the reaction to Mitterrand's decision in the institutions of the European Union was incredulous, and considered a "manoeuvre to be condemned for subjecting Europe's future to an uncertain electoral verdict."[54] Nevertheless the proclivity of French presidents to call unexpected referendums on European Union matters should never be discounted. The current proposals, referred to in the last chapter, to consider ratification of European Union treaties in the present IGC only marks the seriousness of this issue within the European Union.

Quasi-treaty Referendums

While at this stage the implications of quasi-treaty referendums can only be conjectural, they mark a new form of EU referendum as they are restricted to particular aspects of European integration. Potentially such referendums have significant implications for the pace and direction of European integration and particularly so should a negative result be returned. Quasi-treaty referendums are concerned with specific aspects of integration and their most likely source, as discussed in Chapter One, are the opt-outs negotiated by some members as a pre-condition of acceptance of the Maastricht treaty or, in the case of Denmark, the Edinburgh Agreements. The over-riding reasons behind the negotiation of the opt-outs were that, had these aspects been included, the draft treaty would not have been agreed by all member states.[55] As a result the Maastricht treaty allowed for a degree of differential integration and, by implication, these exemptions represent the most contentious aspects of integration for the individual member states.

---

[53] Suksi, 1996, p 56.
[54] Alistair Cole, 1998, *French Politics and Society*, Prentice Hall, London, pp 64-65.

From the perspective of the European Union such referendums only restore the situation from which the exemptions from the Maastricht treaty have been allowed. Using the example of membership of EMU, the assumption in allowing the Britain and Denmark, plus others, to remain outside EMU was that it was expected that they would join at some time in the future – never that they would not join at all.[56] But, if this aspect of membership is to be resolved by referendums, and considering it is also amongst the most disputed issues, then the successful outcome of such referendums is unlikely to be automatic.

If the referendums are defeated then this would entrench the particular opt-out at least for the immediate future. Under this scenario some members would then become committed to different levels of membership thus paving the way for a Europe *à la carte* to emerge by default.[57] Such circumstances may not be looked on favourably by other members not least because it has been foisted upon them or because such variable geometry is an unacceptable development. Given that adherence to the *acquis communautaire* of the Union is strongly upheld, particularly by the founding members, then its diminution may have an even more serious impact on the shape of the Union and the nature of integration than the events of the early 1990s.

From the viewpoint of national governments quasi-treaty referendums hold other prospects and in some circumstances such referendums may be attractive. Although the Danish and British exemptions were to a large extent forced upon them by the wish to avoid undue domestic reaction, and the commitment to hold a referendum on EMU was a decision made, at least in the Danish case, under duress, a quasi-treaty referendum offers governments greater options over the precise form of membership than is currently available through inter-governmental bargaining and negotiation. In other words, the referendum provides a government with a way of publicly resolving its dilemmas in certain areas, but without threatening continued membership. Thus the

---

[55] Kenneth Dyson, 1994, *Elusive Union: The Process of Economic and Monetary Union in Europe*, Longman, London, pp 148-173.
[56] See Church and Phinnemore, 1994, pp 390-391 on some of the legal and political implications of the opt-outs and the protocols which relate to them. They suggest that some are at odds with the obligation to maintain and build on the *acquis communautaire*. In relation to the British opt-out on Stage III of EMU this appears to be a permanent derogation.

161

referendum may become a point of leverage between national governments and their fellow members: they can remain in the European Union but on terms more of their own choosing, supported by the explicit consent of their own people, rather than having been determined by collective decisions elsewhere.

Another way of viewing these referendums is to see them as highlighting the dual role of governments in referendums and revealing the real tension between demands for further integration and the lack of domestic electoral support for even that which currently exists. Yet another could be to regard them, in Morel's terms, as one that divests or abrogates responsibility from the government to the people.[58] Governments do not want the opprobrium from unpopular decisions nor to have to accept the responsibility for possible negative consequences. However in Morel's analysis the responsibility has passed from the political parties via the government to the people. But in EU treaty and quasi-treaty referendums, this conventional conceptualisation is increasingly inadequate. No longer are these particular referendums a matter for political parties, governments and the people, but rather they are driven by governments as they try to manage the obligations of membership with the necessity to hold EU referendums. As a consequence the role of political parties in these referendums is being increasingly overtaken and the European Union becomes another player, albeit semi-detached, in the traditional understanding of the major actors in a referendum.

Quasi-treaty referendums may become the fashionable form of EU referendums if, as conjectured above, some states establish the precedent whereby the most contentious issues associated with membership are separated out from other aspects of the treaties and subjected to their own referendums. While it is likely that most of these would be successful, this is not a foregone conclusion. Should these referendums fail then the implications for European integration are serious indeed; should they all succeed then their attractiveness is probably limited.

---

[57] Alexander C-G Stubb, 1996, "A Categorisation of Differentiated Integration", *Journal of Common Market Studies*, Vol. 34, No.2; and Laursen, 1997, pp 66-68.
[58] Morel, 1993, p 240.

Conclusion

Referendums have a long history of use in Western Europe and are a unique and seldom used means of taking and making political decisions in representative democracies. Being closer to forms of direct democracy they indicate a departure from the usual nature of decision-making in terms of the processes through which the decision is reached. Referendums have seen a revival as a means of resolving issues associated with the European Union where, on the one hand, the issue of Europe is a divisive one for political parties and, on the other, changes in state-societal relationships have meant that governments can now no longer introduce fundamental changes to the political system without reference to the people. In addition, as membership of the European Union becomes both more complicated for existing members and more attractive to those outside, governments, as opposed to political parties, have found themselves in the prime seat in the decision on whether or not to hold referendums. Here however overtly political reasons, as in France, exist side by side with more democratic ones, as in the Nordic countries. Yet at this stage the increasing use of EU referendums exhibits no clear pattern except that national political contexts remain important and traditional party reasons have lost much of their explanatory power. No clear factors are emerging to replace them apart from the behaviour of others and in this respect the convergence of national responses – to chose to decide matters associated with the European Union by referendum – is the most significant feature to emerge.

For the concept of democratic governance in the European Union these referendums are revealing. First, they indicate the complex relationships and interdependencies between membership of the European Union and national decision-making practices. At the same time as the European Union is dependent on the successful ratification of treaty referendums it is powerless to prevent them. Secondly, accession referendums inter-act with the political dimension of the European Union and its inadequacies in terms of electoral support. As manifested in the explicit and direct endorsement of the people to join the European Union, accession referendums have the inherent capacity, should it be recognised, to convey to the Union a degree of democratic authorisation.

For a variety of sound democratic and political reasons referendums are becoming increasingly fashionable and the democratic weight they carry is likely to be emphasised as six, or maybe ten, more accession referendum are held as part of the next round of enlargements. Finally, the prospective quasi-treaty referendums may influence greatly the direction and pace of European integration. Here they will most likely set in train a whole new dimension to European governance – the precise form of integration being decided on at the national level and by the direct involvement of the people – as opposed to the current manner of inter-governmental negotiation. In these particular areas this will mark a new departure in decision-making in the European Union.

At this juncture the complex reasons behind the increasing use of EU referendums have been outlined showing how, on the one hand, several national constitutions have precipitated some referendums and, on the other, why governments are increasingly choosing to hold EU referendums even when under no legal compulsion to do so. Both these factors underpin the development of a form of democratic governance arising in the European Union. It is now time to move on and explore EU referendums in terms of participation and legitimacy and how these relate to the European Union.

CHAPTER SIX

EU REFERENDUMS, PARTICIPATION AND THE EUROPEAN UNION

Introduction

The following two chapters examine the question of what meanings can be drawn from national EU referendums for the European Union. Having established in the previous chapters why EU referendums have been held, this chapter examines the nature and extent of participation while the next discusses the relationship between referendums and the concept of legitimacy. The nub of the relationship between EU referendums and participation is twofold: first in each referendum the extent of electoral support decides the issue and, secondly, it indicates the strength or ambivalence of these decisions. In a cumulative sense both these factors are important for the regard in which EU referendums are held, and for the public endorsement they convey to, or withhold from, the European Union. Thus the manner and extent of electoral participation in EU referendums underpins and sustains the meanings derived from these referendums in relation both to the European Union and to notions of a form of democratic governance developing there.

The concept of participation in this context is restricted primarily to questions of voting behaviour, but voting in referendums is not necessarily straightforward. Inevitably it is compared to that in general elections, the closest and more familiar form of voting in political contests, as well as to public opinion expressed via opinion polls. A range of factors effect the referendum vote although, for the most part, it is the cumulative nature of these decisions which affect the European Union. These decisions carry with them a symbolic power as having been made by the people and, if they are seen as being fairly acquired and well supported, then the endorsement they bestow and the authority they convey is overwhelming. The purpose of this chapter then is to examine the concept of electoral participation in EU referendums, to note its salient features and to analyse these in relation to their impact on the European Union.

The chapter is organised in the following way. It begins with a brief overview of the notion of political participation in referendums and follows this with an outline of the differences between referendums, general elections and opinion polls. The chapter then covers a range of technical, administrative and campaigning issues which have salience for the European Union. Included here is the manner in which the European issue is presented to the electorate and the declining role of the political parties in referendum campaigns. However, as parties have withdrawn from campaigning so public opinion, as an indicator of voting intention in referendums, has risen in importance. The chapter then analyses the referendum results and the issue of voter turnout noting the high support that generally is exhibited. Finally the chapter concludes with a discussion of the relationship between participation, EU referendums and the European Union in terms of EU accession and treaty referendums, and notes the implications of these issues for democratic governance.

Participation and Referendums in Western Europe

Parry Moyser and Day defined political participation as:

> 'taking part in the processes of formulation, passage and implementation of public policies.' It is concerned with action by citizens which is aimed at influencing decisions which are, in most cases, ultimately taken by public representatives and officials.[1]

Participation can be a multi-dimensional activity and may take many forms but voting in general elections and referendums is the most obvious form political participation. In those West European states to have EU referendums this right is exercised voluntarily.[2]

Referendums as a form of political activity have drawn particular support from those theorists of democracy who see participation as a major measure of the health of a

---

[1] Geraint Parry, George Moyser, and Neil Day, 1992, *Political Participation and Democracy in Britain*, Cambridge University Press, Cambridge, p 16.
[2] In Italy the voluntary nature of elections is somewhat compromised as voting is regarded as a civic duty and failure to vote is officially recorded. David Hine, 1995, p 91.

democracy. This view has its origins in the thoughts of Rousseau discussed in the previous chapter, but it is not a view which commands universal support. As Parry, Moyser and Day point out, the more widely recognised forms of democracy come from the realist school who see political competition being restricted to that between group leaders who vie for the support of the people as expressed by electing representatives in periodic general elections. Outside of these occasions the role of the people is highly restricted as the largest group of elected representatives from a political party, or parties, takes on the authority and business of government. Under this form of government the health of a democracy is measured in terms of stability and accountability, not participation.[3]

Yet, one of the major democratic attributes of referendums has been the opportunity they provide for direct public participation in the major affairs of state. In 1978 and again in 1994, and Butler and Ranney considered that after legitimacy, the major claim of supporters of referendums is that they maximise participation.[4] This was seen as both a civic good in itself and a sign of the health of democracy. They quoted Benjamin Barber:

> Only direct political participation – activity that is explicitly public – is a completely successful form of civic education for democracy. The politically edifying influence of participation has been noted a thousand times.[5]

Their view maintained that a nation's civic voting in elections was the indispensable minimum form of participation and that voting turnout was "the most important single indicator of a political system's health."[6] Further, the opportunity to vote directly on matters of policy was likely to encourage a far greater turnout than in the case of general elections where the link between policy and electoral outcome was not so direct.

---

[3] Parry *et al*, 1992, pp 4-5.
[4] Butler and Ranney, 1978, pp 26-33; Butler and Ranney, 1994, pp 15-16.
[5] Butler and Ranney, 1994, p 15, quoting Barber, 1984, pp 235-236.
[6] Butler and Ranney, 1994, pp 15-16.

This view of participatory democracy seems a particularly American interpretation of democracy and draws its academic support principally from American political theorists such as Benjamin Barber quoted above, although others such as Carole Pateman were influential.[7] It is not widely acknowledged in Western Europe and Michael Gallagher's comment on American experiences and their comparative value to Europe, mentioned in the previous chapter, is particularly apt. Nevertheless the degree of participation in itself does carry a powerful symbolic and objective message.

The concept of political participation in referendums in its wider sense was studied in relation to the three referendums in Finland, Sweden and Norway in 1994. In an extensive study of these referendums Bennulf, Hedberg, Pettersen and Pesonen extensively researched participation in these referendums around two organising concepts of political activity and political involvement.[8] Their findings indicated that the European issue was the focus of considerable attention in all three applicant states, over and above that which normally accrues in general elections. This particularly was manifested in the voting turnout in all three referendums, of which more later. All the same, those who were already interested in politics were likely to take most interest and participate actively in the campaign and socio-economic, political, or European related factors were not particular determinants of this behaviour. Although having gathered a wealth of information on both formal and informal modes of participation, and examined a number of scholarly theories, Bennulf *et al* were forced to admit that for most of the population "actual voting was the most common way to participate in the referendum."[9] Somewhat reluctantly they concluded that their analysis:

> gave a rather traditional explanation of political participation in the 1994 referendums, stressing the importance of political factors such as intensity of opinions, and also stressing the importance of previous political activity unrelated to the referendum campaigns.[10]

---

[7] Carole Pateman, 1970.
[8] Martin Bennulf, Per Hedberg, Per Arnt Pettersen and Pertti Pesonen, 1998, "Political Participation", Jenssen *et al*,1998, pp 103-104.
[9] Bennulf, *et al*, 1998, p 124.

The importance of this research confirms the belief, at least in this study, that referendum voting is the most important aspect of political participation. Voting in referendums however is commonly compared to that either in general elections, or to attitudes revealed through public opinion polls.

General Elections

For the most part referendum scholars have found comparing both referendums and general elections a futile activity as the following quotation from the authors of *To Join or Not to Join* indicates: "elections and referendums are different, so we would expect politicians and voters to behave differently."[11] Their reasoning behind such a view is important and throws light on the particular qualities and characteristics of referendums. Without reiterating all the characteristics of referendums as described in Chapter One, the purpose of elections is, in King's term "about electing, neither more nor less."[12] In consensual democracies elections appear to be to gain as fair a representation of the differing groups in society as possible with a large number of parties representing these groups. While all of these parties have different policies, the principal purpose of elections is to elect representatives. The exact policies adopted are then hammered out behind closed doors between the all the parties forming the government. Thus elections in consensual democracies provide little direct electoral connection between the voter and particular policies. In contrast, in the Westminster system the principal purpose of elections is to elect the people to govern by choosing between the competing policies of the respective parties.[13] Thus the relationship between the policy and the voter is stronger, although there is no way to differentiate between policies which are supported and those which are not.[14] Referendums, on the other hand, are concerned with deciding one single issue and therefore the relationship between the voter and the outcome is direct and explicit. In this way referendums are particularly suited to resolving important issues.

---

[10] Bennulf *et al*, 1998, pp 124-125.
[11] Pesonen *et al*, 1998, p 25.
[12] Anthony King, 1981b, "What Do Elections Decide?", David Butler, Howard R. Penniman and Austin Ranney, eds., *Democracy at the Polls: A Comparative Study of Competitive National Elections*, American Enterprise for Public Policy Research, Washington DC, p 300.
[13] Bogdanor, 1981, p 83.
[14] Birch, 1993, pp 65-67.

Nevertheless there are arguments which challenge these claims. Referendums occasionally are dismissed on the grounds that the people are not competent to decide such issues,[15] or that they do not necessarily vote according to the issue at hand but on extraneous domestic issues. One source of this latter reasoning appears to be the recognition that referendums are second-order elections[16] and hence, as the issues at stake are not as important, then the opportunity prevails for the electorate to vote, not on the basis of the merits of the issue, but in a manner which punishes, or at least censures, the incumbent government. However, as indicated later in the chapter, the levels of voter turnout challenge this notion of referendums as second-order elections. Further, there appears to be no inherent reason why the electorate should vote on any more rational grounds in general elections than in referendums, the only difference is that the connection in general elections between any particular issue and the vote is not apparent. Nevertheless while the connections between general elections and referendums are weak, as elections provide the standard and norm for electoral contests, this relationship cannot be ignored.

Public Opinion Polls

Dennis Kavanagh has suggested that public opinion polls "are regularly attacked and praised as surrogates for direct democracy."[17] Referendums have often been dismissed as little more than opinion polls especially in those instances where the vote is only advisory.[18] This attitude appears to reflect a more general, and dated, approach to referendums which harks back to referendums when used as votes of confidence. Further, it ignores the power and decision-making capabilities of referendums as referendums decide issues in a way that public opinion polls do not. Irrespective of whether they are formally binding or only advisory, the authority they convey carries political and, where binding, legal weight.

---

[15] Butler and Ranney, 1994, pp 18-19.
[16] K. Reif, and H. Schmitt, 1980, "Nine Second-Order National Elections – A Conceptual Framework for the analysis of European Election Results", *European Journal of Political Research*, Vol. 8.
[17] Dennis Kavanagh, 1981, "Public Opinion Polls", Butler *et al*, 1981, p 214.
[18] Gallagher, 1996b, p 246.

Issues surrounding the relationship between referendums and public opinion polls also arise in other ways. Polls are most often used as a means of predicting electoral outcomes but in a number of EU referendums such polls have been substantially in error. This was particularly noticeable in the Norwegian and British referendums in the 1970s and Danish 1992 and French Maastricht referendums.[19] Nevertheless in the Nordic referendums opinion polls did reveal major fluctuations in opinion from the time the issue first appeared on the national agendas, although the eventual outcomes were similar to poll predictions.[20] However it does appear that in many instances over the life of an issue, opinion wavers markedly and what the public may be willing to say to the pollsters about their voting intention in referendums is not what they mark on their ballot paper on the day.

Perhaps the most significant link between opinion polls and referendums lies more in their role as indicator to the government of the likelihood of success should a referendum be held. Opinion polls do offer a measure of public opinion on a particular issue and, for example, in the French Maastricht referendum President Mitterrand's decision to call a referendum was buttressed by polls which, at the time, showed a 65%-70% support for the treaty.[21] Conversely, one of the major reasons that an EU Maastricht referendum was ruled out in Britain was that polls indicated that such a referendum was unlikely to be successful.[22] Opinion polls monitor public opinion but do not have the democratic electoral credibility or authoritative decision making power of referendums.

Factors Effecting EU Referendum Outcomes

Understanding referendum voting behaviour is a complex topic and involves an appreciation of the range of influences effecting the outcome. This includes noting the effects of a number of characteristics of the referendum as an institution such as its majoritarian features, sense of fairness and the influence of some technical and

[19] Butler and Ranney,1978, p 21; Butler and Ranney, 1994, p 262.
[20] Pesonen *et al*,1998, p 19. The table shows significant variation over time with the referendum results not always reflecting the poll results.
[21] Stone, 1993, pp 78-79.
[22] Bogdanor, 1994, p 96.

administrative factors. Referendum campaigns can also be significant and, while these are not addressed in any detail, note is made of the manner in which the issue Europe is presented to the public, the declining role of political parties in EU referendums and the concomitant rise of *ad hoc* groups. However, as voting behaviour is primarily analysed in party terms, it appears that, although much is made of the absence of parties from referendum campaigns, nevertheless the only apparent way of analysing voting behaviour is through party identification. However more recent research suggests that long term public attitudes towards Europe now may provide a more reliable indicator of such voting behaviour. This is particularly so in relation to the Danish and Nordic referendums.

The Referendum Institution

In western liberal democracies the accepted majoritarian convention is that irrespective of the size of the result, the will of the majority prevails. This is equally important, if not more so, in referendums and Tor Bjørklund has written that: "If the will of the people is expressed unambiguously and without charges of manipulation or pressure, it will be difficult to oppose it."[23] This statement appears to encapsulate three of the significant characteristics of referendum – their majoritarian nature, the importance of a sense of fairness and the inherent power of referendums to decide issues.

Except in Switzerland,[24] all EU referendums have required only a simple majority of voters for the vote to be accepted and all have only allowed two choices – either 'Yes' or a 'No'.[25] Thus, strictly majoritarian in nature, a 'Yes' result would give the authority to change while a 'No' result would mean maintenance of the *status quo*. In this way referendums have always been seen as a very fair, if blunt, way of resolving political issues. As a consequence referendums provide no room for compromises but, as there is no opportunity for partial joining the European Union or partial acceptance

---

[23] Bjørklund, 1982, p 249.
[24] In Switzerland a referendum on the ratification of an international treaty can only be passed if accepted by a majority of voters and a majority of cantons.
[25] Some non-EU referendums have allowed three choices such as the referendum on nuclear energy in Sweden in 1980.

of EU treaties, then this bluntness is perhaps one of their strengths. However, it also means that referendums fail in any pretence to weigh the intensity of beliefs: a small majority may represent an unenthusiastic preference while the negative votes may represent passionate opposition.

Administrative and Procedural Aspects

The regulation of referendums and their administrative and procedural dimensions can be important. This covers a range of matters including the wording of the question such that it its purpose and clarity is clear and not subject to mis-interpretation by voters, while another issue is the administration of the electoral registers and the extent of voting hours and absentee or proxy voting. Yet another is the timing of the referendum in relation to other significant national or international events, or its co-incidence with other elections. All of these can, if deficient or defective in some way, seriously undermine public participation in referendums but in most EU referendums none have presented any problems.[26] The exception to this may have been in the Greenland referendum of 1982 where the question effectively meant 'do you want to stay in the European Community?' to which the majority of voters said 'No'. While it is not known whether this confused voters, it remains the only EU referendum where the positive vote, from the government's perspective, was to vote 'No'.

Other issues include the amount of government funding, if at all, available to both sides and the nature and extent of information.[27] These issues have been raised in some EU referendums – the former particularly in Ireland and the latter in Denmark. In the 1972 referendum in Ireland on whether or not to join the Community, the Irish government, at that stage, only funded the 'Yes' side in the campaign. This resulted in what Rourke *et al* describe as a campaign:

---

[26] Gallagher, 1996b, p 246. See also the relevant chapters on individual countries.
[27] Gallagher, 1996b, p 246. In France, Italy and Switzerland no public funding is available, in Austria the government funds only its side, and in Denmark, Norway and Sweden funding in available to both sides. In Sweden and in 1975 in Britain, umbrella organisations received this funding.

So lopsided that it is hard to imagine Irish voters making any decision other than endorsing membership of the EEC.[28]

This lack of even-handedness by the government, apparent in the Maastricht referendum of 1992 as well as in other Irish referendums, brought its own consequences. As mentioned in Chapter Four, in 1995 the Supreme Court ruled that it was illegal to use public money to fund only one side of the referendum campaign and, in an unrelated decision immediately before the Amsterdam treaty referendum, the High Court ruled that the state broadcasting service had to mount a balanced and objective referendum campaign. This resulted in the establishment of the Referendum Commission which oversaw the dissemination of information for the Amsterdam campaign. The requirement to be scrupulously fair to both sides of the debate, however, led to serious criticism that it over-emphasised the 'No' case by giving equal air-time to spurious arguments.[29] The more serious consequence of these decisions is that, as Irish support for Europe is at best lukewarm, discussed later on, emphasising the 'No' side may make success in EU referendums increasingly difficult to assure.

The type, source, level and impact of information in Danish referendum campaigns has been studied by the "Mass Media and Democracy" project at the University of Aarhus in Denmark.[30] The findings of this research, particularly as they related to the 1992 Maastricht result, were very interesting. It suggested that exposure to information made very little difference to voting in referendums irrespective of the level of information, and this held for both supporters and those opposed to integration. It was maintained that:

> the level of information had no systematic influence on the behaviour of the voters at the referendum. Perhaps, greater information tends to result in a somewhat higher 'no' vote among the anti-integrationists, while there are no clear differences between the pro-integrationists. The main result is, however, that the relationship is maintained almost identically among voters with different levels of subjective information.[31]

---

[28] Rourke, *et al*, 1992, p 91.
[29] This was reported in private discussions in Dublin. See interviews C and P.
[30] Siune and Svensson, 1993, p 100.
[31] Siune and Svensson, 1993, p 109.

This finding resonates with research carried out at the time of the French Maastricht referendum which suggested also that the level of information did not significantly alter the vote and, if anything, was counter-productive in that it confirmed people's intention to vote 'No'.[32]

Another aspect of the information disseminated in the Danish Maastricht referendum was also significant.[33] The Danish government distributed to all households in Denmark the text of the Maastricht treaty (without any accompanying explanation) in an effort to inform the people of its content and implications. In the aftermath of the 'No' vote this decision was widely condemned, in Brussels particularly, as it was taken as having reinforced the incomprehensibility of the treaty, especially as Maastricht amended the three other treaties of the Union, rather than enlightening the people as to its meaning. The consequences of this were that in the 'Maastricht plus Edinburgh' and Amsterdam treaty referendums, far greater care and attention was given to public information about the treaties and the changes involved – and to the presentation of such information in an appropriate and digestible form. Nevertheless in view of the above research, it appears that voting is influenced by factors other than the amount or nature of information.

Referendum Campaigns

The purpose of a referendum campaign is to influence the voting behaviour of the people. In 1978 Butler and Ranney said of campaigns:

> One area where generalization is hardest is that of referendum campaigns. In each country the roles of the states and the parties have differed in rules and practices. The duration of the campaign and its costs, the intervention of organized or ad hoc interest groups, the efforts at public education, and the behaviour of the media fall into no organized pattern.[34]

---

[32] Alain Guyomarch, Howard Machin and Ella Ritchie, 1998, *France in the European Union*, Macmillan, Basingstoke, p 101.
[33] Much of this information came from interviews with political party officials in Copenhagen and officials in Brussels. See interviews R, A and D.
[34] Butler and Ranney, 1978, p 20.

Referendum campaigns are different from those in general elections because of the single issue nature of the referendum and the range of actors involved. In particular political parties can be divided and refrain from active participation while spontaneous community and/or *ad hoc* groups can become involved and may take leading roles. Governments and state agencies also play a part, particularly in disseminating information, as does the mass media not only as a channel, but also as an actor. Further in most EU referendums the major economic groups representing labour, industrial, business and farmers groups also become involved, along with public personalities.[35] This often means that the resources of the 'Yes' side are disproportionately weighted in favour of an affirmative outcome. Despite equal government funding, David Butler said of the 'Yes' campaign in Britain:

> Britain in Europe [the pro market organisation] outspent the anti-Common Market umbrella organization by ten to one, producing glossy television programs and newspaper advertisements. The press was almost entirely pro-Europe...[36]

Further, referendum campaigns differ from those in general elections because the issues at stake are different. Issues such as the economy, democracy and independence, agriculture, foreign policy and security, identity and culture, and aspects of the welfare state tend to predominate in referendum campaigns. Finally in a number of instances, particularly in Denmark and Norway, the referendum campaigns have aroused considerable emotional intensity. Intense opposition has appeared in all Danish campaigns, spearheaded for the most part by the June Movement, a popular organisation opposed to Europe and only mobilised in referendum campaigns. Even in the 'Maastricht plus Edinburgh' referendum, and in spite of almost unanimous parliamentary support for the treaty, many *ad hoc* groups and organisations still were strongly mobilised to try to defeat it. In the Amsterdam campaign, while it did not arouse the same intensity of emotions, there was still a noticeable polarisation

---

[35] Detlef Jahn, Pertti Pesonen, Tore Slaatta and Leif Åberg, 1998, "The Actors and the Campaigns", Jenssen, *et al*, 1998, p 61-76.
[36] David Butler, 1978, "United Kingdom", Butler and Ranney, 1978, p 215.

between supporters and opponents.[37] Similarly in Norway the emotional intensity of the campaigns lingered long after the referendums had passed.[38]

Governments and the European Issue

One of the more significant aspects of referendum campaigns which impinges on the national-European Union relationship is the manner in which membership of the European Union, or the ratification of new treaties, is presented to the electorate by the government. In most instances partly because of the incomprehensibility of the written text and the complexity of the issues involved, governments have been reticent in explaining to their peoples the real nature of the changes embodied. In accession referendums the usual manner is to concentrate solely on the perceived economic benefits and to downplay political union, while in treaty referendums the approach mostly is to concentrate on broad generalisations such as the benefits of continued membership, the economic advantages and the dire consequences of rejection.[39] While it could reasonably be argued that, for the most part, the treaties did involve fundamental constitutional and political change, governments have been reluctant to address these issues. This has important consequences for the European Union.

In Denmark this approach has been influenced by the highly sensitive nature of membership in Danish European politics while in Ireland it has been determined by the perceived disinterest in the details of membership believed to be held by the majority of the population. For example as mentioned in Chapter Four in the SEA referendum in Ireland, Michael Gallagher commented that the Irish electorate neither seemed to know or care about what the treaty entailed. In the two countries membership was, and often still is, seen primarily in terms of economic benefits

---

[37] See interview R.

[38] This was reported in private discussions in Oslo. See interviews M and L.

[39] This was reported in interviews with both government and party officials in both Copenhagen and Dublin. See Interviews A, R, C, G, E and N. For Denmark see Desmond Dinan, 1994, *Ever Closer Union?,* Macmillan, Basingstoke, p 185; Siune and Svensson, 1993, p 109; Torben Worre, 1993a, "Denmark and the European Union", B. N. Thomsen, ed., *The Odd Man Out?: Denmark and European Integration 1948-1992*, Odense University Press, Odense, p 99 and 10. For Ireland see Gallagher, 1996a, p 9, Richard Sinnott, 1995a, p 225.

rather in relation to the wider political ideals inherent in integration. This is serious for the long term future of integration.

The French Maastricht treaty also is interesting, but slightly different, on this point. Sophie Meunier-Aitsahalia and George Ross[40] considered that this referendum campaign was the first and only occasion the French have had to debate a treaty of the European Union, and they also note that for a large part the debate did focus on Europe rather than on extraneous political issues, and information was widely available. However, the nature of this debate was more on general issues rather than the precise changes embodied by the Maastricht treaty, an observation confirmed by other studies of the French referendum.[41]

In several instances the level of obfuscation about what membership entails has been remarkable. For example, in the British Common Market referendum Bogdanor noted that:

> Voters were assured that membership involved no loss of sovereignty. The commitment of the European Community to securing, in the words of the preamble to the Treaty of Rome, "an ever closer union" was never mentioned. The EC was presented as little more than a commercial arrangement, and one that could in a short time yield considerable economic benefits to Britain.[42]

Referendum campaigns therefore are important for the manner in which they present either accession or treaty reform to the people. The principal purpose however of campaigns is to structure the referendum vote, but, as is becoming increasingly apparent, in many instances political parties no longer play a significant role.

---

[40] Sophie Meunier-Aitsahalia and George Ross, "Democratic Deficit or Democratic Surplus? A Reply to Andrew Moravcsik's Comments of the French Referendum", *French Politics and Society*, Vol. 11, No. 1, 1993, p 62.
[41] Andrew Moravcsik, 1993, "Idealism and Interest in the European Community: The Case of the French Referendum", *French Politics and Society*, Vol. 11, No. 1, p 52.
[42] Bogdanor, 1996, pp 40-41.

The Declining Role of the Political Parties

As was indicated in Chapter Five the role of political parties in the decision to hold a referendum is being overtaken by that of governments. Here the role of the parties was increasingly sidelined as governments of existing members grappled with the commitments arising from membership, while those of prospective members wished to take the opportunity offered by the prospect of membership. Similarly in referendum campaigns the role of the political parties is becoming increasingly attenuated as the lead is taken over by *ad hoc* groups. In many instances political parties are divided by the prospect of membership and consequently refrain from actively campaigning, while other considerations dissuade participation such as the lack of domestic electoral kudos and the time and money involved. This also may be because of the lessons learnt in the 1970s where the dissension caused by the EU referendums in Norway and Denmark contributed to a major fragmentation of the party system.[43] Other interpretations include the increasing evidence of partisan dealignment, a factor mentioned in all of the Danish, Nordic and Irish contexts.[44]

Research suggests that the declining role of parties in referendum campaigns mostly relates to the major parties while smaller and/or minor parties can often play an active role – particularly when recommending a 'No' vote. Here their involvement, especially in the absence of the major political parties, raises their electoral profile. In some instances this has translated into domestic electoral success in the following election and the principal example of this has been the Centre Party in Norway where it was one of the staunchest opponents of Norwegian entry.[45] It significantly increased its seats in the Storting in the preceding general election, when its negative stance was already well established, and maintained this support in the election of 1997.

