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The Road Not Taken

Why the Dutch Referendum on the
Constitutional Treaty 'Made All The
Difference' for Europe

By
Colette Mazzucelli

A previous version of this paper was presented at the 2004 Maastricht Forum on "European Integration: Making the Constitution Work" which was held at EIPA on 19 November 2004

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The Road Not Taken

Why the Dutch Referendum on the Constitutional Treaty 'Made All The Difference' for Europe

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'...I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I,
I took the one less travelled by,
And that has made all the difference.'

Excerpt, *The Road Not Taken* (1915), Robert Frost

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Introduction

The Dutch referendum on the European Constitutional Treaty was the first one in over a hundred years in a country that has no political culture of referendums to decide issues of national importance. The idea to call a consultative referendum originated in the country's parliament, which, unlike the Dutch executive, wanted to consult the population about the latest developments in the history of European integration. (Crum, 2005) This is in contrast to the debate concerning the Treaty on European Union 13 years ago, for which the call to conduct a consultative referendum lacked a consensus among Dutch parliamentarians (Hartog, 1994). The Netherlands is a founding member state of the original European Communities, created in the 1950s with the goal to assure security, prosperity and stability on the Continent. Why did this small country, whose people are still very strong advocates of European integration, reject the latest step in that project's evolution? This is a question that requires a period of time to answer. The Dutch Prime Minister, Mr. Jan Peter Balkenende, has called for us to 'think about how to make the most of this opportunity for reflection and reform.' (Balkenende, 2005)

The remarks in this article reflect the thoughts of someone who acknowledges just how far the countries of Europe have travelled in the 60 years since the end of World War II. In the midst of the destruction of a civilization, there were decisive choices to make about how to learn from the past so as to live in peace. This fact can never be taken for granted: in the aftermath of rivalries that caused generations to be lost, Europe's leaders started to write a new chapter in their shared history. Physical survival was at stake. Inherent in the journey on the road 'less travelled by' was a calculated risk, that in time a part of Europe would distinguish its project from that of the American and Soviet empires.

The fundamental choice the leaders in Europe made at that time was to reject war among countries whose history for centuries had been 'painted in blood.' The European Coal and Steel Community set those founding member states, France, Germany, Italy, Belgium, The Netherlands and Luxembourg on a different course. By rejecting the egoism that had led to incessant strife, The Netherlands chose to join its larger neighbours in a quest: to discover through steps in time no ordinary community. Europe's project for peace had as a goal to speak truth to power by placing the equality of peoples before that of balances among states. Through the years the Dutch remained faithful to that initial choice. The Europe in which they also thrived was one with which they could identify because the Communities fulfilled a promised goal: security, prosperity and stability provided a port in an otherwise stormy ocean. Once the world's traders with an empire that included my birthplace, Brooklyn, the Dutch in this new millennium seek the assurance of a Europe in which their voice is not only recognized, but listened to, by the states. The Netherlands traditionally fears will dominate the Continent – France and Germany. (Harryvan and Harst, 2005)

Since the fall of Berlin's Wall and the birth of the Euro, political leaders have had to confront a historical choice as significant as the one made for Community decades ago – enlargement to the center and east of the Continent to make Europe 'whole and free.' The most telling sign of Europe's potential to evolve is its choice of a vocation, political union, which was, in the 1990s, the second road not taken. As in the 1950s, political leaders had a decisive choice to make – deepen integration to prepare for a larger Union or choose a quite different path: in the face of the unknown, or, more sadly, of not knowing what to do, advance with no political objective or geographical definition. Our attempts to understand and to explain integration in Europe must now wrestle with this decision and its implications. The Dutch referendum is a true reflection of the popular reality that is 'an uncertain idea of Europe.' As the expression

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of a people, this vote is also the chance for us to revisit those images of Europe's project, some of which we have come to take for granted, and others that we are only beginning to see.

Explaining Integration Is Not What It Used To Be

Through the years, many of us who strive to understand and explain integration have often stood before two roads. The original choice for Community was one in which institutions, particularly the High Authority, later the European Commission, are the embodiment of new forms of interaction and authority in Europe. This is the Europe of Monnet and Schuman in which the Dutch believe the small members are protected by the Commission from domination by the largest states in the family. In the original Community of Six, the state that most strongly rejected this image of Europe's system, the Community method, was France under the General, Charles de Gaulle. His alternative conception was that of a 'Europe of States' in which there was no need for institutions. The only political figure able to extricate the French from Algeria, de Gaulle's was a heroic leadership in the service of the French state. De Gaulle believed that only national political leaders have the authority and legitimacy to speak for Europe. In the tradition of classical realism, the most powerful states 'made all the difference' in de Gaulle's worldview, and it was France's resources that gave Europe a voice. Without states Europe did not exist.

