

# **Master in Advanced European and International Studies**

Applied European Policy and Governance Studies

*The Politics of Saying No to Brussels:  
Constraining Dissensus and the Irish  
Treaty Referenda*

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*To my parents, who support me through everything*

*To my entire cohort at CIFE, who gave me memories that will last a lifetime*

*To Giulia, Hannah, and Karlien, who have been like sisters away from home*

*To Tanya, who inspires me to chase my dreams no matter how lofty*

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*All conflict is about difference, whether the difference is race, religion or nationality. The European visionaries decided that difference is not a threat, difference is natural. Difference is of the essence of humanity.*

*Difference is an accident of birth and it should therefore never be the source of hatred or conflict. The answer to difference is to respect it.*

***-John Hume***

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## **Abstract**

Despite its historically strong support for EU membership, the Irish electorate rejected the Nice and Lisbon Treaties in their initial referenda before ratifying both in subsequent votes. Previous research has examined each referendum – and their rerun – as a separate case, explaining the outcome of each independently. There remains a gap in current literature, however, on lessons that can be drawn by studying the four referenda together – especially as they relate to the future of European integration. This thesis uses postfunctionalism as a lens through which the referenda can be examined, studying the politicisation and dominance of the *identity* logic operating within the framework. It examines all four referenda individually, culminating in a cross-case comparison of Yes and No campaigns. It finds that the change in referendum outcome was produced not through a *conversion* of voters, but through *heresthetic reweighting*: elites altered which of voters' stable considerations decided their vote, through lowering the salience of the electorate's identity-coded grievances while raising that of their *efficiency* and *distributional* concerns – concerns on which the Yes side held a majority. The principal instrument of depoliticisation in both cases was *arena-shifting* – through concessions secured at the European Council rather than before the electorate – a strategy itself which was shaped through Ireland's domestic Crotty and McKenna judgements. This thesis finds that *constraining dissensus* is better understood not as a fixed state of play in the mass arena, but rather as a dynamic state that elite agency and exogenous shocks can each relax. These findings speak to the feasibility of treaty change in an increasingly politicised Union.

## **Synthèse**

Malgré son soutien historiquement fort à l'appartenance à l'Union européenne, l'électorat irlandais a rejeté par référendum populaire les deux derniers traités européens, avant de les ratifier lors d'un nouveau scrutin. Les recherches antérieures examinent chaque référendum – ainsi que son second scrutin – afin d'en expliquer respectivement les résultats. Il subsiste néanmoins une lacune dans la littérature actuelle quant aux enseignements que l'on peut tirer de l'étude conjointe de ces quatre référendums — en particulier au regard de l'avenir de l'intégration européenne. Cette thèse mobilise le postfonctionnalisme comme prisme d'analyse à travers lequel il s'agit d'examiner ces

référendums, en étudiant la politisation et la prédominance de la logique *identitaire* au sein de ce cadre. Elle examine les quatre référendums individuellement, pour aboutir à une comparaison inter-cas des campagnes du Oui et du Non. Elle constate que le changement de résultat référendaire n'a pas été produit par une *conversion* des électeurs, mais par une repondération héresthétique : les élites ont modifié les considérations stables des électeurs qui décidaient de leur vote, en abaissant la saillance des griefs à connotation identitaire de l'électorat tout en renforçant les préoccupations *d'efficacité* et de *distribution* – préoccupations sur lesquelles le camp du Oui disposait d'une majorité. Dans les deux cas, le principal instrument de dépolitisation est le *déplacement d'arène* – au moyen de concessions obtenues au Conseil européen plutôt que devant l'électorat –, stratégie elle-même façonnée par les arrêts irlandais Crotty et McKenna. Cette thèse établit que le *dissensus contraignant* se comprend mieux non comme un état figé du jeu dans l'arène de masse, mais comme un état dynamique que peuvent relâcher tant l'action des élites que les chocs exogènes. Ces conclusions éclairent la faisabilité d'une révision des traités au sein d'une Union de plus en plus politisée.

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## **List of Abbreviations**

AFRI	Action from Ireland
CFSP	Common Foreign and Security Policy (of the European Union)
CSO	Civil society organisation
EU	European Union
IBEC	Irish Business and Employers Confederation
ICTU	Irish Congress of Trade Unions
IDA	Ireland's Foreign Direct Investment Agency
IFA	Irish Farmers Associations
IPU	Inter-Parliamentary Union
Lisbon I	The first Irish referendum on the Treaty of Lisbon
Lisbon II	The second Irish referendum on the Treaty of Lisbon
Nice I	The first Irish referendum on the Treaty of Nice
Nice II	The second Irish referendum on the Treaty of Nice
NGO	Non-governmental Organisation
PANA	Peace and Neutrality Alliance
QMV	Qualified Majority Voting
SIPTU	Services Industrial Professional and Technical Union
TAN Parties	A grouping of "Traditional-Authoritarian-Nationalist" parties defined by right-wing, socially conservative, populist ideologies

## **CHAPTER I: INTRODUCTION**

Ireland alone is constitutionally compelled to ratify European Union (EU) treaties by popular referendum. The requirement derives from the Supreme Court's 1987 judgment in *Crotty v. An Taoiseach*, which held that any transfer of the state's sovereign powers to an external body – such as the EU – must be approved by the Irish people directly.<sup>1</sup>

Whereas other member states have the opportunity to ratify EU treaties by parliamentary approval, Ireland alone must submit each significant treaty revision directly to its electorate — and because treaty change requires unanimity across the Union, the verdict of this comparatively small electorate can stall integration of the entire bloc.

This dynamic created a surprising stall of integration when Irish voters – among the most pro-European voters in the Union<sup>2</sup> – in 2001 and again in 2008 rejected the Treaties of Nice and Lisbon respectively.<sup>3</sup> The government asked voters to return to the polls a year later in each case, at which the electorate reversed course and voted Yes. On both occasions, the treaty voted on was identical to the version rejected just a year earlier; the reversals occurred based on conditions surrounding ratification rather than direct alterations of the treaties.<sup>4</sup> These reversals therefore pose a question for further

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<sup>1</sup> Maria Cahill, "The Crotty Case and EU Treaty Referendums in Ireland," IACL-AIDC Blog, November 7, 2023, <https://blog-iacl-aidc.org/2023-posts/2023/11/7/the-crotty-case-and-eu-treaty-referendums-in-ireland>.

<sup>2</sup> Irish support for membership in the European Union has been well above the EU average since 1986. For data from 1979 to 2001, see: European Commission, Eurobarometer 56: Public Opinion in the European Union (Brussels: European Commission, Directorate-General Press and Communication, April 2002), [https://www.ab.gov.tr/files/ardb/evt/1\\_avrupa\\_birligi/1\\_6\\_raporlar/1\\_4\\_eurobarometers/EUROBAROMETER\\_PUB\\_LIC\\_OPINION\\_IN\\_THE\\_EUROPEAN\\_UNION\\_Report\\_Number\\_56.pdf](https://www.ab.gov.tr/files/ardb/evt/1_avrupa_birligi/1_6_raporlar/1_4_eurobarometers/EUROBAROMETER_PUB_LIC_OPINION_IN_THE_EUROPEAN_UNION_Report_Number_56.pdf). For data from 2001 until 2010, see: European Commission, Standard Eurobarometer 73: Public Opinion in the European Union — First Results (Brussels: European Commission, Directorate-General Communication, August 2010), <https://www.socialjustice.ie/system/files/file-uploads/2021-09/2010eurobarometer73spring2010firstresults.pdf>.

