

**“Why ‘non’ and ‘nee’
to the EU Constitution?
Reconsidering the Shock of the Dutch and
French Referenda”**

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Abstract

The resounding rejection of the Draft Constitution in both the French and the Dutch referenda dealt a severe blow to the European Union from which it has yet to recover. Yet much of the post-“non” and “nee” debate appears to be motivated by intrinsic political agendas rather than by a deeper understanding of why the peoples of these two European Union founding members rejected the Draft Treaty. Since the failed referenda, several single-country analyses of either France or the Netherlands have been conducted that suggest a combination of soft opposition (which is an expression mostly of dissatisfaction with national governments), Euro-skepticism (which fundamentally questions the specific form of the EU), and hard opposition (which is based on nationalism and/or xenophobia). Based upon a systematic in-depth multivariate logit analysis of why a majority of French and Dutch citizens rejected the Constitutional Treaty, this paper argues that in France, both second-order effects, as well as nationalism played a role, while most opposition was motivated by “true” negative attitudes towards the Constitution. In the Netherlands, neither second-order effects nor nationalistic “hard” opposition played a role. Instead, Dutch attitudes derive almost exclusively from negative “true” attitudes about the Constitution. Xenophobic “hard” opposition played a role in neither country. To overcome opposition to the Constitution, the findings of this analysis point to the usefulness of changing “true” attitudes by either educating the people better about the complex document, or by simplifying the Constitution drastically.

Introduction

The Draft Treaty on a Constitution for Europe that was supposed to unite and simplify the European Union proved to be divisive and a source of complications instead. The resounding rejection of the Draft Constitution in both the French and the Dutch referenda¹ dealt to the European Union a severe blow from which it has yet to recover. Even after more than two years of reflection on the future of the proposed Constitution, the Draft remains in a state of suspended animation as European leaders continue to grapple with the question of whether to let it die a quiet death, or whether and how to reanimate it after various kinds of reconstructive surgery. But despite the continuing political struggles to find a solution to overcome objections to the Constitution, a crucial question that is fundamental to finding a solution to this political puzzle has so far remained unanswered: How does the mix of factors that led the peoples of these European Union founding members to reject the Draft Treaty differ in France and the Netherlands?

Unless both policy-makers and scholars understand this precise mix of reasons that led to the rejection of the referenda in both France and the Netherlands, they risk repeating history by once again offering a version of the constitution that might ultimately fail to pass public scrutiny in those countries that have already rejected the draft once, thus passing the ultimate death blow to the constitutional project. So an in-depth, systematic understanding of the reasons behind the French and Dutch rejections of the Constitution is a necessary (though certainly not sufficient) condition for any successful attempt to revive the Constitution.

¹ The French rejected the Constitution with 45.13% “yes” votes to 54.87% “no” votes based upon a relatively high turnout of 69.34 %. The Dutch referendum had somewhat lower turnout (particularly for a country that has compulsory voting!) of only 62.8%, but the here the Constitution was rejected by an even wider margin: only 38.4% of the Dutch voted “yes,” while a resounding 61.6% voted “no.”

While there certainly is no shortage of detailed, country-specific explanations for the failed referenda that suggest a variety of important causal factors (see for instance Aarts and Van Der Eijk 2006; Brown 2005; Deubner 2005; Milner 2006), a unifying theoretical framework that would allow comparison of the relevant strength of the various factors in both countries is still conspicuously absent. This is matters because if the Constitution is indeed to be resurrected, it will have to be ratified in (and thus be acceptable to) all twenty-seven member states, including most critically those countries that have already rejected the Constitution once: France and the Netherlands. This paper therefore presents a systematic comparison of relevant causal factors explaining the “non” and “nee” votes in both countries, in order to lay the foundation for assessing the possible future of the Constitution in France and the Netherlands.

Explaining the Failed Referenda — Theorizing Practice

To this day, the single most frequent description of the referenda’s aftermath continues to be “shock.” But the political trauma resulting from the referenda, has also produced a plethora of explanations for the “non” and “nee” votes. The public debate about the future of the constitution may have died long since down in much of Europe, even in countries such as the Netherlands that rejected the constitution (Toonen, Steunenberg, and Voermans 2006), but European politicians are still wrangling over what to do.

Clearly, there is a shortage of neither options, nor opinions: Some, such as beleaguered Dutch Prime Minister Balkende have simply declared the constitution “dead” (Agence France Presse 2006a), while a triumphant Le Pen proclaimed it “finished” (Le Pen 2005). Others have been more optimistic. Most notably, German chancellor Merkel has pushed to “review” and “revise” the constitution (Agence France Presse 2006d). Giscard d’Estaing, Chairman of the European Convention and one of the constitution’s chief architects, confidently predicted the

constitution would outlive its critics, even as Polish President Kaczynski dryly countered he saw “no use in putting the treaty to parliament, because it would be rejected,” (Agence France Presse 2006a) and instead used the opportunity to insist on a new voting system (BBC 2007). Finnish Foreign Minister Tuomioja, would prefer to keep the constitution mostly intact, but wants to change the document’s name (Agence France Presse 2006c), while European Commission President Barroso implored everyone to move beyond “all this crisis-ophilia” (Agence France Presse 2006b).

In view of such divergent opinions, it is perhaps not surprising that despite German Chancellor Merkel and her German EU presidency’s best efforts, even the celebrations of the Rome Treaties’ fiftieth anniversary could not move the heads of state and government to unite behind more than the “aim of placing the European Union on a *renewed common basis* before the European Parliament elections in 2009”(Council of the European Union 2007, emphasis added). So with only weeks left before the end of the German EU presidency, the nature of this “renewed common basis” and the details of the “roadmap” for achieving it (Cook 2007) remain as elusive as they have ever been.

As European politicians continues to wrangle over the future of the constitution, current discussions seem to be driven by national, interest-driven interpretations of the referenda, rather than by a common understanding of why the Constitution fared so poorly in the eyes of the French and Dutch publics. Scholarly interpretations of the referenda, on the other hand, have avoided the political quagmire of such debates and have offered theory-driven interpretations

that fall broadly into one or more of four groups,² each with different consequences for how these sources of opposition could be overcome.