Each of these ways of explaining Europe now reveals its shadows, the manner in which it obscures our understanding of integration, in the light of enlargement. The Community method never had to cope with the prospect of the inclusion of additional member states. Its academic counterpart, neo-functionalism or later supranational institutionalism, likewise never sought to explain the dynamics of change through widening the Community geographically. (Schmitter, 2005) The intergovernmental perspective, with its emphasis on agenda-setting and negotiated agreements determined exclusively by the larger countries, also must contend with their changing influence in a Union with an increased number of smaller member states. The 2004 enlargement makes this case regardless of the impact that referendums in France and The Netherlands may have on further widening.

It is the enlargement to 25 member states that was neither explained to, nor digested by, national populations. At the creation of the European Coal and Steel Community, the Dutch people overwhelmingly approved the original decision of their elites in a vote. (Leenders and Meurs, 2005) The decision to accept 10 new members offered no such opportunity for voice even though, more fundamentally than the original choice for Europe, enlargement raises questions about the meaning of Community. The new member states, brutally separated from their historical birthright, must now consolidate their own democratic transitions as they adapt to the Union's legal norms. The demand for national referendums to approve key decisions in the history of integration necessitates much more of a familiarity with the cultures, languages and traditions of the Union's 25 member states and their societies. This is a reference point that the French and Dutch results make very clear. In spite of the votes to reject the Constitutional Treaty, in each case the origins of the 'non' and the 'nee' are specific to each country and particularly to popular responses to national political leaders.

The 'logic of diversity' sought to explain the limits to integration in a Community of 6 member states. (Hoffmann, 1966) In today's heterogeneous Europe of 25, the 'exigencies of specificity' are that which is demanded or required in a particular situation as determined by the ways in which the Union's system interacts with the uniqueness of national circumstances. In spite of the confusion among populations about who is responsible for specific policies, Brussels or national capitals, there is no doubt that member state policies can no longer be understood independently of the European system in which they function. This is an economic, legal, and political reality even if the social cognisance of its impact is not discernable among national populations. Referendum outcomes do not always conform to logic or

rationality; the results of the French vote speak volumes in this regard. The results in any given referendum are an indication of those factors, emotional, psychological, or otherwise, that define a given situation. Perception is as important as reality. There is a 'dual lock' that traditionally must be opened to amend each successive treaty, which allows the reform of Europe's original Community to proceed. Each member state has a veto at the negotiating table and must subsequently ratify the agreement that is made. This is the nature of treaty reform, which speaks more directly to the intergovernmental perspective. The enlargement to 25 or more member states must now also cope with the opening of Pandora's box: a dangerous reliance on national referendums of an increasingly populist nature, which is conceived of as a 'democratic' response. In this context, national and European leadership is inextricably linked and explicitly in question. (Beach and Mazzucelli, 2006) The 'exigencies of specificity' are decisive in popular decisions to accept or reject future steps in European integration.

The European Constitutional Treaty – ‘A Bridge Too Far’

What's in a name? If we reflect in terms of popular orientation, what makes sense to people, we realize that states have constitutions, and Europe is not a state. History tells us that polities with constitutions are defined by a political finality and geographical limits. (Rupnik, 2005) Even the term 'constitutional treaty' is confusing because it advertently leads people to imagine Europe in a way that has no grounding in reality. Europe is not an imagined community. Its experience is rooted in shared projects of a concrete nature – the single market, economic and social cohesion to promote solidarity among richer and poorer member states, the Euro, the ERASMUS educational program of mobility for students, and Schengen to abolish internal borders among member states, to name the most outstanding to date. The progress the Community made in monetary union fulfilled the aspirations of its founders. This success story also left a number of countries at the Economic and Monetary Union (EMU) table with an unrequited goal – a political vocation for Europe's Community defined in terms of a federal structure. The general dissatisfaction with the Nice treaty reform pushed by the French led to pressure for a European Convention and the drafting of a constitutional treaty.

It is only in hindsight that elites understand the basic error that was made in the choice of the name, European Constitutional Treaty. Clearly populations already felt marginalized in the course of Europe's development since the Maastricht ratifications in 1992-93. The use of the word 'constitution' in any form combined with recourse to popular democracy to decide on the treaty's acceptance set off a chain reaction, offering people the chance to vent their frustrations with leadership in general and national political establishments in particular. In the answers they gave to each referendum, the Dutch and the French responded more in terms of their opinions about the leaders asking the questions than to the actual questions about Europe or its Constitutional Treaty. In each case, the absence of youth participation was revealing. Does Europe's project no longer inspire new generations of its citizens? In the Dutch case, in particular, people articulated that they lacked sufficient information to make a choice about the question asked. Is this a matter of communication or a symptom of a phenomenon that is more profound? The Dutch parliament, like its French counterpart, was overwhelmingly supportive of the Constitutional Treaty. Why was there such a gap between elite preferences and popular sentiments regarding integration within The Netherlands, whose population still counts itself as one of Europe's staunchest proponents? No explanation of European integration or attempt to understand its present situation can avoid this question or fail to ponder the initial answers it suggests.