The scholars researching importance of the parties in the 1994 Nordic referendums however, seemed unable to bring themselves to conclude that the major parties there

---

[43] Rourke *et al*, 1992, pp 102-104.
[44] Gallagher, 1996a, pp 94-95.
[45] Pesonen *et al*, 1998, p 38. The Centre Party went from 6.5% of the vote in 1989 to 16.7% in 1993. See also interview L.

were mostly insignificant. Listhaug, Holmberg and Sänkiaho from the research team wrote:

> Do parties play an important role in referendums? The answer to this question is not perfectly obvious. Referendums move politics into a territory which is both unfamiliar and potentially dangerous for parties. ... The choices and strategic decisions that parties have to make are difficult – especially for parties divided on the issue.[46]

This reticence was not apparent in other scholars who were more forthcoming. Suksi on the Finnish referendum was far more clear when he stated that:

> The parties did not ... have a central role in the referendum campaign. The campaigning was conducted by various ad hoc organisations and civic organisations, which mainly existed outside the party organisations.[47]

This trend had already risen in Denmark where, in the 1992 and 1993 referendums, Svensson claimed of that:

> Denmark's referendum voting experience does not support the party-driven model .... In particular, electoral behaviour at the two EU referendums in 1992 and 1993 showed clearly that large numbers of voters do not follow the advice of their political party.[48]

This outcome stood in marked contrast to the overwhelming Folketing support for the treaties as indicated in Chapter Four. This suggests that voting cues in Denmark must come from other non-party sources. The major opposition to the treaty came from both the right and left of the political spectrum and particularly from the June Movement who vociferously campaigned against the it. Similar organisations also arose in the 1994 Nordic referendums such as the 'No to EU' organisation in Norway.[49] However Tor Midtbø, in examining the Norwegian results, questions the causality of these findings. If all the major parties are in favour of increased

---

[46] Ola Listhaug, Sören Holmberg, and Risto Sänkiaho, 1998, "Partisanship and EU-Choice", Jenssen *et al*, 1998, p 215.
[47] Suksi, 1996, p 60.
[48] Svensson, 1996, p 46. See also Torben Worre, 1993b, "Danish Public Opinion and the European Community", *Scandinavian Journal of History*, Vol. 20; and Siune and Svensson, 1993.
[49] Jahn et al, 1998, pp 61-80.

integration, yet the people are not, then by implication then they must take their cues from other non-party sources.[50]

In other countries the findings are not so stark. The role of the political parties in Ireland appears to be more influential than in the Scandinavian referendums although even here Michael Gallagher considered this is declining: "the Irish experience of referendums no longer unequivocally backs up the hypothesis of the party-dependent voter."[51] This, he believed, is a function of the inter-related developments mentioned above, and the active role that *ad hoc* groups play in the Ireland's referendums on moral issues. Here anti-abortion and anti-divorce groups have dominated the referendum campaigns. Thus it seems that in most of the more recent EU referendums many of the major political parties are adopting a low profile in referendum campaigns, and consequently, becoming less influential in structuring the referendum vote. As these roles appear to be increasingly taken over by *ad hoc* groups, whose origins are largely outside the established political system, this has long term consequences for the European Union and its need to have its treaties ratified.

Public opinion

The nexus between public opinion, (as opposed to opinion polls), and referendums lies in the fact that referendums are believed to be more legitimate if, in their capacity to authorise particular policies, they reflect the opinions of the majority of the people. This assumes that the will of the majority is known and knowable and, as referendums are on single issues and as the opportunity is open to all to vote on the issue, then it is assumed that this will be done on the basis of attitudes towards the issue. In this way a link is established between referendums and public opinion. While this assumption may be queried, it nevertheless underpins much scholarly research on referendums.[52]

The relationship between public opinion and referendums has become important because other factors in structuring the vote have declined in their explanatory value.

---

[50] Tor Midtbø, 1996, "Voter Turnout in Norway: Time, Space and Causality", *Scandinavian Political Studies*, Vol. 19, No. 4.
[51] Gallagher, 1996a, p 102.

As was indicated by Torben Worre following the Maastricht defeat, the usual assumption that a referendum outcome could be predicted on the basis of the forces arrayed for either side, no longer holds:

> From the outset the contest might appear quite unequal. A 'yes' was backed by a broad spectrum of the parties in Parliament, both the government and the opposition ... Nearly all interest organisations and a unanimous press recommended a 'yes'. Against the Treaty were two extreme parties... The 'no' parties were small and lacking in resources.[53]

Pragmatically, Denmark's participation in the European Union is based upon the increasing use of referendums and, *ipso facto*, on their successful outcome. If this can no longer be gauged by indicative levels of support for the political parties, nor by the opinions of parliamentarians, but can be predicted through surveys of public opinion, then such surveys become all the more important. This also was indicated by Worre in relation to Maastricht:

> Public opinion became particularly important in EC policy because of the frequent use of referenda, which transferred the decision-making power directly to the electorate. ... Thus voters became indisputably decisive in European affairs, and integration could no longer be carried without a majority of the people allowing it.[54]

Research in Scandinavia, like that in Denmark, has shown that electors are far more likely to vote in referendums on the basis of their attitude towards the European issue than on the basis of party affiliation. Accordingly this has spawned intense interest in public opinion surveys revealing attitudes towards membership and integration. This has been dominated by studies in Denmark, as noted in the referendum literature in Chapter Three, since membership was first suggested in the 1960s. In the Nordic countries it began in the early 1990s in anticipation of the 1994 referendums. Its findings have become highly sophisticated in terms of their analytical capacity to show the variety of nuanced responses to membership.

---

[52] Kobach, 1993, pp 122-138.
[53] Worre, 1993, p 98.
[54] Worre, 1993b, p 210.

The research of Karen Siune and Palle Svensson on the Danish Maastricht result was particularly interesting. They believed that the Maastricht result can be explained by the voters making up their own mind especially on the loss of sovereignty and voting accordingly.[55] Their long term surveys buttressed claims that the rejection of the referendum implied not withdrawal from the Union itself, but the form of integration implied by political, as opposed to economic, union. This is turn was influential in the ideas which led to the development of the 'National Compromise' which eventually formed the basis of the 'Maastricht plus Edinburgh' referendum of May 1993, discussed in Chapter Eight.

The work of Siune and Svensson however has been challenged by Franklin, van der Eijk and Marsh.[56] They claim that the referendum results in Denmark, France and Ireland in 1992 were not necessarily a reflection of the 'true' attitudes of the respective electorates, but rather a reflection of the popularity of the incumbent governments. Thus, in explaining the difference between the two Danish referendums of 1992 and 1993, the major explanatory factor was the removal of the unpopular conservative government and the installation of a popular Social Democratic government. Their reasoning was based on the assumption that:

> Partisan attachments are almost certainly the primary factor in referendum voting. Partisan identification plays the same primary role in referenda that it does in general elections.[57]

However, as indicated above, this is not well supported by the evidence. Partisan identification was not a major factor in the Danish Maastricht referendum, was equivocal in the case of the French referendum but may have been more applicable to the referendum in Ireland. Their findings also overlook the fact that the Maastricht treaty aroused real concerns at the national level and denigrates popular opinion and ability to decide for itself. As has been noted in other referendums, the ability of the people to exercise their own independent judgement must never be underestimated.[58]

---

[55] Siune and Svensson, 1993, pp 102-105.
[56] Franklin *et al*, 1995.
[57] Franklin *et al*, 1995, p 105.
[58] This noted most often in Australian referendums. See Hughes, 1994.

If, as is claimed, that public attitudes as indicated in surveys appear to offer a more likely account of referendum results than those which are linked to party affiliation, then this has implications for both national governments and the European Union. In Denmark although public opinion has fluctuated widely since membership was first raised in the 1960s, it has been extremely influential in the official policy making and accounts for the strong reservations the Danish government has towards further integration.[59] It also accounts for the concerted effort on behalf of the Social Democratic Party to actively address the need for a more positive attitude towards Europe amongst it party members.[60] It also suggests that public relations campaigns aimed at fostering a more positive image of the European Union and its activities are sorely needed in Denmark if it is to continue to participate actively in the European Union. It can also be interpreted as evidence of the gap between the political elite and the people over Europe, as discussed in Chapter Five.

Thus the relationship between public opinion and EU referendums is important because of the declining influence of both parliament and parties in structuring the referendum vote. The increasing use of referendums, coupled with the high degree of correlation between public opinion surveys and referendums, suggests that these will become even more important in the future.

Referendum Voting

There are extensive studies analysing referendum voting and comparing it to that in general elections. Again this research is dominated by that in Denmark and the Nordic countries[61] although Richard Sinnott has studied Irish EU referendum voting.[62] The focus of much of this research in on socio-economic, psychological and ideational aspects of voting but its findings, while interesting, are tangential to the importance of

[59] Worre, 1993b, p 226.

[60] Worre, 1993b, pp 220-221. This was also reported in discussions with the Social Democratic Party in Copenhagen. See interviews R and A.

[61] Pertti Pesonen, 1998, "Voting Decision", Jenssen *et al*, 1998, pp 127-148; and Kristen Ringdal and Henry Valen, 1998, "Structural divisions in the EU Referendums" Jenssen *et al*, 1998, pp 168-193; Bernt Aardal *et al*, 1998, "Can Ideology Explain the EU Vote?", Jenssen *et al*, 1998, pp 235-268.

[62] Richard Sinnott, 1995b, *Knowledge of the European Union in Irish Public Opinion: Sources and Implications*, Occasional Paper No. 5, Institute of European Affairs, Dublin, pp 22-28.

referendums in relation to the European Union. Nevertheless as a broad generalisation, membership of the European Union is supported by those in higher socio-economic groups, the better educated, those who live in the cities and urban areas, and amongst men.[63] Those likely to show more ambivalence to Europe include those who are from the lower socio-economic groups, live on the geographical periphery, are found in manual jobs such as farming or fishing, and are more likely to be women. In general these broad findings tend to confirm the patterns of support for the European Union as revealed in other studies and in the Union's own Eurobarometer surveys.[64]

Other significant factors in referendum voting have included the tendency for voting to diverge from the party structured model. Sten Spar Nilson and Tor Bjørklund described two other patterns in referendum voting – the group structured, as that observed in campaigns dominated by *ad hoc* groups and organisations – and a largely unstructured pattern, although their analysis came to no significant conclusions on these developments. Referendum voting has also been characterised by a tendency for 'No' voting irrespective of any other issue. This has been called the 'nay-sayer' phenomenon.[65] Another issue is the reported tendency for voters to vote 'No' as an expression of hostility towards the political elite, as Jenssen, Gilljam and Pesonen recognised:

> It cannot be denied that some people are attracted by any opportunity to vote against "the political class", the "arrogant" and "pompous" politicians, etc., irrespective of the issue at stake.[66]

Yet another issue, and again most pronounced in the Scandinavian context, is the proclivity of the people to vote 'No' as an act of defiance prompted by their traditional exclusion from any involvement in deciding foreign policy issues.[67] While

---

[63] For Ireland see Sinnott 1995b, pp 22-28 and Coakley *et al*, 1997, pp 229-230; for the Nordic countries see Ringdal and Valen, 1998.

[64] Niedermayer and Sinnott, 1995; and *Eurobarometer*.

[65] Gallagher, 1996b, p 236. See also R. Darcy and Michael Laver, 1990, "Referendum dynamics and the Irish divorce amendment", *Public Opinion Quarterly*, Vol. 54, No. 1.

[66] Anders Todal Jenssen, Mikael Gilljam and Pertti Pesonen, 1998, "The Citizens, the Referendums and the European Union", Jenssen *et al*, 1998, p 320.

[67] Lawler, 1997. This was also reported in private discussions in Copenhagen. See interview A.

all these circumstances predispose a negative vote, there appears to be little evidence that such voting has significantly altered any EU referendum outcome.

The Referendum Outcome

The success or failure of EU referendums depends on the relative number of votes and, as a consequence, the strength or otherwise of this vote is important for the messages it conveys. All EU referendums have decided the matter but not all have returned results that have been as positive as governments may have hoped. They have varied between those that have returned significant majorities, moderate majorities and marginal majorities in favour of the proposal, while some referendums have returned a negative result. In this respect the legality of the referendum result is not being questioned, only its public perception.

Irrespective of the whether or not a referendum was formally only advisory, most governments have indicated that they would respect the result irrespective of the size of the margin. While this has sometimes been raised as an issue,[68] the opprobrium which would adhere to the elected representatives who asked the people and then ignored their answer would be enormous.[69] The only threat to this convention arose in Norway where, in the 1994 referendum and as staunch opponents of membership, the Centre Party publicly announced that it would only respect a 'Yes' vote if it were above 60%.[70] By raising the approval threshold by ten percentage points this changed the majoritarian notion inherent in the referendum and set a new, and arguably, more arbitrary target. Their motives however were political and raised the profile of the Party in the campaign. They were also prompted by calculations within the Storting as the necessary majority to pass the legislation following the 1993 general election was not assured.[71] The other particular, though different instance, was in the Danish 1992 referendum where the government accepted the result but found it could not respect the decision. This is explored further in Chapter Eight.

---

[68] Butler, 1978, p 215.
[69] Gallagher, 1996b, p 246.
[70] Svåsand and Lindström, 1992, p 337.   See also interview L.
[71] This was reported in discussions with officials in Oslo. See Interview T.

The Referendum Result

Four patterns can be seen in referendum results – those which return significant, moderate and marginal majorities and those which return negative results. See Table 5. In cases where there was a significant majority, (above 65% support), as in the EU accession referendums in Ireland in 1972, Britain in 1975, and Austria in 1994, and the special purpose referendum Italy in 1989, with results of 83%, 67%, 66% and 88% respectively, the outcome was clear, unambiguous and accepted by the government. The referendums unequivocally settled the issue and were taken as a positive response to the European Union. In those referendums which have received only moderate support (55%-64%) such as the treaty referendums in Denmark in 1986 on the Single European Act where support was 56%, and in Ireland in 1998 on the Amsterdam Treaty where a 62% vote was recorded, these majorities have been interpreted positively but with care. The conditions that these referendums had in common included a substantial or sufficient 'Yes' vote in support of the proposal, acceptable levels of turnout and a clear link between the decision and the resulting changes.

The position of referendums with only marginal majorities, (50%-54%), is interesting. The Maastricht Treaty referendum held in France in 1992 received only 51.0% support while the Swedish accession referendum received only 52.2% support. In Greenland the withdrawal referendum received 53% support which was significantly less than the 70% who had voted against joining the Union in the Danish 1972 accession referendum.[72] The legality of such narrow margins has been accepted but the results have been interpreted both by national governments and the European Union as evidence of widespread unease with integration in general and the European Union in particular. France has continued to be fully involved in the process of European integration, even though the result dramatically illustrated evidence of deep disquiet amongst the French population. The Swedish result indicated deep divisions in the country over its intention to join and, while this went ahead, was unenthusiastic.

---

[72] As the question was framed in the negative this result has been interchanged to avoid confusion.

In Greenland the result confirmed the governments wish to leave and there have been no moves to request re-instatement.

TABLE 5: RESULTS OF EUROPEAN UNION REFERENDUMS IN WESTERN EUROPE 1972-2000

Date	Country	% Yes Vote	% No Vote	% Turnout
23 April 1972	France	68.3	31.7	60.2
10 May 1972	Ireland	83.1	16.9	70.9
24-25 May 1972	Norway*	46.5	53.5	79.2
2 Oct 1972	Denmark	63.3	36.7	90.1
3 Dec 1972	Switzerland	72.5	17.5	52.9
5 June 1975	United Kingdom	67.2	32.8	64.5
23 Feb 1982	Greenland°	47.0	53.0	75.0
27 Feb 1986	Denmark	56.2	43.8	74.8
26 May 1987	Ireland	69.9	30.1	43.9
18 June 1989	Italy	88.1	11.9	81.0
2 June 1992	Denmark*	49.3	50.7	83.1
19 June 1992	Ireland	69.1	30.9	57.3
20 Sept 1992	France	51.0	49.0	69.7
6 Dec 1992	Switzerland*	49.7	50.3	78.3
13 Dec 1992	Liechtenstein	55.8	45.2	87.0
18 May 1993	Denmark	56.7	43.3	86.5
12 June 1994	Austria	66.6	33.4	81.3
16 Oct 1994	Finland	56.9	43.1	74.0
13 Nov 1994	Sweden	52.2	46.8	83.3
20 Nov 1994	Åland	73.6	26.4	49.1
27-28 Nov 1994	Norway*	47.8	52.2	89.0
22 May 1998	Ireland	62.0	38.0	56.2
28 May 1998	Denmark	55.1	44.9	74.8
20 May 2000	Switzerland	67.2	27.8	48.0

* Denotes the referendum was defeated
° The Greenland referendum was framed in the negative. The referendum was successful.
Source: Updated and adapted from M. Gallagher and P. Vincenzo Uleri, 1996, eds. *The Referendum Experience in Europe*, Macmillan, Basingstoke; A. T. Jenssen, P. Pesonen and M. Gilljam, 1998, eds, *To Join or Not to Join*, Scandinavian University Press, Oslo; and D. Butler and A. Ranney, 1994, eds, *Referendums Around the World: The Growing Use of Direct Democracy*, Macmillan, Basingstoke.

Finally what is the position where the result has been to reject the referendum proposal? The two Norwegian accession referendums in 1972 and 1994 rejected

membership with 53.5% and 52.3% 'No' majorities respectively; the 1992 Danish referendum on the Maastricht Treaty with a 50.7% 'No'; and the Swiss EEA referendum in 1992 with a 50.3% negative vote. In all cases the governments' immediate response was publicly to declare respect for the result, but while the legality of the result was accepted, the narrowness of the margins suggested that there was considerable ambiguity amongst the population, a factor which may have contributed to the Norwegian and Danish governments' decisions to refer the issues again to the people at a late date. This was not the case with the Swiss referendum but here the double majority required for successful passage contributed to a significant degree of scepticism, at least in the European Commission, whether or not the referendum would be successful.[73] This suggests that a marginal negative outcome, while legally legitimate may lack lasting public consent. In the first place it contravenes the wishes of the government which put it to the people, and presuming the issue remains salient, simply defers its consideration until a later more propitious time.

Turnout in EU Referendums

Obviously a referendum which has a high turnout and a high majority will exhibit a greater degree of political endorsement than one in which the turnout is low and the majority marginal. However scholarly research on referendum turnout is very sparse indeed. It is confined almost exclusively to the analysis of turnout in Swiss referendums where Kris Kobach considers its importance "stems from the assumption that its results expresses the will of the majority."[74] In the Swiss context however the concern with turnout was directed towards its low levels and continuing decline and the potential that this gave for distortion of the democratic process. These have not been significant issues in EU referendums in Western Europe. Voting turnout has been discussed extensively in general elections and is dominated primarily by an interest in rational choice models as opposed to those based on sociological,

---

[73] This was reported in private discussions in Brussels. See interview D.
[74] Kobach, 1994, p 139.

psychological or ethical considerations.[75] For the most part these issues have not been studied to any great extent in referendums and turnout in most EU referendums, excepting the 1972 French referendum, has been remarkably high.

Voting turnout in general elections varies markedly between countries[76] and this is obvious in EU referendums where Irish turnout figures are low in comparison with those in Denmark. But, like other aspects of referendum research, the study of the 1994 Nordic accession referendums provides the most information on the importance of voter turnout and referendums. In this study the authors considered the hypothesis that the more intensive and polarised the referendum campaign then the higher the voter turnout. This they believed was important because, as the referendums were only formally advisory, then a low turnout would deprive the referendums of significant legitimacy. This is turn would give leeway to disgruntled parliamentarians allowing them to disregard the outcome and vote in parliament according to their own convictions. This was particularly important given that, as already noted, in Norway and Sweden a general election had intervened between the application to join the European Union and the referendum which had brought more 'anti-Europe' supporters into the respective parliaments.

In terms of turnout in the 1994 Nordic referendums the research reveals that the referendum in Norway recorded the highest voter turnout ever recorded in any Norwegian electoral contest. This led Bennulf, Hedberg, Pettersen and Pesonen to conclude that the stronger the 'No' side then the higher the turnout.[77] All three referendums also recorded the highest turnout that had occurred in any previous national referendum. In terms of comparison with the preceding elections, the findings in both Sweden and Finland varied only a few points either way. These

[75] A. J. Schram, 1989, *Voter Behaviour in Economic Perspective*, Academic Proefschrift, Universiteit van Amsterdam, The Netherlands; Dennis Mueller, 1989, *Public Choice II*, Cambridge University Press, Cambridge; and J. Aldrich, 1993, "Rational Choice and Turnout*", American Journal of Political Science*, Vol. 37, 1993. See also Ivor Crewe, 1981, "Electoral Participation" , Butler *et al*, 1981.
[76] G. Bingham Powell, 1980, "Voting Turnout in Thirty Democracies", Richard Rose, ed., *Electoral Participation: A Comparative Analysis,* Sage, London.
[77] Bennulf *et al*, 1998, p 108.

referendums highly mobilised the electorates in all three countries, a reflection of the importance in which they were held.[78]

Ireland has the lowest turnout in EU referendums and the average in the last three treaty referendums has only been 52%. Michael Gallagher considers that the trend in Ireland is for turnout to fall and, with the exception of the referendums in November 1992 on moral and related issues which coincided with a general election, only two recent referendums have registered a turnout over 60%.[79] This is generally taken to reflect Irish lukewarm and instrumental support for involvement in the European Union as suggested by Coakley, Holmes and Rees,[80] and the lower status accorded Irish EU referendums, as mentioned in Chapter Four. As well, as Richard Sinnott indicated, some referendums were confusing such as the unexpected SEA referendum, and this may have contributed to the 43.9% turnout which was the lowest of all EU referendums in Ireland. He wrote of that referendum:

> The result was 69.92 per cent in favour of the amendment, 30.08 per cent against. Perhaps inevitably, the proponents of the amendment claimed a resounding victory. It is, however, difficult to sustain this argument when so many did not vote. The effect of the low turnout was that the 'yes' vote amounted top only 30.7 per cent of the electorate. The aim of enabling the SEA to be ratified had been achieved, but the outcome fell short of the endorsement of participation in Europe that Euro-enthusiasts had hoped for.[81]

The Maastricht referendum in Ireland which recorded a turnout of 57.3%, far higher than that of the SEA, was also enmeshed with an associated issue about abortion, mention in Chapter Four, and the 'No' case was supported by an unlikely partnership of both anti-divorce and pro-abortionists. The turnout however was not an overwhelming confirmation of Irish involvement in the European Union and Sinnott suggests that it was "lethargically endorsed".[82] The turnout in the Amsterdam referendum of 1998 was boosted by the concurrence of the referendum on the Northern Ireland Agreement which received an overwhelming (94.4%) 'Yes' vote.

---

[78] Bennulf *et al*, 1998, pp 107-108.
[79] Gallagher, 1996, p 102.
[80] Coakley *et al*, 1997, p 234.
[81] Sinnott, 1995a, p 225.
[82] Sinnott, 1995a, p 248.

In comparison with Ireland's marked lack of enthusiasm for referendums, the turnout in Danish referendums is significantly higher registering an average of 81.8% in EU referendums thus reflecting their high degree of political saliency. In the accession referendum of October 1972, 90.1% of the Danish electorate turned out to vote, the highest turnout in any Danish EU referendum. Since then turnout has declined slightly but still remains at a commendable level with only the Amsterdam treaty referendum, 74.8%, falling below 80% turnout. In terms of other EU referendums, the turnout has registered acceptable levels including that in the two of the Swiss referendums; the December 1972 referendum on a free trade agreement with the European Community (52.9%) and the May 2000 referendum on bilateral agreements with the European Union (48%). The Swiss 1992 referendum on the EEA, at 78.3%, exceeded the average for Swiss referendums at the time and was, in the words of Kobach, 'astonishing'.[83] This was the highest turnout of any Swiss referendum for forty-five years and, although the referendum was defeated, even if a majority of votes had been reached the referendum still would have been lost as it would have failed to clear the double hurdle - success in the majority of cantons.[84]

The only other referendum to have a particularly low turnout was the 1972 French referendum called by President Pompidou which was subject to a concerted campaign by the opposition parties to discourage voting.[85] Here almost half the electorate - 47.6% - refused to take part in the election through either not voting, 39.5%, or by spoiling their ballots papers, 7.1%, leaving the number of valid votes cast at 53%.[86] Whilst up to that stage the normal level of non-voting in France was around 20%, this was the highest ever recorded in either a referendum or general election. The unnecessary nature of the referendum, President Pompidou's motives, the presumption of victory and general discontent were all suggested as causal factors. It was in effect supported by only 36.1% of the electorate.[87] Claude Leleu considered

---

[83] Kobach, 1994, p 136. The average turnout at the time was 42.2%.
[84] Kobach, 1994, p 135.
[85] Leleu, 1976 and Criddle, 1972.
[86] Criddle, 1972, p 72. Note also the different turnout figures – 60.1% - includes in the figure all those who turned out and voted, as well as those that turned out and cast an invalid vote.
[87] Leleu, 1976, p 30.

that the rate of non-participation "lessened the value of the referendum and altered the nature of its success".[88]

Voter turnout in EU referendums therefore is both higher than that in other national referendums but, with a few exceptions including the British 1975 referendum, comparable with that in general elections.[89] In this respect the usual categorisation of EU referendums as second–order elections must be questioned.[90] Many EU referendums have ranked within a few percentage points of that in general elections. See Table 6. On an index of positive support (which takes the 'yes' vote as a percentage of the turnout) accession referendums have a far higher level of positive support than do treaty referendums, indicative of their particular national importance. See Tables 7 and 8. Turnout in treaty referendums varies from high levels in Denmark to low in Ireland while the French Maastricht referendum was well supported. Turnout in special purpose referendums appears to be directly related to the perception of the issue amongst the national electorate. Turnout levels for EU referendums therefore are high and convey important messages about public participation in, and endorsement of, the European Union.

Participation, EU Referendums and the European Union

Participation, and more specifically voting, is the minimal form of political activity open to most citizens. In referendums it decides issues and conveys important messages about the nature and extent of support from the people. In EU referendums this is important both for national governments and the European Union, but especially so for the European Union in EU treaty referendums.

---

[88] Leleu, 1972, p 30.
[89] The turnout in the 1975 British referendum was 64.5%, the lowest of all accession referendums (bar Åland 49.1%). See also Table 6.
[90] Karlheinz Reif, 1984, "National Electoral Cycles and European Elections 1979 and 1984", *Electoral Studies*, Vol. 3, No. 3.

Accession Referendums

In those instances in accession referendums where there is a high 'Yes' vote and high levels of voter turnout as in Ireland and Denmark in 1972, and Austria in 1994, this testified both to the perceived importance of the issue and the willingness of the people to join the European Union. Such levels of support have certainly been encouraging for national governments in confirming their decision to seek membership of the European Union. However in the case of Denmark and Ireland, these levels of support have not been sustained in subsequent referendums. Where the level of positive support has been marginal as in Britain, Finland and Sweden, this has reflected more ambivalence about joining, and where the outcome of the referendum was to reject membership then this has simply removed the issue from the national agenda at least for the immediate future. For the European Union these outcomes have been openly and publicly arrived and, where affirmative, have conveyed significant democratic willingness to participate in European integration.

Treaty Referendums

The relationship between the European Union and participation in EU treaty referendums centres on five issues. All are based on the assumption that as the success of treaty referendums is becoming increasingly critical to the European Union, then any factors which hinder the likelihood of success become very important given that one European treaty referendum has already been defeated. These include the manner in which the EU issue is presented to the people, the significant level of obfuscation, the increasing marginalisation of the political parties in referendum campaigns, the rise of *ad hoc* groups taking political control of treaty ratification away from the political class, and finally, the dislocation of the European issue in national politics.

In referendum campaigns in Denmark and Ireland the presentation of the treaties to the people emphasises the notion that they are about continued membership of the European Union. A reason for this may be that support for the European Union is not

grounded in any deep and abiding understanding about the European Union and the ideals of integration. This militates against debating membership in any great depth or sophistication, and allows governments to get away with being economical with the truth. Thus membership is more easily maintained as a current political issue and, when new treaties come to be ratified, they are discussed only in general terms. But, if membership is not deeply rooted and can take on the character of a political issue, it is also prone to becoming inextricably tied up with public attitudes towards the incumbent government. If these governments are unpopular, then the likelihood increases of referendums being used as a means of expressing public dissatisfaction with extraneous domestic ills. In this respect, the work of Franklin, van der Eijk and Marsh[91] about the outcomes of the 1992/3 referendums being consistent with the lack of popularity of the incumbent governments, does become pertinent. In other words, the outcomes of treaty referendums may become increasingly precarious as their success or otherwise may hinge more on the popularity of the incumbent government than on the issue at stake.

This situation is compounded by two factors. First, in some instances the current levels of success are already borderline and, secondly, measures likely to hinder the prospect of future success are becoming more prevalent. The treaty referendums in both Denmark and Ireland are only marginally supported although response to the issue of Europe is diametrically opposed – a high degree of emotional intensity as compared to public ennui. However neither offers comfort to the European Union. While Danish attitudes to European are, with the British, amongst the most hostile, those in Ireland are generally considered to be supportive if only because of economic rewards. Both national governments and the European Union then need to address positively and urgently these attitudes. Further in Ireland successive changes in the administrative and procedural regulation of referendums are increasingly eroding their chances of success.

A more serious consequence of the manner in which national governments approach the European issue is that the public may be becoming increasingly wary, and less

---

[91] Franklin *et al*, 1995.

trusting, of governments in their role as a constituent member state of the European Union. This may explain why the electorate is no longer taking party cues when voting in EU referendums and may also account for the marked drop in national support for integration. In both Denmark and Ireland while initial support for the European Union was high, this has slipped to around 30%-50% continuous opposition. While some of this may be accounted for by the 'nay-sayer' phenomenon, this does not explain all of the apparently hard core negative vote emerging in both countries. With a growing appreciation that treaty referendums lack a sense of fairness, information making little difference to the vote, and in Ireland the negative side of the referendum being over-emphasised, these issues become more serious.

In EU referendums the role of the political parties in the referendum campaigns, and thereby in structuring the referendum vote, is changing. However, if the parties are not participating in the campaigns then this means that, to a large degree, the control of the ratification of European treaties is moving outside the domain of the political class. Given that ratification of the treaties is of utmost importance to the European Union, then the apparent loss of control that this implies should be worrying for those institutions of the Union. It also passes the burden of responsibility for promulgation of ideals of integration to other institutions and actors, notably the media.

This raises a number of issues concerning the relationship between EU referendums and political parties. In the first place in EU treaty referendums, as well as in some accession referendums, the actors in the referendums are changing. Referendums have usually been thought of as involving primarily the political parties and the people but now the government, the people and *ad hoc* groups and organisations, with the European Union playing a detached but deeply interested role, are all involved. This challenges the usual notions of actors in referendums.

In the second place it raises a number of questions about why parties are opting out of actively participating in the resolution of one of the biggest political issues affecting states in Western Europe. It suggests that their concern is primarily located at the national level and not with European issues and events over which they have little control or influence, but other explanations may lie in party dealignment apparent in

general elections in many states, or in either apathy or alienation from the political process.[92] Still other explanations may be found divisiveness of the issue which is too damaging for the parties and, although increasingly sophisticated, they simply are unable to cope with such awkwardness and opt to withdraw. At a more prosaic level the reason may be that referendums are too draining for parties in terms of time, resources and rewards, particularly when the results are not registered in party terms.