<sup>3</sup> The Nice Treaty, signed in 2001 and entered into force in 2003, had the purpose of reforming the European institutions to accommodate its expected enlargement, with changes made to the composition of the Commission and the voting system in the Council. The Treaty of Lisbon, signed in 2007 and entered into force in 2009, had the purpose of “mak[ing] the EU more democratic, more efficient and better able to address global problems, such as climate change, with one voice.” It increased the European Parliament’s power, revised the institutions’ structure, and outlined the EU’s competencies clearly. European Union, “Founding Agreements,” accessed January 11, 2026, [https://european-union.europa.eu/principles-countries-history/principles-and-values/founding-agreements\\_en](https://european-union.europa.eu/principles-countries-history/principles-and-values/founding-agreements_en).

<sup>4</sup> The claim concerns the treaty itself that was submitted for ratification, which on both reruns was identical to that which had been already rejected; it is not a claim that the domestic ballot remained unchanged. In the Nice case, for example, they did not: the constitutional amendment put to voters in October 2002 (the Twenty-sixth Amendment) re-authorised ratification of the same treaty but added a prohibition on Irish participation in a common European defence without approval by a later referendum, which the June 2001 amendment (the Twenty-fourth) had not contained. In Lisbon, the equivalent reassurances were not as explicitly worded on the ballot, but there were concrete changes nonetheless: the guarantees on taxation, on the right to life, family and education, and on neutrality were not written into the constitutional amendment approved by voters but instead took place at the European level as a legally binding decision of the Heads of State and Government, later incorporated in a protocol. The retention of an Irish Commissioner

examination: why did the same electorate change its vote on the same treaty a year later? And what makes a successful referendum campaign in the Irish state?

**Chart 1<sup>5</sup>**

**Results of the four Irish EU treaty referendums, 2001–2009**

	Nice I 7 June 2001	Nice II 19 October 2002	Lisbon I 12 June 2008	Lisbon II 2 October 2009
<b>Date</b>	7 June 2001	19 October 2002	12 June 2008	2 October 2009
<b>Result</b>	Rejected	Approved	Rejected	Approved
<b>Turnout</b>	34.8%	49.5%	53.1%	59.0%
<b>Yes share</b>	46.1%	62.9%	46.6%	67.1%
<b>No share</b>	53.9%	37.1%	53.4%	32.9%
<b>Constituencies carried (Yes)</b>	2 of 41	41 of 41	10 of 43	41 of 43

Source: Referendum Commission, "Previous Referendums," <https://www.referendum.ie/previous-referendums/index.html>.

This research will use postfunctionalism as outlined by Hooghe and Marks and further elaborated by subsequent academics as a lens through which to view the referenda. Postfunctionalism claims that *efficiency*, *identity*, and *distribution* are irreducible logics that explain citizens' preferences for where authority should sit in the case of further European integration: at the national or EU level.<sup>6</sup> Furthermore, the theory distinguishes between political arenas, namely the *interest group arena*, where elites and specialists

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was secured through a discretion the Lisbon Treaty itself conferred (Article 17(5) TEU), exercised by the European Council in December 2008 and reaffirmed on 19 June 2009. In each the treaty — the object of integration — was held almost entirely constant while the terms of its presentation were adjusted to neutralise the issues that had driven the first rejection.

<sup>5</sup> The number of constituencies changed between the Nice II and Lisbon I votes following the 2007 Constitutional revision. All charts and tables in this thesis are designed by OpenAI's ChatGPT Model 5.5 unless otherwise attributed.

<sup>6</sup> Liesbet Hooghe and Gary Marks, "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus," *British Journal of Political Science* 39, no. 1 (2009): 1–23.

interact, and the *mass arena*, where the general public has a determining role. Postfunctionalism also postulates that in the post-Maastricht Treaty era, the mass arena has become an increasingly important domain for European integration, as decisions about integration become more contested, whereas elites had previously been insulated from politicisation of integration.<sup>7</sup> Furthermore, it contends that in the mass arena, *identity* becomes an increasingly important logic that drives the public towards dissensus. Postfunctionalism contests that the public has moved from an era of *permissive consensus* to *constraining dissensus*, where decisions referred to the mass arena have been more constrictive of European integration than they would be in the interest group arena, a phenomenon driven by politicisation and identity-driven contestation. Issues relating to identity as a factor of European integration, postfunctionalism emphasises, are politically constructed for political parties' gains rather than innate.<sup>8</sup> Their political salience depends on whether parties and other actors choose to capitalise on it.<sup>9</sup>

## 1.1 The Research Question

Overall, the study aims to answer the question:

- ***How did elite campaigns reverse the Irish electorate's initial rejections of the Nice and Lisbon Treaties, and what do these cases reveal about managing modern EU treaty ratification under constraining dissensus?***

Sub questions include:

- ***Through what mechanisms was constraining dissensus relaxed between referendum rounds?***
- ***What do the reversals reveal about the conditions in which constraining dissensus binds or relaxes?***
- ***Did the concessions secured by the government between referendum rounds function as effective instruments of depoliticisation?***

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<sup>7</sup> Recent instances of mass arena politics include the Danish rejection of the Maastricht Treaty in 1992, the French and Dutch rejections of Europe's Constitutional Treaty in 2005, the Irish rejections of the Nice Treaty in 2001 and the Lisbon Treaty in 2008, and the 2016 United Kingdom referendum on EU membership. While these involved popular votes, postfunctionalism's mass-arena classification also extends beyond referenda to include the politicisation of EU issues in national elections, party competition, and media. See Hooghe and Marks, "Postfunctionalist Theory," 7–8.

<sup>8</sup> Ibid., 12.

<sup>9</sup> Ibid.

This thesis will examine the cases, eventually to argue that the reversals were produced not through a conversion of voters, but rather through changing the weight of the stable attitudes that impacted the Yes or No voting decision. It will argue that this reweighting was a technique utilised by elites seeking to depoliticise under constraints specific to Ireland. Finally, it will state that constraining dissensus is better understood as a dynamic state rather than a structural veto.

Chapter two will examine referendum dynamics and existing academic theories attempting to explain them. Chapters three through six will examine the four campaigns in two pairs, and Chapter seven will compare all of the cases, culminating in the findings of the thesis. Chapter eight will conclude and present further areas for study.

## **1.2 Methodology**

This thesis will use a qualitative-within-case comparative research design in order to examine the four different Irish EU treaty referenda held between 2001 and 2009: “Nice I” (the first Nice Treaty Referendum held in June 2001), “Nice II” (the second Nice Treaty referendum held in October 2002), “Lisbon I” (the first Lisbon Treaty referendum held in June 2008), and “Lisbon II” (the second Lisbon Treaty referendum held in October 2009). By leveraging two-paired comparisons with a most-similar design (Nice I to Nice II, and Lisbon I to Lisbon II), the study will examine how and under what conditions No and Yes votes were produced, despite factors such as the electorate remaining largely constant. Importantly, in both instances, the treaty text under ratification remained constant, removing a key variable from the analysis.<sup>10</sup> Political concessions, changes in campaign messaging, and exogenous factors will be among the factors examined, especially as they relate to depoliticisation attempts by elites as predicted by postfunctionalism.

The four-case structure will allow the research to more clearly demonstrate *what* shifted between each round of voting: voter attitudes, campaign strategies and messaging, party positioning, and elite framing are all key elements which will be examined here. Given

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<sup>10</sup> See footnote four for a qualification of this statement.

the consistency of treaty text between the two rounds of voting, the study will examine how the aforementioned variables might explain the alternative referendum outcomes.