A 'Nee' by any Other Name... a long day's journey into night on the road 'less travelled by' in Europe

The initial project for Community was concerned with responding to a particular situation: how to prevent war from destroying the Continent. The origins of conflict were at the heart of the matter of gravest concern. One of the earliest social thinkers to ponder integration and its meaning for Community was Karl Deutsch, whose concept of 'security community' explained why relations among Europe's member states ruled out any recourse to war. (Deutsch, 1954) Conflict was still endemic to their economic, political and social interactions. Over time those issues that concerned member states with mutual interests in a Community required more energy devoted to conflict management through negotiation. At the heart of Community was French-German reconciliation and the search for positive-sum gains. In their daily interactions, conflicts among the Six were inevitable. We only have to reflect on the Common Agricultural Policy (CAP) to understand the interests still at stake generations later.

Integration assured that conflict remained a natural part of human relations to be managed in a Community that had crossed the Rubicon. When Caesar crossed that boundary with his army in 49 BC, it was an act of war. When Europe's leaders first journeyed on the 'road less travelled by,' the Rubicon was a line when crossed that permits of no return and typically results in irrevocable commitment. This demarcation is as much a cognitive process as a physical space. The rejection of war, the gradual removal of physical borders, the promotion of solidarity in the face of economic marginalization were actions to re-define in a Community public space those borders we change in our minds – through dialogue, education and interaction. The original Community offered the Dutch 'a certain idea of Europe' to which the population agreed. In this Community, the perception and the reality were in synchronicity: Dutch interests were protected and the country's voice mattered in affairs that concerned big and small member states alike.

The 'nee' vote expressed Dutch perceptions of another Europe in which 32% of those citizens who voted 'no' indicated that information about the Constitutional Treaty is lacking, and 19% fear a loss of national sovereignty. (Flash Eurobarometer, 2005) These figures suggest voters are concerned that the functionalist dynamic that drove integration to an unknown destination is beyond the control of citizens. Another 14% of the 'no' voters oppose the national government or certain political parties and 13% believe Europe's Union is too expensive for The Netherlands. Only 8% expressed a sentiment against European integration in general. In fact, among those citizens who voted for the Constitutional Treaty, the majority, 24%, said 'yes' because of a belief that the document was essential in order to pursue European construction. Only 13% said 'yes' because of a conviction that the Constitutional Treaty is necessary to strengthen the feeling of European identity. Likewise only another 13% of those who voted 'yes' believe the Constitutional Treaty strengthens The Netherlands' role in the Union or in the world. (Flash Eurobarometer, 2005)

Contrary to analysts' expectations, almost two-thirds, 62.8%, of the Dutch electors participated in the vote. This was a turnout well above the 30% required for the consultative referendum's outcome to be considered valid. (Flash Eurobarometer, 2005) A socio-demographic analysis reveals that 67% of the Dutch voters believed the referendum campaign started too late, and close to a third of the voters made up their minds during the last week or on the day of the referendum. An overwhelming number of younger voters were against the Constitutional Treaty with 74% of those aged 18-24 rejecting the text. This figure is markedly higher than the 52% of those voters aged 55 or over, who also expressed their objection to the document. Almost half of the members in the camp of the government party, the CDA or

Christian Democrats, voted 'no,' (47%). Far more manual workers, 78%, voted against the Constitutional Treaty than other occupation categories. (Flash Eurobarometer, 2005)

These findings explain that the popular image of Europe revealed by the referendum's outcome delineates a contrast with the original choice for Community: the European Union created by the Maastricht reform 12 years ago resulted in an irrevocable commitment to the Euro. It is this commitment that makes life in The Netherlands too costly. The regret to lose a strong national currency and a mythology surrounding the introduction of the Euro feed this perception. On 31 December 2001 the florin was slightly undervalued in the final transition to the single European currency. This fact led some Dutch to believe they were cheated in the midst of a general scepticism about Economic and Monetary Union since its inception. Since the Treaty on European Union, the Dutch have become the largest net payers to the Union per head, contributing monies to the budget in support of the Common Agricultural Policy that privileges farmers in several other member states. The Netherlands receives little back from the structural funds earmarked for poorer members, and does not enjoy the advantage of a hefty rebate like Britain. All things considered, as a relatively smaller, export-oriented member state, The Netherlands has through the years enjoyed a relative prosperity as a direct result of its membership in the Union.

The perceived cost of Europe for the Dutch elites is intricately related to a psychological mindset in which the history of the Growth and Stability Pact figures most prominently. As a smaller member state, The Netherlands had to work hard to honour the Pact's requirements. When France and Germany ran budgetary deficits in excess of the 3% limit, they changed the rules of the game to suit their own interest. The arrogance of larger powers to refute a commitment triggers older memories and lingering fears. It also leads Dutch elites to ask the question: why should we in a smaller country abide by rules that others blatantly violate? Member states in the Union all stand before the same two roads that diverge. As that Union expands, smaller members question their role and uphold the veto to preserve a margin of action that is believed otherwise to be lost.