It follows from this that there is a growing disconnection between the European issue and mainstream Danish and Irish domestic politics. The concerted attempts to keep the European issue off the national political agenda has created a situation where these issues are becoming isolated from mainstream politics. However, as the European Union increasingly impinges on the lives of ordinary people, then this situation, coupled with the developments noted above – misinformation, growing lack of trust and independent voting – is serious indeed. The irony however is that on the one hand the continued use of the referendum has intensified the sense of disagreement around European issue, while on the other made their increasing use more acceptable and necessary. This strains the dual roles of government – national government and member state – and in turn potentially pits the government on a collision course with its own people. Both situations are extremely uncomfortable for governments and one which, especially the Danish government, has no wish to repeat.

Conclusion

EU referendums decide issues in a particularly public way and provide a direct means of participation in major national decisions such as whether or not to join the European Union, or to move to a deeper stage of integration. This opportunity has, in most countries, been taken up with great willingness and especially so in the accession referendum in Norway which recorded the highest level of voting turnout in any national electoral contest. The interest in treaty referendums however is more equivocal with Ireland exhibiting only a modicum of interest compared to Denmark's high involvement.

---

[92] Gallagher, 1996b, p 249, Bogdanor, 1981, p 81.

A range of small and large factors influence the extent and degree of participation. The more significant are the altered role of the political parties in these most political of contests and, concomitantly, the rise of *ad hoc* groups outside the normal political arena. This means that voting in referendums is less and less related to the positions taken up by the political parties and long term public opinion surveys seem a more reliable indicator of referendums outcomes than party affiliations. The implications of these developments are compounded by the fact that, particularly in some instances, governments appear particularly reluctant to inform their people of the real nature and consequences of integration so that the gap between a government and its people, on the one hand, and between the elites and the masses on the other, is probably becoming wider rather than narrower. The short term objectives of governments in ratifying the treaties of the European Union as expediently as possible may have long term implications in their failure to develop a sense of belonging and sharing in the spirit of integration. This in turn may be reflected in more volatile voting responses which may, in the future, have serious consequences for the European Union and its ability to follow through with treaty reform.

So what then are the implications for democratic governance of the nature and extent of participation in the European Union? In the first place the membership of the European Union is supported but this support varies between members and, in those states that have had a number of EU referendums, also at different times. Secondly the dominating role of the usual political actors in referendums is declining and control is moving outside the traditional actors to a far greater range of groups and organisations. Thirdly, personal attitudes towards European integration and the European Union seem to be more likely determinants of referendum voting than that offered by political party affiliation suggesting that independent voting is rising and that political cues in referendums are becoming wider and more diverse than originally understood. However, another important aspect of participation in referendums is not so much in the nature and level of involvement at the national level, but in the legitimacy it conveys to the European Union. It is to this aspect of democratic governance that attention now turns.

TABLE 6: TURNOUT IN NATIONAL ELECTIONS, EUROPEAN PARLIAMENT ELECTIONS AND EU REFERENDUMS 1972-2000

Austria	1994	1995	1996	1999
National Elections	84.1	82.7	n/a	80.42
European Elections	n/a	n/a	67.2	49.0
Referendums	81.3	n/a	n/a	n/a

Denmark	1972	1977	1979	1981	1984	1986	1987	1988	1989	1990	1992	1993	1994	1998	1999
National Elections	n/a	88.7	85.6	83.2	88.4	n/a	96.8	75.8	n/a	83.0	n/a	n/a	n/a	86.0	n/a
European Elections	n/a	n/a	47.8	n/a	52.3	n./a	n/a	n/a	46.8	n/a	n/a	n/a	52.5	n/a	50.4
Referendums	90.1	n/a	n/a	n/a	n/a	74.8	n/a	n/a	n/a	n/a	83.1	86.5	n/a	n/a	n/a

Finland	1991	1994	1995	1996	1999
National Elections	72.1	n/a	71.9	n/a	68.0
European Elections	n/a	n/a	n/a	58.8	30.1
Referendums	n/a	74.0	n/a	n/a	n/a

France	1972	1974	1978	1979	1981	1984	1986	1988	1989	1992	1993	1994	1997	1999
National Elections	n/a	84.3	82.8	n/a	81.1	n/a	78.1	81.3	n/a	n/a	69.0	n/a	68.0	n/a
European Elections	n/a	n/a	n/a	60.7	n/a	56.7	n/a	n/a	48.7	n/a	n/a	53.7	n/a	46.8
Referendums	60.7	n/a	n/a	n/a	n/a	n/a	n/a	n.a	n/a	69.7	n/a	n/a	n/a	n/a

Ireland	1972	1977	1979	1981	1982	1984	1987	1989	1992	1994	1997	1998	1999
National Elections	n/a	76.3	n/a	76.2	73.8	n/a	73.4	68.5	6.5	n/a	66.1	n/a	n/a
European Elections	n/a	n/a	63.6	n/a	n/a	47.6	n/a	68.3	n/a	44.0	n/a	n/a	50.7
Referendums	70.9	n/a	n/a	n/a	n/a	n/a	43.9	n/a	57.3	n/a	n/a	56.2	n/a

Italy	1976	1979	1983	1984	1987	1989	1992	1994	1996	1999
National Elections	93.2	90.4	89.0	n/a	90.5	n/a	83.2	86.1	82.9	n/a
European Elections	n/a	84.9	n/a	83.4	n/a	81.0	n/a	74.8	n/a	70.8
Referendums	n/a	n/a	n/a	n/a	n/a	81.0	n/a	n/a	n/a	n/a

Norway	1969	1972	1977	1981	1985	1989	1993	1994
National Elections	83.8	n/a	82.9	83.2	83.8	83.2	75.8	n/a
Referendums	n/a	70.9	n/a	n/a	n/a	n/a	n/a	89.0

Sweden	1991		1994		1995		1999
National Elections	86.7		86.0		n/a		n/a
European Elections	n/a		n/a		41.3		38.8
Referendums	n/a		83.3		n/a		n/a

United Kingdom	1975	1979	1983	1984	1987	1989	1992	1994	1997	1999
National Elections	n/a	76.3	72.8	n/a	75.4	n/a	77.7	n/a	71.6	n/a
European Elections	n/a	32.3	n/a	32.6	n/a	36.2	n/a	36.4	n/a	23.1
Referendums	64.5	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

CHAPTER SEVEN

EU REFERENDUMS, LEGITIMACY AND THE EUROPEAN UNION

Introduction

In continuing to explore the meanings national EU referendums hold for the European Union, this chapter examines their relationship to the concept of legitimacy.[1] Referendums are often seen as a means of explicitly providing popular consent and so endowing decisions with a legitimacy unlike that which accrues normally. This capacity to bestow legitimacy has been seen repeatedly as one of the principle virtues of referendums and, in the opening statement of their book, Butler and Ranney state that referendums "as a means of making government decisions or giving legitimacy to them, have a history almost as old as democracy."[2] If EU referendums are believed to bestow legitimacy, the question arises where this is this located – does it reside principally with national governments and can it be transferred to the European Union? As there are a number of legitimacy deficits in the European Union then that conveyed by referendums may be important. These issues form the central questions of this chapter – do national EU referendums provide legitimacy to the European Union and, if so, what is the nature of that legitimacy and is it in any way contributing to the emergence of a form of democratic governance?

The relationship between referendums and legitimacy is complex and the focus here is on only two dimensions – whether or not referendums convey public consent, and whether or not the actions of governments are the right and proper ones for society. Traditionally the major reason for holding referendums was to bestow legitimacy on major constitutional and political change, or particularly important policies, and the majority of scholars on referendums consider that this is, and has been, the case.[3] But

---

[1] The concept of legitimacy referred to in this chapter is to conventional forms of political legitimacy and not to the legitimation crisis of Habermas discussed in Chapter Five.
[2] Butler and Ranney, 1978, p 3.
[3] Butler and Ranney, 1978, p 3.

the picture in the second dimension - whether or not to hold a referendum is the right and proper behaviour of governments - is more complex. Some decisions to hold an EU referendum have been contentious, and contrary to conventional political practice, although all have been wholly within the legal powers and responsibilities of governments. This third dimension of legitimacy – whether or not the actions of government are legal – is not addressed as all EU referendums are legal in that they have arisen as an outworking of the constitution or been passed through the normal parliamentary channels for ordinary legislation.

The concept of legitimacy and EU referendums is important not only with respect to the EU referendums, but also in relation to the European Union where there is continuing controversy over the legitimacy of the European Union. At the heart of this debate are two problems – first, disagreement over whether the criteria for political authority in the European Union should be the same as that for its member states and, secondly, dispute about how the European Union should be regarded. In a nutshell is it an inter-governmentalist organisation whose legitimacy derives principally from member states, or is it a largely supra-nationalist organisation in which case it needs to establish its own direct forms of legitimacy? Nevertheless between these two extremes there is recognised to be a number of 'legitimacy deficits'[4] in the Union which are also referred to, often interchangeably, as either a 'crisis of legitimacy' or as the 'democratic deficit'.[5] Many of these legitimacy deficits surround the European Parliament and its elections.

The chapter is structured in the following way. It begins by examining the concept of legitimacy as it is commonly understood in referendums noting its two dimensions: the decision to hold a referendum and the consent conveyed. It then examines the notion of consent in relation to the various forms of EU referendums especially treaty and quasi-treaty referendums. Finally the chapter recognises that, while referendums convey legitimacy to the European Union, they also act as a complementary source of legitimacy to the European Union because the current sources of legitimacy are believed to be inadequate. This issue is explored particularly in relation to the

---

[4] Beetham and Lord, 1998, pp 22-32.
[5] Weiler *et al*, 1995.

European Parliament. In this way the legitimacy conveyed by EU referendums is heightened, and also affects the form of democratic governance.

Legitimacy and Referendums

Generally in the literature on referendums the relationship between legitimacy and referendums is not explored in any analytical sense. More often it is largely taken for granted and assumed only to relate to consent, however, the legitimacy of the decision to call a referendum is also important.[6] Many scholars refer to one or other of these notions but generally only in passing.

In both their 1978 and 1994 books on referendums Butler and Ranney considered that legitimation provided the pre-eminent case for referendums.[7] In 1978 they wrote:

> The first main argument for referendums consists of two basic propositions: (1) all political decisions should be as legitimate as possible, and (2) the highest degree of legitimacy is achieved by decisions made by the direct, unmediated vote of the people.[8]

Their reasoning behind this was as follows:

> People may not trust legislators, cabinets, and prime ministers, but they certainly trust themselves most of all. Hence a decision in which all have participated ... is more legitimate in their eyes than one in which they have not participated. Moreover, decisions in which popular participation is direct and unmediated by others, as in referendums, produce more accurate expressions of their will than do decisions in which they participate only by electing others who make the decisions for them, as in acts of parliaments and cabinets.[9]

By 1994 their assertion had changed little although they now talked of referendums as maximising legitimacy and of democracy relying on the consent of its citizens. Nevertheless they reiterated the claim that the:

---

[6] Roberts-Thomson, 1996a.
[7] Butler and Ranney, 1978, pp 24-27; Butler and Ranney, 1994, pp 13-15.
[8] Butler and Ranney, 1978, pp 24-25.
[9] Butler and Ranney, 1978, pp 24-25.

strongest single argument for referendums as a supplement to representative institutions is the fact that most people regard them as the most authoritative, because the least mediated, of all expressions of popular will. Therefore ... direct popular decisions made by referendums have a legitimacy that indirect decisions by elected representatives cannot match.[10]

The sense of legitimacy that Butler and Ranney claim for referendums is twofold: in the first place that it is right and proper for governments to call a referendum and, secondly and more importantly, that the outcome legitimates the decision. This legitimation is based on two propositions: that the people have greater trust 'in themselves' to decide issues rather than in their representatives; and that a referendum decision which is direct and unmediated, (presumably by political parties and parliament), is therefore a more accurate reflection of their views than those which are arrived at through parliamentary means.

Buttressing these claims are a raft of aspects of referendums already mentioned but the nub of the relationship is that the people have made it themselves - it expresses the sovereignty of the people. This, in turn, is one of the fundamental principles of West European liberal democratic government. While this raises a number of philosophical issues about democracy and the role of the people, and reveals a view of political activity that elevates a depoliticised attitude towards society,[11] these issues are not further pursued here.

Other scholars have also recognised the ability of referendums to convey legitimacy – mostly in the form of consent. In 1982 Tor Bjørklund, when considering the demand for a referendum, wrote that "the legitimacy with which such a democratic procedure invests the decision will settle the issue once and for all,"[12] while Uleri mentioned the legitimating function of referendums when maintaining that referendums can be analysed "in terms of mobilisation and political participation, and of legitimation,"[13] - although he did not pursue his analysis in terms of legitimation.

---

[10] Butler and Ranney, 1978, p 15.
[11] Bjørklund, 1982, pp 242-244.
[12] Bjørklund, 1982, p 249.
[13] Uleri, 1996a, p 1.

Laurence Morel examined the relationship between legitimacy and political parties in her extensive research on parties and referendums, outlined in Chapter Five. She was very sceptical that parties had much interest in political legitimation, but rather that legitimation "has often more to do with the official explanation of the referendum than with the real intention of its initiators."[14] In other words, governments like to appear as if they are interested in obtaining the consent of the people, but such sentiments usually provide a smokescreen for less desirable ends, such as dividing the opposition or maintaining party unity. Nevertheless she did acknowledge that referendums could be attractive precisely because they did provide legitimacy, as her analysis of the motives of President de Gaulle in several French referendums illustrated. She also commented that France is the only country where referendums have been "primarily intended to serve as legitimation devices"[15] and included in the ambit of her conclusions the 1972 and 1992 French EU referendums.

The other dimension of legitimacy – whether or not it is right and proper for governments to hold them – has also been considered by some scholars. Butler and Ranney claimed that in representative government:

> the most fundamental decisions should at least be ratified by referendums. ... It also explains why governments sometimes find it prudent to hold referendums even when they are not required to.[16]

Vernon Bogdanor considered that it was important to hold referendums as, in resolving the major constitutional and political questions of state, he maintained that such decisions:

> arguably go beyond the mandate that legislators are given at a general election, in that they involve altering the very framework of the political system" [17]

They also can provide "a form of legitimacy that cannot be given by the normal processes of party politics."[18] Thus, to Bogdanor, referendums were important

---

[14] Morel, 1993, p 239.
[15] Morel, 1993, p 240.
[16] Butler and Ranney, 1978, p 25.

because they provided an extra decision-making mechanism over and above the normal electoral process, and in so doing, bestowed on the outcome a legitimacy that was particularly special.

As mentioned in Chapter Five, Detlef Jahn and Ann-Sofie Storsved considered that in the 1994 Nordic referendums these were held, not because the issue in itself necessarily warranted it, but because the political elite needed to have their decisions legitimated. Meanwhile Jenssen *et al*, and other authors of *To Join or Not to Join*, as discussed also in Chapter Five, thought that joining the European Union was sufficiently important to be decided by referendum and that the citizens would only accept it if it was made this way – the decision needed a procedure "with maximum legitimacy in the eyes of the citizens."[19] Thus the concept of legitimacy claimed by referendum scholars covers both dimensions – the legitimacy of the decision and the consent conveyed by the outcome.

Legitimacy and Consent

Legitimacy is a contested concept and includes a number of aspects such as the lawfulness of government and the extent of social acceptance. These aspects have become central to debates over how power and authority is exercised and the basis or grounds of that power. Referendums in general bestow legitimacy in the form of legitimation or consent, and consent derives its authority from the sovereignty of the people. This relationship has been expressed by David Beetham and Christopher Lord who considered that the:

> 'consent of the governed' is the distinctive feature of liberal-democratic legitimacy, and its unique source of obligation to obey political authority.[20]

---

[17] Bogdanor, 1994, p 90.
[18] Bogdanor, 1994, p 90.
[19] Jenssen *et al*, 1998, p 319.
[20] Beetham and Lord, 1998, p 7 referring to Carole Pateman, 1985, *The Problem of Political Obligation*, Polity Press, Cambridge; and J. Horton, 1992, *Political Obligation*, Macmillan, Basingstoke.

While they recognised that this is common to all forms of political authority, they maintained that actions, expressive of notions of consent "publicly confer and confirm legitimacy."[21] In liberal democratic states those qualified to confer consent are the whole adult population while the means by which this is done is generally through the electoral process. However Beetham and Lord argued that a more appropriate term for this would be the 'popular authorisation of government' and, in so doing, indicated that the only real means of obtaining consent is through referendums. They wrote:

> Insofar as consent has any place at all, it is in popular agreement to constitutional arrangements or revisions in a referendum, which is very different from the electoral authorisation of government.[22]

Thus one of the major attributes of referendums is the ability to convey consent and thus legitimation.

A Legitimate Decision?

There appears to be no academic research specifically analysing referendums, legitimacy and consent although David Held discussed legitimacy and consent in the context of political order in *Political Theory and the Modern State*.[23] To him legitimacy implied:

> that people follow the rules and laws because they think them right, correct and justified – worthy. A legitimate political order is one that is normatively sanctioned by the population.[24]

This has particular relevance to the legitimacy of the referendum decision.

Held claimed that, in relation to political order, legitimacy is a matter of degree and that it is possible to identify seven grounds for consent of which only a possible two convey legitimacy, although the third conveys a weak form of legitimacy. These

---

[21] Beetham and Lord, 1998, p 7.
[22] Beetham and Lord, 1998, p 8.
[23] Held, 1995, *Political Theory and the Modern State*, Polity Press, Cambridge.
[24] Held, 1995, p 102.

grounds lie on a continuum ranging, at one extreme, from 'brute force and coercion', to 'tradition', to 'apathy', to the fourth one called 'pragmatic acquiescence'. This he defined as a situation whereby citizens are not happy with the political arrangements but accept them anyway. The fifth category he referred to as 'instrumental acceptance or conditional agreement/consent' which is one whereby citizens are unhappy with the political arrangements but accept them because they are to their advantage in the long term. This he believed is a form of weak legitimacy, and stands in contrast with his sixth category, 'normative agreement', whereby the arrangements are the right and proper ones for society and have the support of the people, and it is what they should, or ought, do. The seventh category is 'ideal normative agreement' whereby the arrangements are the right and proper ones for society, they should, or ought, be undertaken, and this decision has been reached with perfect information on all other alternatives. Only these last two categories – normative agreement and ideal normative agreement – Held believes unequivocally convey legitimacy.

Two comments arise from Held's analysis of legitimacy and political order as it applies to EU referendums. First, only the work of Jenssen *et al* considers the attitudes of the people towards the conduct of referendums. There they found that, for the most part, the people did appreciate the opportunity that the referendum provided for having a say in whether or not to join the European Union. This opinion, however, was more firmly held by those in lower socio-economic groups, and amongst those more likely to vote 'No'.[25] However, in some states, the holding of referendums is a far more acceptable form of political behaviour than it is in others. Leaving aside Switzerland and Italy, Ireland has a long tradition of referendums deriving from the circumstances and manner of the Irish constitution, while in Britain, up until the late 1990s, referendums were very much considered a departure from the acceptable norms of political behaviour. Further, the passage of time, the increasing use by others, precedent, and the significance of the issue, all referred to in earlier chapters, has made EU referendums an increasing acceptable way of determining membership of the European Union. This suggests that in relation to referendums, Held's categories need some fine tuning as tradition and international precedent appear to

---

[25] Jenssen *et al*, 1998, pp 319-325.

play a far more important role in the legitimacy of the decision to hold a referendum than currently suggested.

The experience of EU referendums in relation to the legitimacy of the decision, is relatively clear cut where they are determined by constitutional demands. This accounts for four of the eleven accession referendums, Ireland and Denmark in 1972, Austria in 1994 and Switzerland over the EEA in 1992; five of the eight treaty referendums, Ireland in 1987, 1992, and 1998, plus Denmark in 1992 and 1998. In addition there can be little dispute over the special purpose referendum in Italy to legalise the powers of the Italian MEP's which was necessary to resolve a legal dilemma. Neither are there any real questions over the 1986 Danish SEA or 1993 'Maastricht plus Edinburgh' referendums, or the 1982 Greenland referendum, or the accession referendums in Norway, Sweden and Finland where a history of referendums, the influence of neighbours, and above all, the importance of the decision in countries with a more open and participatory political culture made the resolution of the decision by referendum a foregone conclusion. This only leaves queries against the British referendum to remain in the European Community in 1975 and the two French referendums.

In all three instances the referendums were unnecessary in terms of the legality of membership and all were held for purely political reasons. In the British case this was to placate opposition within the British Labour Party and in the French cases to boost the fortunes of Presidents Pompidou and Mitterrand.[26] In Britain, where no national referendums had been held there had been an extensive, if intermittent, public debate about the referendum from the time of A. V. Dicey, a constitutional jurist, writing in the early 1900s. Dicey had unremittingly advocated its use and this was taken up in the House of Commons in the early part of the twentieth century in relation to tariff reform, home rule for Ireland and reform of the House of Lords. Since then the referendum had often been raised in relation to other particularly contentious issues but up until 1975 no national referendum had been held and the justification remained contentious.[27]

---

[26] Butler and Kitzinger, 1976; and Cole, 1994.
[27] Bogdanor, 1981.

In France there had been a long history of referendums since the time of Napoleon, often for questionable motives including a number referred to in Chapter Five conducted by de Gaulle. The 1972 referendum, allowing Britain, Norway, Denmark and Ireland to join the EEC, was generally considered as an attempt by President Pompidou at political manipulation and opposition groups mounted a highly effective campaign to subvert it.[28] The Maastricht referendum did not encounter the same resistance and the justification for a referendum was one of several options open to the President to change the constitution to allow the Maastricht treaty to be ratified. Thus in both the British and French 1972 referendums the justification was weak, although legal and perfectly within the powers of parliament in Britain and the President in France. Only in the French case, however, did this weak legitimacy appear to play any role in the outcome of the referendum.

Legitimacy, EU Referendums and the European Union

Returning to Held's notions of consent and, in the absence of any other analyses, transposing them to the referendum outcome. What emerges is that the consent conveyed also depends on the attitudes of the people in bestowing it. In an extreme example, a positive referendum outcome can be gained by brute force, but when obtained this way carries no legitimacy. This implies then that the attitude of the people is important as legitimacy can only be conveyed when, in Held's last three categories, the people are happy and believe that this is what they should, and ought, do. Therefore in referendums, consent can be obtained, or withheld, through the electoral process, but legitimacy is only conveyed if the attitude of the people coincides with the outcome. For the referendum outcome to convey legitimacy then the margin of victory and the extent of voter turnout become important. The latter is probably the more important in a theoretical sense, although the former – the referendum result – decides the issue. This suggests that the degree of participation in referendums is very important to the relationship between referendums and legitimacy. This however pre-supposes a clear and unambiguous support but many EU referendums do not provide such clarity of outcome.

---

[28] Rourke *et al*, 1992, p 87.

In accession referendums the degree of positive support in the Irish 1972, Danish 1972 and Austrian 1994 referendums was above 50% indicating significant consent for joining the European Union. See Table 7. The positive support in the other accession referendums was more mixed with Britain, Sweden and Finland indicating moderate support as in Greenland in 1982, and in Norway in 1994, but here the 'Yes' vote failed to receive a majority and so the referendum was defeated. The referendums in Norway and Switzerland showed minimal support and this was reflected in their defeat.

TABLE 7: POSITIVE SUPPORT IN EU ACCESSION REFERENDUMS IN WESTERN EUROPE 1972-2000

Date	Country	% Yes Vote	% Turnout	% Positive Support
1970's Accession Referendums				
10 May 1972	Ireland	83.1	70.9	58.9
24-25 May 1972	Norway*	46.5	77.6	36.1
2 Oct 1972	Denmark	63.3	90.1	57.0
5 June 1975	United Kingdom	67.2	64.5	43.3
EEA Referendums				
6 Dec 1992	Switzerland*	49.7	78.3	38.9
13 Dec 1992	Liechtenstein	55.8	87.0	48.6
1994 Accession Referendums				
12 June 1994	Austria	66.4	81.0	53.8
16 Oct 1994	Finland	56.9	74.0	42.1
13 Nov 1994	Sweden	52.2	82.4	43.0
20 Nov 1992	Åland	73.6	49.1	36.1
27-28 Nov 1994	Norway*	47.8	88.8	42.4

* Denotes referendum rejected.
Source: *The author – updated and adapted from M. Gallagher and P. V. Uleri, 1996, eds*, The Referendum Experience in Europe, *Macmillan, Basingstoke, and A. T. Jenssen, P. Pesonen and M. Gilljam, 1998, eds*, To Join or Not to Join, *Scandinavian University Press, Oslo, and D. Butler and A. Ranney, 1994, eds*, Referendums Around the World, *Macmillan, Basingstoke.*

These referendums have the capacity clearly to legitimate the national decision to join, remain outside or leave the European Union. They do so because the referendum is dealing with a fundamental constitutional or political issue which is suitable for resolution by referendum and the referendum itself is widely accepted as being an appropriate means for resolving the issue. If there is a significant or moderate majority along with adequate levels of voter turnout, and widely held perceptions of free and fair campaigns, then the degree of legitimacy, and most importantly consent, that these referendums convey is significant. This legitimacy is located in the first instance at the national level and, by implication, at the European level. In accession referendums however the European Union is largely a bystander as the decision whether or not a state joins is recognised as one for that society itself. Therefore, although legitimacy is transferred, because it has been bestowed by outsiders it does not have the same value or importance to the European Union than that bestowed by already existing members. Nevertheless should the applicant states join, then the willingness to be involved and the process by which the consent is obtained, becomes far more important.

Treaty Referendums

In treaty referendums the picture is somewhat bleaker with the Danish 'Maastricht plus Edinburgh' the referendum showing the greatest degree of support! See Table 8. Other referendums show low positive support with the lowest the Irish 1987 referendum which, as discussed in Chapter Six, was surrounded by considerable confusion. Most other referendums hover between moderate to marginal levels of support.

Denmark has never recorded a 'Yes' vote in a treaty referendum above 56.8%, and averages a treaty result of 54.3%, well within the marginal majority category. Ireland, a net recipient of the funds, has always been more supportive of membership and consequently has a higher result. The highest recorded 'Yes' vote was in the SEA referendum of 1987 with 69.9%, with an average of 67.0% across the three referendums, all indicative of significant support. However, if these figures are taken with voter turnout figures a different picture arises. In the SEA referendum in Ireland

the voter turnout was only 43.9%, thus significantly modifying the high 'Yes' vote. The Irish figures stand in contrast to Denmark where the average voter turnout in treaty referendums stands at 79.8% and the degree of positive support is therefore higher. These outcomes suggest that support for the European Union as exhibited through treaty referendums in Denmark, Ireland and France is not high thus adding elements of uncertainty into the continued success of EU treaty referendums.

TABLE 8: POSITIVE SUPPORT IN EU TREATY REFERENDUMS IN WESTERN EUROPE 1972-2000

Date	Member State	% Yes Vote	% Turnout	% Positive Support
Single European Act Referendums				
27 Feb 1986	Denmark	56.2	74.8	42.0
26 May 1987	Ireland	69.9	43.9	30.7
Maastricht Treaty Referendums				
2 June 1992	Denmark*	49.3	83.1	40.9
19 June 1992	Ireland	69.1	57.3	39.6
20 Sept 1992	France	51.0	69.7	35.5
18 May 1993	Denmark	56.8	86.0	48.0
Amsterdam Treaty Referendums				
22 May 1998	Ireland	62.0	56.2	34.8
28 May 1998	Denmark	55.1	74.8	41.2

* Denotes referendum rejected.
Source: The author – updated and adapted from M. Gallagher and P. V. Uleri, 1996, eds, *The Referendum Experience in Europe*, Macmillan, Basingstoke; A. T. Jenssen, P. Pesonen and M. Gilljam, 1998, eds, *To Join or Not to Join*, Scandinavian University Press, Oslo; and D. Butler and A. Ranney, 1994, eds, *Referendums Around the World*, Macmillan, Basingstoke.

Treaty referendums however are very different in kind from other EU referendums. They are undertaken by existing members of the Union and are concerned with the manner by which the Union is governed. In this respect their purpose is more akin to policy authorisation than to fundamental constitutional or political change, although this is compromised by the manner in which these referendums are fought. The continuing tendency of national governments to portray treaty referendums as merely a decision to remain in the European Union undermines the capacity of these referendums to convey explicit policy authorisation to the Union. Yet, it is these very factors that potentially make treaty referendums far more important. Being more akin to a policy referendum, then the support of the people through a national referendum, albeit limited to two or three members becomes, in the absence of any other direct legitimating mechanisms for EU policy, profoundly significant. These referendums are the only means whereby the European Union's policy changes, as manifest through the successive treaties, are given the opportunity of direct public legitimation.

But treaty referendums as a vehicle conveying legitimacy to the European Union have their own problems as has been outlined in earlier chapters. To reiterate, treaty referendums so far have been confined to Denmark and Ireland, along with the Maastricht referendum in France in 1992, and thus are held by only a very few members of the Union. This therefore stretches any potential role as being representative of wider public attitudes in other states of the Union. This is especially so as Denmark has one of the most hostile public attitudes towards membership and, with Ireland, is amongst the smaller members of the Union. These factors together limit drawing too many conclusions from their individual experiences. Treaty referendums also suffer from a number of idiosyncrasies referred to previously. The sense of fairness is eroded as the 'No' option moves because of the parallel actions of other member states and the political stakes become higher as a positive result is imperative.

But treaty referendums also matter to national governments. In Denmark, Ireland as well as in France in 1992, the necessity to publicly legitimate treaty referendums has been imposed, and often politically self-imposed, but not through any real desire either to ask the people for their consent, or think that it was desirable or even

necessary. These referendums highlight the interaction of the domestic political arena with obligations arising from membership of the European Union. As member states, governments must abide by the collective decision to ratify the Union treaties and, in this respect, their integrity is at stake if they have undue trouble fulfilling their obligations. But referendums once in the domestic arena become subject to a variety of influences and it is also important to national governments that their authority is not unduly challenged. In this way referendums on the treaties of the European Union also become *de facto* legitimation of their own European policies.

At the level of the European Union different issues arise. Although lip service is paid to consent and the generally weak levels of legitimacy within the Union, the messy business of ratifying Union treaties through referendums is considered time-consuming, expensive and highly dangerous. Officials of the European Commission would rather that the all important business of ratifying the treaties was not left to a referendum.[29] Most of the other member states do not have to undertake such processes, and there is a widespread fear that referendums may break again, as did the Danish 'No' of June 1992, the delusion of a permissive consensus in dramatic and unforeseen ways. They would rather that treaties of the European Union remain in the much safer hands of national and European political elites, rather than be challenged and possibly derailed by a vote of the people. Nevertheless, while they do not wish to recognise the role of referendums, EU treaty referendums convey to the European Union a degree of legitimation of the form of European integration which no other mechanism does, or at least not so explicitly and directly. Thus EU treaty referendums are representative of wider public attitudes towards integration and some comfort can be taken from their continuing success though, at only marginal to moderate degrees, this carries no great confidence that integration has deeply rooted support at the level of the people.

EU treaty referendums are therefore the only means by which there is a degree of direct electoral confirmation of the form of European integration and, because of this, they hold a far wider significance than may otherwise be the case. This is accentuated

---

[29] These attitudes were reported in private discussions with European Commission officials. See interview D and U.

by the inadequacies and insufficiencies of the legitimacy conveyed through other means – through member state parliaments and the European Parliament. Neither is able to provide a direct legitimacy in any meaningful way or to address the lack of public consent. Given this, the existence of complementary sources of legitimacy becomes all the more important.