“Soft” Opposition

The first commonly suggested explanation for the French and Dutch rejections of the Constitutional Draft is based upon the “second-order national elections” view of European elections and referenda (Franklin, Van Der Eijk, and Marsh 1995; Reif and Schmitt 1980; Reif, Schmitt, and Norris 1997). This model is based upon the notion that European Union politics is too complicated and far removed from national voters to allow them to engage with it meaningfully, which leads voters to rely on national proxies as a cue (Anderson 1998). Thus European Union referenda or elections are effectively ‘contaminated’ with evaluations of the national government’s popularity — or more typically, its lack of popularity. In essence, then, this model assumes that the outcomes of EU elections or referenda are based not upon true evaluations of the alleged object of the election/referendum (in this case the Constitutional Draft), but are in reality referenda on the popularity of national governments. This might explain why so many Dutch voted no even though all of the *major* political parties were officially in favor of the Constitutional Draft (Toonen, Steunenberg, and Voermans 2006).

This theory has been supported by considerable evidence from both European Parliament elections and referenda in the last two decades (see for instance Franklin, Van Der Eijk, and Marsh 1995; Marsh 2000; Reif and Schmitt 1980; Reif, Schmitt, and Norris 1997). However, Zaller’s fundamental insights on the mediating role of knowledge on the link between values, attitudes and political behavior (1992), remind us that knowledge will be critical in determining how attitudes towards the European Union are formed. Empirical evidence suggests that

² Portions of the theoretical framework have previously been published in Anke Grosskopf (Forthcoming 2007). “The Unexpected Collision: Why the Dutch Rejected the Draft European Constitution.” In: Richard McNabb and Belinda Kremer (eds.), *Collide (Second Edition)*. Pearson.

assessments of satisfaction with national and European-level democracy are mediated by political knowledge, with higher levels of knowledge leading to more differentiated evaluations at the national and supranational levels (Karp, Banducci, and Bowler 2003). Similarly, other studies have shown that cognitively mobilized citizens are more likely to support European integration (Inglehart 1970), which is sometimes referred to as the “to-know-it-is-to-love-it” argument (see for instance De Vreese 2004; Inglehart 1970; Karp, Banducci, and Bowler 2003).

How *much* voters are likely to know about (and therefore presumably to love) the object of a referendum, on the other hand, depends upon the intensity of the campaign (Hobolt 2005): more intense campaigns tend to lead to more in-depth public discussions, which in turn increase voter’s subject knowledge. In France, the referendum started out as almost a non-issue, but within six months, it skyrocketed into the public’s awareness so that by May 2005, just before the referendum, fully 83% of French citizens had recently debated the Constitution (Gerstlé 2006). In early May 2005, 69% of French citizens professed interest in the referendum campaign (Milner 2006). These numbers indicate that the French had ample debates and access to information on the Constitution, which would make second-order voting dynamics less likely. Qvortrup (2006), for instance, finds no evidence for second-order national election effects in the French referendum (although it should be noted that he does not conduct a multivariate analysis).

Evidence from Dutch newspaper and television reports on the Constitution suggest that the visibility of the Constitutional debate was relatively low (compared to Germany and the UK, at least), except for brief surges during key events, such as the official presentation of the Constitution at the Greek EU summit (Gleissner and de Vreese 2005), which indicates that the Dutch Constitutional campaign was initially not particularly intense. The campaign heated up during the final days, however, to the point where just before the actual referendum, merely 8%

of the Dutch electorate professed *not* to have noticed the campaign; less than 6% said they had *not* discussed the referendum at one point or another (Aarts and van der Kolk 2005).

Furthermore, some evidence suggests that interest in the Constitution and knowledge of where the different political parties stood on the matter did increase appreciably (Aarts and van der Kolk 2005). Again, these numbers suggest that second-order election effects should not have been widespread.

Notwithstanding the above, some scholars (and many news commentaries) have argued that second-order national election effects are responsible for the French, but also for the Dutch opposition to the referenda (Ivaldi 2006). Furthermore, given the evidence suggesting such second-order effects in the French Maastricht referendum (Franklin, Van Der Eijk, and Marsh 1995), this hypothesis is certainly worth testing.

If second-order election effects were indeed to blame for the failed referenda, what would this mean for the future of the Constitution? While dissatisfaction with the national government may not bode well for politicians such as Chirac, Raffarin, and Balkenende, it is much better news for the future of the European Union: A rejection of the Constitution due to dissatisfaction with the general performance of the national government could be resolved relatively easily when a new leader or political party takes over the government. At least theoretically (and provided that the new leadership is favorably inclined towards the Constitution), a more popular government that throws its weight behind a new version of the Constitution should be able to overcome opposition to the document, and secure its approval. If opposition to the Constitution was “soft” in the first place, it should also be relatively simple to overcome.

“True” Opposition/Euro-skepticism

A second set of explanations for the failed referenda suggests that much of the French and Dutch attitudes towards the Constitution can be explained by rational evaluations of the

relative costs and benefits of the proposed Constitution. So rather than focus on the popularity of the national government, this set of explanations assumes citizens' rational cost-benefit analysis of the constitution itself explain the outcomes of the referenda. Evidence suggests that since the European Union has achieved the deepest integration in the economic field, economic self-interest calculations are main factor in explaining attitudes towards European integration (see for instance Gabel 1998a). The creation of an ever-more fully integrated European Market has led to increasing liberalization due to the removal of trade barriers. Since such transformations create both economic winners, as well as losers, citizens may base their opinions on the Constitution upon their evaluations of whether it will benefit or hurt them economically (see Gabel 1998a; Gabel 1998b; Gabel 1998c; see Gabel and Palmer 1995).

Other "true" attitude theories propose that voters' cost-benefit analyses are performed on the *less tangible costs and benefits* of European integration. The European Union may, for instance, be a welcome relief and escape route from national political inefficiency (Kritzinger 2003) or corruption (Sánchez-Cuenca 2000), or it may be unwelcome as a (perceived) threat to particular national social models: people may feel that their values are being sold out in the specific form European integration is taking. Such concerns over the loss of their social models appears to have led some citizens in both France (Brouard and Tiberj 2006) and the Netherlands (Qvortrup 2006) to reject the Constitution.

These explanations share a common assumption that the French and Dutch voters rejected the Constitution based upon rational evaluation of their *true* attitudes about the Constitution's costs and benefits for themselves and their countries. Given the complexity of the Draft Constitution, however (it contained 448 articles, see Brown 2005: 481), it was easy enough for Euro-skeptics to unearth threatening elements in the Constitutional Draft and instrumentalize

these to mobilize the “no” campaign (Brown 2005). Further compounding the problem may have been the widely acknowledged effectiveness of Euro-skeptical parties in setting the agenda for public debates about the Union, as mainstream parties scrambled too late and were reduced to “political firefighting” (Qvortrup 2006: 92).