What Prime Minister Balkenende terms 'our rude awakening' is a long day's journey into night, which calls into question the rejection of national egoism in favour of the 'consolidation of vested interests.' (Balkenende, 2005) This is the crisis of Europe's belief in its original project. Is this just another day, not remarkable in many ways? Or is this the time when leaders and citizens agree on why there is a Union, on its purpose, and on the necessary reforms within each member state to make the Union realize that purpose? Solidarity, the vision of a common future, the opportunity to counter sudden threats to the human security that is a person's dignity and well-being: these are signposts to orient the way on the road 'less travelled by,' which the Dutch people, in the spirit of the 'nee,' still follow. In a more diverse and larger Europe, the ability to identify common projects on which a majority of member states can agree to advance integration is as crucial as the choice for leadership to make these projects a reality in the lives of citizens.

In light of their decision, what are the next steps for The Netherlands now that the European Constitutional Treaty is no longer an option? Is a second referendum on a revised text, a 'Plan B,' possible? The political answer in any time frame is more than likely to be negative because of the double rejection by France and The Netherlands. A majority of the Dutch, 67%, express satisfaction with the outcome of their vote. (Flash Eurobarometer, 2005) The fact that the content of the Constitutional Treaty was significantly challenged by the French people during the referendum campaign signals that any future attempts at treaty reform must put forward a much simpler text that citizens can read with an opportunity to clarify points not understood during national debates. The Dutch government is not favourable to a 'Plan D,' debate and discussion, which is a proposal on the table for The Netherlands. This idea originated with the main winner of the 'no' vote, the Socialist Party. The question is the extent to which such a national debate is able to achieve more than modest results. The risk is that the debate is likely to remain very general, and that Dutch citizens in the wake of the referendum have already returned to the preoccupations of their daily lives, in which integration figures less prominently. This is a scenario like the one after the Maastricht ratification campaigns, in which national publics returned to a 'benign neglect' of Europe's Union

One issue likely to be addressed is the Euro, possibly in the context of a popular discussion about a return to the Dutch guilder. There is some nostalgia and a wish to return to the guilder. Most people realize that this is not a feasible option. Still many Dutch citizens are very dissatisfied about the introduction of the Euro. Restaurants and cafes became very expensive after the changeover and lost many

customers in The Netherlands. Citizens think that the prices they are paying for flowers are much higher in Euro than in guilder, when in reality the prices in their minds are those of 10 years ago. Problems just after the transition were bigger than in France, which experienced a previous change of national currency from the old *franc* to the new one, prior to the introduction of the Euro.

The Netherlands is not the most serious case in which there is talk about a return to the national currency. The Northern League in Italy saw an opportunity after the French and Dutch referendums to use populist jargon in a call for a return to the *lira*. The political aim is to attract the support of the discontented as the League searches for an electorate with an eye to attract conservative voters in the 2006 elections. The willingness of national political leaders in Italy, traditionally a very pro-European country, to blame the Union for the country's economic troubles is another sign of the scapegoat and scare tactics also evident in the French and Dutch referendum campaigns. It is this tendency of national political leaders to shift the blame for unpopular policies and outcomes to Europe's Union that is at the source of popular confusion and discontent with the European system. No information campaign in Brussels or national capitals can address this 'communication deficit' for which national ministers, who are the key decision makers in the Council, are directly responsible. While the prospect of a return to the *lira* is unthinkable, Italy faces troubles as the weakest economy in the Eurozone. (Wilkinson, 2005) Some economic analysts fear a prolonged period of paralysis in European policy making. In a larger Union, the Euro and Schengen are likely to be the achievements around which future progress on integration is made. (Guérot, 2005) In this context, the Dutch national debate bears watching to identify those issues and perceptions the Balkenende government needs to address. That government's challenge is to attract greater popular support for the achievements that are now key to deeper political integration for Europe's project: the single currency; the Schengen area free of internal border checkpoints and controls; and the most recent and next likely enlargements.

Understanding Integration's Meaning for The Netherlands, 2005 – Images of System, State and Human Nature

The images that ask us to reflect on the reasons for war also guide us in our thinking about Europe's project and the road not taken. (Waltz, 1959) Today peace in Europe means much more than respites between wars: it is a commitment to deny social violence and marginalization, a faith in social justice and equality as a way of life in a troubled world. We have only to look across the Channel to see the horrors that shatter the peace – of body and of mind. A traditional place of refuge and shelter from bombing raids during the Second World War, London's subway, the Tube, is now a battleground against innocent civilians. In the system Europe's leaders chose to create, legitimacy came to rest on results in concrete terms – security, prosperity and stability. If people felt safe, if they lived well, and if there was constancy of purpose, steadfastness, to assure a part of Europe's survival through integration, the tacit acceptance of populations was assumed as given.

In time, war, the first road not taken, was inconceivable on the Continent. Then, in an irony of history, just as the Community was on the threshold of Union, the past transformed the present and the future was in doubt. The Berlin Wall fell. The Soviet Union disappeared. The Balkans erupted in nationalist violence. Srebrenica reminded us of those horrors we knew should not be forgotten, but which we dreaded to relive. The second road not taken, political union, was the historical choice of the 1990s. This was Europe's missed opportunity to agree on a vocation, a political finality, before ending the artificial division that made the 1950s Community possible. The disintegration of the bipolar system and the transition to a unipolar world led us once again to a disequilibrium that in no way resembled the end of history. The disequilibrium that in 2001 was vulnerable to the vengeance of fundamentalist ideology marked the revival of a pattern – social violence to overturn the hegemony of the status quo.