The choice of Ireland as a case study is driven by its constitutional mandate for referenda. Due to the unanimity requirement in EU treaty modifications, understanding referenda politics in Ireland is especially important for the future of European integration at-large. In addition, the referenda provide the last successful campaigns for EU treaty reform, providing both contemporary and historical significance to these two campaigns.<sup>11</sup>

The analysis will be drawn from three categories of evidence. First, **post-facto polling data** from academic studies and sources such as Eurobarometer will serve as a means of gauging voter attitudes, motivations for voting (or abstaining), and shifts in sentiment between the rounds. Second, **campaign rhetoric, materials, and speeches** will be analysed qualitatively to reconstruct the supply side of the referenda (how the treaty was framed by actors, how the issues were or weren't elevated, and what strategies were used to depoliticise or politicise certain dimensions of the treaties). Third, **existing academic literature on the topic** will allow the thesis to go further in its analysis, especially given the extensive, well-researched quantity of literature on each individual referendum.

The campaign analysis is structured around the *identity, efficiency, and distribution* logics emphasised by postfunctionalism, which apply a lens through which to view the referenda campaigns and results. The ways in which campaigns engaged or failed to engage with each logic will be tested in both the initial referenda, and their reruns. The level of salience of each logic will likewise be an important mechanism studied.

Limitations exist which can be identified beforehand. First, post-facto data may result in the well-documented issue of post-hoc rationalisation – especially as it relates to abstention. This is a point of concern regarding the Nice I referendum, where abstention was widely regarded by government-commissioned analysis as a dominant factor in the No result. Additionally, the within-Ireland comparison explains referenda politics in a vacuum. This study cannot examine the extent to which the conclusions gleaned might be

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<sup>11</sup> There have been minor changes to the European changes under Article 48(6) TEU, which permits the European Council to adopt changes in the treaties to revise existing policies, as was done with the 2011 decision to revise Article 136 for the enabling of the European Stability Mechanism. Furthermore, the 2005 Constitutional Treaty took place after the Nice Treaty but was not successful in being ratified by member states.

relevant for other EU states. Nevertheless, given Ireland's referendum requirement, the study provides important analysis for the entirety of the EU. Finally, the Lisbon Treaty was affected significantly by the economic crisis which occurred in 2008, while the Nice Treaty did not have such an exogenous factor. This difference, however, provides an account of how elites interacted with factors outside of the campaign at-hand.

### 1.3 Contribution of This Research

The EU has not embarked upon any major treaty changes since the Lisbon Treaty, ratified nearly two decades ago. This cannot be attributed to a lack of identifiable areas for reform – there has been appetite for reform on areas ranging from fiscal integration to defence to enlargement as well as on institutional structures such as Qualified Majority Voting (QMV).<sup>12</sup> Yet, partially due to an increasing heterogeneity of member state preferences, and partly due to a desire of European elites to avoid the mass arena, other intergovernmental methods have become the *modus operandi* for recent significant changes to European legislation.<sup>13</sup>

The referendum is politically volatile and often unpredictable – a reason they remain unpopular in the eyes of many governing parties. Further, they occupy a contested place in democratic theory, celebrated by some as a pure form of the people's will while criticised by others as instruments easily influenced, poorly suited to address complex policy questions, and sometimes driven by issues orthogonal to the actual question on the ballot.<sup>14</sup> However, the mandate they provide in European integration is uncontested: even in nonbinding referenda, a vote of the electorate is politically near impossible for elites to override.

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<sup>12</sup> Christopher J. Bickerton, Dermot Hodson, and Uwe Puetter, "The New Intergovernmentalism: European Integration in the Post-Maastricht Era," *JCMS: Journal of Common Market Studies* 53, no. 4 (2015): 703–22.

<sup>13</sup> *Ibid.*, 708-709.

<sup>14</sup> On the second-order voting dynamic which demonstrates that votes are subject to factors irrelevant to the question on the ballot, such as government popularity or domestic political grievances, see Karlheinz Reif and Hermann Schmitt, "Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Election Results," *European Journal of Political Research* 8, no. 1 (1980): 3–44. On the debate over whether referenda are suitable for the EU's complex policy environment, see Sara B. Hobolt, *Europe in Question: Referendums on European Integration* (Oxford: Oxford University Press, 2009).

While many member states allow for ratification of EU treaties through parliamentary majorities, the practical political landscape is more complex than a simple distinction between states that hold referenda and states that approve through parliamentary means. Ireland's *Crotty Doctrine* provides the clearest form of a type of constitutional mandate for referenda in any state in the EU, but other states have either legal ceilings or political dynamics which pressure them to hold referenda. For example, Danish constitutional practice since the Treaty of Maastricht has produced a political norm of holding referenda, and French and Dutch referenda on the 2005 Constitution Treaty reinforced the place of the referendum in these states, which do not have a referendum mandate, and which did not as commonly hold referenda on matters of European integration previously. Even Germany – despite its *Grundgesetz* ('Basic Law') not requiring referenda on questions of European integration – has a "constitutional ceiling" as decided by the *Bundesverfassungsgericht* ('German Federal Constitutional Court') which places a de facto limit to the extent European integration can deepen without the adoption of a new German constitution.<sup>15</sup> Such a constitutional change would require a popular referendum. Therefore, the set of member states where major treaty change either legally or politically requires a popular vote is not as small as it might appear, nor is it static.

This makes the Irish referenda both theoretically and practically important, as the clearest available empirical evidence of what happens when EU treaty politics are forced by formal mandate into the mass arena. Understanding how first-round defeats occurred, and how elite campaigns were able to produce approval in reruns not only contributes to the historiography of the accounts, but also to the political analysis of the feasibility of treaty change in an increasingly politicised European Union.

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<sup>15</sup> *Bundesverfassungsgericht* [German Federal Constitutional Court], "Act Approving the Treaty of Lisbon Compatible with the Basic Law; Accompanying Law Unconstitutional to the Extent That Legislative Bodies Have Not Been Accorded Sufficient Rights of Participation," Press Release No. 72/2009, 30 June 2009, <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2009/bvg09-072.html>.

## CHAPTER II: REFERENDUM DYNAMICS

Across the EU, popular ratification of treaty change has not historically been the norm, with most states handling questions of European integration through approval by their national parliaments. Ireland and Denmark are outliers in their liberal use of the referendum, as seen in Chart 2 below.