If this explanation of the failed referenda were correct, opposition to the Constitutional Draft should not be seen as a rejection of European integration in principle, or even of the European Union as such (c.f. Milner 2006). Instead, it should be seen as opposition to a particular model of European integration, perhaps best characterized as “Bolkestein’s Europe” (named for the eponymous creator of the reviled services directive; Brouard and Tiberj 2006: 262). If such opposition is to be overcome, the nature of the Constitution will need to be changed to account for these sentiments. The exact nature of these changes would depend on the precise reasons explaining the rejection of the Constitution in France and the Netherlands.

“Hard” Opposition

The third theoretical approach suggests that the referenda failed not due to mere dissatisfaction with national governments, nor to criticism of the document itself; instead, this explanation posits that the Constitution failed because of hard opposition to *any* kind of European integration, i.e. old-fashioned nationalism and/or xenophobia.

In this view, a substantial share of voters rejected the Constitution because it threatens their national and/or social identity and culture (Brouard and Tiberj 2006). This threat goes much deeper than the threats discussed in the true Constitutional attitudes model. It stems from the perception that European integration is linked with immigration (De Vreese 2004; Hooghe and Marks 2004; McLaren 2002), which equates to an intolerable erosion of central identity elements. National identity and interest thus become tantamount to any kind of European integration — irrespective of the shape such integration might take.

Some scholars posit that this type of anti-immigration sentiment can be extremely powerful. Based upon an analysis of Danish and Dutch 2002 survey data, De Vreese (2004: 17) even dared to predict in his article “Why European Citizens Will Reject the EU Constitution:”

Considering the importance of anti-immigration sentiments and economic evaluations to insuring a “Yes” vote in a referendum, any government calling a referendum must be very popular to compensate for the negative impact of economic pessimism and anti-immigration sentiments in order to see its proposal endorsed by Europe’s citizens.

As it turned out, neither the French nor the Dutch governments may have been popular enough to offset the perceived threats to their peoples’ identities. Clearly, both countries rejected the Constitutional draft, and the appropriation of the Constitution’s rejection by the French Front National, polls results suggesting more than a third of the French population espouse many of his ideas, as well as the October 2005 riots in the *banlieues* have led some to suggest that there may be a “collective misreading” (Berezin 2006: 272) that prevents us from seeing just how widespread these problems may already be.

To the extent that the failed referenda can be attributed to outright nationalism and/or xenophobia, it will be extremely difficult to overcome the opposition to the Constitution since it is deeply engrained and value-based. It would require an educational campaign of grand proportions designed to remake the value-base of significant parts of the population.

Alternatively, greater economic prosperity may help alleviate many of the xenophobic fears, as these are often spurred by relative economic deprivation. In both cases, however, it is unlikely that the opposition can be overcome by the roadmap’s 2009 deadline.

Other Explanations

Finally, scholars have offered a few other, less widespread explanations for the failed referenda. Nijerboer (2005), for instance, has suggested that part of the problem in the Netherlands was that election campaigns are traditionally short, which may have led the

mainstream parties to lag behind when Euro-skeptic parties started pounding the Constitution early. This suggests that the timing of the various parties' campaign involvement may have been partly to blame, with citizens making up their minds relatively early in the debate. In France, the timing may have had a very different impact. It is not until after the public debates surrounding the Bolkestein directive in mid-March 2005 that the "non"-campaign supporters started to outpoll proponents of the Constitution (c.f. Aarts and van der Kolk 2005; Gerstlé 2006: 32). Here, citizens who made up their mind closer to the end of the campaign appear to have favored the "non" camp in greater numbers than those of their compatriots who made up their minds earlier in the debates. These timing issues reflect the unique historical circumstances in the two countries, though, and as such are not easily converted into predictions of how they can be overcome. So they will be examined here only as an interesting aside.

It is clear that researchers have identified a host of explanatory factors for the failed referenda. Rich, country-specific in-depth analyses (Aarts and Van Der Eijk 2006; Aarts and van der Kolk 2005; Berezin 2006; Brouard and Tiberj 2006; Hainsworth 2006; Milner 2006) have suggested a variety of explanations for the failed referenda. Few studies, however, have systematically compared the various factors in France and the Netherlands (Qvortrup 2006 is the exception, but his analysis is based on simple cross-tabulations rather than multivariate analysis). This study takes a more systematic, comparative, and theory-driven approach by assessing the relative strength of the various explanatory factors in both France and the Netherlands.

Data and Measurement

The analyses below are based upon the Flash Eurobarometer Surveys 171 and 172, "The European Constitution: Post-Referendum in France," and "The European Constitution: Post-

Referendum in the Netherlands” respectively.³ These surveys, which consist of nationally representative samples of approximately 2000 citizens in each of the countries,⁴ were conducted in the immediate aftermath of the respective French and the Dutch referenda on the European Constitution, on behalf of the European Commission in Brussels (European Commission 2005a; European Commission 2005b).⁵

The dependent variable for these analyses is simply the binary vote choice in the Constitutional Referendum: “yes” or “no.” The main independent variables of interest are operationalized in two different ways. First of all, the Eurobarometer surveys contained a question asking respondents to identify the key element that led them to make the referendum vote choice. The “true” Constitutional attitudes model assumes that respondents were voting on the Constitution directly, or at least upon the social or economic impact the Constitution may have. These answers would therefore indicate the true attitudes model. Respondents who chose to vote mainly upon their opinions of the “yes” or “no” campaign leaders would fall into the second-order national elections model. Finally, respondents basing their vote choice mainly on their opinions on the European Union will be classified as falling into the “hard” opposition model, as they are fundamentally questioning the European Union itself.

The second set of indicators allows us to assess not only the impact of the most relevant decision criterion on the referendum vote, but since it consists of a series of reaction statements eliciting respondents' agreement or disagreement with a series of statements, it allows us to partial out the relative strength of these effects. The “true” constitutional attitudes model should

³ I would like to thank the European Commission for making these datasets available. Since this paper is based upon my own analyses, I bear full responsibility for them, including any errors or omissions.

⁴ Analyses are based upon all respondents who reported voting either “yes” or “no” on the Constitutional Draft. Nonvoters, as well as those who cast an invalid vote, were excluded from the analysis. In addition, the data were weighted by a survey organization-supplied weight factor (wfact) in order to make them more representative.

⁵ The fieldwork for these telephone surveys was carried out by TNS-Sofres in France, and TNS NIPO in the Netherlands. Both of these organizations are partner organizations of EOS Gallup Europe.

be at work if respondent's vote choice is influenced by attitudes about either the constitution itself or the European Union. The Eurobarometer datasets contain five such questions. One question asks about whether the "no" vote will make running the EU difficult; another asks whether the "no" vote will decrease the country's influence in the EU; a third question inquires whether the country's EU member is a "good thing;" while a fourth question assesses whether the EU institutions evoke a "good image;" finally, the fifth question taps worries about social effects of the Constitution by asking whether the "no" vote allowed for a re-negotiation for a more social text. To the extent that these variables influence the referendum vote, they should be expressions of respondents' true attitudes about the Constitution.