If we inquire into the meaning of integration for The Netherlands today in the image of the system, globalization accelerated the pace of change. In their desire to emphasize competitiveness, leaders were perceived by their populations as more responsive to markets in their national and European policies than to electorates struggling with problems of unemployment. This is a fundamental question of political economy, and The Netherlands is no exception in this context. Feelings of job insecurity are very real. The popular sentiment is that Europe is too expensive and enlargement is moving too fast. The prospect of enlargement to Turkey is particularly troubling. In a poll taken last year, 48 % of the Dutch supported the decision about the accession of Turkey to the European Union, 46 % were against. Only 1 in 3 Dutch polled agreed with the accession of Turkey within 10 or 15 years. The majority is against the Turkish accession because of fears regarding Turkish migrants or is afraid of Islam and terrorism. Significantly, about 60% of those Dutch who responded believe that Turkey will become a Union member state regardless of what people think. (De Hond, 2004) One member of the Dutch Parliament, Mr. Wilders, left a right-wing political party over the Turkish issue.

The debate concerning the future enlargement to Turkey raises questions if The Netherlands pushed its policy of multiculturalism and tolerance too far. The inability to integrate those from other cultures into a less conservative, more secular, Dutch society is an indication that the answer is yes. The murder of Dutch filmmaker Theo van Gogh, the concerns about immigration in the Dutch society – these are issues that cannot be separated from what the Dutch society perceives to be the cost of Europe. This is no less true for the Dutch belief that the Union now meddles in too many policy areas, which threatens cherished Dutch liberties, like its drugs policy or its laws on euthanasia and gay marriage. This attitude is directly relevant to assess the impact of the Dutch referendum on a cornerstone of the European system

– integration through law, and particularly the primacy of European legislation in national legal systems. The Community has developed through the years as a result of a body of European law, the *acquis communautaire*, which is extensive. The Dutch ‘nee’ is unlikely to call the ‘primacy principle’ into question because The Netherlands lacks the kind of high judiciary arena in which these debates normally occur such as the *Conseil d’Etat* in France or the *Bundesverfassungsgericht* in Germany. Nonetheless, a single incident in the current atmosphere may well make all the difference, for example, a particular European legal decision on drugs trafficking by which the Dutch feel particularly wronged.² The reservoir of latent popular feelings, a volatile combination of discontent and anxiety, is by no means exclusively oriented toward European integration. The fragility of the European system is that these feelings can be activated suddenly by a triggering event and a political opportunity, like national elections or a referendum. This is why the ethical responsibility for the European project rests with national ministers, who are the final arbiters of its destiny.

It is the image of the state that offers some of the most revealing insights into the meaning of integration in The Netherlands today. This is significant as we reflect on the reasons for the ‘nee’ and their implications for Europe, quite apart from the French ‘non,’ which is telling in other ways. In order to understand the evolution of Dutch perceptions about Europe, we have to refer back to the changes introduced in the national political system by the late Pim Fortuyn, a populist, who, as a political leader, was an integral part of Dutch culture. This must be understood in terms of problems the Dutch society has with the integration of minorities, particularly Moroccans and Turks. As a leader, Mr. Fortuyn embodied those distinctive features of the Dutch society – acceptance of abortion, euthanasia, gays and lesbians – that made foreign citizens recoil. His murder by a Dutch national was a shock to a country that had not experienced a political murder in several centuries. The impact Mr. Fortuyn made relates to the gap between politicians and ordinary citizens as well as that widening chasm between the Dutch and Muslim immigrants. In terms of leadership, one of his slogans is revealing: ‘I say what I think, I do what I say.’

Although Mr. Fortuyn’s mode of expression was shocking for many people, in particular immigrants, he did not raise the issue of direct democracy. His impact as a leader revealed a great instability in the Dutch political system in which people dared increasingly to say ‘no,’ particularly when dissatisfied with their possibilities to influence political decision-making. The 1970s witnessed the end of the ‘pillar system’ in Dutch society. In that system, elites cooperated above the four pillars of Catholic, Protestant, social and liberal voters, whose preferences had been remarkably stable from cradle to grave. The impact of this sociological change and the industrialization of post-modern society provided the context for less and less understanding between elites and citizens. The Dutch wanted increasingly to close the gap with their politicians through the introduction of more direct voting. The referendum became a key issue.

The unique nature of the Dutch political context intertwines with the complexities of the European integration process. For this reason, we must reflect on the perception in The Netherlands that European decisions to adopt the Euro and go ahead with the 2004 enlargement were taken without the active engagement of national representatives. The vote on the European Constitutional Treaty meant to address that popular impression. It also ran the risk of exposing a decision on the future of integration to citizens who saw in the referendum the opportunity to express their disdain for an unpopular prime minister. Also revealing is a weak campaign for the ‘yes’ vote by the Dutch government, and, significantly, a very intelligent campaign for the ‘no,’ to which proponents of the Constitutional Treaty only reacted defensively.