**Chart 2**<sup>16</sup>

**Table 1 – Referendums on European integration, 1972 to April 2016**

Year	Country	Object	Category	Type	Turnout (%)	Yes (%)
1972	France	Enlargement of EEC	I	NR and B	60	68.3
1972	Ireland	EEC membership	M	R and B	71	83.1
1972	Norway	EEC membership	M	NR and NB	79	46.5
1972	Denmark	EEC membership	M	R and B	90	63.3
1972	Switzerland	EEC-EFTA Treaty	T	R and B	52	72.5
1975	United Kingdom	EEC membership	M	NR and NB	64	67.2
1986	Denmark	Single European Act	T	R and B	75	56.2
1987	Ireland	Single European Act	T	R and B	44	69.9
1989	Italy	Mandate for MEPs	I	NR and NB	85	88.1
1992	Denmark	Maastricht Treaty	T	R and B	83	49.3
1992	Ireland	Maastricht Treaty	T	R and B	57	68.7
1992	France	Maastricht Treaty	T	NR and B	70	51.1
1992	Switzerland	EEA accession	M	R and B	78	49.7
1992	Liechtenstein	EEA accession	M	NR and B	87	55.8
1993	Denmark	Maastricht Treaty	T	NR and NB	87	56.8
1994	Austria	EU membership	M	R and B	82	66.6
1994	Finland	EU membership	M	NR and NB	70	56.9
1994	Sweden	EU membership	M	NR and NB	83	52.3
1994	Norway	EU membership	M	NR and NB	89	47.8
1995	Liechtenstein	EEA accession	M	NR and B	82	55.9
1997	Switzerland	EU candidature	M	NR and B	35	25.9
1998	Ireland	Amsterdam Treaty	T	R and B	56	61.7
1998	Denmark	Amsterdam Treaty	T	R and B	76	55.1
2000	Switzerland	Bilateral agreements	T	NR and B	48	67.2
2000	Denmark	Single currency	I	NR and B	88	46.9
2001	Switzerland	EU candidature	M	NR and B	55	23.2
2001	Ireland	Nice Treaty	T	R and B	35	46.1
2002	Ireland	Nice Treaty	T	R and B	49	62.9
2003	Malta	EU membership	M	NR and NB	91	53.6
2003	Slovenia	EU membership	M	R and B	60	89.6
2003	Hungary	EU membership	M	R and B	46	83.7
2003	Lithuania	EU membership	M	R and B	63	91.1
2003	Slovakia	EU membership	M	R and B	52	92.5
2003	Poland	EU membership	M	R and B	59	77.5
2003	Czech Republic	EU membership	M	R and B	55	77.3
2003	Estonia	EU membership	M	R and B	64	66.8
2003	Sweden	Single currency	I	NR and NB	83	42.0
2003	Latvia	EU membership	M	R and B	73	67.0
2003	Romania	EU membership	M	R and B	56	89.7
2005	Spain	Constitutional Treaty	T	NR and NB	42	76.7
2005	France	Constitutional Treaty	T	NR and B	69	45.3
2005	The Netherlands	Constitutional Treaty	T	NR and NB	63	38.2
2005	Switzerland	Schengen Agreement	I	NR and B	56	54.6
2005	Luxembourg	Constitutional Treaty	T	NR and NB	89	56.5
2008	Ireland	Lisbon Treaty	T	R and B	53	46.6
2009	Ireland	Lisbon Treaty	T	R and B	59	67.1
2009	Switzerland	Free movement of persons	I	R and B	52	59.6
2012	Croatia	EU membership	M	R and B	43	66.7
2012	Ireland	European Fiscal Compact	I	R and B	50	60.3
2014	Denmark	Unified Patent Court	I	R and B	54	62.6
2014	Switzerland	Free movement of persons	I	NR and B	56	50.3
2015	Greece	Bailout referendum	I	NR and NB	59	38.7
2015	Denmark	Opt-out (Justice & home affairs)	I	R and B	72	46.9
2016	The Netherlands	EU-Ukraine Association Agreement	I	NR and NB	32	38.2

Notes: M = membership referendum, T = treaty ratification referendum, I = single issue referendum, NR = non-required, R = required, NB = non-binding, B = binding.

<sup>16</sup> The requirement and binding-force classifications used throughout follow Micaela Del Monte, *Referendums on EU Issues*, In-Depth Analysis PE 729.358 (Brussels: European Parliamentary Research Service, April 2022), 2–4, 8–10, which itself builds on Hobolt, *Europe in Question: Referendums on European Integration*). I depart from Del Monte on the classification of the French referenda as Binding in the 1992 Maastricht Treaty and 2005 Constitutional Treaty referenda. All three French votes were held under the identical Article 11 procedure, in which the electorate adopts a *loi référendaire* directly – it is not regarded as an advisory position.

The Danish rejection of the Maastricht Treaty in June 1992 by 50.7 per cent of the Danish electorate forced the Edinburgh Agreement of December 1992, one of the earliest instances in which a national electorate compelled the renegotiation of a treaty signed by their government. Furthermore, French and Dutch rejections of the Constitutional Treaty in May and June 2005 forced the treaty to be abandoned.<sup>17</sup> And, in the case of the United Kingdom in June 2016, the British popular vote had the starkest effect to date: it was the first and only instance of a member state leaving the Union, and it was made politically defensible by the referendum.

## 2.1 Irish Specificities

As aforementioned, Ireland is the only state with a constitutionally mandated obligation to hold a referendum on significant steps of European integration, and is the only European state to have held a referendum on every major treaty revision since it joined.<sup>18</sup> This is what makes the Irish cases particularly useful for the study of EU referendum politics in the mass arena: whereas in other states the referendum is in and of itself a political variable, with governments choosing whether or not to hold them, in Ireland it is part of the institutional structure and operates independently of this variable. In other words, the decision to hold a referendum cannot be attributed to a specific political climate. This is true of the decision to referend a treaty, such as in Nice I and Lisbon I, but an important distinction is that the decision to hold a second referendum remains a political variable, which will be studied in further chapters.

A second crucial specificity of the Irish cases is the obligation of the Irish government to abstain from any public spending that advocates for a particular outcome in a referendum campaign. This restriction was formalised by the 1995 Irish Supreme Court decision

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<sup>17</sup> Hobolt, *Europe in Question*, esp. ch. 8.

<sup>18</sup> Interestingly, the government stated that it did not believe the Nice treaty would fulfil the requirement necessitating holding a referendum, however it chose to referend the matter due to the looming possibility of a court challenge (Carlos Closa, *The Politics of Ratification of EU Treaties*). Furthermore, the Supreme Court held an opinion that any matter “in doubt” should be put to the people. Supreme Court, *Patricia McKenna v. An Taoiseach and Others (No.2)* [S.C. Nos. 361 and 366 of 1995], *The Irish Reports*, 1995, pp.10-56; Gavin Barrett, “Building a Swiss Chalet...”; plus McKenna v. An Taoiseach (No. 2) [1995] 2 IR 10; Jane O’Mahony, “Ireland’s EU Referendum Experience,” *Irish Political Studies* 24, no. 4 (2009), 434.

*McKenna v An Taoiseach (No. 2)*.<sup>19</sup> Following the ruling, Ireland created the Referendum Commission, responsible for overseeing the drafting and dissemination of information during referendum campaigns. The Referendum Commission importantly saw its mandate reformed after Nice I: Previously it provided both Yes and No arguments to the public; due to a reform in 2001, it now provides only information regarded as neutral.<sup>20</sup>

However, from the first use of the Referendum Commission in 1998, scholars criticised its ability to inform voters as opaque, and its mandate as constrained by inadequate timeframes allotted by the government.<sup>21</sup> The Commission's own 2008 report acknowledged “*the severe difficulties posed for the Commission in seeking to fulfil its statutory remit in a full and effective manner within unrealistic and unreasonable time frames imposed on it from the outset by the Government. The Commission's first report made specific recommendations on how these might be addressed but unfortunately they have been ignored.*”<sup>22</sup> O'Mahony's survey also concluded that the Commission ended up reinforcing an Irish referendum dynamic of elite withdrawal and populist capture.<sup>23</sup>

The Referendum Commission is relevant to Irish referendum politics in that it removes a resource asymmetry that an incumbent government might typically enjoy in a mass-arena contest. This structural feature on the supply side of the four referenda offers a partial explanation of why the first-round defeats have been more common than the underlying balance of party-political support might have predicted. Especially in a striking case such as Ireland, where parties advocating for a Yes vote on the Treaties *held a supermajority in the Dáil during every single treaty referendum – never below 141 of the 166 seats.*<sup>24</sup>

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<sup>19</sup> *McKenna v. An Taoiseach (No. 2)*, [1995] 2 I.R. 10.