Quasi-treaty referendums

Given the expected holding of several quasi-treaty referendums then it is interesting to speculate on the relationship between, legitimacy quasi-treaty referendums and the European Union. As mentioned above these referendums have the potential to be very different from either accession or treaty referendums in that they deal with specific aspects of integration rather than whole treaties. Further the particular issues subject to referendum are those about which there has already been contention as, for example, membership of the European Monetary Union. Therefore the consent conferred by these referendums becomes particularly important for the European Union, but this consent may either be positive or negative for the European Union depending on whether or not the referendum is successful.

As mentioned in Chapter Five, if successful the referendum would over-rule the opt-out and legitimate participation in the European Union in the fullest possible way; if defeated then the referendum would entrench the opt out doubly so as, not only has the government already negotiated the opt-out, the people have confirmed it. However, presumably for a quasi-treaty referendum to be held, then the government's wish is that the opt-out be rescinded and membership return to full status. The scenario where such a referendum may be lost has enormous implications for the Union as, in terms of legitimacy, what a quasi-treaty referendum has legitimated is continued independence outside the Union within the parameters of the particular issue. Thus for example, a defeated British EMU referendum would legitimate, at least in the eyes of the people, the continued existence of sterling outside the EMU. In this case the legitimacy accruing to the decision is at odds with the undertakings of British membership and obligations to the Union, although is not at odds with the

agreements negotiated to allow the opt-outs in the first place. The transfer of legitimacy to the European Union is negative rather than positive. It would invalidate previously agreed undertakings and by default establish, at least in the immediate future, a Europe *à la carte*.

Special Purpose Referendums

The legitimacy conveyed by two of the special purpose referendums, the 1972 French referendum to allow Britain, Norway, Denmark and Ireland to join the Union, and the 1989 Italian referendum to resolve the legal position of Italian MEP's, is different again from that of other EU referendums – and from each other. In the Italian referendum, because of the way the question was framed, this directly conveyed the sense that the Italian people favoured a federal Europe. By default this referendum gave support to those members of European Community who advocated a supra-nationalist vision of Europe. The high level of support was particularly important at the time, although the intention of the referendum was not further pursued as no other member state held a referendum favouring the establishment of a union treaty.[30]

In the French case as mentioned above, there was no necessity for President Pompidou to ask the French people if they would allow new members to join the European Economic Community, and in any event it was not a decision only for France. Nevertheless the previous President, de Gaulle, had personally ruled out British membership in 1961 and again in 1967. Campaigns highlighting the unnecessary nature of the referendum were sufficiently persuasive to undermine the legitimacy of the referendum through a large abstention and spoiling rate. Little legitimacy transferred to the Union from this referendum although, had a negative result been returned, then France's hands would have been tied in the enlargement negotiations, thereby creating a considerable problems for the European Union. This situation is instructive given current Austrian threats on an enlargement referendum.

---

[30] Hine, 1993, p 235, footnote 12.

Thus the relationship between legitimacy, EU referendums and the European Union is highly complex, depends on the nature and level of support and can vary from one referendum to another. Accession referendums convey an indirect legitimacy to the European Union as, in a sense, do treaty referendums while they are fought on the basis of continuing membership. Should however, they be fought on the real nature of the changes inherent in the treaties, then as referendums to authorise changes in European policy and the nature of integration, then the legitimacy they convey would potentially be enormous. In this case they would be the only direct form of legitimacy of European Union policy currently available. Nevertheless under the existing circumstances, the current legitimacy conveyed is all the more important given that the other sources of legitimacy in the European Union are considered inadequate. It is to the concept of legitimacy in the European Union, and especially in relation to the European Parliament, that attention briefly turns.

Legitimacy and the European Union

Legitimacy in the European Union is an extensive subject and the focus of much contemporary scholarly interest.[31] What the term 'crisis of legitimacy' generally refers to a lack of popular consent in key areas of decision making, a lack of democratic accountability and question marks which hang over the whole area of the European Parliament, its role, powers and in particular, its electoral procedures and processes. These particularly have failed to convey either to the Parliament explicitly, or to European integration implicitly, sufficient democratic legitimacy to be widely accepted. This concern arises because it was this institution which was introduced specifically to meet the growing recognition that the European Union lacked any means of direct public support and legitimation. One of the ironies at the heart of the relationship between legitimacy and the European Union was that the EU referendums of 1992/3 revealed most dramatically that the European Union was deficient in democratic legitimation.

---

[31] Beetham and Lord, 1998; Weale and Nentwich, 1998.

David Beetham and Christopher Lord argue that legitimacy in the European Union is crucially important for the future of the Union, and of integration, and that current levels of legitimacy render the Union vulnerable should crises occur. Their concept of legitimacy however is far wider than that limited to democratic legitimacy and encompasses both the intergovernmental version of legitimacy as well as a technocratic version.[32] Nevertheless, the intersection of EU referendums with the European Union and the European Parliament principally centres on the lack of popular consent. Beetham and Lord argued that:

> Only a direct form of legitimacy which is based upon the liberal democratic criteria of normative validity and legitimation will be able to ensure citizen support and loyalty to its authority. ... Our conclusion ... is that a significant element of direct legitimacy conforming to liberal-democratic criteria is now necessary for the EU.[33]

The European Parliament

The European Parliament does not conform to the usual parliamentary model and while it contributes to the form of governance in the Union, it does so in an ill-defined and ambiguous way.[34] It is restricted in terms of its powers and functions and is marginalised in terms of the locus of decision-making within the Union. All these features are accentuated by other problems of visibility, mode of operation, multiplicity of languages, lack of public and media interest, and remoteness. Further, the Parliament itself has very few powers in relation to the Council of Ministers and only limited power to hold the Commission accountable, though they do have some power to sanction through budgetary controls and approval of commissioners.[35] Yet, despite a net increase in the powers of the European Parliament, and particularly following the Amsterdam treaty, European elections are dominated by national election issues and are unable to change the direction of EU policy. Above all voter turnout is low. All these factors undermine its democratic credentials and challenge

---

[32] Beetham and Lord, 1998, pp 11-30.
[33] Beetham and Lord, 1998, pp 22-23.
[34] Lord, 1998; Smith, 1999.
[35] In late 1998 there was a confrontation between the Commission and the European Parliament leading to the downfall of the entire Commission indicating a much greater willingness on behalf of the Parliament to use the few powers that they do have.

any sense that it could provide sufficient legitimacy for the European Union and for European integration.

Debate about the elections of the European Parliament (EP) has been a significant theme in the European Union literature. The first elections to the European Parliament took place in 1979 and at the time these were clearly intended to increase the democratic legitimacy of the European Community. Successive Reports by Dehousse, Patjin and Tindemans[36] made this assumption, as did independent commentators. Juliet Lodge wrote of the first elections in 1979 that the chief worry was to enhance and make credible the European Parliament's legitimacy so that, alone of the Community institutions, it could claim to be democratically legitimated.[37] However elections in modern democracies perform very special functions: electing a government; contributing to policy and providing a 'human face', but the elections to the European Parliament perform these only in a tangential sense and hence other purposes have been sought. Oskar Niedermayer[38] considers that the primary purpose of European elections is a legitimation function. This they do in two ways: through legitimising the Parliament directly and through legitimising the Community and the whole notion of European integration. In terms of integration the legitimation is retrospective, while that of the Parliament is prospective.

However for legitimacy in the European Union to be conferred, a number of criteria need to be met. Herman and Lodge[39] in 1978, considered legitimacy in the European Community in terms of democracy, tradition, transfer of loyalties, acceptance of decisions, tangibility, intelligibility and visibility and 'grand forum'. Many of these issues interact with and sustain the term 'democratic deficit', while Beetham and Lord considered that legitimacy must be based on three concepts: rules, meaning is it legal; normative justifiability, is it the right and proper behaviour of government; and finally on explicit acts of consent. While there is much overlap between these notions and

---

[36] See *Dehousse Report*, Luxembourg: PEG, Sept 1969; *Patjin Report*, Doc 386/74; and *Report* by Mr Leo Tindemans to the European Council, *Bull* EC Supplement 1/76.
[37] Lodge, 1986, p 2.
[38] Oskar Niedermayer, 1990, "Turnout in the European Elections", *Electoral Studies*, Vol. 9, No. 1, p 45.
[39] Valentine Herman and Juliet Lodge, 1978, *The European Parliament and the European Community*, Macmillan, Basingstoke, pp 79-82.

those of Herman and Lodge, a sense remains that the European Parliament and its elections lack significant legitimacy. This is in spite of a significant increase in the powers of the European Parliament through the provisions contained in the Maastricht and Amsterdam treaties, and the experience of five elections. One of the more important electoral issues is voter turnout.

Voter Turnout

Michael Steed[40] writing on European elections in 1984 considered that:

> the concept of legitimacy admits no simple measure. None the less the level of voter turnout in direct elections offers a clear test.[41]

Similarly Oskar Niedermayer considered that voter turnout was significant to the legitimacy of the EU.[42] This, he believed, was manifest in two ways: first, by legitimising the European Parliament voter turnout was linked directly with its quest for increased powers, and secondly, through conferring legitimacy to the Community and to European integration, turnout is an expression of the public perception of the Community. However, in his study of turnout in European elections he concluded that turnout was linked primarily to the degree to which states exhibit pro-European attitudes: "turnout in European elections has something to do with the 'Europeaness' of the individual member states."[43] Similar research by Franklin *et al* considered that turnout was related not so much to 'Europeaness' as to the particular national institutional and political contexts. By this they meant the procedural and administrative aspects of voting and the electoral system, and the cycle and rhythm of national elections.[44]

---

[40] See particularly Michael Steed, 1984, "Failure or Long-haul? European Elections and European Integration" in *Electoral Studies*, Vol. 3, No. 3.
[41] Steed, 1984, p 227.
[42] Niedermayer, 1990, p 45.
[43] Niedermayer, 1990, p 49.
[44] Cees van der Eijk and Mark N. Franklin and Erik Oppenhuis, 1996, "The Institutional Context: Turnout" Cees van der Eijk and Mark N. Franklin, *Choosing Europe?: The European Electorate and National Politics in the Face of Union*, University of Michigan Press, Ann Arbor, Michigan. See also Cees van der Eijk, Mark N. Franklin and Michael Marsh, 1996, "What Voters Teach Us About Europe-Wide Elections: What Europe-Wide Elections Teach Us About Voters", *Electoral Studies*, Vol. 15, No. 2.

Voter turnout in elections to the European Parliament is much lower than that in national elections and has fallen far short of the high expectations accorded it in 1979.[45] (See Table 6 for national comparisons). In this way it has dashed the hopes of those who saw in direct elections a high degree of participation and a clear proof of the legitimacy of the European political system. In the years since 1984, it was widely hoped that the considerable increase in the powers of the European Parliament would mean a commensurate increase in the significance with which the public regarded these elections. Yet, this has failed to materialise and, for the most part, voter turnout has continued to decline since the initial elections of 1979. Compared to EU referendums voter turnout for European Parliamentary elections is lower than that for EU referendums. Thus, given that both electoral processes are believed to convey a degree of legitimacy, that for referendums is significantly higher.

Voter choice, the party system, campaigns and electoral mandate.

Other areas of concern which are believe to undermine the legitimacy conveyed by elections to the European Parliament are related to voter choice, the party system, the campaigns and the electoral mandate. To some scholars the principal cause of the inability of European Parliament elections to confer legitimacy is the lack of choice open to voters either to accept or reject continued integration, or determine the form of that integration.[46] Because the major political parties in most member states are in favour of integration, the opportunity to express an opinion on policies, or even to reject particular policies is not possible. Only in some states do minor parties offer any real choice. But, as small parties, their influence on policy in the context of consensual politics at the Parliament level, is very minimal. Further, the structure of the party system in the European Parliament itself does not necessarily reflect the party configurations of domestic politics and, with the consensual mode of operation,

---

[45] Richard S. Flickinger and Donley T. Studlar, 1992, "The Disappearing Voters? Exploring Declining Turnout in Western European Elections", *West European Politics*, Vol. 15, No. 2; Niedermayer, 1990; and R. Bourguigon-Wittke, E. Grabitz, O. Schmuck, S. Steppat and W. Wessels, 1985, "Five Years of the Directly Elected European Parliament: Performance and Prospects", *Journal of Common Market Studies*, Vol. 24, No. 1.

[46] Vernon Bogdanor, 1989, "Direct Elections, Representative Democracy and European Integration", *Electoral Studies*, Vol. 8, No. 3, p 214.

the opportunity for any dissenting voices from the dominant European parliamentary party groupings goes largely unheard.[47] The predominant party system is thereby distinctly biased towards a pre-determined outcome in relation to policies on Europe. By contrast, the opportunity to vote 'No' in referendums is real and apparent as the Norwegians and Swiss have indicated, and the Danes in 1992. Referendums do offer clear, authentic democratic choice and in many referendum campaigns the involvement of the political parties is minimal.

Much has been written on the role of political parties, the media and politicians in European election campaigns and their reluctance to debate EU issues with any sense of the importance warranted.[48] Franklin and van der Eijk and Julie Smith[49] have both looked in detail at this issue. Smith notes that in national elections, often minor or tangential issues become the focus of electoral campaigns and, as a consequence, she argues that no greater expectation should be placed upon European elections. However she concludes that, as European elections largely reflect national political affairs, and this coupled with low turnout and protest voting, then both the campaigns and the turnout do little to confer legitimacy on the Union.[50] While it is not disputed that this also occurs in national referendum campaigns, nevertheless, the over-riding purpose of the referendum – to approve or not approve the proposal – is usually clear and hence the criticism is less applicable.

The notion of an electoral mandate is relatively new in the theory of elections. It is considered an explicit power for parties winning an election to implement those policies that they put forward in an electoral campaign. But, as noted above, within

---

[47] Julie Smith, 1995, "The 1994 European Elections: Twelve into One Won't Go", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3; Renaud Dehousse, 1995, "Constitutional Reform in the European Community. Are there Alternatives to the Majoritarian Avenue?", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3; and William Wallace and Julie Smith, 1995, "Democracy or technocracy? European Integration and the Problem of Popular Consent", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3.

[48] van der Eijk and Franklin, 1996; Mark Franklin, Michael Marsh and Lauren McLaren, 1994, "Popular Opposition to European Unification after Maastricht", *Journal of Common Market Studies*, Vol. 32, No. 4; Peter Mair, 1995, "Political Parties, Popular Legitimacy and Public Privilege", *West European Politics*, Vol. 18, No. 3; Daniela Obradovic, 1996, "Policy Legitimacy and the European Union", *Journal of Common Market Studies*, Vol. 34, No. 2.

[49] Franklin and van der Eijk, 1996; Smith, 1995.

[50] Smith, 1995, p 208-209.

the European Parliament the configurations of parties means that any mandate individual parties do obtain at a national level may be rendered irrelevant in the Parliament. Walter Hallstein, an early Commission President, wrote:

> The real problem is that the absence of wider powers and the lack of a 'direct' European mandate from the electors undermine the Parliament's ability to dramatize and popularize the great European questions and problems as fully as it could.[51]

This issue strikes at the heart of the European elections in that there is no necessary electoral connection between the electoral campaigns and the resulting policies implemented. Thus European elections are open to the charge of meaninglessness. In contrast this is one of the features where referendums excel – the outcome of the referendum gives both a legal and popular authorisation of the resulting policies whether they be to join the European Union, in the case of accession referendums, or to continue to a deeper stage of integration in the case of treaty referendums. The connection between the vote and the resulting policies in both clear and explicit.

Thus for a variety of reasons, there is an attenuated sense of electoral connection between the peoples of Europe and the European Parliament for any significant degree of legitimacy to be conveyed via the Parliament and its electoral procedures. The combination of low voter turnout, the lack of real choice, the constraints of the national party systems on European elections, the conduct of European campaigns together with a lack of mandate undermines the democratic principles and the associated legitimacy that accrues. At the same time the legal legitimacy, through national parliaments is severely attenuated as the Union has gone beyond any sense of merely being an inter-governmental organisation and hence being able to rest on this form of legitimacy alone. A more direct form of legitimacy based on a measure of public consent is now necessary not only to buttress the Union in times of crisis, but also to support the continued development of European integration. Generally referendums are believed to convey legitimacy and, as these referendums are on matters associated with the European Union, then it is plausible that a legitimacy

---

[51] Wallace and Smith, 1995, p 152.

derived from national referendums can be transferred to the European Union which complements that derived from other sources.

Conclusion

While it is acknowledged that European Parliamentary elections and EU referendums have very different purposes and are very different mechanisms, nevertheless there are significant points of connection. Both, through the degree of participation, convey legitimation to the European Union - in the case of EU accession referendums this is for national involvement in the European Union while for treaty referendums it is for further and continued integration. While the opportunity to express support for the European Union and for European integration only occurs relatively rarely, and is not universal to all member states, this source of legitimacy is nevertheless important to the European Union. This is particularly so given the inadequacies of the present levels of participation in European Parliamentary elections. While the current and explicit sources of legitimacy are so inadequate then other sources must be sought, and EU referendums are ready and awaiting wider recognition is this role. Further they have that most crucial of all electoral advantages – high electoral turnout.

The relationship between legitimacy, the European Union, EU referendums and democratic governance is therefore complex. There is significant legitimacy conveyed, at least in accession referendums to the European Union and, although less so, though still importantly, via treaty referendums. This conferred legitimacy is heightened by the inadequacies of democratic legitimacy within the European Union as particularly associated with the European Parliament. This legitimacy therefore derives part of its significance from its inter-action with the problems of democracy and legitimacy in the European Union. However, this legitimacy could be of all the more importance if, in the future, EU treaty referendums specifically and democratically authorised the extension of European policy instead of re-confirming membership. Thus these developments have not arisen in a planned way but rather through the complex interaction of EU referendums with membership of the European Union.

At this juncture it has been shown how the democratic participation in EU referendums has conferred substantial political weight and endorsement on membership of the European Union and conveyed legitimacy. But EU referendums have not only been important at the national level. Some have also had unforeseen and unexpected impact on other member states as well as on the European Union directly. It is to these events that attention now turns.

CHAPTER EIGHT

THE EUROPEAN UNION, OTHER MEMBER STATES AND EU TREATY REFERENDUMS

Introduction

The analysis of EU referendums has so far proceeded on the basis of detailed investigations into the national constitutional or political origins of these referendums, the degree of participation they display and the extent of legitimacy they convey. Yet EU referendums have another dimension. They have the capacity, should circumstances so contrive, to influence events and issues both in the European Union itself and in other member states. Generally EU referendums have been regarded by the Union and other member states as rare and untroubled political events, and solely national political phenomena. However two examples illustrate that this conception no longer necessarily holds in the case of EU referendums. First, the Danish 'No' to the Maastricht treaty in June 1992, followed soon after by the *petit oui* of the French referendum, revealed to the European Union that the progress of integration was highly dependent on the successful ratification of a Union treaty and, as well, how deeply effected it was by the fall out if such were rejected. Other member states also learnt that were no longer immune from such events either. Secondly, in 1994 a quite different scenario arose where the accession referendums in the Nordic countries were very closely tied to one another – both in terms of the decision to hold the referendum, their timing and the consequences of their outcomes. The purpose of this chapter is to examined the effects of these events on both the European Union and other member states, and to consider their implications for democratic governance.

The usual tendency of national EU referendums to return the results desired by the government has allowed their power, and particularly their democratic symbolism, to go unnoticed. While referendums have usually been hard fought, they have also generally been successful. This has permitted a complacency to arise which overlooks their other characteristics. When they become the instruments by which to defeat the European policies of national governments, this appears to be the catalyst that enables

their symbolic power to emerge and migrate to other political spaces in wide-ranging, unpredictable and challenging ways.

The Danish 'No' to the Maastricht treaty followed soon after by the French *petit oui* marked a watershed for the European Union. It finally shattered the illusion of the permissive consensus; it exposed the dependency of the Union on the successful outcome of national ratification practices; it brought home the reality of ratification by referendum; and it altered some of the policies of the Union itself particularly as it related to citizens. Finally it changed the administrative procedures and practices in the European Commission which monitored the ratification of European treaties. In other member states the Danish defeat brought home the complex interdependencies of members of the Union upon one another, and the power of a national referendums, particularly where a negative result was returned, to migrate to other political spaces. The capacity of EU treaty referendums to have this affect on other states and the European Union suggests that their power and influence is far wider than that usually acknowledged.

EU accession referendums also have an influence on other states. Here, however, the focus of the influence is not so much on the outcome and the resulting effects in other political systems, but more on the pressure that a referendum, once announced, exerts on others countries to do likewise. Furthermore, the anticipated outcome exerts its influence over governments' strategic decisions in synchronising the timing of the referendums so that those which are expected to win easily are held first, in the hope that this will encourage voters in other states to follow suit. The evidence that voters are quite so easily influenced, however, seems contradictory.

The chapter is structured in the following way. To begin with it briefly examines the circumstances surrounding the Danish 'No' to Maastricht and the actions in both Copenhagen and Brussels to overcome the crisis. This is followed by a résumé of the impact of the Danish rejection on the other member states and upon the European Union itself. Here the effects are analysed in terms of those which affected the policies of the Union, the negotiations in Edinburgh at the Heads of State and Government meeting, and those which effected the administrative procedures and processes of the

Union. The following section examines the decision of Nordic states in the early 1990s to decide whether or not to confirm the decision to join the European Union by means of a referendum, and the so called 'domino strategy' and 'domino effect'. Finally the chapter concludes suggesting that no longer can EU treaty referendums be considered purely national political phenomena but rather they have become a rare, but integral part of the development of the European Union and the progress of European integration. In doing so they have effected governance in the European Union itself.

The Danish 'No' to Maastricht

In the referendum on 2 June 1992 to ratify the Maastricht treaty the Danish people rejected the proposal by 46,000 votes. Both the Danish government and the European Union were engulfed in a crisis. This was manifest at a number of levels and effected a range of European institutions and other member states, not to mention the Danish government. For the European Union, specifically the European Commission, it jeopardised the whole ratification of the Maastricht treaty as this was predicated on all members doing so. For the Danish government, the rejection directly challenged Danish membership of the European Union on the one hand and, on the other, placed the government in the invidious position of having had its European policy rejected by the people. In an effort to resolve the crisis parallel efforts were undertaken both in Copenhagen and in the European Commission to find a way of rescuing the Maastricht treaty from certain oblivion and, at the same time achieving the impossible – respecting the Danish result but allowing Denmark to remain a member of the European Union.

In Copenhagen the Danish Government was confronted with a serious problem. The immediate reaction was to announce that the referendum result would be respected, an important step both the legally given the significance of the referendum and politically to show respect for the people's wishes, although this did not stand. The more pressing task was the inexplicable question – what did the 'No' mean? Given that Denmark had always had an ambivalent relationship to Europe, did the result mean that Denmark

wanted to withdraw completely from the European Union, or did it mean the Danes did not like the specific provisions of the Maastricht treaty but wanted to continue with membership? The answer was unclear in the summer of 1992.

In Brussels the Danish 'No' had caught the European Commission officials responsible for treaty matters off guard. At no stage during the IGC negotiations had the Danish delegation, nor had the Prime Minister, Mr Poul Schlüter, in European Council meetings, intimated the possibility of defeat and hence no preparations were in hand for such a contingency. While the immediate dilemma was what to do about the Danish position, the attitude within the Commission very firmly came to the opinion that this was first and foremost a Danish problem, and not one for the European Union as a whole. The reaction to this in Copenhagen was more cynical, seeing it as a reflection of Denmark's small and insignificant status.[1]

Within the Commission a number of possible solutions were suggested over the summer of 1992. The first was to re-negotiate the Treaty but this was immediately ruled out by the other member states, fearful of any consequences that might inflame their own domestic opinion and derail the treaty completely. On these lines the Foreign Ministers, most of whom were in Oslo at a Nato meeting, issued a statement on 4 June 1992 regretting the Danish result and explicitly ruling out re-negotiation of the Treaty.[2] Another option was more far-fetched and involved all eleven member states leaving the existing European Union, setting up another Union on the same provisions as in the Maastricht Treaty, and reaching individual agreements with the Denmark. This was considered too unwieldy and impracticable. Another was to institute a second round of ratification processes but this too was quickly ruled out for all of the above reasons.

Two options became the focus of considerable attention. The first was to allow the referendum result to stand and have a European Union in which Denmark's membership operated on the existing provisions of the Treaty of Rome, while all other members operated under the provisions of the Maastricht treaty. This was believed to

---

[1] This was reported in private discussions in Copenhagen. See interviews A and R.
[2] Corbett, 1993, p 490.

respect the referendum result, and was particularly attractive to those who maintained that the result was one of hostility towards those segments of the treaty that were inimical to Danish sovereignty and national culture. The practical and legal implications of this option quickly became apparent given that Maastricht included fundamental changes in a number of areas such as subsidiarity and environmental protection, along with changes to the decision-making procedures and voting rules in the Council of Ministers and in relation to consultation procedures with the European Parliament. As it was not possible to envisage a Union where members operated on different treaties, with some provisions applying to particular members but not to all, this option was discounted. The final option was to reach an agreement with the Danish Government without re-opening the Treaty again, but nevertheless acquiring special Danish exemptions and this became the path eventually followed.

In October of 1992 the Danish government published a White Paper called *Denmark and the Maastricht Treaty* which was intended as a discussion document for wide public distribution. This document outlined the Maastricht treaty in detail and canvassed the implications and practicability of some more popularly perceived options. The Paper listed eight differing solutions to Denmark's future role in the European Union, the most important of which have been outlined above, and suggested possible options for the future of European integration.

Around the same time, Danish political opinion eventually settled on the interpretation of the referendum result as being directed at many of the provisions of Maastricht and its supra-nationalist bias, rather than as an expression of a desire to leave the Union. This version was supported by public opinion surveys, discussed in Chapter Six. Such opinion formed the basis of the 'National Compromise' which provided a way forward for continued Danish membership in the European Union. The text of this document began:

> The Danish "no" to the EC Union on 2 June 1992 expressed the view that a majority of Danes do not want a United States of Europe. It was, however, not a refusal of Community

membership or a refusal of European co-operation. ... Denmark must not be isolated but should play an active role in the continued development of Europe.[3]

The National Compromise also outlined proposals asking for Denmark to be exempted from some of the more contentious provisions of Maastricht. This plan was negotiated between the Danish Social Democratic Party, the Socialist People's Party and the Radical Party, which together formed the majority in Folketing. The governing parties were excluded, but expressed the opinion that the position reached was 'balanced' and provided a 'valuable basis for Parliament's forthcoming decision'. Their extraordinary exclusion from the negotiations presaged the fall of the government. However, this interpretation of the June result provoked its own controversy amongst the Danish people as it was taken by some as the government failing to abide by the referendum outcome of June 1992, and a portion of the 'No' vote in May 1993 was reputedly due to disapproval at this lack of respect.[4] Nevertheless the European Union was happy to go along with this interpretation of the referendum result as it clarified and focused options in Brussels.

Integral to this agreement, subsequently known as *Denmark in Europe*, were demands that the Union should become more democratic, open and transparent, and that it should be more flexible in order that the European Free Trade Association countries and those of Central and Eastern Europe would be able to join. The agreement also set out the precise issues on which Denmark would consider continued participation in European integration, stating that "A new referendum will be held when a result is achieved which can be recommended by Parliament."[5] This listed five conditions that eventually became known as the opt-outs as discussed in Chapters Four and Five - that Denmark keeps out of any common defence policy, that she should not participate in the common currency and the third phase of Economic and Monetary Union, that the provisions of Union citizenship would not be binding, that Denmark would not transfer sovereignty in the area of co-operation in legal and police affairs, and that the Union goals as outlined in the Treaty would not apply to Denmark. Finally, the

---

[3] *Denmark in Europe*, Socialist Group European Parliament, 27 October 1992.

[4] This was reported in private discussions in Copenhagen. See Interview A. The estimate was made that approximately 5% of people voted negatively in May 1993 out of anger that their interpretation of the first result – to withdraw from the Union – had not been respected.

document insisted that any agreement so reached should be legally binding on all twelve members of the Union. These proposals were eventually taken to the European Heads of State and Government meeting in Edinburgh in December 1992. By this time, however, a number of other member states had become embroiled in their own Maastricht difficulties and so were somewhat more sympathetic to the Danish predicament than might otherwise have been the case.

Impact on Other Member States

The Danish 'No' had wide repercussions in other member states. While all members issued statements regretting the Danish decision, all hoped that Denmark could somehow remain within the Union. However, the shock had an immediate impact on the ratification processes in at least five states as it engaged with domestic political issues. In France President Mitterrand announced his own Maastricht referendum; in Britain Prime Minister John Major delayed the British ratification process until the Danish issue was resolved; in Ireland the anti-Maastricht campaign in the Irish referendum received an added boost; in Germany ratification became increasingly complicated by political manoeuvring between the government and the Länder, and was eventually challenged in the German constitutional court; and in Portugal the government was forced to promise a future referendum on the European Union as a *quid pro quo* for support for the treaty.

The day after the Danish result, 3 June 1992, President Mitterrand announced that France would have its own referendum on the Maastricht Treaty. This was an extraordinary decision for a number of reasons alluded to in Chapter Five.[6] First, Mitterrand's intention appears to have been horror that the Danes had rejected the Treaty and a willingness to show the Danes the degree of French support for Europe, expecting in doing so a strong and decisive result. This proved to be misplaced hubris. Secondly, although the referendum had been discussed as a possible option, it was not necessary. The Constitutional Court had ruled that the constitution needed

---

[5] *Denmark in Europe*, 27 October 1992, p 4.
[6] Meunier-Aitsahalia and Ross, 1993; and Pia Christina Wood, 1997, "French Political Party Opposition to European Integration, 1981-1996: Myth or Reality?", Cafruny and Lankowski, 1997.

amendment, and as a consequence the government had introduced a bill to amend the three articles of the constitution enabling the transfers of sovereignty as foreshadowed in the treaty. An overwhelming majority (89%) of parliamentarians sitting as a joint Congress at Versailles had passed the amendments.[7] Thirdly, Mitterrand's real intention appears to have been as a means of dividing further the opposition parties and at the same time boosting his own presidency grown tired after eleven years in office.[8]

The French referendum campaign quickly ran into trouble and the principal issue for both supporters and opponents was how to control Germany in a unified Europe, and specifically how to limit her political and economic domination. In the process what was revealed were "deep-seated fears that had lain dormant for decades"[9] while the coincidence of a series of racially motivated attacks in the former East Germany appeared to confirm popular stereotypes. Relations between the two countries were soured, albeit temporarily. Mitterrand, once support for the referendum appeared to be slipping away, was forced to disassociate the outcome from confidence in his leadership. As opinion polls began to predict a 'No' victory, Mitterrand himself became heavily involved in the campaign along with significant support from Brussels in the form of literature supporting the 'Yes' case. But what became apparent as the campaign progressed was that defeat in the referendum, on top of the Danish 'No', would signal the end of the European Union as currently constructed.[10] While with a Danish 'No' the European Union could conceivably carry on, a French rejection was an altogether more serious matter. In the end the referendum passed by around half a million votes and the European Union was saved from a very serious crisis.

Perhaps as important for the European Union and for the future of integration, was not only the success of the French referendum but also the interdependence between the outcome of the referendum and fortunes of Chancellor Kohl of Germany, and his

---

[7] Guy Carcassonne, 1995, "The Constraints on Constitutional Change in France", Joachim Jens Hesse and Nevil Johnson, eds., *Constitutional Policy and Change in Europe*, Oxford University Press, Oxford.
[8] Criddle, 1993.
[9] Cole, 1994, p 160.

commitment and vision to European integration. The Maastricht treaty had, to a large extent, been a personal commitment of the Chancellor and the prospect of the French withholding support for the treaty would deliver a very strong public rebuttal of his vision of integration. As noted by Smith and Sandholtz quoting a senior German official two weeks before the vote:

> If Mitterrand wins, then Kohl wins – and the opposite is also true. The Chancellor has invested a lot of credibility in Maastricht.[11]

Thus the outcome of the French referendum was not only confined to President Mitterrand, but also potentially had the capacity to affect other heads of state and other governments who had had a major hand in negotiating the Maastricht provisions, and shared its vision.