"Hard" opposition to the Constitution is based upon a fundamental distrust of the EU as such, as well as any kind of European integration. Instead, it is based upon xenophobia and unabashed nationalism. Such ideas are operationalized in the survey through questions about agreement with statements such as that the "no" vote allows for a re-negotiation for the defense of national interests. Another question asks whether the "no" vote is likely to lead other countries to reject the Constitution, as well, indicating respondents wish to stop the Constitution entirely, not even wishing for other countries to go ahead (possibly because this could mean a threat to their own national interests). A fourth question taps the xenophobia dimension by asking whether the "no" vote will make it more difficult for other countries to join the EU. For most citizens, the "other" countries must have meant the most controversial EU accession candidate ever: Turkey. This means that it should provide at least an indirect measure of xenophobia.

Finally, a question about whether respondents had the necessary information before voting will test whether the second-order voting model applies. The mainstream parties in both countries pleaded for trust, arguing that the Constitution was necessary. Therefore, respondents

who feel they have received the required information could be an indication that the second-order national voting model is present.

The fourth, timing-based explanation is operationalized through a question about the moment during which respondents made up their mind on how to vote in the Constitutional referendum. Finally, the model is completed by a set of socio-demographic control variables for gender, age, education, location type, as well as occupation. All independent variables with the exception of age and education are dummy variables, as is the dependent variable. Categorical variables such as location have been converted to a set of dummy variables with the reference category indicated by its lack of logit coefficient. The attitudinal statements are also all dummy variables, with 0 indicating disagreement with the statement, while a 1 denotes agreement.

Analysis

For a binary dependent variable of vote choice (0="yes" or 1="no") in the Constitutional referendum, binary logistic regression predicting the odds of voting "no" is the appropriate method of analysis. Table 1 presents the fully specified models for both France (a) and the Netherlands (b). The models perform quite well overall: the French version correctly classifies 88.5% of cases (an improvement of 32.5 percentage points over the constant-only model); the Dutch model does not fare quite as well, but still respectably by correctly classifying 81.7% of cases (which, due to the higher levels of opposition to the Constitution in the Netherlands is only an improvement of 18 percentage points). Both models are highly significant overall ($p=0.000$).

Table 1:
Binary Logistic Regression Analysis of the French and Dutch EU-Referendum Votes (0="yes", 1="no")

			France (a)				Netherlands (b)			
			B	S.E.	Wald Sig.	Exp(B)	B	S.E.	Wald Sig.	Exp(B)
Key element that led to vote choice	OPINION OF "YES" CAMPAIGN LEADERS	S	-1.984	0.298	0.000	0.138	0.272	0.389	0.484	1.313
	OPINION OF "NO" CAMPAIGN LEADERS	S	-2.045	0.413	0.000	0.129	-0.540	0.487	0.268	0.583
	OPINION ON NATIONAL ECONOMIC AND SOCIAL SITUATION	T	-1.920	0.530	0.000	0.147	0.513	0.356	0.149	1.671
	OPINION ON EUROPEAN CONSTITUTION	T			0.000				0.000	
	OPINION OF EU	H	-1.039	0.333	0.002	0.354	-0.890	0.305	0.004	0.411
Attitudinal variables	YOU HAD NECESSARY INFO BEFORE VOTING	S	0.237	0.251	0.344	1.267	-0.435	0.225	0.053	0.647
	"NO" ALLOWS RENEGOTIATION FOR MORE SOCIAL TEXT	T	1.669	0.277	0.000	5.304	0.712	0.279	0.011	2.039
	EU INSTITUTIONS=GOOD IMAGE	T	-1.250	0.232	0.000	0.287	-1.176	0.231	0.000	0.308
	NATION'S EU MEMBERSHIP=GOOD THING	T	-1.631	0.583	0.005	0.196	-2.601	0.612	0.000	0.074
	"NO" WILL DECREASE COUNTRY'S EU INFLUENCE	T	-1.694	0.236	0.000	0.184	-0.963	0.262	0.000	0.382
	"NO" WILL MAKE RUNNING EU DIFFICULT	T	-0.918	0.240	0.000	0.399	-0.819	0.234	0.000	0.441
	"NO" ALLOWS RENEGOTIATION FOR DEFENSE OF NATIONAL INTERESTS	H	1.666	0.274	0.000	5.291	0.817	0.262	0.002	2.264
	CONSTITUTION ESSENTIAL FOR PURSUING EUROPEAN CONSTRUCTION	H	-1.218	0.313	0.000	0.296	-1.631	0.230	0.000	0.196
	"NO" VOTES WILL LEAD OTHER COUNTRIES TO REJECT CONSTITUTION	H	0.637	0.264	0.016	1.891	0.196	0.247	0.429	1.216
	"NO" WILL MAKE IT MORE DIFFICULT FOR OTHER COUNTRIES TO JOIN	H	0.064	0.240	0.791	1.066	0.127	0.234	0.586	1.136
Moment of choice	WHEN REFERENDUM ANNOUNCED	O			0.000				0.216	
	EARLY DURING CAMPAIGN	O	1.360	0.457	0.003	3.896	-0.333	0.322	0.301	0.716
	IN FINAL WEEKS	O	1.468	0.450	0.001	4.339	-0.628	0.342	0.066	0.533
	IN WEEK BEFORE REFERENDUM	O	1.603	0.454	0.000	4.967	-0.395	0.326	0.226	0.674
	ON DAY OF REFERENDUM	O	0.367	0.456	0.421	1.443	-0.889	0.421	0.035	0.411
Future of Const. if 20/25 member states ratify by 11 2006?	NEW VOTE IN "NO" COUNTRIES	O			0.000				0.147	
	APPLY ONLY IN RATIFYING COUNTRIES	O	-1.074	0.258	0.000	0.342	0.358	0.355	0.313	1.430
	ABANDON TREATY ENTIRELY	O	-0.514	0.314	0.102	0.598	0.486	0.250	0.052	1.626

Table 1:
Binary Logistic Regression Analysis of the French and Dutch EU-Referendum Votes (0="yes", 1="no")