The image of human nature allows us to assess how it is possible for the Dutch to say no to the Constitutional Treaty and still express support for European integration as a project. If we consider the realist view of human nature, which is dark and brooding, people live in fear. The goal foremost in their minds is self-preservation. By all accounts the ‘yes’ campaign for the European Constitutional Treaty played on such fear. Talk of a political Armageddon in the case of a ‘no’ vote illustrated the defensive, reactionary nature of those leading the ‘yes’ camp. The Dutch justice minister, Mr. Piet Hein Donner, threatened a ‘no’ vote could repeat the ‘scenario that plunged Yugoslavia into a state of war.’ (Bowley, 2005)

Physical security was not the principal fear that influenced Dutch voters. The murder of Theo van Gogh by a Muslim extremist underlined social concerns that immigrants are not integrating into Dutch

2. My appreciation is extended once again to Ben Crum, Vrije Universiteit Amsterdam, for his elaboration of this point.

society. The feeling in the population is that the society outside The Netherlands is 'getting colder, harsher.' Economic and social insecurities played a more significant role in the 'no' vote. Europe is no longer the port in the storm. The Euro is perceived to have brought inflation to The Netherlands. The Dutch people are retreating into the safety of their families and safeguarding what they perceive as 'the correct characteristics of Dutch society.' (Bowley, 2005)

The choice for 'hope and optimism,' which the liberal view of human nature espouses, was hardly present in the 'yes' campaign. The 'yes' camp reacted by taking a popular consensus on European integration somewhat for granted. In the liberal view of human nature, the choice for Europe is an enlightened one, which rests on knowledge and an appeal to reason. All signs indicate that a majority of Dutch felt the 'yes' campaign started too late and that information was lacking to inspire a vote for the Constitutional Treaty. The term 'constitution' misled the population. Most Dutch people who read the document saw a collection of treaties. The text available to Dutch citizens was likened to the constitution of the former Soviet Union, long and detailed, in which numerous policies are enumerated. In hindsight even those who organized the 'yes' vote agreed that entire parts of the Constitutional Treaty were better off deleted.

The Dutch political establishment acknowledges that the people are concerned the European Union is robbing the Dutch system and culture. In the 'nee' vote we interpret the popular response: Why vote for a Constitutional Treaty that perpetuates an unjust situation for The Netherlands? Why agree to accept a Constitutional Treaty before participating in a national debate on integration that directly engages the Dutch people? There was not much that the 'yes' campaign did to allay these popular concerns or to address the questions raised.

The Significance of The Netherlands' Referendum for France, Germany, and the United States

The 'nee' vote is important to interpret for those countries most directly implicated by its outcome. France is the first country that comes to mind because its 'non' to the Constitutional Treaty consigns the text to the annals of history as the third road not taken. In this sense, the French and Dutch votes are inextricable. If The Netherlands alone rejected the Constitutional Treaty, the pressure for a new vote, as in the case of Denmark and Ireland in earlier treaty reforms, would have been strong. The Dutch, unlike the French, have no political culture of national referendums. The experience rejecting the Constitutional Treaty is a groundbreaking one, which sets a precedent. This is particularly significant because the Dutch populace does not accept the gap between the political establishment and ordinary people, which many believe the country's membership in the European Union widens. Politicians cannot and did not explain the Constitutional Treaty or the reasons why it is necessary for Europe to Dutch citizens. This is the crux of the matter, the clear perception, in a country whose population dares to say 'no.'

Each of the three images offers an explanation why the Dutch vote was a resounding 'nee.' These images address the question why the Dutch response was not a weak 'nee' or, as in the French vote on Maastricht, a slight preference for the 'oui' rather than a decisive expression of support. (Mazzucelli, 1997, 1999) For France, the image of the system is significant to explain why The Netherlands, a founding member of Europe's Community, put the brake on treaty reform. Decisions on the Euro and the enlargement to 25, which impact the lives of the Dutch people, were taken without popular consultation. The Netherlands efforts to comply with the Growth and Stability Pact contrast with France's decision to change the rules of the game. Already in the Union of 15, the Dutch were paying more per head to the budget than larger countries without the compensation of either structural funds or a rebate. The vote on the European Constitutional Treaty was a rejection of a document that citizens did not understand, and which Dutch people strongly perceived as a threat to The Netherlands' sovereignty. The main concern of the Dutch elites is to redress what is perceived as an unjust economic situation for The Netherlands, which remains one of the strongest proponents of integration. The Netherlands was a key player in the negotiations for the 2007-13 budget. Reform of the Common Agricultural Policy was a key issue and the French veto a potential trump card.