In Britain the Danish 'No' caused the Prime Minister John Major enormous problems and marked the beginning of an immensely difficult period in his premiership, even though it followed immediately after success at the April 1992 general election:

> Events, rather than people, started this descent. There was the Danish referendum on Maastricht in June 1992. What the British voters gave - newly mandated tranquillity – the Danes were allowed to take away.[12]

Although the treaty had been approved by a comfortable majority on its second reading in the House of Commons, on the day following the Danish result, 3 June, sixty-eight Conservative Party MP's signed an Early Day Motion urging the government to postpone the passage of the Maastricht bill and to make a new start by re-negotiating the treaty.[13] This was the first of a series of ambushes on the treaty and the government of John Major over the issue of Europe and eventually forced the

---

[10] This prediction is challenged by Moravcsik who believes that a negative result would have meant little to the European Union as it was not dependent on popular support. Meunier-Aitsahalia and Ross disagree. See Moravcsik 1993b, Meunier-Aitsahalia and Ross 1993.

[11] Smith and Sandholtz, 1995, pp 253-254.

[12] Hugo Young, 1998, *This Blessed Plot: Britain and Europe from Churchill to Blair*, Macmillan, Basingstoke, pp 435-436.

[13] See David Baker, Andrew Gamble and Steve Ludlow, 1994, "The parliamentary siege of Maastricht", *Political Affairs*, Vol. 47, No. 1; Corbett, 1993, pp 64-76.

Prime Minister to suspend the committee stages of the bill stating that they would be resumed in the autumn when the Danish crisis had been resolved. However, by the time the treaty returned to the House the attacks on it had grown rather than lessened, and included that of the former Prime Minister, Margaret Thatcher, who denounced the Treaty calling it a 'treaty too far', demanded a referendum and criticised the ERM. In addition, in September the British government was forced to withdraw humiliatingly from the ERM while the marginal result of the French *petit oui* emboldened still further those opposed to the treaty. The government's European policies were in disarray.

The bill returned to Parliament in early November, but only after a ruse of a vote of confidence which the government won by a majority of three. After the vote the Prime Minister announced that the final vote on ratification of Maastricht would be postponed until after the resolution of the Danish problem. This decision was a source of enormous controversy as it delayed the ratification of the treaty and, what attracted the most opprobrium, was that it made the British decision seem dependent on the Danish outcome. The response in Brussels to the vote of confidence:

> was genuine relief. But a few hours later came the revelation that even this majority had been bought only by a deal with the Conservative Eurosceptics that a final UK ratification was to be postponed until after the second Danish referendum. In other words, the British government was to subordinate Britain's right to decide on its European future to a small, notoriously unpredictable Danish electorate, little over 1 per cent of the population of the EC. In Brussels this provoked greater derision than any British act since her entry.[14]

In the early part of 1993 the treaty continued its slow and acrimonious path through the House of Commons. Passage through the House of Lords was also troubled and the scene of renewed attempts to force changes, including demands for a referendum. Parallel to this, the Bill was subject to an unsuccessful legal challenge. Finally in late July the bill was approved but only after two more votes on the social protocol - that the government only won by threatening to dissolve Parliament and call a general

---

[14] Roy Denman, 1997, *Missed Chances: Britain and Europe in the Twentieth Century*, Indigo, London, p 285.

election. Thirteen months after the Danish 'No', the British government finally ratified the Maastricht treaty.

In Germany the Maastricht treaty also ran into serious ratification difficulties.[15] Two problems arose with the treaty both of which led to a serious confrontation between the government and the parliament. The first issue was public pressure to make the third stage of EMU and the single currency subject to the approval of two-thirds majority of both the Bundestag and Bundesrat. The second was because several Länder claimed that the German federal government had negotiated away some of their rights and, "fortified by the Danish 'No' they threatened to veto ratification in the Bundesrat."[16] Another and quite separate development was a legal challenge through the Constitutional Court. A group of members from the Green Party and other individuals, plus a former senior Commission official, claimed that the treaty ceded too many powers to the European Union. The Constitutional Court delivered an interesting if somewhat controversial judgement, but failed to jeopardise seriously either the treaty or its ratification.[17] It did however delay formal ratification until October 1993.

The Danish 'No' also directly affected the Irish Maastricht referendum campaign. As discussed in Chapters Four and Five, the 'No' campaigners capitalised on the Danish result hoping to encourage Irish waverers to vote against the treaty and follow the precedent now set by Denmark. Leaders of the Danish 'No' campaign went to Ireland to assist in campaigning while Brussels continued to provide documentary assistance of help to the 'Yes' campaign. In the event the result was not significantly different from that of the SEA referendum of 1987, although there was a far higher turnout. In Portugal the expected smooth ratification of the Maastricht treaty also ran into trouble and, as indicated above, the government was forced to promise a future referendum on

---

[15] Richard E. Deeg, 1995, "Germany's Lander and the Federalization of the European Union", Rhodes and Mazey, 1995.
[16] William Nicoll and Trevor C. Salmon, 1994, *Understanding the New European Community*, Harvester Wheatsheaf, New York, p 227-228.
[17] Weiler *et al*, 1995.

general support for the European Union in return for ratification, although this did not eventuate.[18]

Referendums were also held at the end of 1992 in Switzerland and Liechtenstein to join the European Economic Area. The referendum in Liechtenstein was successful but that in Switzerland was rejected. The Swiss referendum particularly added fuel to those groups in other states opposing the Maastricht treaty and continued membership of the Union. Given the uncertainty in the Union at the time, the Swiss rejection was not unexpected in Brussels as the requirement that the referendum be approved both a majority of the people, and a majority of the cantons, was always going to be difficult given the implications of membership for the banking and transport industries.[19] Nevertheless the referendum was only just defeated.

The political impact of the Danish 'No' on other member states was enormous and on several occasions came perilously close to jeopardising the Maastricht treaty altogether. In the changed European and international climate the 'No' became a catalyst that hooked onto and aggravated domestic political troubles and emboldened opposition groups often to devastating effect. These were now more determined and purposeful, and had reason to challenge their governments more directly. The conclusion in relation to EU treaty referendums and negative results is that the conventional assumption, that referendums have little impact outside their immediate national political space, is quite inadequate. The EU treaty referendums were crucial to the progress of European integration in the 1992-1993 period and to the crises which engulfed the European Union and other member states at that time. It was against this background that the members of the European Union met in the Heads of State and Government meeting in Edinburgh in December 1992 to consider the Danish proposals for op-outs from the Maastricht treaty.

---

[18] Magone, 1997, pp 168-169. See also interview O.
[19] Reported in private discussions in Brussels. See interview D.

Responses of the European Union

The signing of the Treaty of European Union at Maastricht on 7 February 1992 was an occasion of euphoria amongst the Heads of State and Government present. The treaty to them signified a real move forward in European integration and criticisms, if any, were more that it did not go far enough rather than went too far.[20] Even those most hostile to further integration, especially the British and the Danish, seemed generally happy with the final document. All believed it would be an extremely popular and none foresaw trouble ahead. Ratification in member states had proceeded smoothly up until 2 June.

In the period between the Danish 'No' and the Edinburgh summit, the other institutions of the Union reacted to the Danish result. The European Parliament on 10 June moved a resolution hoping that the results of the referendum could be reconciled with continued Danish participation in Europe, while the European Council meeting in Lisbon on 26-27 June largely re-affirmed the statement of the Foreign Ministers from Oslo, hoping for continued Danish membership but re-emphasising that there would be no re-negotiation of the Treaty. In Birmingham on 16 October the European Council met again and European citizenship was the focus of the discussions which, although it had its origins in the conclusions from the Lisbon summit, was principally designed to appeal to the issues in Denmark and the UK.

Once the immediate drama of the Danish 'No' had subsided in Brussels, greater attention was given to the more substantive issues that the result conveyed and the timeliness of this attention was soon reinforced by the narrow majority of the French referendum. In the institutions of the European Union the Danish result was taken as a symbol of widespread unease about the nature and direction of European integration, and an indication that the European Union was deeply unpopular with the peoples of Europe. This relatively unquestioning response to the Danish outcome indicates particularly the symbolic power of the referendum result. Nevertheless the institutions of the Union reacted swiftly to emphasise its citizenship policies.

---

[20] This was reported in private discussion with European Commission officials. See interview V.

The Citizenship Provisions

The Prime Minister of Spain, Felipe González, had believed for a long time that the idea of European citizenship should be pursued in order to "encourage a feeling of involvement in Europe."[21] While the idea was first mooted in the preparations for the IGC on political union, it was supported by the Commission and eventually, after considerable discussion, was incorporated into Maastricht. The irony of this, however, was that in both the Danish and French campaigns the concept of common citizenship was one of the key issues raised as being contrary to national attitudes, and hence a reason to vote 'No'. Thus, while before the referendums the European Union saw the citizenship proposals as appealing to the people of Europe, on the streets it became one of the principal causes of antagonism. But, post the Danish 'No' and the French *petit oui*, the European Council in Birmingham on 16 October re-addressed citizenship and the relationship of the peoples of Europe to the European Union, and issued a Declaration "A Community Close to its Citizens."[22]

The new proposals drew attention to the European Union and its relationship with its citizens and undertook to make the Union more open, to keep the public more informed, to respect the history, culture and traditions of individual members and asserted that Union citizenship would bring additional rights and protection without taking away from national citizenship. Further, wider consultation was promised with the Community's institutions, the role of the European Parliament was stressed, as was that of national parliaments, and the concept of subsidiarity which made the Union 'closer to the people.' The European Union was, at last, beginning to take note of its people, an aim taken further in the treaty of Amsterdam.

The Edinburgh Agreements

The Danish Prime Minister brought the provisions of the National Compromise before the Heads of States and Government meeting in Edinburgh on 11-12 December. This

---

[21] Corbett, 1993, p 233. To trace the evolution of the citizenship proposals see also pp 16, 112, 169 and 233.

[22] Corbett, 1993, p 491.

meeting was extraordinary in that the Danes, to remain in the European Union, had to get a settlement that they thought they could gain approval for at another referendum. The British Presidency was sympathetic to their predicament given the British government's own ratification problems, as were some other members. However, particularly the Benelux states and France, were as guarded as ever in allowing undue precedents to be set fearing the *acquis* would fall apart with too many opt outs.[23] In the event nearly all of the Danish demands were met and opt-outs obtained, while declarations were made on democracy, openness and subsidiarity. Most of these were more in the nature of clarifications of the Maastricht text, than in specific changes to it.

In Denmark in early January 1993 the Conservative-Liberal government fell and was replaced by a Social-Democrat led coalition, the first majority government in Denmark for ten years. A new referendum, known as 'Maastricht plus Edinburgh', was set for 18 May and campaigning began early with both sides repeating largely the same arguments but now with the added interpretations of the Edinburgh agreements, and the certainty that a second 'No' would mean Danish withdrawal from the European Union. The referendum was won by a 56% majority but with a far higher turnout of 86%. This was largely ascribed to the fact that the Social Democratic Party was now in government and able to convince its own supporters to support the referendum.[24] Denmark's place in the European Union was assured at least for the immediate future and the Maastricht treaty was finally able to be ratified. The process of treaty reform via referendum, on this occasion, had proved to be an highly uncertain one and one which the European Commission had no wish to repeat.

---

[23] Corbett, pp 70-73 and pp 493-504.
[24] This was reported in private discussions in Copenhagen. See interviews A and R. The Social Democratic Party convinced its members to vote for the Edinburgh accords, not because they liked them, but because it was important to support the Party now holding government.

In the immediate aftermath of the 'No' result it was not a good time to be Danish and work in Brussels. A number of contradictory and confusing responses abounded.[25] The first was to ignore it and blame the Danes for the chaos caused. They were collectively accused of a number of crimes first and foremost of jeopardising the whole edifice of European integration. The complacency of the Danish government in the early weeks of the campaign and the distribution to all households in Denmark of the full text of the treaty, without accompanying explanations or interpretations, came in for particular criticism as did Denmark's habitual reticence as a European partner. A second response was to criticise the referendum as an unsatisfactory and unreliable instrument for making political decisions. By discounting the referendum it was then possible to argue that the Danish people did not 'mean' to vote as they did because 'we know' their vote was directed at the government which was particularly unpopular at the time.[26]

The attitude of the European Commission up until the Danish rejection was that the ratification of European treaties was very much a matter of individual member state governments. All the same it had been acknowledged in the IGC preceding Maastricht that both Denmark and Ireland had seemingly more difficult and potentially troublesome processes, but in 1991 it was commonly accepted that if any difficulties with ratification arose it would more likely be with the Irish rather than with the Danish. The Irish Supreme Court's decision on the SEA, referred to in Chapter Four, had made the Commission wary and uneasy lest other legal challenges arose. The direct impact of the Danish 'No' in the Commission was renewed attention to the ratification processes of all member states and the close monitoring of the Amsterdam ratification processes was testimony to this lesson. Never again will the Commission be caught off-guard.[27] The other effects have included encouraging positive images of the European Union across member states and, in the IGC's, the necessity of some

---

[25] This was reported in private discussions with European Commission officials in Brussels. See interview D.

[26] This was reported in private discussions in Brussels. See interview B.

[27] This was reported in private discussions in Brussels. See interview F.

states to popularly ratify the treaties has added an important constraint on the negotiations.

While technically and politically a matter for member states, Commission officials for two reasons do not favour ratification by referendum.[28] First the nature of the bargaining that takes place in the inter-governmental conferences means that the conventional log-rolling and horse-trading practices of the conferences are circumscribed if some members have to face public scrutiny of the treaty's final outcome. While this is easier to explain away in a parliamentary setting, it is far more difficult to explain to a hostile and suspicious public unschooled in the ways of Union bargaining. Secondly, as mentioned in Chapter Five, a referendum necessarily removes the ratification process of a treaty from the control of the political elite to that of the public and the domestic political environment. This creates a degree of uncertainty that Commission officials would rather did not happen. The processes of negotiation are lengthy and expensive and agreements are sometimes arrived at after interminable delays. Having such carefully orchestrated compromises thrown open to seemingly uninformed debate is not the desired option of many of the officials involved. While paying lip-service to the democratic nature of the referendum process, and the right of each member to ratify the treaties according to national conventions, the officials would rather this did not happen. Their faith is with the established parliamentary processes rather than with the wisdom, or whim, of the people. In this respect they display an attitude towards referendums reminiscent of those which suggest that the people lack wisdom and are incapable of deciding fundamental matters of state.[29]

However despite this, both national governments and the European Union encounter significant difficulties when trying to anticipate the attitude of the people in treaty referendums. As mentioned in Chapter Five, in Denmark in 1987 and 1992, and France in 1992, and Ireland in most referendums, parliamentary support for the treaties has proved a woefully inadequate guide to the extent of trouble ahead. The resulting public disputes were unexpected and unforeseen, thus highlighting the

---

[28] This was reported in private discussion in Brussels. See interview D.
[29] Butler and Ranney, 1994, pp 17-18.

difficulty for either Brussels or national governments to mind-read the public. Although public opinion polls had consistently revealed that only lukewarm majorities supported European integration, those factors that turned the majority into a minority, albeit small, became unduly significant and were largely unpredictable.

Therefore the impact on the European Union, and especially the European Commission, and other member states following the Danish 'No' was enormous and dispelled for ever the notion of referendums being merely national political phenomena. While admittedly this happened because of the negative result, and it coincided with a time of unsettling national and international events, nevertheless the outcome of the referendum migrated to other member states and caused trouble there, while also changing the policies and practices of the Union itself. In the lead up to the enlargement of the European Union in 1995, referendums again were given an important though different role confirming the evidence that, even in quite different contexts and circumstances, EU referendums have the ability to influence events in other states.

The 1994 Accession Referendums

The 1994 referendums on joining the European Union highlight another three ways in which EU referendums effect other states. First the decision to hold a referendum means that other states, confronted by the same decision, are also under pressure to do likewise; secondly that the order of such referendums is believed to be important in influencing the outcome, and thirdly that the outcome in one country is believed to influence the outcome in others. These factors show that EU accession referendums are, like treaty referendums, no longer simply national political phenomena.

In June 1989, before the revolutions in Eastern and Central Europe, Austria lodged her application to join the European Community. This brought the question of future enlargement onto the agenda of the Community, an issue furthered by the application of Sweden in July 1991. The Swedish application precipitated the application of Finland who lodged hers in March 1992 and finally that of Norway in November

1992, thus signalling a potential new wave of enlargement of the European Union. All these countries had particular reasons for applying to join the European Community at that time: in Austria the thaw in the Cold War made neutrality a less important issue; in Sweden declining economic conditions were important; and in Finland the collapse of the Cold War and significant change in the Soviet Union, now Russia, meant that Finland's necessity to preserve her neutral status was less pressing. In Norway, which had applied to join the Community before, the decisions of her nearest and most significant neighbours propelled the question onto her political agenda. Fearing that entry of her trading partners and neighbours would isolate Norway, the Norwegian government went ahead and also applied. The Finnish and Norwegian decisions therefore were a direct response to the intentions of Sweden as neither country had seriously considered membership before Sweden's application.

The decision to hold a referendum on the issue was, as mentioned in Chapters Four and Five, obligatory in Austria because of the constitution. In all Nordic states it was a decision made by the respective governments. Once Norway had applied then a referendum was politically imperative there following the defeat of the referendum of May 1972. This made it inconceivable that others would not do so as well, and especially because of the precedent set by Norway. In addition, the profound political and constitutional changes involved and the history, at least in Sweden, of referendums on important national matters made a referendum the preferred option of the Swedish government, thus compelling the Finns to do likewise. However, what became more important was the development of a 'domino strategy', and much speculation of a 'domino effect', suggesting that referendums in one state can have a profound influence on those in another.

The 'domino strategy' was the word coined to describe the synchronisation of the timings of the four referendums, and the 'domino effect' was the word for assuming that voters in one states would be more likely to vote in favour if their neighbours also did.[30] This close association between Nordic states was first noticed in the 1972 referendums. Then Petersen and Elkit wrote of the Danish referendum:

---

[30] Jahn and Storsved, 1995, p 18.

> Later the date of the referendum became an issue between supporters and opponents and among supporters themselves. In January 1972 the government ... decided to postpone the referendum from June ... arguing that Sweden's negotiations with the EC might not be terminated at that early date. This decision raised the problem of co-ordination with the Norwegian referendum due to take place in the autumn of 1972. In general opponents wanted the Danish referendum to follow the Norwegian one, while supporters wanted it to precede it, both arguing on the expectation that some sort of bandwagon effect was likely to occur..[31]

In the event the dates of the 1994 referendums were set so that those likely to be easily successful were held first, followed by those where membership was more disputed. This was a deliberate strategy as Fitzmaurice suggested:

> It is indeed widely believed by informed observers, that, though this can not be demonstrated on the record as it were, there was a least some informal planning to ensure that end.[32]

However the assumed effects on voters were, and have been, less easy to identify. Fitzmaurice considers the Austrian result probably had very little impact in Scandinavia[33] and in Sweden the Prime Minister Carlsson said that the Swedes would make up their own mind.[34] More significantly, Fitzmaurice considers that the successful referendum in Finland, and the Danish general election, indicated to the Swedes particularly that there would be a strong social democratic presence in the European Union if all the Scandinavian states joined. Pertti Pesonen *et al* considered that the result in Norway was only slightly influenced by the Swedish result, and not sufficiently enough to alter the negative vote.[35] The more compelling evidence was probably in Åland where, in the Finnish referendum of October 1994, the majority in Åland was 52% in favour but in November, after the Swedish referendum, and in their own separate referendum on membership, the result was now 74% in favour although the turnout was significantly lower.[36] These results lead in different directions and follows the rather ambiguous evidence from 1972 where the Norwegian result did not stop the Danes from joining the European Community in 1972. Thus in terms of the

---

[31] Petersen and Elkit, 1973, p 202.
[32] Fitzmaurice, 1995, p 227.
[33] Fitzmaurice, 1995, pp 227-228.
[34] Pesonen *et al*, 1998, pp 23-24.
[35] Pesonen *et al*, 1998, p 36 footnote 4.
[36] Pesonen *et al*, 1998, p 36 footnote 4.

influence of others, in EU accession referendums this seems to be more noticeable in the decision to hold a referendum and in its timing in relation to other similar referendums, but has a most uncertain influence on the actual outcome itself.

The European Union and the Amsterdam Treaty

After the near catastrophe caused by the referendums on the Maastricht treaty the ratification processes for the Amsterdam treaty were given far greater respect and attention by those in Brussels and, in Copenhagen and Dublin, despite anxieties, the referendums passed with a pre-Maastricht modicum of confrontation. By the signing of the treaty on 2 October 1997, the world was an entirely different place than that of the summer of 1992, and there was no conjunction of disaffection with Europe and disturbing international events. 1989/91 seemed distant, economic prosperity was satisfactory and the world altogether a more stable place. Furthermore in France, President Chirac felt no need to play the wild card.

A variety of reasons contributed to the return to conventional referendum behaviour with which the treaty was ratified in the two member states. First, little in the substance of the Amsterdam treaty was new as most of the changes were directed at clarifying or adapting the provisions of the Maastricht Treaty. Secondly, the European Union had learnt the lessons of the dangers of remoteness from the people. Much of Amsterdam was on matters of more immediate relevance to the people with employment, job flexibility and security, the environment, consumer protection and the fight against crime and illegal immigration taking high priority. The other issues of increased openness and transparency, subsidiarity, institutional change and greater democracy were also relatively clearly outlined. In addition they were presented in a user-friendly manner - "This Treaty is for You" and "The Treaty of Amsterdam establishes a more democratic Europe, a Europe that addresses social needs."[37]

Thirdly, the lessons of Maastricht were apparent in the Inter-Governmental Conference. Much greater attention and respect was accorded the ratification

---

[37] *A New Treaty for Europe, Citizen's Guide*, Amsterdam June 17, The European Union, 1997, p 2.

processes and, sensitivity to the possible difficulties of both Denmark and Ireland, gave the IGC negotiations a wider perspective. While this was disliked by some other member state delegations and Brussels officials, for reasons mentioned above, it also meant that negotiations no longer occurred in a vacuum, sheltered from the harsh political reality of the judgement of the electorate.[38] In addition, for the Danes the four exemptions from Edinburgh were upheld, and their proposals for creating a Europe 'closer to the citizens' were largely incorporated within the treaty.

Fourthly, time had moved on and many of the issues fought over in 1992/3 were no longer as salient in 1998. The irony however of this was that the Amsterdam Treaty gave away greater powers and responsibilities than did the Maastricht Treaty, but by then the issues had already been argued over and the referendums held. The campaigns in both Denmark and Ireland were fought with the usual robustness and the predictable issues re-surfaced. Nevertheless, in both Dublin and Copenhagen the governments approached the referendums with a degree of nervousness, but for quite different reasons.

Denmark

In Denmark the government, and particularly the Prime Minister Mr Rasmussen, was understandably anxious that the debacle of 1992 not be repeated. However, while the campaign progressed a degree of polarisation developed with little common ground between participants in the debate. The Schengen agreement, for example, was either depicted as a bulwark against international corruption and crime, or would allow 25,000 immigrants into Denmark every day! On top of this a conflict on the labour markets developed three weeks before the referendum which the government, anxious not to allow it to flow over into the referendum debate, attempted to solve it in an unusually heavy-handed manner and antagonised significant sections of the trade union movement. [39]

---

[38] This was reported in discussion with European Commission officials in Brussels. See interview D and also interview C.

[39] The was reported in private discussions in Copenhagen. See interview R.

An interesting feature of the Danish Amsterdam outcome was the internal campaign put in place after 1992/3 by the Social Democratic Party.[40] As the largest party in Denmark, and in recognition that membership of the European Union was here to stay, they were anxious to put a more positive light on involvement in the European Union across to their rank and file members. Although of ultimate importance was its ability to carry its voters in a referendum, this was also seen as being an important long term strategy for both the Party and for Denmark. This was a direct result of 1992/3, and hoped to reverse the tendency within the Party to avoid the question of Europe for fear of the hostilities it aroused. While the Party had been split in earlier referendums, it had also learnt the lesson that avoidance, mis-representation or obfuscation can be costly in a referendum campaign. In the 1998 referendum the Party was more united than ever and this policy was certainly accredited with success in maintaining the Danish vote on Amsterdam.

Ireland

In the Irish campaign the European Commission, and the Irish government, were particularly anxious. As mentioned above the government could not use public moneys to promote its favoured referendum result and the implications of this were that its leadership role became highly attenuated and the government became just one more source of argument, while the level of counter information rose remarkably. The Referendum Commission was scrupulous in the balance of information it insisted upon, both materially and objectively. Each assertion of the 'Yes' campaign met with a corresponding response from the 'No' campaign. While the ruling did not affect the activities of the political parties, nor government personnel in their capacity as party members, the official information campaigns – the advertisements on television and radio, in the newspapers, and the documents delivered to all homes in Ireland, plus free phone lines and a website – all contained a 50-50 balance of 'pro' and 'anti' arguments.[41] The net result was that the campaign was generally agreed to have been uninspiring and the level of information appeared to be only marginally higher. The 'Yes' vote remained steady, although much was made of the coincidence of the

---

[40] The was reported in private discussion with party officials in Copenhagen. See interview R and A.

referendum on the Good Friday Agreement held on the same day. The popularity of that proposal ensured a satisfactory turnout which, at 56.2%, was typical of that for other Irish EU referendums.

The final problem with the Irish referendum campaign involved the European Union directly. In a public letter sent to the Commission in February 1998, an MEP, Patricia McKenna,[42] and member of the Irish Dáil, Trevor Sargent, T.D., wrote:

> We are extremely concerned that the European Commission, through its office in Dublin, is interfering in the Irish referendum process in a manner which is almost certainly unconstitutional and illegal under Irish law, and may well be illegal also, and *ultra vires* the Commission's powers, under European law.[43]

They threatened legal action and demanded that the Commission desist from widely distributing the booklet, *The Citizen's Guide to the Amsterdam Treaty*, claiming that it was a "tendentious and one-sided document." They maintained that the Commission was interfering in the Irish referendum process, and that as the document was funded through the Commission, and as Irish taxpayers' money goes to finance the Commission, this was contrary to the McKenna ruling that public money could only be spent in a way that was fair to both sides. An added demand was that Commission officials should not come to Ireland, nor speak, nor in any way attempt to influence the Irish people during the campaign. The letter caused considerable uncertainty in the Commission as it directly threatened its conventional behind the scenes involvement in the Irish referendum campaigns. In the event no legal action was taken but once the Referendum Commission took control of all campaign publicity the issue became less salient.

The Irish government was also very careful to present its own assessment of the Amsterdam treaty well before the referendum process began. The government's White Paper on the treaty was published well in advance and was written with scrupulous

---

[41] Referendum Commission, 1998, *Reports*, Dublin, 1998.
[42] Patricia McKenna, MEP, had instituted the challenge to the divorce referendum in 1995 resulting the in the judgement about equal referendum funding.
[43] See letter from Patricia McKenna, MEP and Trevor Sargent, T. D., to the Secretary-General, the European Commission, 3 February 1998. Unpublished.

attention to the Supreme Court's judgement.[44] Nevertheless the government argued that it had a responsibility to the people of Ireland to explain the treaty to them. The document is highly descriptive of the treaty provisions and their meaning and implications, and was considered in Brussels as one of the best expositions of Amsterdam.[45] Thus the Irish Courts have significantly altered the conduct of any future Irish EU treaty referendums. With a discourse on referendums that regards them in their ideal form as being the unmediated vote of the people, free of political party and government influence, it has made the likelihood of success all the more difficult. In particular it has popularised the 'No' arguments and given a far higher public profile to minor parties and their leaders than would otherwise have been the case. While this may be easier to understand in referendums on moral issues, it is far more serious to accept that the Irish government is not to lead, and is to be regarded only as one more source of argument, in matters such as the ratification of the treaties of the European Union.

The European Union, Other Member States and EU Treaty Referendums

The effects of the Danish 'No' to Maastricht spilled over immediately and dramatically to other member states and thereby challenged the notion that EU referendums are solely domestic political events. In relation to membership of the European Union national EU treaty referendums have the capacity to become representative of wider issues of European integration, especially if their results are negative and thus challenge the accepted positions of national governments and the European Union itself. In the spring of 1992 the ratification process of the Maastricht treaty was progressing smoothly in most member states, and at 2 June had been successfully completed in a number. However, after the Danish referendum all this changed. Had the Danish decision been another Folketing rejection along the lines of that of the Single European Act in 1986, rather than a referendum, it is hardly credulous to suggest that President Mitterrand would have called a French referendum,

---

[44] Interview C.
[45] *Treaty of Amsterdam*, 1998, White Paper, Stationary Office, Dublin. See interview F.

or that the euro-sceptics in Britain would have mounted such sustained opposition to the British government's European policies, or that in Germany the Bundesrat would have been so hostile to the Maastricht treaty. The evidence of the Danish rejection was that a referendum outcome in one state is highly mobile and is able to act as a catalyst hooking into issues in other states inflicting much damage in the process.

From this it must be concluded that the capacity for spill-over or trans-national mobility was directly attributable to the fact that this was a referendum result, rather than a decision through conventional parliamentary channels. Perhaps unlike any other political decision-making process, it is a referendum's unique capacity to reflect the so called 'will of the people' that gives it a symbolic power that is able to transcend national borders. Although it must be conceded that this happened at a time of unprecedented change and uncertainty in the international environment, it nevertheless came from one of the smaller states of the European Union. All the same its message was recognised universally – that the European Union was deeply unpopular with many of the peoples of Europe.

The power of this message was not lost on the European Union. The immediate objective was to resolve the dilemma which had arisen; how to allow Denmark to stay in the European Union without jeopardising the whole of the Maastricht treaty and the years of negotiations in the IGCs. The end result was that the European Union was flexible enough to allow Denmark to remain in but with a range of exemptions that permitted her government to go back to the Danish people and ask them to overturn the decision made in June 1992. This decision, made by the Heads of State and Government and made under duress, has had profound implications for both European integration and for the future of the referendum institution. It is likely to set in train a pattern of quasi-treaty referendums in several other states which could determine the pace and direction of European integration.

At the same time as resolving the Danish dilemma, the European Union changed gear and started seriously to address the issue of the Union's relationship with the peoples of Europe, carried further in the Amsterdam treaty. In addition, it changed its procedures and administrative arrangements which had allowed the ratification of

Union treaties to be largely ignored in the process of treaty reform. An indication of how shaken the European Union was by the prospect of failure of the ratification process can be seen in one of the proposals put forward for discussion in the lead up to the next treaty – that ratification of European treaties be included in the next treaty.[46]

The referendums in Austria and the Nordic countries in 1994 indicated yet another aspect of EU referendums. Although Austria's referendum was governed by the constitution and referendums were more likely to be held in the Nordic countries, due to their more participatory democratic practices and history of referendums, all the same the pressure for resolution of the issue by referendum was overwhelming. This is particularly salient because, in the eastward enlargement of the European Union over the next few years, Poland will be required to hold a referendum and all others are expected to do likewise. The impact on the European Union of six, maybe ten, more EU accession referendums will convey to the European Union, (assuming a high positive vote and this also is expected),[47] a huge reservoir of public opinion supportive of the Union.

Ratification of the treaty of Amsterdam returned to the usual pattern of national EU treaty referendums and none of the power and trans-national abilities of an EU referendum were apparent. The treaty itself was of far less importance and the Maastricht exemptions shielded the Danish government from public confrontation over the more contentious issues. Further, the new members had learnt from the experience of both Denmark and Ireland and ensured that their treaties of accession also included provisions to extend the scope of membership should new treaties arise, thus removing the possibility that extensions to European integration would involve a new referendum.[48] Nevertheless in Ireland different issues emerged which, in the long term, may have very serious consequences for Irish membership of the European Union, given that Irish support is a best lukewarm and dependent on the receipt of economic benefits. No longer can the government actively participate in the

---

[46] *Financial Times*, 28 June 2000, p 1.
[47] M. Kucia, 1999, "Public Opinion in Central Europe on EU Accession: The Czech Republic and Poland", *Journal of Common Market Studies*, Vol. 37, No. 1.
[48] Interview H.

referendum campaign to support its own case, thus leaving the success of Irish referendums to depend largely on long term public opinion – wherein lies the problem.