<sup>20</sup> Under the Referendum Act 1998 (No. 1 of 1998), §3, the Commission was mandated to prepare statements setting out the arguments for and against referendum proposals, considering submissions received from the public. The Referendum Act 2001 (No. 53 of 2001), §1, removed this function and the additional mandate to foster and promote debates, limiting the Commission to solely explaining the subject matter, promoting public awareness, and encouraging voter participation. ; An important distinction is that while the governing party is constricting from spending government funds on advocacy per the *McKenna v An Taoiseach (No. 2)* ruling, parties and their leaders are not barred from acting in their own capacity to influence a referendum. Indeed, choosing to hold a second referendum, securing political concessions such as the Seville Declaration, and ministerial statements in favour of a ‘Yes’ vote can all be attributed as non-monetary measures which have a tangible influence on a referendum outcome.

<sup>21</sup> O'Mahony, "Ireland's EU Referendum Experience," 429–46.

<sup>22</sup> Referendum Commission, Report on the Referendum on the Twenty-Eighth Amendment of the Constitution Bill 2008 (Dublin: Referendum Commission, 2008), 22, 35–38.

<sup>23</sup> O'Mahony, "Ireland's EU Referendum Experience," 429–46.

<sup>24</sup> Michael Gallagher, "Election Results and Dáil Composition," Department of Political Science, Trinity College Dublin, accessed May 8, 2026, [https://www.tcd.ie/Political\\_Science/about/people/michael\\_gallagher/ElectionsIreland.php](https://www.tcd.ie/Political_Science/about/people/michael_gallagher/ElectionsIreland.php).

Within the broader subset of EU treaty referenda, there is only one other instance outside of the Irish cases in which an initial rejection was followed by ratification through a second popular vote of essentially the same text: Denmark's vote on the Maastricht Treaty of 1992. Importantly, in the Danish instance as in both Irish instances, the electorate was asked by their government to change their decision, and in each, they did.

## 2.2 Understanding How Citizens Vote in EU Referenda

How citizens make up their mind on EU referenda has been an increasingly contested topic since the Maastricht debates. There are three main approaches dominating academic literature on the topic, with each generating distinct expectations about what produced the electorate's reversal from No to Yes.

The oldest of these is the *second-order election* model, originally formulated by Karlheinz Reif and Hermann Schmitt in their 1980 analysis of the first direct elections to the European Parliament.<sup>25</sup> The core of the second-order election model's argument is that voters make up their mind on European "second-order" elections based on a different arena – the "first-order" arena of national politics. As a result, voters attend these secondary elections less, governing parties are often punished by voter dissatisfaction, and smaller, protest parties often benefit from stronger-than-expected election results.<sup>26</sup> This framework, although originally intended to understand and explain the results of European Parliament elections, has been rapidly applied to all matters of EU referenda, by Mark Franklin and other scholars, who argue that these other European elections can likewise suffer from the second-order election effect, especially as it relates to expressing dissatisfaction with incumbent parties.<sup>27</sup>

A second approach to understanding European elections is the *issue voting* approach, which has been most fully developed in Sara Hobolt's *Europe in Question*, which contests the second-order effect. Hobolt's claim, drawing on a comparative analysis of EU

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<sup>25</sup> Karlheinz Reif and Hermann Schmitt, "Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Election Results," *European Journal of Political Research* 8, no. 1 (1980): 3–44.

<sup>26</sup> *Ibid.*

<sup>27</sup> Mark N. Franklin, Cees van der Eijk, and Michael Marsh, "Referendum Outcomes and Trust in Government: Public Support for Europe in the Wake of Maastricht," *West European Politics* 18, no. 3 (1995): 101–117.

referenda between 1972 and 2008, is that voters will make decisions on European integration because of their views on the European arena if they are provided with an adequate amount of information to deal with the matter at hand. It does not claim that information is evenly distributed or that elite cues play no role, but rather that voting on the question at-hand can be empirically observed in certain cases, and that the second-order reading undervalues voters' engagement with the question of a further integrated Europe.<sup>28</sup> Relating to Ireland, the most direct analysis of the two models has been John Garry, Michael Marsh, and Richard Sinnott's 2005 piece, which concludes that issue voting outperforms the second-order model in explaining the outcome of the Nice referenda.<sup>29</sup> It also claims that the salience of issue-based factors was more pronounced in the second campaign, as well. And on the supply side of the campaign, it has been observed that the Yes campaigns learned from the initial No votes. Issue-voting denotes two main pathways to producing a reversal of votes: *conversion* and *reweighting*. Through conversion, voters change their mind about how they feel on a given topic. Through reweighting, their vote changes because of how their static sentiment about certain topics affects whether they vote Yes or No.

Meanwhile, additional studies on referenda politics have also produced the postfunctionalist theory of European integration. The postfunctionalist approach as advanced by Hooghe and Marks supplies a framework that adopts some of the strongest empirical findings of issue voting while focusing on which issues are activated by issue voting, and why.<sup>30</sup> It finds when *identity* specifically is identified by the TAN (traditionalist-authoritarian-nationalist) family of parties, integration becomes newly politically constrained, in ways that other analyses focusing on cost-benefit structures cannot entirely capture.<sup>31</sup> Postfunctionalism also predicts the response from institutions: elites will attempt to shift away from the mass arena where possible, in part due to the constraining dissensus observed in previous cases of European integration in the mass arena.

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<sup>28</sup> Hobolt, *Europe in Question*, esp. ch.s 2-4.

<sup>29</sup> John Garry, Michael Marsh, and Richard Sinnott, "'Second-Order' versus 'Issue-Voting' Effects in EU Referendums: Evidence from the Irish Nice Treaty Referendums," *European Union Politics* 6, no. 2 (2005): 201–221.

<sup>30</sup> Hooghe and Marks, "Postfunctionalist Theory."

<sup>31</sup> *Ibid.*, 16.

### 2.3 Application of the Theories to the Irish Referenda

The three approaches are not inherently incompatible: a case may show any combination of factors which alter a vote, such as the salience of certain issues and voters' opinions about a governing party. However, all three do not equally well explain the Irish cases, and they generate distinctly divergent expectations about the mechanisms which motivate the reversals.

The second-order account most clearly fails to describe how a No vote on Lisbon I was turned into a Yes vote on Lisbon II, given the deterioration of national conditions under the Fianna Fáil government, in power during both elections. Lisbon II took place during a significant Irish recession, with high unemployment, public finances collapsing, and a deeply unpopular governing coalition.<sup>32</sup> Reviews conducted of Lisbon II demonstrate that the switch to a Yes vote can't be simply reduced to a second-order dynamic, as legal guarantees combined with a more informed electorate and better organised Yes campaign were key to reversing conditions.<sup>33</sup> Second-order election dynamics cannot explain this reversal. Furthermore, the conclusion reached by Marsh and Schwirz also postulates that the change from No to Yes wasn't due to a shift in voters' attitudes, but rather due to a "change in how the Irish electorate weighed the same factors differently at both referenda."<sup>34</sup>

This process of reweighting describes constraining dissensus: the same conditions can produce different political outcomes because of how different arguments and logics become mobilised by officials and weighted by the voters. However, this puts less emphasis on the "constraining" aspect of constraining dissensus.

Issue voting provides a more convincing account of the elections than second-order dynamics when examining the post-facto research and surveys. Sinnott's work on the

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<sup>32</sup> On the macroeconomic context of the Lisbon II campaign and its complications for a second-order reading, see Roberto Roccu, "The Irish Referendums on the Lisbon Treaty: Did the Recession Save Lisbon?," *Journal of Contemporary European Studies* 20, no. 1 (2012): 81–95.