The French and Dutch referendum outcomes show clear similarities on certain themes such as the inability of the populations to digest the economic consequences of the newest enlargement, the unpopularity of their national governments, and the uncertainty about the roles founding members are to play in a Union of 25 member states. In The Netherlands the discussion about social Europe did not play an influential role in the results of the vote, and the openness to a liberal Europe is evident. The Bolkstein directive to liberalize services, which caused such a furor in France during the referendum campaign, was the initiative of a former Dutch Commissioner in Brussels. In fall 2005 the French Socialists met to plan their party strategy as leaders continue to jockey for position in the post-referendum period. Fabius is a likely contender in 2007, although there are some observers of the French scene who do not rule out another run for the Presidency by Jospin. On the French Right, de Villepin and Sarkozy were rival candidates in 2005 with de Villepin emerging as 'presidential' after the immigration riots throughout the country late in the year. If the French Right stays in power, there are those analysts who predict a convergence of national interests with Merkel playing a pivotal role in 2007 in order to address outstanding systemic issues, particularly the economy, on the European agenda.

For the Federal Republic of Germany, the image of the state, in addition to that of the system, is revealing. The Dutch 'nee' must be understood in the context of a profound change in the political environment a few years ago. The arrival on the political scene of the populist leader Pim Fortuyn struck a chord in the popular sentiment, which felt estranged from the establishment parties and distanced from the representative process. The Dutch take pride to express a contrary vote, and in the case of the Constitutional Treaty, this was perceived as necessary for reasons of national democratic legitimacy. The Netherlands retains a national scepticism about the Euro, which the people, rightly or wrongly, perceive as an instrument of inflation in the country. Germany under Chancellor Helmut Kohl, made an irrevocable commitment to European integration, epitomized by the decision to achieve Economic and Monetary Union. The Chancellor's leadership marked continuity in post war German history. Kohl's actions underlined the choice of the first road not taken, and he explained why Europe was the alternative to war. Since the decision to create the Euro, Germany has advocated political union introducing proposals to establish a federal system. The 'f-word,' as federalism came to be cited during the Maastricht negotiations, aroused the opposition of Britain and France.

The origins of the term 'constituent treaty' can be traced to the Joschka Fisher's Humboldt speech and the subsequent debate his thoughts inspired in several European countries, notably France. In the wake of enlargement, The Netherlands, a long-standing proponent of a federal Europe, fears a system in which larger states dominate. On the national scene, the Dutch concerns about the loss of sovereignty and, more emphatically, the popular dissatisfaction with the government give the f-word quite a different meaning. Given these sensitivities, the present time frame is significant to tackle those issues that can allay Dutch concerns. A return to the German policy of consideration for the small member states' interests in Europe can go a long way to strengthen the integration dynamic in a larger Union. The fall 2005 federal elections offered Angela Merkel the opportunity to form a government with the Social Democrats in a grand coalition. Her key role in the Union's successful budgetary negotiations and an interest to revive the constitutional treaty debate indicate Merkel's interest to be cognizant of social reforms in the discussions around the European Union table. Austria is the member state with the Presidency starting in January 2006, which has an interest to propose initiatives to steer Europe's integration project away from paralysis in the run-up to the French elections in 2007.

For the United States, the image of human nature offers telling insights that explain the decisiveness of the 'nee' vote and its implications for the future of relations with the European Union. The present crisis speaks to the passing of a generation of leaders committed ethically and politically to constructing Europe, and who understood precisely what was at stake for the transatlantic relationship. The origins of the European project date back to a simpler time, *albeit* one of great devastation and suffering. The magnitude of the challenge to rebuild the Continent in the post war years gave leaders on each side of the Atlantic the opportunity to cultivate talents, to demonstrate personal qualities, and to generate ideas that brought our elites and peoples closer together.

The next decade is likely to be a period that will call on leaders in the United States and Europe to demonstrate some of those skills present at the creation of the original Community. (Serfaty, 2005) This requires the education through practical experiences of a new generation of professionals dedicated to understanding the priorities each continent defines. As the Union continues to develop, it is in the United States' interest for its policy community to understand those issues that unite peoples in different European countries. One issue stems from a realist understanding of human nature – mistrust of national political leaders who are perceived as neither progressively oriented nor enlightened to make decisions that demonstrate concern for distributive justice and human welfare.

The Dutch population, in spite of its 'nee' vote, supports a European project that is more than a customs union. The Netherlands is traditionally a country that has participated fully in European integration, and one that retains an outward-looking orientation. As a smaller member state, it demonstrates a significant learning curve since the Maastricht negotiations as a mediator within Europe's Union. This experience is useful working between our two Unions as we reflect on constructive ways to deepen that political space. For this reason, changes in the Dutch political system are significant. There is a political deliberation that is necessary in The Netherlands, and in most other European countries, that offers citizens the chance to engage directly with national leaders on those economic and social issues most influential in their lives.