In terms of democratic governance in the European Union: first, the consequences of the Danish rejection of the Maastricht treaty revealed the complex interdependencies between member states and the European Union and vice versa, and also between member states. Secondly, the Danish result exposed the dependency of the European Union on the outcome of national ratification processes while, at the same time, the ratification of EU treaties is not only a matter for the individual member states. All have a degree of responsibility to draft a treaty which will be supported by the peoples of Europe and able to withstand public ratification processes. Thirdly, the Danish result was as unforeseen as it was unexpected and it changed the policies and procedures of the European Union. All these revealed the power of EU treaty referendums, especially should a negative result be returned, to significantly alter in a variety of ways the policies, procedures and practices of the European Union and its relationship with its constituent member states. Finally the referendums in 1994 showed that the example set by one is almost impossible to withstand and that precedent, coupled with its democratic symbolism, will mean that particularly EU accession referendums are likely to increase in the future. Nevertheless referendums remain, as always, unpredictable and challenging to all involved.

CHAPTER NINE

CONCLUSION

This thesis has sought to analyse the twenty-four EU referendums held in Western Europe since 1972 both in their relationship with the European Union and as they have impacted on the development of a form of democratic governance emerging there. The research has analysed these referendums in a comparative thematic way based on those concepts which underpin the notion of democratic governance, and so marks a significant departure in the usual approach to the analysis of referendums. It has also studied them in relation to the European Union and not to the national political system, the conventional focus of most referendum research.

The analysis of EU referendums in terms of constitutionalism, decision-making, participation, and legitimacy, all of which underpin the concept of democratic governance, has allowed the points of intersection between EU referendums and the European Union to be more readily identified. These have centred around the role of referendums in enlarging the Union and on enabling treaty reform to go head, whilst at the same time providing a degree of democratic authorisation for the European Union in addition to that directly claimed for national governments. While there is widespread acknowledgement that both the democratic basis and legitimacy of the European Union are deficient, the ability of EU referendums to provide legitimacy, authorisation and consent in these areas is all the more significant.

The accepted classifications of EU referendums in either legal or constitutional terms, or descriptively as either 'government controlled' referendums dealing with 'territorial sovereignty issues' have provided an inadequate basis for the analysis of these referendums in their relationships with the European Union. Thus a typology which focuses on the European Union relationship and which, in doing so, overlooks constitutional and political origins, provides a far greater tool for the analysis of these referendums. The typology distinguishes five different types of referendums whose significance and purpose for the European Union differs markedly. Of these, accession, treaty and quasi-treaty referendums have had the greatest impact on the

European Union. The cumulative effects of these referendums lead to the assertion, made with a degree of confidence, that a form of democratic governance is emerging in the European Union deriving from the responses and reactions to the impact of these referendums.

This chapter brings together the findings from this research in terms of three relationships: between EU referendums and the referendum institution; between EU referendums and the European Union; and between EU referendums and democratic governance in the European Union.

EU Referendums and the Referendum Institution

The interaction of EU referendums and the referendum institution has thrown up some interesting aspects of the institution itself and challenged a number of generally accepted assumptions about referendums. These findings cover a range of issues from fairly minor alterations to those of far greater importance which tap into wider changes both in the role of political parties in national political systems, and in the relationship between government and society.

EU referendums are becoming far more frequent in the states of Western Europe. Fourteen have been held in the last eight years and in the next few years more may arise. Often they have occurred in waves and, after the first EU referendum held in France in 1972, a further five were held in the early 1970s, four in the 1980s, six during the years 1992-1993, a further five in 1994 and three between 1998 and the Swiss EU referendum on 2000. In addition, another two have been announced for the autumn of 2000 and one other foreshadowed within the next few years. The June 2000 IGC is already underway and negotiating a new European treaty which, in all probability, will require referendums in Denmark and Ireland. Aside from this, the Danish government still has several of its opt-outs from the Maastricht treaty to resolve by referendum if it wishes to revoke these exemptions. All these circumstances of course do not preclude the possibility of any other EU referendum being called for different purposes, such as that proposed in Portugal in 1998, or as

has happened in France on occasions in the past. Yet another wave of EU referendums is likely when the European Union extends eastwards, and current indications are that possibly six, or maybe even ten, accession referendums will be held.[1]

This dramatic increase in referendums has been brought about by a variety of factors and not only because membership of the European Union has run directly into constitutional requirements. As discussed in Chapters Four and Five, while this accounts for some accession referendums, most have been held because governments have chosen to do so citing the importance of the issue as well as the precedent set by others. In treaty referendums this has been due to the interaction of the constitution with political circumstances and/or the courts or, again, because governments have chosen to do so. Only in a very few instances have political party considerations been over-riding and then only in the 1970s and 1980s. Thus this finding challenges the accepted notions of Bjørklund and Morel that, outside of constitutional demands, referendums are held primarily as a means of dealing with party difficulties. In EU referendums a combination of factors are apparent including the importance of the issue and precedent, and in the obligations of members states to ratify new treaties of the European Union.

As discussed in Chapter Five, other explanations for the increase in referendums may lie in wider changes in society and the changed relationship between government and society. No longer can governments presume on the consent of the people for major constitutional or political change. Other pre-disposing factors may lie in the increasing alienation or the apathy of the electorate noted in much contemporary research on political parties. Given these developments, referendums become an increasingly attractive option for governments concerned to legitimate important decisions.

EU referendums are often instigated by sources external to national governments rather than by intrinsic indigenous developments, thereby suggesting another change

---

[1] Communication AA.

in referendums. Partly because by definition EU referendums deal with matters arising from membership, the origin of some referendums is outside the immediate political arena. As discussed in Chapter Eight, this is accentuated in EU accession referendums as joining the European Union has mostly occurred in waves and joining the next intake has been important for some countries not wishing to be seen to be left behind. As noted in Chapter One, in EU treaty referendums the origin of the referendums arises in the decisions of the member states to proceed with treaty reform and, eventually, to negotiate a new treaty which must be ratified. Thus, another change, discussed in Chapter Four, is that national governments have less and less control over the holding and timing of EU referendums. In accession referendums these are often determined by the imminence of the next wave of enlargement, or in treaty referendums by the rhythm of either general elections in the major states, or that of European elections. Both these factors govern the ebb and flow of treaty reform and the timing of enlargement in the European Union.

The usual conceptualisation of referendums is that they are a rare and very seldom used means of resolving fundamental constitutional and political change. However, as noted in Chapter Four, in treaty referendums this understanding is increasingly compromised. Treaty referendums appear to revisit the same decision with both hindsight and present knowledge as, in general, they are sold to the people as a decision to reconfirm membership rather than affirming the precise nature of the changes involved in the new treaty. This reflects a change in the nature of these referendums, as referendums have usually been used only for one off important national decisions, not continuing confirmation of decisions already made.

A particular and unexpected change in the nature of a treaty referendums has indicated a shift in the referendum institution itself, again noted in Chapter Four. Referendums have always been considered to be a blunt but fair means of democratically deciding difficult or important political issues. A 'Yes' result would authorise change while a 'No' result would mean no change in the *status quo*. However in treaty referendums, the parallel actions of other member states renders void the *status quo* if a negative result is returned. This suggests that in these referendums the referendum as an institution itself is changing as it copes with issues

which involve third parties. This may have serious consequences in the future if the nature of this change, and the implied lack of fairness involved, becomes more widely recognised. This situation may become exacerbated as in these referendums the treaties are essentially presented to the people as a *fait accompli* as the opportunity for change at this stage has passed. Combined, these factors could inject into these referendums a sense of artificiality and meaningless, and coerciveness on the part of the governments which, if picked up by the people, could be serious for all concerned.

In 1994 Vernon Bogdanor considered that the future of referendums in Western Europe would be tied up with that of the mass party.[2] However this prediction seems likely to be true only in a negative sense – the future of referendums will be tied up with the decline of the mass party. In both the decision to hold a referendum, as noted in Chapter Five, and their influence in structuring the referendum vote, considered in Chapter Six, the role of the political parties is becoming increasingly attenuated in referendums. Whether this is because they distance themselves from the referendum, or because the people choose not to follow their advice, or a combination of both, is unclear at this stage as the lines of causation appear to run in different directions. Many parties learnt to their peril in the referendums of the 1970s that referendums can create undue stress sometimes even leading to a major fragmentation of the party system itself. This, coupled with little reconciliation of the issue of Europe within the parties, means that at least in the immediate future they are likely to remain largely divided on Europe. Until they are able to reconcile this source of dissension, then their role in referendums is likely to decline as the only way that they can maintain party unity is by retreating from active involvement. This, in turn, suggests that for most parties party unity in the national political context is of far greater concern than European integration.

The apparent retreat of the parties from referendums brings its own consequences. As the parties fail to give a lead, the people look to other sources for their cues in referendum voting and, as discussed in Chapter Six, there is increasing evidence of independent voting. This could be tied up with long term trends in party dealignment,

---

[2] Bogdanor, 1994, p 97.

alienation or apathy in the electorate, or changes in the relationship between government and society. Other explanations could include the fact that on this issue the parties are simply not reflecting the attitudes of the people. Whatever the cause, the evidence suggests that party affiliation is an increasingly unreliable indicator of referendum voting and that deeply anchored attitudes towards Europe are more closely allied to voting. This means that referendums are becoming far more independent of the traditional structures which govern political behaviour – a potentially serious development for government controlled referendums.

For the most part the externality of the issue and the downgraded role of the political parties, as discussed in Chapter Six, suggests yet another difference in EU referendums from general referendums. The usual conceptualisation of referendums being fought out between the political parties and the people has moved and in its place are two new types of actors. Firstly, in both a number of accession and treaty referendums *ad hoc* groups outside the usual political sphere play the major role in promulgating the 'Yes' or 'No' cases. Secondly, particularly in treaty referendums, governments play a major role in advocating the 'Yes' case as it is their European policies that are on the line. Thus EU referendums are changing the nature of referendum actors from that of the political parties and the people; to that of the government, the people, *ad hoc* groups and other organisations and, in a semi-detached role in treaty referendums, the European Union.

Finally, and on a positive note, the change in the nature of EU referendums and their increasing popularity as a mechanism to resolve matters surrounding membership of the European Union, has restored their sense of democratic respectability and, to a large extent, has overcome their tarnished and uncertain reputation. In the early 1970s the EU referendums which were held were almost all confined to those states where the constitution dictated that they should be held, or where there was a national tradition of referendums which pre-disposed them. Now EU referendums have a status that suggests that their earlier association with manipulation and misuse of power is one which is declining, and in its place is an image of a highly democratic means involving the people in some of the major decisions of contemporary Europe.

Thus there have been a range of large and small changes in referendums as a result of their increasing use to resolve matters surrounding membership of the European Union. Some have more to do with major changes in government-society relationships while others are associated with the changing role of political parties. Still others reflect small but subtle changes in the fairness of the referendum institution itself. In terms of referendum research all of these changes in the referendum as an institution would provide fruitful areas for further investigation.

EU Referendums and the European Union

Although the typology of EU referendums has identified five differing types of referendums, only accession, treaty and quasi-treaty referendums hold real import for the European Union and, of these, only treaty referendums are crucial to the European Union itself and to the progress of European integration. This is not to discount quasi-treaty referendums but, while as yet none have been held, then their impact on the Union can only be conjectured. However, while treaty referendums are the most important, equally as important is their successful outcome. The defeat of the Danish Maastricht referendum of June 1992 shook the foundations of the European Union and raised serious questions about its construction as a political system. This indicated that the successful outcome of a treaty referendum is now imperative, and thus those measures which potentially jeopardise that outcome, become unduly significant. Before these issues are examined more closely some general comments are appropriate on EU referendums, and on EU accession, withdrawal and special purpose referendums.

EU referendums interact with the European Union in three differing arenas – as one of many stepping stones to enlargement of the European Union, in the necessity to ratify new treaties following treaty reform and, through both of the above, as means of conveying to the Union a form of democratic consent. Whilst all these referendums owe their origins to national historical, constitutional and political circumstances, the original impetus for EU referendums arose from the constitutional demands in Ireland and Denmark following their intention to join the European Community in 1972.

There the use of referendums was expected to end having done its job in authorising changes to the constitution to allow membership to proceed in Ireland, and for an international treaty to be ratified in Denmark. Referendums were never expected to play any further role in the relationship between national governments and membership of the European Union. However, no sooner had the Single European Act been negotiated than party political manoeuvrings in Denmark and the Supreme Court in Ireland determined otherwise. Since then these two national governments – Denmark and Ireland – and the European Union have been set on a trajectory which has given undue prominence to an otherwise very minor instrument in the armoury of mechanisms available to governments to resolve pressing political or constitutional problems.

However EU referendums have now reached beyond their constitutional or legal role and are becoming popular in their own right. More EU referendums have been held because governments have chosen to do so than been held because of constitutional demands. In addition, as discussed in Chapter Six, and with a few notable exceptions, most have exhibited high degrees of participation generally rivalling that evident in general elections, and consequently have conferred on the matters under consideration a high degree of legitimation. They have also had the capacity, in special circumstances, to affect political events in other states, as well as those within the European Union itself. The symbolic power of EU referendums has often gone unrecognised, as Chapter Eight has noted.

Accession Referendums

EU accession referendums are, at the time of the referendum, (excepting the British 1975 referendum) conducted by those countries outside the European Union. As noted in Chapter Four, the initial accession referendums in the 1970s provided the example for others to follow and by the 1990s it became inconceivable that the later members aspiring to join would not also hold referendums, although these decisions were often supported by national precedents. Thus EU accession referendums are likely to play an even greater role in the future in enlarging the European Union. The sheer increase in the numbers of these referendums will mean that the 'integration by referendum'

referred to by Suksi in 1996 is likely to become a reality.[3] However, an accession referendum is not an all encompassing panacea but rather is merely a democratic mechanism to decide the issue. Referendums cannot in themselves heal divisions where none in fact exists. Not all applicants have willingly embraced membership and a few referendums have revealed deep seated disagreements around joining as was shown in 1994 in Sweden, while Norway again rejected membership.

To the European Union accession referendums are generally regarded as national political events in which the people decide for themselves whether or not to join.[4] The European Union has little active interest in these referendums and is not involved although it is very concerned with enlargement. As indicated in Chapters Six and Seven, most of these referendums exhibited high degrees of participation and many were a ringing endorsement of the national policies to seek membership. They legitimated both national entry and conveyed to the European Union an explicit and direct willingness to join. But, while the European Union continues to consider them only national events with minimal European implications, this deprives the Union of access to the repository of good will that accompanies them. With many more states joining the Union in the next few years this explicit willingness to join could be recognised more fully and used to foster a sense of renewed identity in the Union.

The other types of EU referendums have not, so far at least, had such an impact on the European Union. As noted in Chapter One, although the Greenland withdrawal referendum was disputed by some members at the time for fear of the precedent it would set, this has not happened. The special purpose referendums provide more cause for concern, particularly the proposed referendum in Austria to express anger at the imposition of sanctions following the establishment of a right-wing government. This may have implications for the European Union in terms of binding Austria to particular commitments made to her public, though at this stage with only scant details of the precise provisions of the referendum, nor its ultimate intention, this is

---

[3] Suski, 1993, p 56.
[4] Interviews D, U and V.

only speculation. More serious were earlier proposals for enlargement referendums designed to halt, or at least seriously thwart, the eastward enlargement of the Union.[5]

Treaty and Quasi-treaty Referendums

It is EU treaty and quasi-treaty referendums that are of real importance to the European Union. The reason for this lies in the obligations of member states to ratify the treaties of the European Union as soon as possible and so allow European integration to move ahead. An added reason is quite simply because, as the Danish 'No' to the Maastricht treaty revealed, the treaties of the European Union must be ratified by all members or else they fall. However, as noted especially in Chapter Six, while these referendums become more crucial to pass, their potential for becoming more volatile is also increasing.

At a pragmatic level EU referendums reveal the dual roles that national governments play both as national government and constituent member state of the European Union. The tensions between these two roles and the necessity to keep both in harmony are cruelly exposed in national referendums. The compromises and horse trading that takes place in the institutions of the Union over major issues and policies, become difficult to explain away on the electoral hustings. Coupled with the evidence of widespread ambivalence over Europe and an elite-mass divide, both discussed in Chapter Six, this suggests that the people may become less trusting of governments in their member state role which, added to the fact that national governments have not always been honest with them about the nature of integration, exposes a potentially grave situation.

An added factor, and noted also in Chapter Six, is that referendums move control away from the parliamentary and governmental sphere to the people. In many EU referendums governmental control is moved to a far more distant position as political parties withdraw from campaigning and instead leave these referendums to *ad hoc* groups and other organisations outside the traditional political sphere. But while on

---

[5] Communication CC.

the one hand influence and control is increasingly stretched, on the other, success is more imperative than ever. This leaves the structuring of the referendum vote tenuous in the extreme, and especially so in the Irish case where the 'pro' and 'anti' arguments now must be equally balanced. If this, in turn, is combined with the evidence of increasingly independent voting, changes in the fairness of these referendums, and ambivalent attitudes towards Europe, all discussed in Chapters Four to Six, this creates a variety of issues and factors which lessen the chances of continued success.

The real tragedy of EU treaty referendums, and highlighted in Chapters Five and Seven, is that the short term expediency of the respective national governments in not educating their publics about the nature of integration, has meant that these referendums are largely fought on the basis of continuing membership of the Union rather than on the policy changes they seek to authorise. If, in fact, the latter happened and these referendums became national debates on the direction of European integration, they would be able to convey to the European Union direct and explicit authorisation. In the absence of any other direct electoral connection this would legitimate the direction of EU policy, although of course this would be restricted to those who held treaty referendums. But, as the Danish result was taken to reflect widespread public attitudes there is no reason that the same should not work in the reverse – that support in several states could be taken to reflect that in others. Such a possibility would give to the European Union a far more sure foundation upon which to develop European integration. Unfortunately, this is unlikely to happen in the immediate future, or not until the next crisis.

The irony here, and noted in Chapter Seven, is that the European Commission, as amongst the most important of the institutions of the European Union, would rather that referendums did not occur and especially not for European Union treaties.[6] To it the progress of European integration is far too important to be subject to the uncertain judgement of the people. They would prefer that the ratification of the treaties is confined to the political and parliamentary spheres where governmental control is more assured. By regarding EU treaty referendums as simply a mechanism for

---

[6] Interview D.

265

ratification, and thereby failing to recognise their wider democratising and legitimating roles, they ignore a potential source of democratic authorisation for the European Union and sustain the impression that integration is an elite led development removed from the political control of the people. Thus there appears to be an emerging tension between the European Union which does not want integration to be subject to the judgement of the people, and the demands for more EU referendums arising at the national level.

A similar issue has been discussed theoretically by Suksi.[7] He considers that the impetus for EU referendums has arisen because the transfer of power from the national to the European level is pushing to the limits the extent of what can be considered acceptable through the normal electoral processes. As a consequence he considers that EU referendums provide an extra "influx of legitimacy" over and above that which is needed for normal decisions. Furthermore, the European Union style of decision making could also, in turn, "press the mode of national decision-making in the direction of popular sovereignty."[8] As this increases it accentuates the demand for more referendums thereby establishing a trend which moves away from state sovereignty towards popular sovereignty. Thus, to Suksi, there is a relationship between membership of the European Union and the people which favours more direct democratic methods for the resolution of important national issues - the changes conceived of are so significant and, once begun, are impossible to halt. Therefore the supra-national nature of the European Union has provoked its own response at the national level through demands for more explicitly West European liberal democratic practices, precisely because they are so lacking at the European level.

It is not surprising therefore that when major issues concerning national-European relationships arise then demands for referendums also appear. The power of the people to retain some control over integration is manifest through the continued use of, and demands for, EU referendums at the national level. Yet current proposals up for discussion in the run up to the next treaty are to restrict even further the

---

[7] Suksi, 1993a, p 278.
[8] Suksi, 1993a, p 278.

opportunity for popular control of European integration through referendums.[9] However, given that this will most likely also have to be approved by referendum then, if such proposals are included, the likelihood of the success of these referendums must be queried.

In a quasi-treaty referendums the possibility of a negative result is equally as serious for the European Union as a negative result in a treaty referendum. Here, as noted in Chapter Five, rejection will cement the opt outs negotiated at Maastricht, and the European Union will begin a phase of variable geometry possibly extending to an *à la carte* Europe. This will significantly change the pace and direction of integration. Such an option is currently being debated in the European Union faced with the prospect of enlargement on the one hand and the Danish EMU referendum on the other. A watering down of the *acquis communautaire* however, would mark a major change in the European Union where up until now the founding members have defended it very strongly. But, with the prospect of enlargement and quasi-treaty referendums, the likelihood of a more flexible membership may be timely and opportune.

So where does this study lead in terms of the most likely and fruitful areas of research in the future? In terms of European Union research, the monitoring of the dual role of governments in referendums seems an interesting area to pursue. At a theoretical level, the increasing number of EU referendums provides scope for a more detailed analysis of Suksi's claim that the supra-nationalist nature of the European Union is likely to push the button towards more assertive demands for national EU referendums. Yet other areas could be the analysis of the symbolic power of referendums and their ability to transcend the national political space, and the analysis of the 1992 Danish result which was taken as a universal statement of wider attitudes towards the European Union. Finally research must keep abreast of the continuing development of EU referendums, and of the typology and its explanatory power in relation to the European Union.

---

[9] *The Financial Times*, 5 July 2000, p 1 and 28.

Thus EU referendums have impacted on the European Union in unexpected and unforeseen ways. They have facilitated enlargement, ratified its treaties and at the same time provided a degree of democratic legitimation. For the most part this has been predicated on the continued success of these referendums but a combination of administrative factors, changes in public attitudes and the reluctance of some governments to foster a more positive spirit of Europe amongst their people are undermining their continued chances of success. Further, the increasing tension between the institutions of the European Union as they try to keep the people of Europe from direct democratic involvement in integration, while at the same time addressing the democratic deficit and crisis of legitimacy, and while they contend with more EU referendums arising at the national level, will continually challenge the Union and its construction as a political system. For the most part European national publics have been, unlike others elsewhere such as Australia, remarkably compliant in returning to governments the results they require. This is expected to continue to happen but, should it not and EU referendum voting become much more unpredictable, then the European Union and the nature and form of integration are likely to change in significant ways.

Democratic Governance, EU Referendums and the European Union

The first and most distinctive feature of democratic governance in the European Union is that it is concerned with the political arena, and the interactions within these parameters between the European Union and member states, and those states aspiring to be members. This political dimension is related to the electoral authorisation of specific matters associated with membership of the European Union and in this respect provides a means of interaction between national governments and the European Union. The basis of this can be seen in the constitutionalism and decision-making practices of governments along with the more obvious degrees of participation as well as the legitimacy conveyed.

This is happening in an unplanned manner and is directly related to the inter-dependencies between the actors involved. It is also largely uncontrolled in that the form of democratic governance to emerge is the sum of the individual national decisions which are only tangentially related to each other as they reside in individual national constitutional and political circumstances. Further, there is no set teleology and the increasing use of EU referendums is, if anything, placing more restrictions on ensuring an inter-governmental European Union than in giving it permission to develop supra-nationally. Thus the cumulative effects of all these EU referendums is to provide a brake on the development of a supra-national form of integration by ensuring that the changes in treaty reform progress no farther than that likely to be successful in Danish or Irish treaty referendums.

All these factors contribute to my confidence in the belief that a specific form of democratic governance is emerging in the European Union as a result of the increasing use of EU referendums. This democratic governance is at the same time providing the European Union with much needed political dimension, albeit restricted to only a few members and on rare occasions. Nevertheless, in the absence of other adequate and reliable direct electoral sources of authorisation and consent, this becomes important. It is also effecting national governments as they seek some form of explicit authorisation to continue membership of the European Union.

In terms of future research the most pressing issue is to look for continued signs of this form of democratic governance in the European Union, and to monitor its progress. In this manner the interaction and interdependencies of the European Union and member states, and with national governments, can be shown to be part of a complex network of relationships that extend beyond the reaches of individual national referendums in member states, and can effect those with which it has no immediate relationship. Thus EU referendums have, in influencing the direction of European integration, affected those states which have never held an EU referendum. In this manner EU referendums have had powerful, if unintended, consequences for other member states as well as for the European Union itself.

The constitutional provisions of Ireland and Denmark, borne out of troubled histories, have given these two states unprecedented influence over the nature and direction of European integration which is far beyond their size or usual impact on European policy. They set in train a pattern for the resolution of EU matters by the direct involvement of the people which, in turn, can be interpreted as a backdoor means by which a form of West European liberal democracy is being imposed on the European Union. Thus these referendums have had wide ranging, challenging and unpredictable consequences for the European Union. While often giving the appearance of sanguine and benign instruments suitable for resolving important constitutional and political issues, EU referendums hold within their ambit a power that gives lie to their seemingly limited and restricted purpose. They have in fact been responsible for the evolution of a form of democratic governance developing in the European Union which is already involving, and which may do so even more in the future, the peoples of Europe in the development of integration – the fundamental political decision facing contemporary Western Europe.

APPENDIX

LIST OF INTERVIEWS

A. Mr Erik Boel
International Officer
Social Democratic Party of Denmark
Copenhagen
4 November 1998

B. Mr Richard Corbett, MEP
European Parliament
Brussels
27 January 1999

C. Mr Kevon Downley
Ministry of Foreign Affairs
Dublin
10 December 1998

D. Mr John Fitzmaurice
Secretariat General
European Parliament
Brussels
27 January 1999

E. Mr Michael Gallagher
Department of Political Science
Trinity College
University of Dublin
Dublin
11 December 1998

F. Mr Mark Gray
Treaty of Amsterdam Unit
Directorate General 10
European Commission
29 January 1999

G. Mr Phillip Hannlon
Parliamentary Research Officer
Fine Fail
Dublin
11 December 1998

H. Mr Hubert Heiss
First Secretary
Austrian Representation
Brussels
28 January 1999

I. Mr Lance Jensen
Parliamentary Research Officer
Red/Green Alliance
Copenhagen
4 November 1998

J. Mr Håkan Jonsson
Second Secretary
Swedish Representation
Brussels
29 January 1999

K. Mr Markku Keinänen
First Secretary
Finnish Representation
Brussels
28 January 1999

L. Mr Kjell
Deputy Secretary-General
Centre Party of Norway
Oslo
24 November 1998

M. Mr Jarle Kilmark
Research Officer
Labour Party of Norway
23 November 1998

N. Mr Michael Marsh
Department of Political Science
Trinity College
University of Dublin
Dublin
10 December 1998

O. Mr Memeses
Member Portuguese Delegation
Brussels
29 January 1999

P. Mr Tom Morgan
Chief Executive Officer
Referendum Commission
Dublin
11 December 1998

Q. Mr Andrea Pierucci
Member of Cabinet Commissioner
Oregas
(Formerly with Commission for
Institutional Matters, Amsterdam IGC)
European Commission
Brussels
27 January 1999

R. Mr Jan Rix Rasmussen
Parliamentary Research Officer,
Social Democratic Party of Denmark
Copenhagen
4 November 1998

S. Mr Jo Saglie,
Department of Political Science
University of Oslo
Oslo
23 November 1998

T. Mr Christian Syse,
Head of Division
EU/EEA Section
European Department
Ministry of Foreign Affairs
Oslo
23 November 1998

U. Mr Martin Westlake,
Chef d'Unité
Relations avec les autres institutions
Directorate General 10
European Commission
Brussels
26 January 1999

V. Sir David Williamson

Former Secretary General
European Commission
London
12 February 1999

W. Mr Torben Worre
Department of History
University of Copenhagen
Copenhagen
3 November 1998

PERSONAL COMMUNICATIONS

AA. Mr Martin Westlake
E-mail correspondence
June 2000

BB. Professor Clive Church
Department of Politics and
International Relations
University of Kent at Canterbury
E-mail correspondence
June 2000

CC. Dr David Phinnemore
Institute of European Studies
The Queen's University of Belfast
E-mail correspondence
June 2000

BIBLIOGRAPHY

Aardal, B., Jenssen, A. T., Oscarsson, H., Sänkiaho, R., and Säynässalo, E., 1998, "Can Ideology Explain the EU Vote?", Jenssen, A.T., Pesonen, P. and Gilljam, M., eds., *To Join or Not to Join*, Scandinavian University Press, Oslo

Adams, W. J., 1992, ed., *Singular Europe: Economy and Polity of the European Community after 1992*, University of Michigan Press, Ann Arbor, Michigan

Adshead, M., 1996, "Sea Change on the Isle of Saints and Scholars?: The 1995 Irish Referendum on the Introduction of Divorce", *Electoral Studies*, Vol. 15, No. 1

Alderson, S., 1975, *Yea or Nay?: Referenda in the United Kingdom*, Cassell, Cambridge

Aldrich, J., 1993, "Rational Choice and Turnout*", American Journal of Political Science*, Vol. 37

Alexander, L., 1998, ed., *Constitutionalism: Philosophical Foundations*, Cambridge University Press, Cambridge

Anckar, D., 1993, "Comparative Research in the Nordic Countries: Overcoming Ethnocentrism?", *Scandinavian Political Studies*, Vol. 16, No. 2

Anderson, P. J., 1999, "The British Presidency", *Journal of Common Market Studies*, Annual Review, Vol. 37

Anderson, P. J. and Weymouth, A., 1999, *Insulting the Public?: The British Press and the European Union*, Longman, London

Andersen S. S. and Eliassen, K. A., 1996, eds., *The European Union: How Democratic Is It?*, Sage, London

Andersen S. S. and Burns, T. R., 1996, "The European Union and the Erosion of Parliamentary Democracy: A Study of Post-Parliamentary Governance", Andersen S. S. and Eliassen, K. A., eds., *The European Union: How Democratic Is It?*, Sage, London

Andweg, A., 1995, "The Reshaping of National Party Systems" in *West European Politics*, Special issue: The Crisis of Representation in Europe, Vol. 18, No. 3

Appleton, A., 1992, "Maastricht and the French party System: Domestic Implications of the Treaty Referendum", *French Politics and Society*, Vol. 10, No. 4

Arblaster, A., 1996, *Democracy*, 2 edn., Open University Press, Buckingham
-1972, "Participation: Context and Conflict", Parry, G., ed., *Participation in Politics*, Manchester University Press, Manchester

Arter, D., 1995, "The EU Referendum in Finland on 16 October 1994: A Vote for the West, not for Maastricht", *Journal of Common Market Studies*, Vol. 33, No. 3
-1993, *The Politics of European Integration in the Twentieth Century*, Dartmouth, Aldershot

Atkin, D., 1978, "Australia" D. Butler and A. Ranney, eds., *Referendums*, American Enterprise Institute for Public Policy Research, Washington, DC

Aubert, J-F., 1978, "Switzerland", Butler, D. and Ranney, A., eds., *Referendums*, American Enterprise Institute for Public Policy Research, Washington, DC

Austen, J., Butler, D. and Ranney, A., 1987, "Referendums, 1978-1986", *Electoral Studies*, Vol. 6, No. 2

The Australian, 8 November, 1999

Aylott, N., 1997, "Between Europe and Unity: The Case of the Swedish Social Democrats", *West European Politics*, Vol. 20, No. 2

Bainbridge, T. with Teasdale, A., 1997, *The Penguin Companion to the European Union*, Penguin, Harmondsworth

Baker, D., Gamble, A. and Ludlam, S., 1994, "The parliamentary siege of Maastricht", *Political Affairs*, Vol. 47, No. 1
-1993a, "Whips or Scorpions? The Maastricht Vote and the Conservative Party", *Parliamentary Affairs*, Vol. 46, No. 2
-1993b, "1846..1906..1996: Conservative Splits and European Integration", *Political Quarterly*, Vol. 64, No. 4

Balsom, D., 1996, "The United Kingdom", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

Banchoff, T. and Smith, M. P., 1999, eds., *Legitimacy and the European Union: The Contested Polity*, Longman, London

Barber, B. R., 1996, "Three Challenges to Reinventing Democracy", Hirst, P., and Khilnani, S., eds., *Reinventing Democracy*, Blackwell, Oxford
-1984, *Strong Democracy: Participatory Politics for a New Age*, University of California Press, Berkeley, California

Bardi, L., 1991, "The Third Elections to the European Parliament: a vote for Italy or a vote for Europe?", Sabetti, F. and Catanzato, R., eds., *Italian Politics: A Review, Volume 5*, Pinter, London

Barker, R., 1990, *Political Legitimacy and the State*, Clarendon Press, Oxford

Baun, M., 1999, "Enlargement", Cram, L., Dinan, D., and Nugent, N., eds., *Developments in the European Union*, Macmillan, Basingstoke

Beetham, D., 1991, *The Legitimation of Power*, Macmillan, Basingstoke

Beetham, D., and Lord, C., 1998, *Legitimacy and the EU*, Longman, London
-1998, "Legitimacy and the European Union", Weale, A., and Nentwich, eds., *Political Theory and the European Union*, Routledge, London

Bellamy, R., Bufacchi, V., and Castiglione, D., 1995, eds., *Democracy and Constitutional Culture in the Union of Europe*, Lothian Foundation Press, London

Bellamy, R., and Castiglione, D., 1996, "Introduction: Constitutions and Politics", *Political Studies*, Vol. 44, Special Issue: *Constitutionalism in Transformation: European and Theoretical Perspectives*

Bennulf, M., Hedberg, P., Pettersen P. A. and Pesonen, P., 1998, "Political Participation", Jenssen, A. T., Pesonen, P., and Gilljam, M., eds., *To Join or Not to Join*, Scandinavian University Press, Oslo

Bideleux, R., and Taylor, R., 1996, eds., *European Integration and Disintegration: East and West*, Routledge, London

Bingham Powell, G., 1980, "Voting Turnout in Thirty Democracies", Richard Rose, ed., *Electoral Participation: A Comparative Analysis*, Sage, London.