<sup>33</sup> Stephen Quinlan, "The Lisbon Experience in Ireland: 'No' in 2008 but 'Yes' in 2009 — How and Why?" *Irish Political Studies* 27, no. 1 (2012): 139–153.

<sup>34</sup> Michael Marsh and Laura Schwirz, *Déjà-vu (again): The Lisbon Treaty Referendum in Ireland*, IHS Political Science Series Working Paper 133 (Vienna: Institute for Advanced Studies, February 2013), 3.

Lisbon Treaty outlines a familiar group of concerns that explain the Lisbon I No vote, namely the loss of an Irish Commissioner, perceived threats to corporate taxation, military neutrality, abortion and other “ethical” matters, and labour rights.<sup>35</sup> But in looking at the referenda through this lens alone, it cannot be understood how the aforementioned topics, compared to other important questions, become politically active and influence voters. For example, the treaties’ contents included numerous pieces about the architecture of the EU, QMV, empowering the European Parliament, and the creation of a new EU Service and President of the European Council position, important topics for voters which affect the identity of the Union. Yet in the debate, it is found that the topics which are of particular salience – national sovereignty, military neutrality and the integrity of conservative social values – is more completely explained by postfunctionalism, where identity logic can dominate the mass-arena debate.

The mobilisation of identity is well documented. For example, civil society organisations, such as the conservative Catholic group C oir, were more active in the No campaign when compared to parliamentary parties.<sup>36</sup> Their identity-grounded argument was to defend Ireland against external interference – a pointed instance of TAN groups mobilising identity concerns for electoral advantages.<sup>37</sup> Another activated TAN group which capitalised on identity-related concerns was Libertas, founded by businessman Declan Ganley before Lisbon I, which emphasised the Irish voting power, Commissioner, and corporate taxation issues.<sup>38</sup> As the only mainstream party to oppose both Lisbon referenda, Sinn F ein organised its opposition as a call for retention of state sovereignty and protection of workers.<sup>39</sup> The specific issues identified and mobilised are explained in postfunctionalism as the kind of identity-based opposition to integration that operates in the mass arena.

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<sup>35</sup> Richard Sinnott, Johan A. Elkink, Kevin O'Rourke, and James McBride, *Attitudes and Behaviour in the Referendum on the Treaty of Lisbon* (Dublin: UCD Geary Institute, prepared for the Department of Foreign Affairs, March 2009); Richard Sinnott and Johan A. Elkink, *Attitudes and Behaviour in the Second Referendum on the Treaty of Lisbon* (Dublin: UCD Geary Institute, prepared for the Department of Foreign Affairs, 2010).

<sup>36</sup> John FitzGibbon, “Citizens against Europe? Civil Society and Eurosceptic Protest in Ireland, the United Kingdom and Denmark,” *JCMS: Journal of Common Market Studies* 51, no. 1 (2013): 105–21.

<sup>37</sup> Fitzgerald, M. (2009) “Team No — who's who, how they are funded and their strategy”, *Irish Times*, 15 September 2009.

<sup>38</sup> Quinlan, “The Lisbon Experience in Ireland: 'No' in 2008 but 'Yes' in 2009 – How and Why?”, 139–153.

<sup>39</sup> John FitzGibbon, “Citizens against Europe? Civil Society and Eurosceptic Protest in Ireland, the United Kingdom and Denmark,” 105–121; see also FitzGibbon, “The Second Referendum on the Treaty of Lisbon in Ireland, 2 October 2009,” *Representation* 46, no. 2 (2010): 227–239.

It can also be ascertained that concessions sought by the government are what postfunctionalism predicts. Both the Seville Declarations and Irish Guarantees – covered in more detail in further chapters – can be interpreted as methods of depoliticisation: they are legal instruments which in practice remove identity-coded issues from the debate.<sup>40</sup> And as interviews with campaigners across the Irish double cases demonstrates, there is a generalisable pattern that the No campaign’s identity-based arguments were not easily dissuaded with information itself.<sup>41</sup> Again, this demonstrates the operation of constraining dissensus in a mass arena: constraints around identity are binding, unable to be overcome with information, and elites adapt through removal of the issue from the agenda, rather than changing citizens’ minds about any given topic.

## **2.4 This Thesis Among Existing Literature**

The four referenda on the Nice and Lisbon treaties have generated a substantial amount of analysis. What is less developed is a comparison of Nice I/II and Lisbon I/II within a single theoretical framework, examining the dynamic of constraining dissensus throughout the four campaigns. Existing literature spanning the referenda does not to the same extent exploit the within-system control that the Irish double-pair makes available. Furthermore, it does not use postfunctionalism’s logic to provide a coherent throughput to explain why voters did or did not change their minds in each circumstance. Therefore, this thesis attempts to culminate through a comparison of the four referenda together, in which a constitutional arena rule created four iterations of a similar political problem: how to secure popular ratification of EU treaty change in the mass arena. It also analyses what patterns observed throughout studying these referenda might reveal about the management of EU treaty politics when elite avoidance of the mass arena is predetermined by institutional constraints.

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<sup>40</sup> On the Seville Declarations following Nice I, see Katy Hayward, "If at First You Don't Succeed...': The Second Referendum on the Treaty of Nice, 2002," *Irish Political Studies* 18, no. 1 (2003): 120–132. On the Irish Guarantees following Lisbon I, see European Council Conclusions, 18–19 June 2009, Annex 1 ("Decision of the Heads of State or Government of the 27 Member States of the EU, Meeting within the European Council, on the Concerns of the Irish People on the Treaty of Lisbon").

<sup>41</sup> Ece Özlem Atıkcın, "The Puzzle of Double Referendums in the European Union," *JCMS: Journal of Common Market Studies* 53, no. 5 (2015): 937–56, here 943–47.

## **CHAPTER III: NICE I**

Given its place as the first major rejection by the Irish electorate in the mass arena on a topic of European integration, the first Nice referendum shows a moment when permissive consensus fell. The Yes campaign was confident in a victory at the referendum, and as a result, much of the No campaigns arguments went uncontested without extensive activation of the public by the Yes campaign. This section will examine Nice I, including the campaigns by both sides and rhetoric and mechanical approach of both sides leading up to the referendum.<sup>42</sup>

### **3.1 Nice I: Permissive Consensus Falls**

The Treaty of Nice was signed by the heads of government on 26 February 2001 with a modest and largely technocratic purpose of reforming the institutions of the Union to permit eastward enlargement.<sup>43</sup> Its substance was relatively structural: recomposing the Commission; reweighting the votes in the Council to more closely reflect population; extending QMV to more policy arenas; and revising the framework for “enhanced cooperation” among willing member states.<sup>44</sup> The treaty did not transfer significant new competencies to the Union, and it did not establish new policy arenas. Most analysts contend that the Nice Treaty did less to deepen European integration than previous treaties such as the Single European Act, the Maastricht Treaty, or the Treaty of Amsterdam – each of which the Irish electorate ratified comfortably.<sup>45</sup>

According to post-facto analysis of the referendum, the Irish Yes campaign approached the Nice Treaty referendum with the understanding that all of these factors, combined with continuing Irish support for the European Union would yield a comfortable approval by the Irish Electorate.<sup>46</sup> The coalition government led by Fianna Fáil and the Progressive

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<sup>42</sup> See Annex 1 and 2 for campaign material in the Nice I and Nice II campaigns.

<sup>43</sup> Treaty of Nice Amending the Treaty on European Union..., signed 26 February 2001, Official Journal C 80 (10 March 2001). For purpose, EUR-Lex summary “Treaty of Nice,” <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-of-nice.html>.