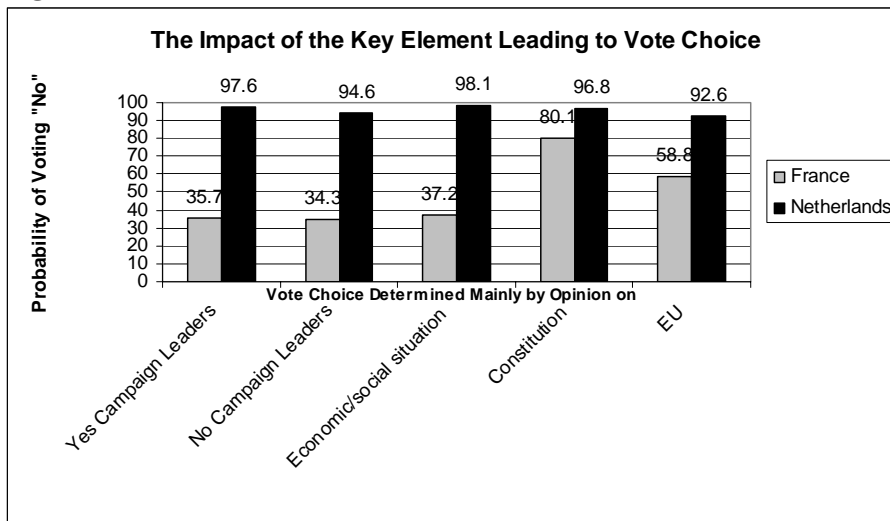
		France (a)				Netherlands (b)			
		B	S.E.	Wald Sig.	Exp(B)	B	S.E.	Wald Sig.	Exp(B)
GENDER (0=male, 1=female)		0.275	0.242	0.257	1.316	0.160	0.240	0.504	1.174
	AGE	-0.037	0.009	0.000	0.964	-0.020	0.008	0.013	0.980
	EDUC	-0.018	0.064	0.781	0.982	-0.059	0.061	0.340	0.943
Location type	METROPOLITAN			0.644				0.469	
	OTHER TOWN/URBAN CENTER	-0.237	0.285	0.406	0.789	0.011	0.259	0.967	1.011
	RURAL AREA	-0.022	0.280	0.938	0.978	-0.330	0.317	0.298	0.719
Occupation (ref. category= self-employed professionals and managers)	FARMERS	-1.671	1.067	0.117	0.188	-2.076	1.749	0.235	0.125
	UNEMPLOYED	0.523	0.663	0.430	1.687	0.826	0.606	0.173	2.283
	CIVIL SERVANTS	0.297	0.518	0.566	1.346	0.519	0.480	0.280	1.680
	MANUAL WORKERS	0.719	0.510	0.158	2.052	1.118	0.510	0.028	3.060
	EMPLOYEES (PROFESSIONALS/MANAGERS)	-0.105	0.521	0.840	0.900	0.203	0.423	0.632	1.225
	EMPLOYEES (CLERICAL, SALES, ETC.)	0.398	0.503	0.428	1.489	0.449	0.448	0.316	1.568
	NO OCCUPATION (E.G., HOMEMAKERS, STUDENTS, RETIREES)	-0.337	0.450	0.455	0.714	0.560	0.405	0.167	1.750
Constant		4.410	1.019	0.000	82.296	5.037	1.025	0.000	154.006

- (a) Analysis based on Flash Eurobarometer 171, the French Post-Referendum Survey.
N=1132=81.1% valid cases; Model Chi-squared=839.159 (32 df, sign.=.000); -2 Log likelihood=557.482; model correctly predicts 88.5% of cases.
- (b) Analysis based on Flash Eurobarometer 172, the Dutch Post-Referendum Survey.
N=915=74% valid cases; Model Chi-squared=365.936 (32 df, sign.=.000); -2 Log likelihood=535.130; model correctly predicts 81.7% of cases.

The First Cut: Comparing Key Elements Determining the Vote

In the first cut of the analysis, the impact of variations in the key referendum vote determinant will be analyzed. The data indicate that this variable is indeed a significant predictor of voting outcomes in France. There is ample support for the second-order elections hypothesis since both the indicators for opinions about the “yes” campaign leaders and the “no” campaign leaders have an impact on the vote choice. Interestingly, both parameters are *negative*, which indicates that individuals who engaged in second-order voting were *less* likely than individuals who voted their true attitude on the Constitution (which is the reference category) to *reject* on the Constitution. Figure 1 depicts the associated probabilities of voting “no” on the referendum for each of the key elements (with all other variables held at their means or mode).

Figure 1:



The low “no” vote probability associated with second-order election effects suggests that the French pro-Constitution camp was effective in converting their domestic political capital into support for the Constitution, since the probability of voting “no” for those who based their vote

on opinions of the “yes” campaign leaders is merely 35.7%. These results are consistent with Qvortrup’s findings (2006), but contradict common interpretations in the news media. However, even those who based their vote on their opinions of the “no” campaign leaders had a similarly low probability (34.3%; the two probabilities are statistically indistinguishable) of voting “no” suggesting that they voted mostly to *protest* the “no” campaign.

Interestingly, the data do *not* support the idea that fears about the impact of the Constitution on the national economic and social situation were the driving force behind the rejection of the Constitution. Individuals who relied primarily on their economic cost/benefit analysis less likely to reject the constitution (p=37.2%, which is statistically indistinguishable from the probabilities for opinions on “yes” or “no” campaign leaders).

This contrasts sharply with the likelihood of voting “no” for those who used their “true” opinion of the Constitution *itself* in making their vote choice: this group was overwhelmingly opposed to the Constitution, with an overwhelming “no” vote likelihood of 80.1%. Given these probabilities, it seems that the French “no” vote was not so much a mere protest vote based upon dissatisfaction with national leaders. Instead, the “no” campaign appears to have convinced large segments of the population that the Constitution itself is flawed. At least in part, this argument has also “rubbed off” on the European Union. While the probability of voting “no” is significantly lower for those “hard” opposition voters who were driven mainly by their evaluation of the EU, with a “no” vote probability of 58.8%, this group still was slightly more opposed to the Constitution than in favor of the document. This indicates that slightly more than half of those who voted based upon their EU evaluations had a *negative* view of the Union.

Thus, based upon the French multivariate analysis, the Constitution appears to have *benefited* from second-order voting effects, rather than to have suffered from it. Instead, votes

against the constitution can be attributed mainly to true attitudes about the Constitution itself and, to a lesser degree, disenchantment with the European Union as such. However, for the most part the data confirm that by and large, the French referendum vote was NOT a vote against the EU itself (c.f. Milner 2006), but opposition to the specific document. Which specific perceptions of the document are to blame for these negative evaluations of the Constitution will be explored in the second cut of the analysis.