It is the political responsibility of leaders in turn to explain clearly those policy areas in which European integration has a role to play. The debate about social policy is significant in each national context. There is a tendency to turn inward when economic growth is faltering and when threats to the dignity of the person are evident. Each member state must initially address this dilemma in accordance with its own political culture and traditions before collective deliberations occur. The example of Denmark is illustrative in this context. This model is impossible for Germany to adopt because of the difficulties still inherent in the national unification process. As a contribution to the debate, Alexander Lamfalussy's underlines those positive aspects of the Danish approach, which permits 'firing and hiring of employees' combining this practice with a generous safety net. In addition, 'the whole educational system is oriented to allow young people to change their jobs' and thereby encourages mobility. This in turn offers a greater range of professional options and possibilities to contribute productively to society. (Rettman, 2005) Collective deliberations must take into account national reforms in the context of a larger European economic policy discussion. However, Europe's Union cannot accomplish in policy terms reforms that national systems are unwilling to undertake.

The tactic of national leaders to make Brussels the scapegoat for decisions that are not well received at home is a risky one. The drive for power, which realist school of thought ascribes to human nature, makes the Union's fragile system vulnerable. This phenomenon was in greater evidence during the French referendum campaign than in the Dutch case. This is particularly relevant in terms of difficult and unpopular economic reforms necessary to restore growth and prosperity, which have in the past offered legitimacy to Europe's integration project. Germany has turned the corner. France confronts troubling months ahead precisely because perceptions among some elites and an important segment of the population are much closer to projections than reality. The 2007 presidential elections are a reference to reflect on potential options for the future.

After the 2004 enlargement, the Union requires a period of consolidation and reflection. The French and Dutch votes to reject the Constitutional Treaty are important given the American interest to have a reliable European partner to address global problems. The question often asked is 'how does the United States view European integration?' The response most salient in our time is to continue identifying those issue areas in which the United States and the European Union demonstrate a constructive ability to work together. Questions of distributive justice and social equality are important to consider. Yet, the responsiveness of leaders to people's welfare concerns, which embodies a social vision, is likely to remain a matter of contention between two continents with distinct cultures. In the Union of the 21st century, evidence of this responsiveness is necessary to retain the support of citizens.

The Dutch vote makes clear just how far the integration process has evolved in the last 20 years. Europe's leadership collectively has tackled enormous tasks in a relatively short time and citizens do not have confidence in a number of changes, including the Euro. The Dutch and French votes underline that the lack of confidence is endemic to national systems. This phenomenon cannot be underestimated in discussions about future widening. Nor can the fact that specific criteria must be respected in order for the Union to enlarge. It is in America's interest as much Europe's that member states acceding to the Union are functioning, not failing, states. (Guérot, 2005) In the run-up to 2009, after which the momentum to tackle enlargements beyond Romania and Bulgaria may change, it is up to the Union's leaders to determine those policies open to countries in waiting to improve their overall chances to join.

In Passing...

The most recent phase in treaty reform illustrates that Europe's integration project is still defined by the road not taken. The rejection of the Constitutional Treaty signals a popular unease with Europe in founding member states, whose citizens wonder about the direction in which the Union is heading. Enlargement has introduced new questions about budgetary politics, geographical frontiers and social welfare concerns for the Union in a world that does not share Europe's post-modern orientation. The accession of Turkey is controversial to the Dutch because of their unique national context, in which the 'exigencies of specificity' are relevant to put the 'nee' vote in perspective. Images of system, state and human nature explain the referendum's significance in the European and transatlantic environments. It is the image of the state, however, that is most revealing to explain the results of the Dutch referendum. Europe's Union no longer inspires a permissive consensus within the Dutch polity, among its citizens, who are concerned about human security, identity, and sovereignty. What are the common projects that can inspire a new generation of Europeans? This is a fundamental question for reflection in a national debate about Europe's future.

The real significance of the Dutch referendum is that it marks a turning point and a point of no return. The third road not taken is all the more revealing as a choice because it asks us to reflect on whether the citizens of Europe can really turn back as a way of refusing to accept their national leaders' willingness to forge ahead without direction. An understanding of integration to date reveals that no major advance in Europe's construction was 'automatic' or 'conflict-free.' (Dehousse, 2000) Each step was the result of political decisions inspired by the ingenuity of political entrepreneurs and the commitment of visionary leaders. Those men and women journeyed on the road 'less travelled by' because the alternative they knew from their own experience, war, was inconceivable.

Today's citizens, particularly those younger voters who abstained in France and The Netherlands, have no such memory. Their counterparts in the new member states, in contrast, carry strong memories of another historical experience, of 'a separate peace,' which was a casualty of that same war. Each now depends on the other to live in a new European space. This is the result of the enlargement to 25 member states decided by the Union's leaders, which has not yet been digested by citizens in the original Community. The experience of the 'other' by peoples with very different pasts on the Continent requires time and considerable effort to give the Union its direction and vocation. The current period of reflection offers leaders and citizens the opportunity to forge a new integration consensus. (Bitterlich, 2005) The question for our transatlantic future is whether the third road not taken offers post war Europe a second chance.

'...And both that morning equally lay
In leaves no step had trodden black
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back...'

Excerpt, *The Road Not Taken* (1915), Robert Frost

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