<sup>44</sup> Karin Gilland, “Ireland's (First) Referendum on the Treaty of Nice,” *JCMS* 40, no. 3 (2002): 527.

<sup>45</sup> *Ibid.*; for prior-referendum vote totals, Michael Gallagher, “Election Results and Dáil Composition / Referendum Results”

<sup>46</sup> Gilland, “Ireland's (First) Referendum,” 527–29.

Democrats coalition, under Taoiseach Bertie Ahern, carried the treaty into the campaign with support from even major opposition parties Fine Gael and Labour. Only Sinn Féin and the Green Party organised parliamentary opposition, a coalition which garnered only 5.31 per cent of the Irish vote in the 1997 elections.<sup>47</sup> Therefore, the Yes side mobilised lightly and briefly, and scholars found that the government's presentation of the treaty was framed in "rhetorical rather than informative language," with minimal engagement from politicians.<sup>48</sup>

Civil society Yes-side organisations such as Ireland for Europe and the Irish Alliance for Europe were active in their fields, but post-referendum analysis denotes their relatively limited impact in swaying voters to vote for the treaty.<sup>49</sup> The result was a campaign which fit the mold of the permissive consensus assumption that Hooghe and Marks outline, with elites treating the question as already settled following the government's approval of the treaty.

However, this assumption did not accurately read the institutional and political environment where the ratification was taking place. And with the Crotty doctrine forcing the government to settle the ratification in the mass arena rather than through parliamentary ratification, such a strong backing in the parliament did not translate into favourable voting conditions. Further, the McKenna ruling of 1995 left the government without the resource asymmetry which gives an advantage to incumbent governments in mass-arena contests. So, the Yes side could only mobilise as a coalition of party-political and civil-society actors, and it could not use state funding to advocate a specific outcome. Because of this, the information and political communication gap was thinner than expected. The Referendum Commission – tasked with filling this gap – was rated useful

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<sup>47</sup> Inter-Parliamentary Union, "Ireland: Dáil Éireann — Elections Held in 1997," PARLINE database, accessed March 13, 2026, [http://archive.ipu.org/parline-e/reports/arc/2153\\_97.htm](http://archive.ipu.org/parline-e/reports/arc/2153_97.htm).

<sup>48</sup> Katy Hayward, "Not a Nice Surprise: An Analysis of the Debate Surrounding the 2001 Referendum on the Treaty of Nice in the Republic of Ireland," *Irish Studies in International Affairs* 13 (2002), 173.

<sup>49</sup> Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice*, ISSC Working Paper 2003/18 (Dublin: Institute for the Study of Social Change, UCD, 2003), 11-14. Ireland for Europe is a civil society organisation that was founded after the defeat of Nice I. It is worth noting that a civil society organisation under the same name was also formed in the wake of the defeat of Lisbon I, with Pat Cox taking the role of director, stepping down from his role as the head of European Movement International for the role.

by only 30 per cent of voters, sandwiched between 28 per cent of voters who found Yes campaign material valuable and 31 per cent who said the same of the No campaign.<sup>50</sup>

On June 7, the electorate voted, and No was chosen by a margin of about 76,000 votes. Thirty-nine of the State's forty-one constituencies returned No majorities; only two, both in Dublin's more affluent suburbs, returned Yes majorities. The Taoiseach's own constituency in Dublin Central produced a No vote of just under 60 per cent.<sup>51</sup> Sinnott's analysis of the post-referendum survey, however, reframes the results in a way that this research takes as foundational.

When compared to proportions of the whole electorate (rather than just to those who turned out), the No vote in Nice fell relative to the corresponding figure for the Amsterdam Treaty in 1998, which passed successfully on the first vote. The No share of the electorate dropped from 21 per cent at Amsterdam to 18.5 per cent at Nice; the Yes share fell by 18 percentage points; and abstention in Nice I rose by over 21 percentage points.<sup>52</sup> Furthermore, a significantly higher number of Yes voters stayed home when compared to No voters: ecological inference estimates suggested that 53 per cent of those who had voted Yes at Amsterdam stayed at home for Nice, against 36 per cent of those who had voted No. The seventeen-percentage-point turnout differential between prior Yes and prior No voters was, according to Sinnott, the single largest factor in the No majority. Therefore, asking why the Irish electorate had suddenly turned against integration was, he concluded, the wrong question. What required explanation was the collapse of Yes-side mobilisation, not a sudden anti-EU swing of the electorate.

This interpretation of the election results creates two relevant questions for this paper to explore as it relates to mass arena politics: First, why did so many former Yes voters fail to show up? Second, of those who did turn out, why did a majority vote No?

The first question relates to the failure of elite mobilisation in the mass arena; the second concerns the substantive frames that resulted in a victorious No side. Both, read postfunctionally, bring us to a similar conclusion: a time when an assumption of

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<sup>50</sup> Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice*, 13-14.

<sup>51</sup> Vaughne Miller, *The Irish Referendum on the Treaty of Nice*, Research Paper 01/57 (London: House of Commons Library, June 21, 2001), 10, <https://researchbriefings.files.parliament.uk/documents/RP01-57/RP01-57.pdf>.

<sup>52</sup> Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice*, 2-3, 6.

permissive consensus faced a politicised and identity-coded mass arena that elites had not yet learned to manage. The remainder of this chapter develops each in turn.

### **3.2 The Nice I Yes Campaign**

The Yes campaign for Nice I was influenced by an assumption built after three decades of Irish integration: it assumed continuing public support for EU membership would translate to referendum approval. This is supported by past treaty referenda, with every EU-related referendum carried comfortably – even if, as Gilland notes, that the margin of each Yes victory diminished little by little as time carried on.<sup>53</sup> And considering the substance of the Treaty – mostly characterised as institutional housekeeping rather than taking new steps towards a deeper Union, it can be understood that the coalition did not have strong reason to believe this time would be different.<sup>54</sup>

The consequence was a campaign of minimal intensity. Gilland, writing contemporaneously, suggests an explanation for the lack of strong engagement: campaigning is expensive, and with a general election twelve months later, the government may have decided that party resources were better saved for a contest expected to be more contentious.<sup>55</sup> The existence of the Referendum Commission may have compounded this reasoning further — in Gilland's framing, the government's logic was effectively "why spend party money when there is a Referendum Commission?"<sup>56</sup> Civil society organisations (CSOs) on the Yes side — the European Movement, the Irish Business and Employers' Confederation (IBEC), the Irish Farmers' Association (IFA), and the Irish Alliance for Europe among them — were active but did not compensate for the absence of a sustained governmental information campaign.<sup>57</sup>

The overall approach during Nice I by both the government and CSOs reflects what postfunctionalism describes as how elites act while operating under the logic of

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<sup>53</sup> Gilland, "Ireland's (First) Referendum on the Treaty of Nice," 527.

<sup>54</sup> Hayward, "Not a Nice Surprise: An Analysis of the Debate Surrounding the 2001 Referendum on the Treaty of Nice in the Republic of Ireland," 174.

<sup>55</sup> Gilland, "Ireland's (First) Referendum on the Treaty of Nice," 532.

<sup>56</sup> *Ibid.*, 532.