The Dutch data, on the other hand, suggest that second-order national effects did not significantly shape the referendum vote, for better or for worse, as neither voting based upon opinions towards the “no” nor the “yes” campaign leaders made a significant difference to voting on the Constitution itself. On the flip side, this also means that due to the ineffective campaign, the mainstream parties were unable to “cash in” their political capital for Constitutional approval, leading voters who decided to vote explicitly upon second-order dimensions to reject the Constitution with equally high probability as those who based their vote choice on the Constitution itself, i.e. on true attitudes towards the Constitution.

The only category of this variable that makes a statistically significant difference is opinions of the European Union. But in contrast to the French case, where the probability for this group of voters to say “no” to the Constitution was only slightly more than half, Dutch voters choosing this criterion as their main vote determinant are almost certain ($p=92.6\%$, which is slightly, but significantly less than the likelihood of a “no” vote for any of the other categories) to vote *against* the Constitution. Given the constellation of other factors, the Dutch rejection of the Constitution appears to be driven mainly by opposition to the Constitution itself, but almost equally strongly by “hard” opposition to the European Union as such. The causes for these strongly negative perceptions will be explored in the second, attitudinal cut of the analysis.

The Second Cut: Analyzing Attitudes

It has been suggested that the extent of second-order voting effects depends on the amount of available information on the referendum topic due to the intensity of the campaign (Hobolt 2005). The multivariate analysis of the referendum vote confirms the hypothesis that the campaigns in both France and the Netherlands ended up being intense enough to provide voters with what they felt was sufficient information on the Constitution. In neither of the countries did the feeling that voters did or did not have sufficient information on the Constitution have a significant impact on their vote choice. The coefficient *approaches* significance in the Netherlands ($p=0.053$; see Table 1), hinting that Dutch citizens who felt informed enough *may* have been less negative towards the Constitution than their less-informed compatriots.⁶

Since much of both the French and Dutch votes seem to be driven by evaluations of both by true attitudes towards the Constitution, as well as by hard support to the Constitution based upon nationalism, we need to evaluate the reasons behind these negative evaluations, as well as the strength of individual factors. Without fail, the true attitudes variables contribute significantly to explaining the French and Dutch referendum votes. Clearly, both the French and the Dutch felt that the Constitution threatened their national social models, as agreement with the statement that a “no” vote will allow for renegotiation of a more social text increases the odds of voting “no” dramatically, although the effect is roughly twice as strong in France (with an odds ratio of 5.3, see Table 1) than in the Netherlands (with an odds ratio of only 2.0). Figure 2a) illustrates the impact of the social threat assessment on the probability of voting “no.” For France, this factor *alone* is strong enough to catapult individuals who would otherwise support the

⁶ This is interesting given that the Dutch model does not perform as well as the French model. Further analysis might explore the role of information in the Dutch case, since there were widespread complaints that Dutch citizens felt information on the Constitution was not forthcoming until too late into the referendum campaign. This may well be due to the short Dutch campaign Aarts, Kees, and Henk van der Kolk. 2005. Campaign Trends and the Dutch Referendum on the European Constitutional Treaty. In *University of Twente Institute for Governance Studies Spring Conference*. Twente, Netherlands.

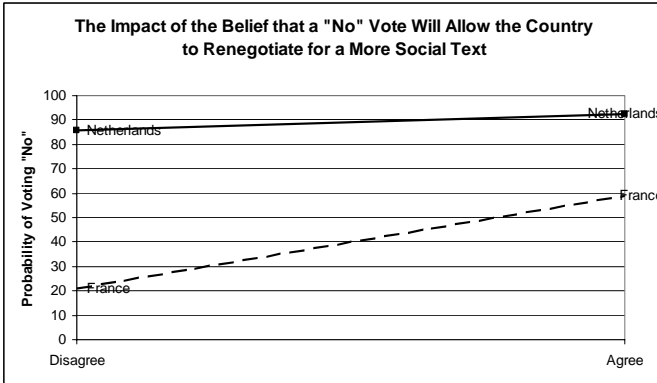
Constitution into the “no” camp by adding 37 percentage points to the probability of voting “no.”

In the Netherlands, however, the effect is in the same direction, but much weaker, adding merely

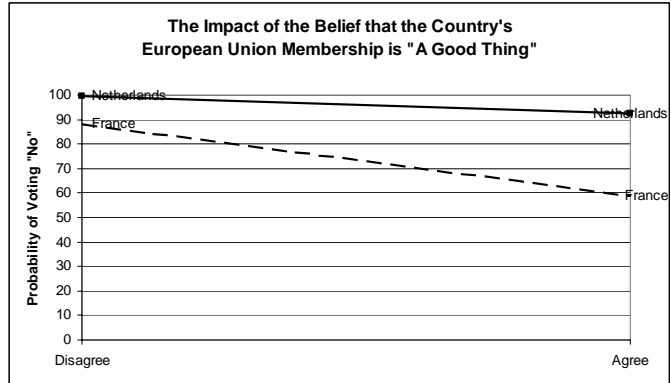
6.7 percentage points to an already overwhelmingly high probability of voting “no.”

Figure 2:
The Impact of “True” and “Hard” Attitudinal Factors on Explaining the Referendum Vote

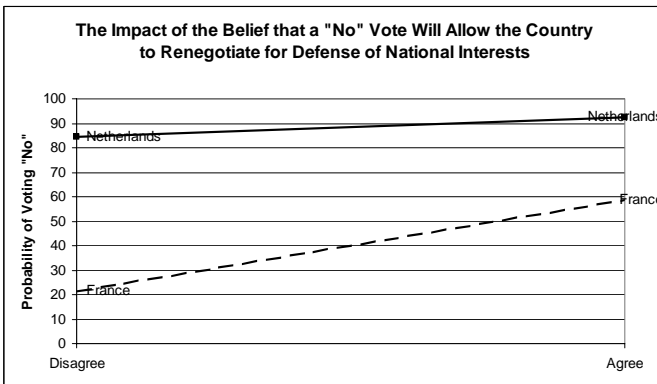
a) “True” Factor Social Threat



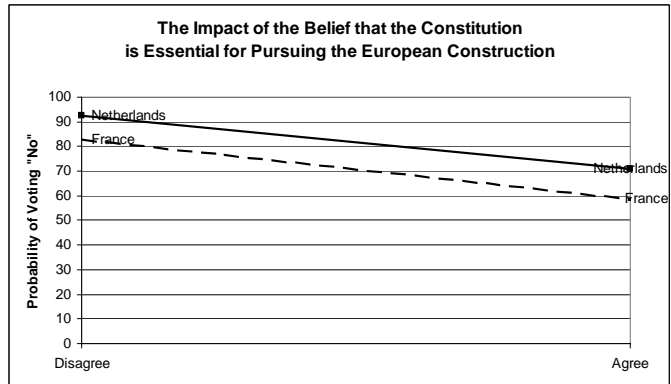
b) “True” Factor Support for EU Membership