Birch, A. H., 1993, *The Concepts and Theories of Modern Democracy*, Routledge, London
-1971, *Representation*, Macmillan, Basingstoke

Bjørklund, T., 1996, "The Dispute about Norwegian Membership in the European Union: A Transformation of an Issue from Foreign to Domestic Policy", *Contemporary Political Studies, 1996*, Political Studies Association of the United Kingdom, Blackwell, Oxford

-1996, " The Three Nordic 1994 Referenda Concerning Membership in the EU", *Cooperation and Conflict*, Vol. 31, No. 1

-1982, "The Demand for Referendum: When Does It Arise and when Does It Succeed?", *Scandinavian Political Studies*, Vol. 5, No. 3

Black, T. R., 1993, *Evaluating Social Science Research: An Introduction*, Sage, London

Blackburn, R. and Plant, R., 1999, eds., *Constitutional Reform: The Labour Government's Constitutional Reform Agenda*, Longman, London

Blaikie, N., 1993, *Approaches to Social Inquiry*, Polity Press, Cambridge

Bobbio, N., 1987, *The Future of Democracy*, Polity Press, Cambridge

Bogdanor, V., 1998, "Book Reviews", *West European Politics*, Vol. 21, No. 1

-1996, "The European Union, the Political Class and the People", Hayward, J., ed., *Elitism, Populism and European Politics*, Clarendon Press, Oxford

-1994, "Western Europe", Butler, D., and Ranney, A., eds., *Referendums around the World*, Macmillan, Basingstoke

-1991, ed., *The Blackwell Encyclopaedia of Political Science*, Blackwell, Oxford

-1990, *Democratising the Community*, Federal Trust, London

-1989, "Direct Elections, Representative Democracy and European Integration", *Electoral Studies*, Vol. 8, No. 3

- 1988, *Constitutions in Democratic Politics*, Gower, Aldershot

- 1983, *Multi-party Politics and the Constitution*, Cambridge University Press, Cambridge

- 1981, *The People and the Party System: The referendum and electoral reform in British politics*, Cambridge University Press, Cambridge

Borre, O., 1995, "Old and New Politics in Denmark", *Scandinavian Political Studies*, Vol. 18, No. 3

-1986, "The Danish Referendum on the EC Common Act", *Electoral Studies*, Vol. 5, No. 2

Bourguigon-Wittke, R., Grabitz, E., Schmuck, O., Steppat, S., and Wessels, W., 1985, "Five Years of the Directly Elected European Parliament: Performance and Prospects", *Journal of Common Market Studies*, Vol. 24, No. 1

Boyer, P., 1992, *Direct Democracy in Canada: The History and Future of Referendums*, Dundurn Press, Toronto

Brady, H. E. and Kaplan, C. S., 1994, "Eastern Europe and the Former Soviet Union", Butler, D., and Ranney, A., eds., *Referendums around the World*, Macmillan, Basingstoke

Bristow, S., 1976, "Partisanship, Participation and Legitimacy in Britain's EEC Referendum", *Journal of Common Market Studies*, Vol. 14, No.2.

Bryman, A., 1996, *Quantity and Quality in Social Research*, Routledge, London

Budge, I., 1996, *The New Challenge of Direct Democracy*, Polity Press, Cambridge

Buffotot, P., 1993, "Le Référendum sur l'union Européenne", *Modern and Contemporary France*, Vol. 1, No. 3

Bulmer, M., 1987, ed. *Social Science Research and Government*, Cambridge University Press, Cambridge

Burnham, P., 1997, ed., *Surviving the Research Process in Politics*, Pinter, London

Butler, D., 1978, "United Kingdom", Butler, D. and Ranney, A., eds., 1978, *Referendums*, American Enterprise Institute for Public Policy Research, Washington, DC

Butler, D., and Kitzinger, U., 1976, *The 1975 Referendum*, Macmillan, Basingstoke

Butler, D. and Ranney, A., 1994, eds., *Referendums around the World: The Growing Use of Direct Democracy*, Macmillan, Basingstoke
- 1978, *Referendums: A Comparative Study of Practice and Theory*, American Enterprise Institute for Public Policy Research, Washington, DC

Cafruny, A. W. and Lankowski, C., 1997, eds., *Europe's Ambiguous Unity: Conflict and Consensus in the Post-Maastricht Era*, Lynne Rienner, Boulder, Colorado

Canovan, M., 1999, "Trust the People! Populism and the Two Faces of Democracy" *Political Studies*, Vol. 47, No. 1
- 1981, *Populism*, Harcourt Brace Jovanovich, New York

Carcassonne, G., 1995, "The Constraints on Constitutional Change in France", Hesse, J. J. and Johnson, N., eds., *Constitutional Policy and Change in Europe*, Oxford University Press, Oxford
-1988, "France (1958): The Fifth Republic after thirty years", Bogdanor, V., ed., *Constitutions in Democratic Politics*, Gower, Aldershot

Catt, H., 1999, *Democracy in Practice*, Routledge, London
-1996, "The Other Democratic Experiment: New Zealand's Experience with Citizen's Initiated Referendums, *Political Science*, Vol. 48, No. 1

Charlot, J., 1996, "From Representative Government to Responsive Government?", Hayward, J., ed., *Elitism, Populism and European Politics*, Clarendon Press, Oxford

Chilcote, R. H., 1994, *Theories of Comparative Politics: The Search for a Paradigm Reconsidered*, Westview Press, Boulder, Colorado

Christensen, D. A., 1996, "Left-Wing Opposition in Denmark, Norway and Sweden: Cases of Euro-phobia?", *West European Politics*, Vol. 19, No. 3

Chryssochoou, D., 1996, "Europe's Could-Be Demos: Recasting the Debate", *West European Politics*, Vol. 19, No. 4
-1994, "Democracy and Symbiosis in the European Union: Towards a Confederal Consociation?", *West European Politics*, Vol. 17, No. 4

Chubb, B., 1991, *The Politics of the Irish Constitution*, Institute of Public Administration, Dublin
-1978, *The Constitution and Constitutional Change in Ireland*, Institute of Public Administration, Dublin

Church, C. H. and Phinnemore, D., 1994, *European Union and European Community: A Handbook and Commentary on the Post-Maastricht Treaties*, Harvester Wheatsheaf, New York

Coakley, J., Holmes, M. and Rees, N., 1997, "The Irish Response to European Integration: Explaining the Persistence of Opposition", Cafruny A. W. and Lankowski, C. eds., *Europe's Ambiguous Unity*, Lynne Rienner, Boulder, Colorado

Cole, A., 1998, *French Politics and Society*, Prentice Hall, London

- 1994, *Francois Mitterrand: A Study in Political Leadership*, Routledge, London

Connolly, W., ed., 1984, *Legitimacy and the State*, Blackwell, Oxford

Cook, T. E. and Patrick, M. Morgan, P. M., 1971, *Participatory Democracy*, Canfield Press, San Francisco, California

Coombes, D., 1994, "Problems of Governance in the Union", Duff, A., Pinder, J., and Pryce, R., eds., *Maastricht and Beyond*, Routledge, London

Corbett, R., 1993, *The Treaty of Maastricht. From Conception to Ratification: a Comprehensive Reference Guide*, Longman, London

Corkill, D., 1999, "Portugal's 1998 Referendums", *West European Politics*, Vol. 22, No. 2

Cornett, L. and Caporaso, J. A., 1995, ""And still it moves!" State interests and social forces in the European Community", Rosenau, J. N., and Czempiel, E-O. eds., *Governance without Government*, Cambridge University Press, Cambridge

Cram, L., Dinan, D., and Nugent, N., eds., 1999, *Developments in the European Union*, Macmillan, Basingstoke

Crewe, I., 1981, "Electoral Participation", Butler D., Penniman H. and Ranney, A., eds., *Democracy at the Polls: A Comparative Study of Competitive National Elections*, American Enterprise Institute for Public Policy Research, Washington DC

Criddle, B., 1993, "The French Referendum on the Maastricht Treaty September 1992", *Parliamentary Affairs*, Vol. 46, No 2

- 1972, "Politics by Plebiscite in France", *The World Today*, Vol. 28

Cronin, T. E., 1989, *Direct Democracy: The Politics of Initiative, Referendum and Recall*, Harvard University Press, Cambridge, Massachusetts

Cryer, P., 1996, *The Research Student's Guide to Success*, Open University Press, Buckingham

Curtis, M., 1968, *Comparative Government and Politics: An Introductory Essay in Political Science*, Harper and Row, New York

Dalton, R. J., 1988, *Citizen Politics in Western Democracies: Public Opinion and Political Parties in the United States, Great Britain, West Germany and France*, Chatham House, New Jersey

Darcy, R. and Laver, M., 1990, "Referendum dynamics and the Irish divorce amendment", *Public Opinion Quarterly*, Vol. 54., No. 1

Deeg, R. E., 1995, "Germany's Lander and the Federalization of the European Union", Rhodes, C. and Mazey, S., eds., *The State of the European Union: Vol. 3, Building a European Polity?*, Lynne Rienner, Boulder, Colorado

Dehousse Report, 1969, Luxembourg: PEG

Dehousse, R., 1995, "Constitutional Reform in the European Community. Are there Alternatives to the Majoritarian Avenue?", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3

Denman, R., 1996, *Missed Chances: Britain and Europe in the Twentieth Century*, Indigo, London

Denmark in Europe, Socialist Group European Parliament, 27 October 1992

Denzin, N. K. and Lincoln, Y. S., 1994, eds., *Handbook of Qualitative Research*, Sage, London

Desai, M. and Redfern, P., 1995, eds., *Global Governance: Ethics and Economics of the World Order*, Pinter, London

Devine, F., 1995, "Qualitative Methods", Marsh, D. and Stoker, G., eds., *Theory and Methods in Political Science*, Macmillan, Basingstoke

Dexter, L., 1970, *Elite and Specialised Interviewing*, Northwestern University Press, Chicago, Illinois

Dinan, D., 1999, "Treaty Change in the European Union: The Amsterdam Experience", Cram, L., Dinan, D., and Nugent, N., eds., *Developments in the European Union*, Macmillan, Basingstoke

    - 1994, *Ever Closer Union?* Macmillan, Basingstoke

Dogan, M. and Pelassy, D., 1990, *How to Compare Nations: Strategies in Comparative Politics*, 2 edn., Chatham House, London

Duckenfield, M., 1999, "Bundesbank-Government Relations in Germany in the 1990s: From GEMU to EMU", *West European Politics*, Vol. 22, No. 3

Duff, A., Pinder, J. and Pryce, R., 1994, eds., *Maastricht and Beyond: Building the European Union*, Routledge, London

Dyson, K., 1994, *Elusive Union: The Process of Economic and Monetary Union in Europe*, Longman, London

The Economist, 18-24 March 2000

The Economist, 10-17 June 2000

The Economist, 8-15 July 2000

Edwards G., and Pijpers, A., 1997, eds., *The Politics of European Treaty Reform: The 1996 Intergovernmental Conference and Beyond*, Pinter, London

Ehrmann, H. W., 1963, "Direct Democracy in France", *American Political Science Review*, Vol. 57

van der Eijk, C. and Franklin, M. N., 1996, *Choosing Europe? The European Electorate and National Politics in the Face of Union*, University of Michigan Press, Ann Arbor, Michigan

-1991, "European Community Politics and Electoral Representation: Evidence from the 1989 European Elections Study", *European Journal of Political Research*, Vol. 19, No. 1

van der Eijk, C., Franklin, M. N. and Marsh, M., 1996, "What Voters Teach Us About Europe-Wide Elections: What Europe-Wide Elections Teach Us About Voters", *Electoral Studies*, Vol. 15, No. 2

van der Eijk, C., Franklin, M. N. and Oppenhuis, E., 1996, "The Institutional Context: Turnout", van der Eijk, C. and Franklin, M. N., *Choosing Europe?: The European Electorate and National Politics in the Face of Union*, University of Michigan Press, Ann Arbor, Michigan

Electoral Reform Society and The Constitution Unit, 1997, *Report of the Commission on the Conduct of Referendums,* London

Eurobarometer, various issues.

Fauvelle-Aymar, C., Lafay, J-D., and Servais, M., 2000, "The impact of turnout on electoral choices: an econometric analysis of the French case", *Electoral Studies,* Vol. 19

Featherstone, K., 1994, "Jean Monnet and the 'Democratic Deficit' in the European Union", *Journal of Common Market Studies,* Vol. 32, No. 2

Feld, W. J., and Wildgen, J. K., 1976, *Domestic Political Realities and European Unification: A Study of Mass Publics and Elites in the European Community Countries,* Westview Press, Boulder, Colorado

Financial Times, 28 June 2000

Financial Times, 5 July, 2000

Finer, S. E., 1980, *The Changing British Party System 1945-1979,* American Enterprise Institute for Public Policy Research, Washington, DC

Fitzmaurice, J., 1995, "The 1994 Referenda on EU Membership in Austria and Scandinavia", *Electoral Studies,* Vol. 14, No. 2
- 1981, *Politics in Denmark,* Hurst, London

Flicklinger, R. S. and Studlar, D. T., 1992, "The Disappearing Voters? Exploring Declining Turnout in Western European Elections", *West European Politics,* Vol. 15, No. 2

Forster, A., 1998, "Britain and the Negotiation of the Maastricht Treaty: A Critique of Liberal Intergovernmentalism", *Journal of Common Market Studies,* Vol. 36, No. 3

Fort, R. and Bunn, D. N., 1988, "Whether one votes and how one votes", *Public Choice,* Vol. 95

Franklin, M. N., van der Eijk, C., 1996, "The Problem: Representation and Democracy in the European Union", van der Eijk, C. and Franklin, M. N., *Choosing Europe?,* University of Michigan Press, Ann Arbor, Michigan

Franklin, M. N., van der Eijk, C. and Marsh, M., 1995, "Referendum Outcomes and Trust in Government: Public Support for Europe in the Wake of Maastricht", *West European Politics,* Special issue: *The Crisis of Representation in Europe,* Vol. 18, No. 3

Franklin, M. N., Marsh, M., and McLaren, L., 1994, "Popular Opposition to European Unification after Maastricht", *Journal of Common Market Studies,* Vol. 32, No. 4
-1995, "Uncorking the Bottle: Popular Opposition to European Unification in the Wake of Maastricht", *Journal of Common Market Studies,* Vol. 32, No. 4

Franklin, M., Marsh, M. and Wlezein, C., 1994, "Attitudes toward Europe and Referendum Votes: A Response to Siune and Svensson", *Electoral Studies,* Vol. 13, No. 2

Frears, J. R., 1977, *Political Parties and Elections in the French Fifth Republic,* Hurst, London

Friis, L., 1999, "EU and Legitimacy – The Challenge of Compatibility", *Cooperation and Conflict,* Vol. 34, No. 3

Gabel, M., 1998, "Public Support for European Integration: An Empirical Test of Five Theories", *The Journal of Politics*, Vol. 60, No. 2

Gallagher M., 1996a,"Ireland", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

-1996b, "Conclusion" in Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

-1988, "The Single European Act Referendum", *Irish Political Studies*, Vol. 3

Gallagher, M., and Uleri, P. V., 1996, eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

Gamble, A., 1995, "Economic Recession and Disenchantment with Europe", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3

-1981, *An Introduction to Modern Social and Political Thought*, Macmillan, Basingstoke

Garvin, T., 1972, "Party Loyalty and Irish Voters: The EEC Referendum as a Case Study", *Economic and Social Review*, Vol. 4

Gehler, M. and Kaiser, W., 1998, "A Study in Ambivalence: Austria and European Integration 1945-95, *Contemporary European History*

Geyer, R., 1997, *The Uncertain Union: British and Norwegian Social Democrats in an Integrating Europe*, Avebury, Farnborough

Geyer, R. and Swank, D., 1997, "Rejecting the European Union: Norwegian Social Democratic Opposition to the EU in the 1990's", *Party Politics*, Vol. 3, No. 4

Gilland, K., 1999, "Referenda in the Republic of Ireland", *Electoral Studies*, Vol. 18

Gilljam, M., Pesonen, P. and Listhaug, O., 1998, "The Referendum in Representative Democracies", Jenssen, A. T., Pesonen, P., and Gilljam, M., eds., *To Join or Not to Join*, Scandinavian University Press, Oslo

Girvin, B., 1993, "The Referendums on Abortion 1993", *Irish Political Studies*, Vol. 8
-1986, "Social Change and Moral Politics: the Irish Constitutional Referendum 1983", *Political Studies*, Vol. 34, No. 1

Godt, P., 1989, ed., *Policy-Making in France: From de Gaulle to Mitterrand*, Pinter, London

Goetz, C. H., 1995, "National Governance and European Integration: Intergovernmental Relations in Germany", *Journal of Common Market Studies*, Vol. 33, No. 1

Gooch, A., 1986, "A Surrealistic Referendum: Spain and NATO", *Government and Opposition*, Vol. 21, No. 3

Goodhart, P., 1971, *Referendum*, Stacey, London

Goodwin, B., 1992, *Using Political Ideas*, 3 edn., Wiley, New York

Grimond, J. and Neve, B., 1975, *The Referendum*, Rex Collings, London

The Guardian, Thursday 5 November, 1998

Guyomarch, A., Machin, H. and Ritchie, E., 1998, *France in the European Union*, Macmillan, Basingstoke

Hague, R., Harrop, M. and Breslin, S., 1992, *Comparative Government and Politics*, Macmillan, Basingstoke

Hansen, L., and Williams, M. C., 1999, "The Myths of Europe: Legitimacy, Community and the 'Crisis' of the EU", *Journal of Common Market Studies*, Vol. 37, No. 2

Harlow, C., 1999, "The European Union", Blackburn, R. and Plant, R., eds., *Constitutional Reform: The Labour Government's Constitutional Reform Agenda*, Longman, London

Hayward, J., 1996, ed., *Elitism, Populism and European Politics*, Clarendon Press, Oxford
-1995, ed., *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3

Hayward, J. E. S., 1969, "Presidential Suicide by Plebiscite: De Gaulle's Exit", *Parliamentary Affairs*, Vol. 22

Held, D., 1996, *Models of Democracy*, 2 edn., Polity Press, Cambridge
- 1995, *Political Theory and the Modern State*, Polity Press, Cambridge

Held, D. and Politt, C., 1986, eds., *New Forms of Democracy*, Sage, London

Hellevik, O. and Gleditsch, N. P., 1973, "The Common Market Decision in Norway: A Clash between Direct Democracy and Indirect Democracy", *Scandinavian Political Studies*, Vol. 8

Herman, V. and Lodge, J., 1978, *The European Parliament and the European Community*, Macmillan, Basingstoke

Hesse, J. J. and Johnson, N. 1995, eds., *Constitutional Policy and Change in Europe*, Oxford University Press, Oxford

Hewstone, M., 1986, *Understanding Attitudes to the European Community*, Cambridge University Press, Cambridge

Hine, D., 1996, "Political Parties and the Public Accountability of Leaders", Hayward, J., ed., *Elitism, Populism and European Politics*, Clarendon Press, Oxford
- 1995, *Governing Italy: the Politics of Bargained Pluralism,* Oxford University Press, Oxford

Hix, S., 1999, *The Political System of the European Union*, Macmillan, Basingstoke
-1998a, "The study of the European Union II: the 'new governance' agenda and its rival", *Journal of European Public Policy*, Vol. 5, No. 1
-1998b, "Elections, Parties and Institutional Design: A Comparative Perspective on European Union Democracy", *West European Politics*, Vol. 21, No. 3
-1996, "CP, IR and the EU! A Rejoinder to Hurrell and Menon", *West European Politics*, Vol. 19, No. 4
-1995, "Parties at the European Level and the Legitimacy of EU Socio-Economic Policy", *Journal of Common Market Studies*, Vol. 33, No. 4
-1994, "The Study of the European Community: The Challenge of Comparative Politics", *West European Politics*, Vol. 17, No. 1

Hix, S., and Lord, C., 1997, *Political Parties in the European Union*, Macmillan, Basingstoke

Holmberg, S. 1998, "The Extent of European Integration", Jenssen, A. T., Pesonen, P., and Gilljam, M., eds., *To Join or Not to Join*, Scandinavian University Press, Oslo

Holmes, M., 1993, "The Maastricht Treaty Referendum of June 1992", *Irish Political Studies*, Vol. 8

Holstein, J. A. and Gubrium, J. F., 1995, "The Active Interview", *Qualitative Research Methods*, Vol. 37, Sage, London

van Holsteyn, J., 1996, "The Netherlands", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

Hooghe, L., 1996, ed., *Cohesion Policy and European Integration: Building Multi-Level Governance*, Oxford University Press, Oxford

-1995, "Subnational Mobilisation in The European Union", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3

Hooghe, L. and Marks, G., 1997, "Contending Models of Governance in the European Union", Cafruny, A. W. and Lankowski, C. eds., *Europe's Ambiguous Unity*, Lynne Rienner, Boulder, Colorado

Hughes, C., 1994, "Australia and New Zealand" in D. Butler and A. Ranney, eds., *Referendums around the World*, Macmillan, Basingstoke

Hurrell, A., and Menon, A., 1996, "Politics Like Any Other? Comparative Politics, International Relations and the Study of the EU", *West European Politics*, Vol. 19, No. 2

The Independent, 1 February, 2000

The Independent, 9 June 2000

Ingebritsen, C. and Larson, S., 1997, "Interest and Identity: Finland, Norway and European Union", *Cooperation and Conflict*, Vol. 32, No. 2

Jachtenfuchs, M., 1997, "Conceptualising European Governance", Jørgensen, K. E., ed., *Reflective Approaches to European Governance*, Macmillan, Basingstoke

Jahn, D., Pesonen, P., Slaatta, T. and Åberg, L., 1998, "The Actors and the Campaigns", Jenssen, A. T., Pesonen, P., and Gilljam, M., eds., 1998, *To Join or Not to Join*, Scandinavian University Press, Oslo

Jahn, D. and Storsved, A-S., 1995, "Legitimacy through Referendum? The Nearly Successful Domino-Strategy of the EU-Referendums in Austria, Finland, Sweden and Norway", *West European Politics*, Vol. 18, No. 4

Jahn, D. and Widfeldt, A., 1996, "European Union Accession and its Aftermath in Sweden: are the Swedes fed up with European Union membership?", *Contemporary Political Studies, 1996*, Political Studies Association of the United Kingdom, Blackwell, Oxford

Jacobs, F., Corbett, R. and Shackleton, M., 1992, *The European Parliament*, 2 edn., Longman, London

Jenssen, A. T., Gilljam, M. and Pesonen, P., 1998, "The Citizens, the Referendums and the European Union", Jenssen, A. T., Pesonen, P., and Gilljam, M., eds., *To Join or Not to Join*, Scandinavian University Press, Oslo

Jenssen, A. T., Pesonen, P., and Gilljam, M., 1998, eds., *To Join or Not to Join: Three Nordic Referendums on Membership in the European Union*, Scandinavian University Press, Oslo

Jørgensen, K. E., 1997a, ed., *Reflective Approaches to European Governance*, Macmillan, Basingstoke

-1997b, "Introduction: Approaching European Governance", Jørgensen, K. E., ed., *Reflective Approaches to European Governance*, Macmillan, Basingstoke

Judge, D., 1995, "The Failure of National Parliaments?", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3

Judicial Review, No. 209, 1997, "Coughland, Broadcasts Complaints Commission and RTE", Dublin

Kaiser, W., 1995, "Austria in the European Union", *Journal of Common Market Studies*, Vol. 33, No. 3

Kavanagh, D., 1981, "Public Opinion Polls", Butler D., Penniman H. and Ranney, A., eds., *Democracy at the Polls: A Comparative Study of Competitive National Elections*, American Enterprise Institute for Public Policy Research, Washington DC

Keatinge, P., 1988, "Annual Review of Irish Foreign Policy", *Irish Studies in International Affairs*, Vol. 2, No. 4

Keesing's Contemporary Archives, relevant issues.

Kelstrup, M., 1993, "Small States and European Political Integration", Tiilikainen, T., and Petersen, I. D., eds., *The Nordic Countries and the EC*, Copenhagen Political Studies Press, Copenhagen

Keogh, D., 1990, *Ireland and Europe 1919-1989: A Diplomatic and Political History*, Hibernian University Press, Dublin

Keohane, R. O. and Hoffman, S., 1991, eds., *The New European Community: Decision-making and Institutional Change*, Westview Press, Boulder, Colorado

King, A., 1981a, "Referendums and the European Community" in Ranney, A. ed., 1981, *The Referendum Device*, American Enterprise Institute, Washington, DC
-1981b, "What Do Elections Decide?", Butler, D., Penniman, H. R. and Ranney, A., eds., *Democracy at the Polls: A Comparative Study of Competitive National Elections*, American Enterprise Institute for Public Policy Research, Washington DC
-1977, *Britain Says Yes: The 1975 Referendum and the Common Market*, American Enterprise Institute for Public Policy Research, Washington, DC

Kirchner, E. J., 1994, "The European Community: A Transnational Democracy?", Budge I. and McKay, D., eds., *Developing Democracy*, Sage, London

Klingemann, H-D., Hofferbert, R. I. and Budge, I., 1994, *Parties, Policies and Democracy*, Westview Press, Boulder, Colorado

Kobach, K. W., 1997, "Spurn Thy Neighbour: Direct Democracy and Swiss Isolationism", *West European Politics*, Vol. 20, No. 3
-1994, "Switzerland", Butler, D. and Ranney, A., eds., *Referendums around the World*, Macmillan, Basingstoke
-1993a, *The Referendum: Direct Democracy in Switzerland*, Dartmouth, Aldershot
-1993b, "Recent Developments in Swiss Direct Democracy" *Electoral Studies*, Vol. 12, No. 4

Kohler-Koch, B., 1996, "Catching up with change: the transformation of governance in the European Union", *Journal of European Public Policy*, Vol. 3, No. 3

Kooiman, J., 1994a, ed., *Modern Governance: New Government-Society Interactions*, Sage, London

-1994b, "Social-Political Governance: Introduction", Kooiman, J., ed., *Modern Governance*, Sage, London

-1994c, "Findings, Speculations and Recommendations", Jan Kooiman, ed., *Modern Governance*, Sage, London

Koslowski, R., 1999, "EU citizenship: implications for identity and legitimacy", Banchoff, T. and Smith, M. P., eds., *Legitimacy and the European Union*, Longman, London

Kucia, M., 1999, "Public Opinion in Central Europe on EU Accession: The Czech Republic and Poland", *Journal of Common Market Studies*, Vol. 37, No. 1

Laffan, B., 1999, "Democracy and the European Union", Cram, L., Dinan, D., and Nugent, N., eds., *Developments in the European Union*, Macmillan, Basingstoke

-1992, *Integration and Co-operation in Europe*, Routledge, London

Lane, J-E., McKay, D., and Newton, K., 1997, *Political Data Handbook OECD Countries*, 2 edn., Oxford University Press, Oxford

Lane, J-E. and Ersson, S. O., 1992, *Politics and Society in Western Europe*, 2 edn., Sage, London

Lane, R., 1996, "Losing Touch in a Democracy: Demands versus Needs", Hayward, J., ed., *Elitism, Populism and European Politics*, Clarendon Press, Oxford

Lankowski, C., 1987, "Political Opposition in the E.C.: The Role of the Community from the Rome Treaty to the Danish Referendum of 1986", *Il Politico*, No. 2

Lantis, J. S. and Queen, M. F., 1998, "Negotiating Neutrality: The Double-Edged Diplomacy of Austrian Accession to the European Union", *Cooperation and Conflict*, Vol. 33, No. 2

Lasch, C., 1995, *The Revolt of the Elites and the Betrayal of Democracy*, W. W. Norton, New York

Laurent, P-H. and Maresceau, M., 1998, eds., *The State of the European Union, Vol. 4, Deepening and Widening*, Lynne Rienner, Boulder, Colorado

Laursen, F., 1997, "The Lessons of Maastricht", Edwards, G., and Pijpers, A., eds., *The Politics of European Treaty Reform*, Pinter, London

-1994, "Denmark and Ratification of the Maastricht Treaty", Laursen, F. and Vanhoonacker, S., eds., *The Ratification of the Maastricht Treaty*, Martinus Nijhoff, The Hague

Laursen, F., and Vanhoonacker, S., 1994, eds., *The Ratification of the Maastricht Treaty: Issues, Debates and Future Implications*, Martinus Nijhoff, The Hague

Lawler, P., 1997, "Scandinavian Exceptionalism and European Union", *Journal of Common Market Studies*, Vol. 25, No. 4

Leleu, C., 1976, "The French Referendum of April 23, 1972", *European Journal of Political Research*, Vol. 4

Leftwich, A., ed., 1996, *Democracy and Development: Theory and Practice*, Polity Press, Cambridge

-1993, "Governance, democracy and development in the Third World", *Third World Quarterly*, Vol. 14, No. 3

Lewis, P. G. and Potter, D.C., 1973, *The Practice of Comparative Politics*, The Open University Press, Buckingham

Lijphart, A., 1999, *Patterns of Democracy*, Yale University Press, New Haven, Connecticut

-1984, *Democracies: Patterns of Majoritarian and Consensus Governments in Twenty-One Countries*, Yale University Press, New Haven, Connecticut

-1977, *Democracy in Plural Societies*, Yale University Press, New Haven, Connecticut

Lindberg, L. N. and Scheingold, S. A., 1970, *Europe's Would-be Polity: Patterns of Change in the European Community*, Prentice-Hall, Englewood Cliffs, New Jersey

Listhaug, O., Holmberg, S, and Sänkiaho, R., 1998, "Partisanship and EU-Choice", Jenssen, A. T., Pesonen, P., and Gilljam, M., eds., *To Join or Not to Join*, Scandinavian University Press, Oslo

Lodge, J., 1996, "The European Parliament", Andersen S. S. and Eliassen, K. A., eds., *The European Union: How Democratic Is It?*, Sage, London

