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Summary of opening remarks at the Round Table: *The European Union After the Irish Referendum: No Way Forward, No Way Back*

- **The plot.** We have seen this movie before. The “plot” is familiar. The political elites negotiate an agreement. In order to confer an element of democratic legitimacy on the process, they submit it to a referendum. The people, to their surprise and shock, vote it down, precipitating a political crisis. Previous versions of the “movie” are found in the Danish referendum on the Maastricht Treaty, the first Irish referendum on the Nice Treaty, and the 2005 referendums on the Constitutional Treaty (the predecessor of Lisbon) in France and the Netherlands. Not all of the scripts are European ones. Similar stories can be found in many Australian constitutional referendums (particularly that of 1988, which involved a package of constitutional proposals), and of course our own referendum here in Canada on the Charlottetown Accord.
- **Framing.** We know that “framing” of an issue is a key element in any election or referendum. Presently, the Liberals are attempting to frame their “green shift” proposals as an environmental policy, while the Conservatives have launched a vigorous advertising campaign to portray it as “just another tax”. Whichever party wins this framing battle is likely to go into the next election campaign with a substantial advantage, as the public will already have been primed on how to think about the issue. The events leading up to the vote in several of the referendums mentioned above act to create a particular “frame” – often that of “the people against the establishment”. Another variation, particularly relevant to the European cases, is the nationalistic frame – “little Ireland vs. the European superstate”. “David vs. Goliath” is not a battle that Goliath very often wins.
- **Ireland.** The referendum outcome is conveniently being portrayed by some European political leaders as an Irish problem. “What’s wrong with Ireland?” is the wrong question to ask in the present setting. Had there been a referendum on Lisbon in any of perhaps five or six EU member countries (certainly Britain, Denmark, France and the Netherlands -- maybe also Poland, Sweden and the Czech Republic) the result would likely have been similar. In part, this is why so many national leaders were anxious to find a way to avoid a referendum on the Lisbon Treaty if at all possible. Ireland had to have a referendum because its constitution requires it, and because the High Court has effectively vetoed past attempts to get around this requirement. Recently in Britain, the Prime Minister appeared to be resorting to particularly convoluted logic in trying to explain in Parliament why a referendum on Lisbon was unnecessary even though his government had previously been committed to hold one on the Constitutional Treaty.
- **Explaining the referendum.** We can quickly dismiss some of the “usual suspects” in the case of the Irish referendum. Unlike that of the first referendum on the Nice Treaty, turnout was not unusually low. At 53%, it was higher than the average of recent Irish referendums and higher than that in the second referendum on the Nice Treaty in which the Treaty was endorsed by 63% of those voting. Neither was there much potential for “second order effects”, in which unrelated domestic political factors such as a weak economy, unpopular government, or tarnished political leader make ratification more difficult, as was the case in the 2005 French referendum on the Constitutional Treaty. The Irish economy continues to be strong, the Fianna Fáil government was recently re-elected, and the new Taoiseach, Brian Cowen, has been in office only a short time. It seems clear that Irish voters were

rejecting the Treaty itself (and the process that produced it) , rather than any political party or leader. The YES campaign seemed particularly inept, relying on bland slogans such as “say YES to Europe” and then veering into scare tactics when it became clear that the Treaty was in trouble. Little attempt was made to explain its content or implications to the voters. The NO message, “send them back to the drawing boards” implied that there was little risk in voting NO, which Irish voters and those in other European countries have generally learned there is not.

- **No way forward?** The current constitutional impasse in Europe, as in Canada, has been created by a flawed process that is particularly unsuited to adopting a constitution in a democratic political culture. The unwillingness of the public to accept a process dominated by elites is understandable in that the only way in which many people feel that their voice will be heard is to vote NO. The elites are then trapped in a situation in which there is indeed no way forward without recognizing the necessity of citizen engagement in the entire process – not merely in the endorsement of an elite consensus. In Europe, political leaders are still looking for “a way out” rather than “a way forward”. But the Irish NO, together with that of French and Dutch voters on the Constitutional Treaty, has made it clear that the way forward must be a democratic one. In a 27 member EU, such a process will not be easy to construct. But there is also clearly “no way back” to a simpler or less democratic past.

References

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