c) “Hard” Factor Defense of National Interests



d) “Hard” Factor Constitution is Essential for Europe



For both countries, agreement with the statement that EU institutions have a good image, that the nation’s EU membership is a “good thing,” as well as that a “no” will decrease the country’s influence in the EU or make running the EU more difficult (which were all pro-Constitution arguments provided by the “yes” campaign) *decreases* the likelihood of a “no” vote significantly. This effect is most pronounced for agreement with the statement that the country’s membership in the EU is a “good thing” (see Figure 2b), which is the single strongest true attitudes variable in the Netherlands. But as Figure 2b) illustrates, once again the impact is much

stronger for French voters (where the probability of a “no” vote drops 29.1 percentage points to 58.8%) than in the Netherlands (where the probability drop is merely 6.8 percentage points from a 99.4% certain “no” vote). It is remarkable that no single variable is able to push Dutch voters into the pro-Constitution camp, since they start out with a very high baseline probability of voting “no” that indicates widespread generalized opposition to the Constitution.

“Hard” opposition to the Constitution is clearly also a major factor, although not quite as anticipated. What is most remarkable among these indicators is not that many of them are significant, but that the variable tapping attitudes about trying to prevent other countries (which according to the political debates really meant Turkey) is NOT significant in either of the countries. This indicates that widespread speculations (and the explicit post-facto interpretation offered by Le Pen and the Front National; see Berezin 2006) are NOT supported by the empirical record. The Eurobarometer data show that considerations of other countries joining had no significant impact on the referendum vote.

While xenophobia may not have been a deciding factor of the “no” vote after all, nationalism most certainly was. Figure 2 c) illustrates the impact of the belief that the “no” vote will allow the country to renegotiate the Constitution to better take into account the national interest. In France, disagreement with this statement is associated with a mere 21.2% probability of voting “no,” while agreement with the same statement leads to a remarkable 37.6 percentage point increase to a 58.8% probability of voting “no.” So this consideration appears to have been just enough to turn the majority of voters against the Constitution. As for all the previous main variables, the direction of the effect is the same in the Netherlands, but its overall size is much smaller (only a 8 percentage point increase on top of an already high 84.6% probability of voting “no”).

The single strongest “hard” opposition variable in the Dutch model is the belief that the Constitution is (or is not — the Dutch electorate was almost evenly divided on this question) essential for pursuing the European construction Figure 2 d) depicts the impact of this variable for both France and the Netherlands. In this case, both countries feature high probabilities of voting “no” amongst those who do not believe that the EU is a “good thing” (82.8% and 92.6% in France and the Netherlands respectively), which drop slightly more than 20 percentage points each in both countries. Clearly, most French and Dutch citizens can readily imagine that the EU will continue to function without the Constitution, even if they would rather see the EU gone entirely.

Finally, the impact of *when* voters made up their mind on the vote choice needs to be examined, i.e. the fourth theory. The significant and positive coefficients in the model (see Table 1) indicate that in France, those who remember themselves as making up their minds later in the progress tended to have greater odds of voting “no.” In the Netherlands, however, where the campaign was much shorter, the only time-related effect is that those who made up their minds on the day of the referendum actually were less likely to reject the Constitution than citizens who had made up their minds earlier. This suggests that the Constitution may have actually failed with a higher margin if the pro-Constitution parties had not managed to rally undecided voters, or those who had previously planned to abstain from voting to turn out on the day of the referendum.

The results of this analysis are striking in that the effects of the main independent variables in the Netherlands are that much weaker than the ones in France, as well as that the baseline probability of voting “no” when all independent variables are held at their respective mean or mode are invariably in the 90% range. In addition, compared to the constant-only

version the Dutch model predicts fewer additional cases correctly than the French one.⁷ This unexplained variance needs to be examined.

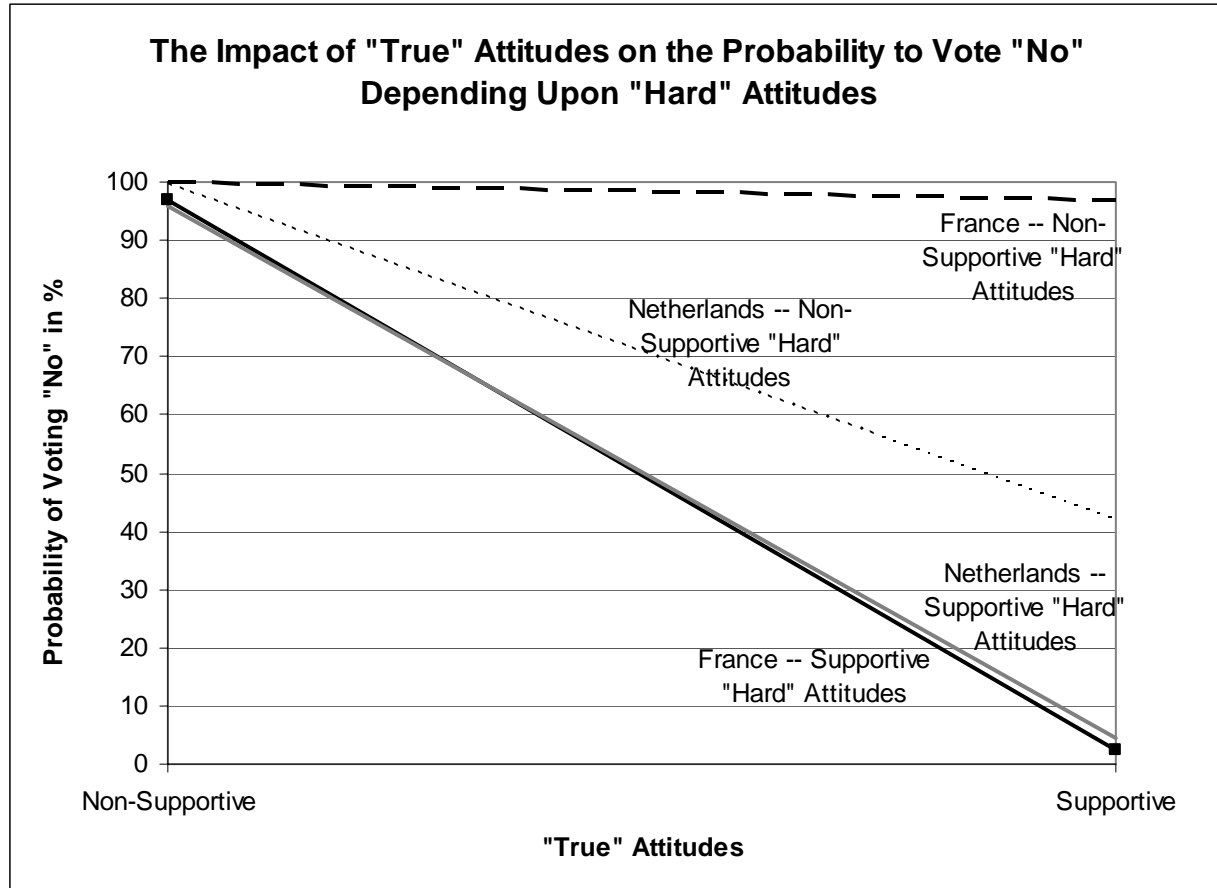
One possible explanation is that the effect of “true” or “hard” opposition was simply weaker in the Netherlands than in France. Figure 3 shows the overall impact of the possible combinations of all-supportive or all-non-supportive attitudes for both “true” opposition and “hard” opposition. If the effects were weaker in the Netherlands, we would expect to see the Dutch lines decline more gradually than those of their French counterparts in the same category. However, the exact opposite is the case for the non-supportive “hard” attitude lines. The French line barely declines, but remains high in the 90+ % range of probability, indicating that for French with non-supportive “hard” attitudes (i.e. nationalism), the “true” attitudes towards the Constitution do not have any independent impact. Regardless of their “true” support for the Constitution, French nationalists are certain to vote “no.” The Dutch line for non-supportive “hard” attitudes tells a very different story: it declines steeply from almost certainty of a “no” vote to a mere 41.8% probability of voting “no,” thus pushing it into the pro-Constitution camp. This means that the Dutch are less nationalistic to the point where even nationalists can be swayed by supportive “true” attitudes towards the Constitution.