-1994a "Towards a political union?" in Lodge, J., ed., *The European Community and the Challenge of the Future*, 2 edn., Pinter, London

-1994b, ed., *The European Community and the Challenge of the Future*, 2 edn., Pinter, London

-1990, ed., *The 1989 Election of the European Parliament*, Macmillan, Basingstoke

-1986, ed., *Direct Elections to the European Parliament 1984*, Macmillan, Basingstoke

Lord, C., 1998, *Democracy in the European Union*, UACES, Sheffield University Press, Sheffield

Lucardie, P., 1997, "Direct Democrats versus Elective Aristocrats: Dutch Political Parties in Debate about the Referendum", Paper presented to the European Consortium for Political Research, Joint Sessions, Bern

Lyck, L., 1992, ed., *Denmark and EC Membership Evaluated*, Pinter, London

Macridis, R. C., 1973, "The nature of comparative analysis", Lewis, P. G. and Potter, D. C. eds., *The Practice of Comparative Politics: A Reader*, Open University Press, Buckingham

Mackie, T. and Marsh, D., 1995, "The Comparative Method" in Marsh, D., and Stoker, G., eds., *Theory and Methods in Political Science*, Macmillan, Basingstoke

Magleby, D. B., 1984, *Direct Legislation: Voting on Propositions in the United States*, John Hopkins University Press, Baltimore, Maryland

Magone, J. M., 1997, *European Portugal: the Difficult Road to Sustainable Democracy*, Macmillan, Basingstoke

Mair, P., 1995, "Political Parties, Popular Legitimacy and Public Privilege", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3

-1990, ed., *The West European Party System*, Oxford University Press, Oxford

Manning, M., 1978, "Ireland", Butler, D., and Ranney, A., eds., *Referendums*, American Enterprise Institute for Public Research, Washington, DC

Manson, J., 1996, *Qualitative Researching*, Sage, London

Marks, G., Scharpf, F. W., Schmitter, P. and Streek, W., 1996, *Governance in the European Union*, Sage, London

Marks, G., Hooghe, L. and Blank, K., 1996, "European Integration from the 1980s: State-Centric v. Multi-level Governance", *Journal of Common Market Studies*, Vol. 34, No. 3

Marsh, D. and Stoker, G., 1995, eds., *Theory and Methods in Political Science*, Macmillan, Basingstoke

Marshall, G., 1997, "The Referendum: What, When and How?", *Parliamentary Affairs*, Vol. 50, No. 2

Marshall, K. and Rossman, G. B., 1995, *Designing Qualitative Research*, 2 edn., Sage, London

Matláry, J. H., 1995, "New Forms of Governance in Europe?: The Decline of the State as the Source of Political Legitimation", *Cooperation and Conflict*, Vol. 30, No. 2

Mckay, J., 1996, "The Truth about Referendums: The Berlin-Brandenburg Case", Paper presented to the PSA, Election, Public Opinion and Parties Group Conference, Sheffield University, U.K., 1996

Meehan, E., 1993, *Citizenship and the European Community*, Sage, London

Melchoir, J., 1998, "Democratic Foundations of Political Community in the European Union", Paper presented at the ECPR/ISA Joint Conference, Vienna

Meunier-Aitsahalia, S., and Ross, G., 1993, "Democratic Deficit or Democratic Surplus? A Reply to Andrew Moravcsik's Comments on the French Referendum", *French Politics and Society*, Vol. 11, No. 1

Meyer, C., 1999, "Political Legitimacy and the Invisibility of Politics: Exploring the European Union's Communication Deficit", *Journal of Common Market Studies*, Vol. 37, No. 4

Midtbø, T., 1996, "Voter Turnout in Norway: Time, Space and Causality", *Scandinavian Political Studies*, Vol. 19, No.4

Midtbø, T., and Hines, K., 1998, "The Referendum-Election Nexus: An Aggregate Analysis of Norwegian Voting Behaviour", *Electoral Studies*, Vol. 17, No. 1

Miles, L., 1997, *Sweden and European Integration*, Ashgate, Aldershot
-1996, ed., *The European Union and the Nordic Countries*, Routledge, London

Miles, R., 1998, "Australia's Constitutional Referendum: A Shield, Not A Sword", *Representation*, Vol. 35, No. 4

Miller, K. E., 1982, "Policy-Making by Referendums: The Danish Experience", *West European Politics*, Vol. 5, No. 1

Minkin, L., 1997, *Exits and Entrances: Political Research as a Creative Art*, Sheffield Hallam University, Sheffield

Moravcsik, A., 1995, "Liberal Intergovernmentalism and Integration: A Rejoinder", *Journal of Common Market Studies*, Vol. 33, No. 4
-1993a, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach", *Journal of Common Market Studies*, Vol. 31, No. 4
-1993b, "Idealism and Interest in the European Community: The Case of the French Referendum", *French Politics and Society*, Vol. 11, No. 1

Moravcsik, A. and Nicolaidis, K., 1999, "Explaining the Treaty of Amsterdam: Interests, Influence, Institutions", *Journal of Common Market Studies*, Vol. 37, No. 1
-1998, "Federal Ideals and Constitutional Realities in the Treaty of Amsterdam", *Journal of Common Market Studies*, Vol. 36

Morel, L., 1996, "France", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke
-1993, "Party Attitudes Towards Referendums in Western Europe", *West European Politics*, Vol. 16, No. 3

Morris, J. and Lodge, J., 1995, "Appendix; The Referendums", Juliet Lodge, ed., *The European Community and the Challenge of the Future*, 2 edn., Pinter, London

Mueller, D., 1989, *Public Choice II*, Cambridge University Press, Cambridge

Müller, W. C., 1998, "Party Competition and Plebiscitary Politics in Austria", *Electoral Studies*, Vol. 17, No. 1

Nehring, N. J., 1992, "Parliamentary Control of the Executive", Lyck, L., ed., *Denmark and EC Membership Evaluated*, Pinter/St Martin's Press, London

Nelsen, B., and Stubb, A. C-G., 1998, eds., *The European Union: Readings on the Theory and Practice of European Integration*, Macmillan, Basingstoke

Nentwich, M., 1998, "Opportunity structures for citizen's participation: the case of the European Union", Weale, A. and Nentwich, M., eds., *Political Theory and the European Union*, Routledge, London

Neunreither, K., 1998, "Governance without Opposition: The Case of the European Union", *Government and Opposition*, Vol. 33, No. 4
-1994, "The Democratic Deficit of the European Union: Towards Closer Cooperation between the European Parliament and the National Parliaments", *Government and Opposition*, Vol. 29, No. 3

A New Treaty for Europe, Citizen's Guide, 1997, Amsterdam June 17, The European Union

Niedermayer, O., and Sinnott, R., 1995, eds., *Public Opinion and Internationalized Governance*, Beliefs in Government, Vol. 2., Oxford University Press, Oxford

Niedermayer, O., 1990, "Turnout in the European Elections", *Electoral Studies*, Vol. 9, No. 1

Nicoll, W. and Salmon, T. C., 1994, *Understanding the New European Community*, Harvester Wheatsheaf, New York

Nilson, S. S., 1978, "Scandinavia", Butler, D. and Ranney, A., eds., *Referendums*, American Enterprise Institute for Public Research, Washington, DC

Nilson, S. S. and Bjørklund, T., 1986, "Ideal Types of Referendum Behaviour", *Scandinavian Political Studies*, Vol. 9, No. 3

Nugent, N., 1999, "Decision-Making", Cram, L., Dinan, D., and Nugent, N., eds., *Developments in the European Union*, Macmillan, Basingstoke
-1996, "Sovereignty and Britain's Membership of the European Union", *Public Policy and Administration*, Vol. 11, No. 2
-1994, *The Government and Politics of the European Union*, 3 edn., Macmillan, Basingstoke

Obradovic, D., 1996, "Policy Legitimacy and the European Union", *Journal of Common Market Studies*, Vol. 34, No. 2

O'Mahony, J., 1998, "The Irish Referendum Experience", *Representation*, Vol. 35, No. 4

O'Neill, M., 1999, "'Appointment with History': The Referenda on the Stormont Peace Agreement, May 1998", *West European Politics*, Vol. 22, No. 1

Parry, G., 1976, *Political Elites*, Allen and Unwin, London

Parry, G., Moyser, G., and Day, N., 1992, *Political Participation and Democracy in Britain*, Cambridge University Press, Cambridge

Patjin Report, Doc 386/74

Pateman, C., 1970, *Participation and Democratic Theory*, Cambridge University Press,Cambridge

Pedersen, T., 1996, "Denmark and the European Union", Miles, L., ed., *The European Union and the Nordic Countries*, Routledge, London

Pelinka, A. and Greiderer, S., 1996, "Austria", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

Pennings, P., Keman, H., and Kleinnijenhuis, J., 1999, *Doing Research in Political Science: an introduction to comparative methods and statistics*, Sage, London

Pesonen, P., 1998, "Voting Decisions", Jenssen, A. T., Pesonen, P., and Gilljam, M., eds., *To Join or Not to Join*, Scandinavian University Press, Oslo

Pesonen, P., Jenssen, A. T. and Gilljam, M., 1998, "To Join or Not to Join", Jenssen, A. T., Pesonen, P., and Gilljam, M., eds., *To Join or Not to Join*, Scandinavian University Press, Oslo

Petersen, N., 1997, "The Nordic Trio and the Future of the EU", Edwards, G., and Pijpers, A., eds., *The Politics of European Treaty Reform*, Pinter, London

-1996a, Denmark and the European Union 1985-96: A Two-level Analysis", *Cooperation and Conflict*, Vol. 31, No. 2

-1996b, "In the Strategic Triangle: Denmark and the European Union", Bideleux, R., and Taylor, R., eds., *European Integration and Disintegration: East and West*, Routledge, London

-1995, "Denmark and the European Community 1985-1993", Due-Nielsen, C. and Petersen, N., eds., *Adaptation and Activism: The Foreign Policy of Denmark 1967-1993*, DJØF Publishing, Copenhagen

-1993, "Game, Set and Match: Denmark and the European Union after Edinburgh", Tiilikainen, T., and Petersen, I. D., eds., *The Nordic Countries and the EC*, Copenhagen Political Studies Press, Copenhagen

-1978, "Attitudes towards European Integration and the Danish Common Market Referendum", *Scandinavian Political Studies*, Vol. 1, No. 1

Petersen, N. and Elkit, J., 1973, "Denmark Enters the European Communities", *Scandinavian Political Studies*, Vol. 8

Pettersen, P. A., Jenssen, A. T., and Listhaug, O., 1996, "The 1994 EU Referendum in Norway: Continuity and Change", *Scandinavian Political Studies*, Vol. 19, No. 3

Pfetsch, F., 1995, "Tensions in Sovereignty: Foreign Policies of EC Members Compared", W. Carlsnaes and S. Smith, eds., *European Foreign Policy: The EC and Changing Perspectives in Europe*, Sage, London

Pickles, D., 1982, *Problems of Contemporary French Politics*, Methuen, London
-1971, *Democracy*, Methuen, London

Pierce, R., Valen, H. and Listhaug, O., 1983, "Referendum Voting Behaviour: The Norwegian and British Referenda on Membership in the European Community", *American Journal of Political Science*, Vol. 27, No. 1

Pitkin, H. F., 1967, *The Concept of Representation*, University of California Press, Berkeley, California

Preston, C., 1997, *Enlargement and Integration in the European Union*, Routledge, London

Preuß, U. K., 1996, "Two Challenges to European Citizenship", *Political Studies*, Vol. 44

Putman, R. D., 1988, "Diplomacy and domestic politics: the logic of two-level games", *International Organisation*, Vol. 42, No. 3
- 1976, *The Comparative Study of Political Elites*, Prentice Hall, Englewood Cliffs, New Jersey

Qvortrup, M., 1998, "Voter-knowledge and Participation: A Comparative Study of Referendums in Denmark and Switzerland", *Representation*, Vol. 35, No. 4

Ranney, A., 1981, ed., *The Referendum Device*, American Enterprise Institute, Washington, DC

Redmond, J., 1994, ed., *Prospective Europeans: New Members for the European Union*, Harvester Wheatsheaf, New York

Redmond, J., and Rosenthal, G. G., 1998, eds., *The Expanding European Union: Past, Present and Future*, Lynne Rienner, Boulder, Colorado

Referendum Commission, 1998, *Amsterdam Treaty '98*, The Referendum Commission, Dublin

Referendum Commission, 1998, *Reports*, The Referendum Commission, Dublin

Reif, K., 1984, "National Electoral Cycles and European Elections 1979 and 1984", *Electoral Studies*, Vol. 3, No. 3

Reif, K. and Inglehart, R., 1991, eds., *Eurobarometer*, Macmillan, Basingstoke

Reif, K. and Schmitt, H., 1980, "Nine Second-Order National Elections – A Conceptual Framework for the analysis of European Election Results", *European Journal of Political Research*, Vol. 8

Report by Mr Leo Tindemans to the European Council, *Bull* EC Supplement 1/76

Rhodes, C. and Mazey, S., 1995, eds., *The State of the European Union: Vol. 3, Building a European Polity?*, Lynne Rienner, Boulder, Colorado

Rhodes, R. A. W., 1996, " The New Governance: Governing without Government", *Political Studies*, Vol. 44, No. 4
-1995, "The Institutional Approach", Marsh D. and Stoker, G., eds., *Theory and Methods in Political Science*, Macmillan, Basingstoke

Richards, D., 1996, "Elite Interviewing: Approaches and Pitfalls", *Politics*, Vol. 16, No. 3

Richardson, L., 1994, "Writing: A Method of Inquiry", Denzin, N. K. and Lincoln, Y. S., eds., *Handbook of Qualitative Research*, Sage, London

Ringdal, K. and Valen, H., 1998, "Structural divisions in the EU Referendums", Jenssen, A. T., Pesonen, P. and Gilljam, M., eds., 1998, *To Join or Not to Join*, Scandinavian University Press, Oslo

Risse-Kappen, T., 1996, "Exploring the Nature of the Beast: International Relations Theory and Comparative Policy Analysis Meet the European Union", *Journal of Common Market Studies*, Vol, 34, No. 1

Robertson, D., 1986, *The Penguin Dictionary of Politics*, Penguin, Harmondsworth

Roberts-Thomson, P., 1999, "The European Union and EU Treaty Referendums", Paper Presented to the Fourth UACES Research Conference, Sheffield

-1998, "The Crisis of Legitimacy in the European Union and the EU Referendums", Paper presented at the ECPR/ISA Joint Conference, Vienna

-1997, "Political Culture and Constitutions: The State and Referendums in Western Europe", Paper presented to the European Consortium for Political Research, Joint Sessions, Bern

-1996a, "Referendums and Legitimacy: Myth or Reality?", *Contemporary Political Studies, 1996*, Political Studies Association of the United Kingdom, Blackwell, Oxford

-1996b, "Registration Document", Nottingham Trent University, unpublished

-1977, "The Simultaneous Elections Referenda of May 1977", BA Honours Thesis, University of Tasmania, unpublished

Rosamond, B., 2000, *Theories of European Integration*, Macmillan, Basingstoke

Rose, R., 1991, "Comparing Forms of Comparative Analysis", *Political Studies*, Vol. 39, No. 1

Rosenau, J. N., 1995a, "Governance, order, and change in world politics", Rosenau, J. N. and Czempiel, E-O., eds., *Governance Without Government*, Cambridge University Press, Cambridge

-1995b, "Citizenship in a changing global order", Rosenau J. N. and Czempiel, E-O., eds., *Governance Without Government*, Cambridge University Press, Cambridge

Rosenau, J., and Czempiel, E-O., 1995, eds., *Governance Without Government: Order and Change in World Politics*, Cambridge University Press, Cambridge

Rourke, J. T., Hiskes, R. P. and Zirakzadeh, C. E., 1992, *Direct Democracy and International Politics: Deciding International Issues Through Referendums*, Lynne Rienner, Boulder, Colorado

Rüdiger, M., 1995, "Denmark and the European Community 1967-1985", Due-Nielsen, C. and Petersen, N., eds., *Adaptation and Activism: The Foreign Policy of Denmark 1967-1993*, DJØF Publishing, Copenhagen

Ruin, O., 1996, "Sweden", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

-1988, "Sweden: The New Constitution (1974) and the Tradition of Consensual Politics", Bogdanor, V., ed., *Constitutions in Democratic Politics*, Gower, Aldershot

Ruostetsaari, I., 1997, "Co-existence of Direct and Representative Democracy: Effects of Direct Democracy on the Party System in Finland", Paper presented to the European Consortium for Political Research, Joint Sessions, Bern

Saint-Ouen, F., 1988, "Facing European Integration: The Case of Switzerland", *Journal of Common Market Studies*, Vol. 26, No. 3

Sandholtz, W., and Stone Sweet, A., 1998, *European Integration and Supranational Governance*, Oxford University Press, Oxford

Sandholtz, W., and Zysman, J., 1989, "1992: Recasting the European Bargain", *World Politics*, Vol. 42, No. 1

Särlvik, B., Crewe, I., Alt, J. and Fox, J., 1976, "Britain's Membership of the EEC: A Profile of Electoral Opinion in the Spring of 1974 – with a Postcript on the Referendum", *European Journal of Political Research*, Vol. 4

Sartori, G., 1987, *The Theory of Democracy Revisited*, Part 1, Chatham House, Chatham, New Jersey
-1973, "Faulty Concepts", P. G. Lewis and D. C. Potter, eds., *The Practice of Comparative Politics: A Reader*, Open University Press, Buckingham

Sasse, C., Poullet, E., Coombes, D., and Deprez, G., 1977, *Decision Making in the European Community*, Praeger, New York

Schaar, J. H., 1984, "Legitimacy and the Modern State", Connolly, W., ed., *Legitimacy and the State*, Blackwell, Oxford

Schmitt, H. and Thomassen, J., 1999, eds., *Political Representation and Legitimacy in the European Union*, Oxford University Press, Oxford

Schmitter, P.C., 1996a, "Examining the Present Euro-Polity with the Help of Past Theories", Marks, G., Scharpf, F. W., Schmitter, P. and Streek, W., *Governance in the European Union*, Sage, London
-1996b, "Imagining the Future of the Euro-Polity with the Help of New Concepts" Marks, G., Scharpf, F. W., Schmitter, P. and Streek, W., *Governance in the European Union*, Sage, London

Schram, A. J., 1989, *Voter behaviour in Economic Perspective*, Academic Proefschrift, Universiteit van Amsterdam, The Netherlands

Setälä, M., 1999a, *Referendums and Democratic Government*, Macmillan, Basingstoke
-1999b, "Referendums in Western Europe – A Wave of Direct Democracy", *Scandinavian Political Studies*, Vol. 22, No. 4
-1997, "Referendum as Party-Political Strategy", Paper presented to the European Consortium for Political Research, Joint Sessions, Bern

Shepherd, R. J., 1975, *Public Opinion and European Integration*, Saxon House, Farnborough

Sinnott, R., 1995a, *Irish Voters Decide: Voting behaviour in elections and referendums since 1918*, Manchester University Press, Manchester
-1995b, *Knowledge of the European Union in Irish Public Opinion: Sources and Implications*, Occasional Paper No. 5, Institute of European Affairs, Dublin

Siune, K., 1993, "The Danes said No to the Maastricht Treaty: The Danish EC Referendum of June 1992", *Scandinavian Political Studies*, Vol. 16, No. 1

Siune, K. and Svensson, P., 1993, "The Danes and the Maastricht Treaty: The Danish EC Referendum of June 1992", *Electoral Studies*, Vol. 12, No. 2

Siune, K., Svensson, P. and Tonsgaard, O., 1994, "The European Union: The Danes Said 'No' in 1992 but 'Yes' in 1993: How and Why?", *Electoral Studies*, Vol. 13, No.2

Slater, M., 1982, "Political Elites, Popular Indifference and Community Building", *Journal of Common Market Studies*, Special Issue: *The European Community: Past, Present and Future*, Vol. 21, Nos. 1 and 2

Smith, G., 1989, *Politics in Western Europe*, Dartmouth, Aldershot
    -1976, "The functional properties of the referendum", *European Journal of Political Research*, Vol. 4, No. 1
    -1975, "The referendum and political change", *Government and Opposition*, Vol. 10, No. 3

Smith, M. E. and Sandholtz, W., 1995, "Institutions and Leadership: Germany, Maastricht, and the ERM Crisis", Rhodes, C. and Mazey, S., eds., *The State of the European Union: Vol. 3, Building a European Polity?*, Lynne Rienner, Boulder, Colorado

Smith, J., 1999, *Europe's Elected Parliament*, UACES and Sheffield University Press, Sheffield
    -1995, "The 1994 European Elections: Twelve into One Won't Go", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3

Sogner, I. and Archer, C., 1995, "Norway and Europe: 1972 and Now", *Journal of Common Market Studies*, Vol. 33, No. 3

Spicer, M., 1992, *A Treaty Too Far: A New Policy for Europe*, Fourth Estate, London

Spotts, F., and Wieser, T., 1986, *Italy: A Difficult Democracy*, Cambridge University Press, Cambridge

Squires, J., 1996, "Liberal Constitutionalism, Identity and Difference", *Political Studies*, Vol. 44

Stake, R. E., 1994, "Case Studies", Denzin, N. K. and Lincoln, Y. S., eds., *Handbook of Qualitative Research*, Sage, London

Steed, M., 1984, "Failure or Long-haul? European Elections and European Integration", *Electoral Studies*, Vol. 3, No. 3

Stone, A., 1993, "Ratifying Maastricht: France Debates the European Union", *French Politics and Society*, Vol. 11, No. 1

Stone Sweet, A. and Sandholtz, W., 1998, eds., *European Integration and Supranational Governance*, Oxford University Press, Oxford
    -1997, "European integration and supranational governance", *Journal of European Public Policy*, Vol. 4, No. 3

Strom, K., 1997, "The Institutional Role of Referenda in Parliamentary Democracy", Paper presented to European Consortium of Political Research, Joint Sessions, Bern

Streeck, W., 1992, ed., *Social Institutions and Economic Performance*, Sage, London

Streeck, W. with Schmitter, P. C., 1992, "From National Corporatism to Transnational Pluralism", Streeck, W., ed., *Social Institutions and Economic Performance*, Sage, London

Stubb, A. C-G., 1996, "A Categorisation of Differentiated Integration", *Journal of Common Market Studies*, Vol. 34, No. 2

Suksi, M., 1996, "Finland", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke
-1993, *Bringing in the People: A Comparison of Constitutional Forms and Practices of the Referendum*, Martinus Nijhoff, The Hague

Sully, M., 1995, "The Austrian Referendum 1994", *Electoral Studies*, Vol. 14, No. 1

Svåsand, L., and Lindstrom, U., 1992, "Sliding Towards EC Membership: Norway in Scandinavian Perspective", *Government and Opposition*, Vol. 27, No. 3

Svensson, P., 1996, "Denmark", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke
-1994, "The Danish Yes to Maastricht and Edinburgh: The EC Referendum of May 1993", *Scandinavian Political Studies*, Vol. 17, No. 1
-1984, "Class, Party and Ideology: A Danish Case Study of Electoral Behaviour in Referendums", *Scandinavian Political Studies*, Vol. 7, No. 3

Sverdrup, U., 1998, *Precedents and Present Events in the European Union: An Institutional Perspective on Treaty Reform*, No. 21, ARENA, Oslo

Sverdrup, U. and Kux, S., 1997, *Balancing Effectiveness and Legitimacy in European Integration: The Norwegian and Swiss Case*, No. 31, ARENA, Oslo

The Sydney Morning Herald, Monday 8 November 1999

Taaffe, D., 1999, "The Referendum, Citizens and Citizens of Europe", Paper Presented to the Fourth UACES Research Conference, Sheffield

Tallian, L., 1977, *Direct Democracy: An Historical Analysis of the Initiative, Referendum and Recall Process*, Peoples Lobby Inc., Los Angeles, California

Taylor, P., 1991, "The European Community and the state: assumptions, theories and propositions", *Review of International Studies*, No. 17

Therborn, G., 1995, *European Modernity and Beyond*, Sage, London

Tiersky, R., 1993, "French Foreign Policy Stumbles", *French Politics and Society*, Vol. 11, No. 1

Tiilikainen, T., and Petersen, I. D., 1993, eds., *The Nordic Countries and the EC*, Copenhagen Political Studies Press, Copenhagen

The *Times*, Wednesday 24 February 1999

Thomson, D., 1990, "Rousseau and the General Will", David Thomson, ed., *Political Ideas*, Penguin, Harmondsworth

Tommel, I., 1998, "The Political System of the EU, a Democratic System?" Paper presented to the ECPR-ISA Joint Conference, Vienna

Tonsgaard, O.,1992, "A Theoretical Model of Referendum Behaviour", Gundelach, P. and Siune, K., eds., *From Voters to Participants*, Politica, Copenhagen

Tsoukalis, L., ed., 1983, *The European Community: Past Present and Future*, Blackwell, Oxford

Treaty of Amsterdam, 1998, White Paper, The Stationery Office, Dublin

Treaty on European Union, 1992, Commission of the European Communities, Brussels

Trechsel, A. H. and Kriesi, H., 1996, "Switzerland", Gallagher M. and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

Uleri, P. V., 1996a, "Introduction", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

-1996b, "Italy", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

Uleri, P. V. and Fideli, R., 1997, "Referenda Don't Fall from the Sky: The June Initiatives", Translated from the Italian, unpublished personal communication

Urwin, D. W., 1991, *The Community of Europe: A History of European Integration since 1945*, Longman, London

Valen, H., 1976, "National Conflict Structure and Foreign Politics: The Impact of the EEC Issue on Perceived Cleavages in Norwegian Politics", *European Journal of Political Research*, Vol. 4

Vallès, J. M., Pallarés, F., and Canals, R. M., 1986, "The Referendum of 12 March 1986 on Spain's Remaining in NATO", *Electoral Studies*, No.3

Verba, S., Schlozman, K. L., and Brady, H. E., 1995, *Voice and Equality: Civic Voluntarism in American Politics*, Harvard University Press, Cambridge, Massachusetts

Wæver, O., 1995, "Resisting the Temptation of Post Foreign Policy Analysis", W. Carlsnaes and S. Smith, eds., *European Foreign Policy: The EC and Changing Perspectives in Europe*, Sage, London

Wallace, H., 1996, "Politics and Policy in the EU: The Challenge of Governance", Helen Wallace and William Wallace, eds., *Policy Making in the European Union*, 3 edn., Oxford University Press, Oxford

-1993a, "European Governance in Turbulent Times*", Journal of Common Market Studies*, Vol. 31, No. 3

-1993b, "Deepening and Widening: Problems of Legitimacy for the EC", García, S. ed., *European Identity and the Search for Legitimacy*, Pinter and RIIA, London

-1991, "The Europe that came in from the cold", *International Affairs*, Vol. 67, No. 4

Wallace, H., Wallace, W., and Webb, C., 1983, eds., *Policy-Making in the European Community*, John Wiley, New York

Wallace, W., 1992, "The Changing International Context", Adams, W. J., ed., *Singular Europe*, University of Michigan Press, Ann Arbor, Michigan

-1983, "Less than a Federation, More than a Regime: the Community as a Political System", Wallace, H., Wallace, W., and Webb, C., eds., *Policy-Making in the European Community*, John Wiley, New York

Wallace, W. and Smith, J., 1995, "Democracy or technocracy? European Integration and the Problem of Popular Consent", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3

Ward, A. J., 1994, *The Irish Constitutional Tradition: Responsible Government and Modern Ireland, 1972-1992*, The Catholic University of America Press, Washington, DC

Watts, D., 1997, "The Growing Attractions of Direct Democracy", *Talking Politics*, Vol. 10, No. 1

Weale, A., 1999, *Democracy*, Macmillan, Basingstoke

Weale, A., and Nentwich, M., 1998, eds., *Political Theory and the European Union: Legitimacy, constitutional choice and citizenship*, Routledge, London

Webb, C., 1983, "Theoretical Perspectives and Problems", Wallace, H., Wallace, W., and Webb, C., eds., *Policy-Making in the European Community*, John Wiley, New York

Weiler, J. H. H., 1997a. "The European Union belongs to its Citizens, *European Law Review*, Vol. 22

  -1997b, "The Reformation of European Constitutionalism", *Journal of Common Market Studies*, Vol. 35, No. 1

  -1996, "European Neo-Constitutionalism: In Search of Foundations for the European Constitutional Order", *Political Studies*, Vol. 44

  -1992, "After Maastricht: Community Legitimacy in Post-1992 Europe", Adams, W. J., ed., *Singular Europe*, University of Michigan Press, Ann Arbor

Weiler, J. H. H., Halpern, U. R. and Mayer, F. C., 1995, "European Democracy and its Critique", *West European Politics*, Special issue: *The Crisis of Representation in Europe*, Vol. 18, No. 3

Westlake, M., 1998, ed., *The European Union beyond Amsterdam*, Routledge

  -1995, "The European Parliament, the national Parliaments and the 1996 Intergovernmental Conference", *Political Quarterly*, Blackwell, Oxford

Wessels, W., 1997, "An Ever Closer Fusion? A Dynamic Macropolitical View on Integration Processes", *Journal of Common Market Studies*, Vol. 35, No. 2

White, S. and Hill, R. J., 1996, "Russia, the former Soviet Union and Eastern Europe", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe,* Macmillan, Basingstoke

Wiener, A., 1998, *European Citizenship Practice: Building Institutions of a Non-State*, Westview Press, Boulder, Colorado

Wiener, A, and della Sala, V., 1997, "Constitution-making and Citizenship Practice – Bridging the Democracy Gap in the EU", *Journal of Common Market Studies*, Vol. 35, No. 4

Wincott, D., 1995, "Institutional Interaction and European Integration; Towards an everyday Critique of Liberal Intergovernmentalism", *Journal of Common Market Studies*, Vol. 33, No. 4

Wolcott, H. F., 1990, "Writing Up Qualitative Research", *Qualitative Research Methods*, Vol. 20, Sage, London

Wood, P. C., 1997, "French Political Party Opposition to European Integration, 1981-1996: Myth or Reality?", Cafruny, A. W. and Lankowski, C. eds., *Europe's Ambiguous Unity*, Lynne Rienner, Boulder, Colorado

Worre, T., 1995, "First No, then Yes: The Danish Referendums on the Maastricht Treaty 1992 and 1993", *Journal of Common Market Studies*, Vol. 33, No. 2

-1993a, "Denmark and the European Union", Thomsen, B. N., ed., *The Odd Man Out?: Denmark and European Integration 1948-1992*, Odense University Press, Odense

-1993b, "Danish Public Opinion and the European Community", *Scandinavian Journal of History*, Vol. 20

-1989, "Denmark", *Electoral Studies*, Vol. 8, No. 3

-1988, "Denmark at the Crossroads: The Danish Referendums on 28 February 1986 on the EC Reform Package", *Journal of Common Market Studies*, Vol. 24, No. 4

-1987, "The Danish Euro-Party System", *Scandinavian Political Studies*, Vol. 10, No. 1

Wright, V., 1978, "France", Butler, D. and Ranney, A., eds., *Referendums*, American Enterprise Institute for Public Policy Research, Washington, DC

Wyller, T. C., 1996, "Norway", Gallagher, M., and Uleri, P. V., eds., *The Referendum Experience in Europe*, Macmillan, Basingstoke

Young, O. R., 1994, *International Governance: Protecting the Environment in a Stateless Society*, Cornell University Press, Ithaca, New York

Young, H., 1998, *This Blessed Plot: Britain and Europe from Churchill to Blair*, Macmillan, Basingstoke

Young, J. W., 1993, *Britain and European Unity, 1945-1992*, Macmillan, Basingstoke

Zetterholm, S., 1994, ed., *National Cultures and European Integration*, Berg, London

Zimmerman, J. F., 1986, *Participatory Democracy: Populism Revived*, Praeger, New York