The impact of “true” attitudes upon supportive “hard” attitudes is even greater. For both countries, non-nationalists are converted from anti-Constitution voters to proponents of the Constitution if their “true” attitudes change from non-supportive to support of the Constitution. There is no difference between the effect in the two countries. Given the greater impact of “true” attitudes on non-supportive “hard” attitudes in the Netherlands however, we would expect the

⁷ It should be noted, however, that in the Dutch case it is more difficult to increase predictive performance than in the French case since the percentage of “no” votes was higher in the Netherlands than in France (in the actual referendum, 54.89% of French and 61.6% of Dutch voters cast their ballot against the constitution; given the S-shape of a logit function, the predictive increase is greater the closer the division of the dependent variable is to 50:50). Nonetheless, there appears to be a good bit of remaining unexplained variance.

Dutch to have been *more* supportive of the Constitution overall than the French. Yet this is not the case.

Figure 3:



If it is not the effects of the variables, then the answer might lie in their distribution.

Indeed an examination of the frequency distribution for the attitudinal variables suggests that in France, for the most part opinions were quite evenly divided on the attitudinal statements. In the Netherlands, on the other hand, most statements were favored by much larger majorities on one side or the other. So part of the explanation for the high baseline likelihood to vote “no” in the Dutch case is that the Dutch simply had more prevalent non-supportive attitudes.⁸

⁸ The model may also be slightly underspecified. Examination of the socio-demographic control variables shows few significant effects in either country, with the notable exception of age, which decreases the likelihood of voting “no.” In the Netherlands, though, a second control variable, being a manual worker, is significant and quite strong.

Conclusion — Overcoming Opposition

The systematic analysis of the various explanatory factors in both France and the Netherlands suggests that the French referenda was indeed shaped by second-order national election effects, but that the net result of this effect was greater support for the Constitution rather than opposition to it. Probably due to the belated and fumbling “yes” campaign in the Netherlands, there is little empirical evidence to suggest that such second-order election effects were a factor in the Netherlands. Furthermore, the empirical record supports the theory that both referenda were driven most strongly by a combination of “true” opposition to the Constitution itself, as well as by some nationalistic (though not xenophobic!) “hard” opposition.

The mix of these factors varies considerably, though. In France, differences in “true” attitudes did *not* matter for those who held non-supportive “hard” attitudes, while they *did* make a big difference to decrease the likelihood to vote “no” amongst those Dutch who held generally non-supportive “hard” attitudes. This suggests that nationalism was a much stronger factor in France than in the Netherlands because it was able to override “true” attitudes towards the Constitution. In the Netherlands, on the other hand, the impact of “true” attitudes was a much greater factor; however, the Dutch had a generally low opinion of the Constitution, which speaks to the effectiveness of the “no” campaign in fanning the flames of Dutch fear of losing their social model.

What are the implications of these findings for possible ways of overcoming opposition to the Constitution? I have argued above that “hard” opposition is difficult to overcome (c.f. the flat line for French non-supportive “hard” attitudes in Figure 3) since it requires value change,

This suggests that the true reasons for the propensity of manual workers to vote against the constitution are not adequately captured by the attitudinal independent variables. Note, however, that despite ubiquitous arguments that certain other occupational groups, such as farmers in France, no other occupation exhibits significant effects in the multivariate model.

which means that French nationalistic opposition is not the most fruitful target. Instead, the more promising route leads through change of the “true” attitudes about the Constitution. Attempting to change “true” attitudes about the Constitution in the Netherlands is an even more promising proposition since it stands to convince even those Dutch who have more nationalistic tendencies.

But which *kinds* of changes would seem to be most likely to make the Constitution acceptable to the French and Dutch peoples? It appears that “true” opposition to the Constitution crystallized around the threat to the French and Dutch social systems, presumably due to the neo-liberal character of the proposed Constitution.

However, contrary to popular belief, the Constitution would *not* have introduced to the European Union significantly greater economic liberalization (which is apparent only to those familiar with the *acquis communautaire*, which understandably means only a small part of the population), but would have introduced a “host of new abstract social and economic rights, all with the full force of the EU judiciary behind them” (Brown 2005: 481). So perhaps what is needed are not so much changes to the Constitution, but more of an thorough educational campaign designed to help people understand that many of the things of which they are afraid are already a reality, but have not had the ill effects many feared.

An alternative path to overcoming the French and Dutch peoples’ fears may lead in an entirely different direction: reducing the Constitution to its bare, institutional essence, free of any and all extraneous matter.⁹ After all, “Sometimes less is more” (Brown 2005: 482).

⁹ Brown sees considerably room for condensing the Constitution: “Out of a total of 448 articles, only the first 60, plus a few dealing with transitional matters, were the traditional stuff of constitutions. The document could have been reduced by perhaps 80 percent without undue loss” (2005: 481-82).

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