<sup>57</sup> *Ibid.*, 529.

permissive consensus: elites assume that integration has received public support, and therefore they treat mass-arena ratification as a procedural step rather than a political contest, with their mobilisation efforts sparse and untargeted.<sup>58</sup> With nearly every member of the Dáil in favour of ratification, the Irish elite expected the referendum to pass with more ease. Gilland herself frames the result in these terms, situating it within the scholarly literature on the erosion of permissive consensus in the post-Maastricht era.<sup>59</sup>

The Crotty doctrine operating within McKenna conditions resulted in a remarkably flat information environment: overwhelming Dáil support and the backing of major parties did not translate into an informational or communicative advantage with voters. The Referendum Commission, whose mandate had already drawn scholarly criticism for the opacity of its communications and the inadequacy of the timeframes allotted to it by government, did not fill the gap.<sup>60</sup> And regarding the information disseminated by the Referendum Commission itself, the Commission's information booklet on the Treaty notably did not even mention the word "enlargement," provoking criticism from Yes campaigners who regarded this as the central issue at stake.<sup>61</sup>

Gilland places greater emphasis than Sinnott on the substantive content behind the No vote. Her "direction-versus-salience" distinction helps explain the results. In terms of the direction of attitudes, the Irish remained broadly pro-European; but in terms of salience, that is, in terms of *interest in* and *knowledge of* European issues, they had, she argues, never been "good Europeans" - and the Nice referendum fit this pattern.<sup>62</sup> The two readings are compatible: the collapse of Yes-voter participation created the conditions in which a relatively stable (and in absolute terms, actually diminished) No electorate could determine the outcome.

However, the analytical implication is significant. In understanding the outcome, the question doesn't become why the Irish populace turned against European integration, as

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<sup>58</sup> Hooghe and Marks, "Postfunctionalist Theory," 5.

<sup>59</sup> *Ibid.*, 533.

<sup>60</sup> The Referendum Commission's role in the Nice I vote is viewed in the vast majority of secondary academic studies on the referendum as insignificant. Sinnott's own analysis for the government demonstrated that the Referendum Commission did not have any impact on turning out voters, nor was it rated as useful by the vast majority Irish respondents polled: Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice*, 16, Figure 11

<sup>61</sup> Jane O'Mahony, "Ireland's EU Referendum Experience," *Irish Political Studies* 24, no. 4 (2009): 434–436.

<sup>62</sup> Gilland, "Ireland's (First) Referendum," 534.

the data shows it had not, but why Yes-side mobilisation collapsed so completely that a small and motivated No electorate was able to dominate the result. Read postfunctionally, this is a diagnostic of permissive consensus at the exact moment where it fails: elite assumption counted pre-emptively on support only present in the interest group arena, and this proved inadequate once the campaign moved to a domain where politicians could not freely advocate, the information environment was sparse, and the No side was able to mobilise voters on given set of topics. The next section turns to that No coalition, its composition, and the substantive frames it deployed.

### 3.3 Framing of the No Campaign

The first Nice referendum tends to be described, both in government-commissioned post-mortems and in secondary academic literature, as a campaign the Yes side lost rather than one the No side won.<sup>63</sup> But one must also examine how the No campaign mobilised in order to understand its ability to have convinced a sufficient number of voters to reject the treaty. When looking at this coalition, its issues are often grouped together: sovereignty, neutrality, enlargement, democratic deficit, Commission size, and QMV are among the most potent and frequently cited issues by No campaigners.<sup>64</sup>

The analysis that follows asks, of each major actor in the Nice I No coalition, what logic predominates in their public materials and remarks, and how they used these logics to create arguments against the ratification of the Nice Treaty. The aggregate finding — modally identity-coded across most actors, with distribution and efficiency threads significantly less present — is what postfunctionalism predicts. The analytical payoff is that the predicted pattern is also what Sinnott's voter-attitudes points to as explicative: not only are these the frames that were utilised by the No coalition, but they were also the arguments that stuck with voters in their decision-making.

The Nice I No coalition was a heterogeneous formation. Parliamentary opposition was limited to three small parties — Sinn Féin, whose electoral footprint in the South was still

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<sup>63</sup> Gilland, "Ireland's (First) Referendum," 527–29.

<sup>64</sup> Caoimhghín Ó Caoláin, contribution to Dáil debate, "Nice Treaty Referendum: Statements," *Dáil Éireann Debates*, May 2, 2001, <https://www.oireachtas.ie/en/debates/debate/dail/2001-05-02/9/>.

negligible in 2001 and who had a single Dáil deputy, Caoimhghín Ó Caoláin; the Green Party, whose Dáil presence was also thin via John Gormley and Trevor Sargent, but whose European Parliament representation through Patricia McKenna and Nuala Ahern gave the coalition increased media visibility; and the Socialist Party, whose single Dáil deputy, Joe Higgins of Dublin West, was the most consistent left-Eurosceptic parliamentary voice on Nice and whose interventions during the May 2001 debates supply some of the most distinctive commentary from deputies in the No coalition.

Important and active contributors to the No debate, however, also sat outside the parliamentary parties.<sup>65</sup> The National Platform — Anthony Coughlan's organisation, and a remnant of the left-republican Connolly Association tradition with an analytic style moreso traceable to Desmond Greaves's writings on sovereignty and the nation-state — output substantial volumes of campaign literature on the No side and operated as a serious intellectual centre for the No coalition, presenting *The Alternative White Paper on the Treaty of Nice* to the Oireachtas Joint Committee on European Affairs in May 2001.<sup>66</sup> The Peace and Neutrality Alliance (PANA), represented by Roger Cole and Feargus MacAogáin, supplied a specifically anti-militarist register inherited from earlier campaigns against Partnership for Peace, and Action From Ireland (AFRI), through Joe Murray and Andy Storey, brought a connected critique focusing on the militarisation of the EU's external role.<sup>67</sup>

The Workers' Party, with no Dáil presence in 2001, contributed primarily through the wider civil-society distribution-coded register that Holmes and Quinlan describe, but it did not function as an independently substantial campaign actor.<sup>68</sup> A heterogeneous Catholic-conservative bloc, organisationally diffuse and not yet consolidated under the Cóir branding that would emerge during Lisbon, made common cause through Justin

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<sup>65</sup> Ibid.

<sup>66</sup> Houses of the Oireachtas, Joint Committee on European Affairs, Report on the Treaty of Nice, Pn. 9987 (Dublin: Houses of the Oireachtas, May 2001), § 3.5.1 (Anthony Coughlan / The National Platform presentation, 2 May 2001). Anthony Coughlan was an Irish academic and founder of the National Platform, a Eurosceptic organisation that became a leading source of sovereignty-based critiques of European integration during both the Nice and Lisbon Treaty referenda. Scholars commonly identify Anthony Coughlan as a leading intellectual entrepreneur of Irish Euroscepticism. He capitalised particularly where concerns about democratic accountability and the position of small states within the EU were salient.

<sup>67</sup> Houses of the Oireachtas, Joint Committee on European Affairs, Report on the Treaty of Nice, Pn. 9987 (Dublin: Houses of the Oireachtas, May 2001), § 3.4.1 (Peace and Neutrality Alliance: Roger Cole et al.) and § 3.8.1 (Action from Ireland: Joe Murray and Andy Storey).

<sup>68</sup> Michael Holmes and Stephen Quinlan, "The 2001 Referendum on the Treaty of Nice" in *How Ireland Voted 2002*.

Barrett's No to Nice committee, distributing material through parish networks and Catholic free-sheet publications.<sup>69</sup> The asymmetry between this organisationally varied No coalition and the inter-party Yes effort is FitzGibbon's central observation about Irish referendum politics, and it gives the Nice I campaign an information dynamic that is uniquely useful when looking at constraining dissensus: a No side carrying the discursive load against the Yes side.<sup>70</sup> This is what makes Nice I a valuable test case. The No coalition's frames travelled into the public sphere essentially un rebutted.

Regarding arguments within the Dáil, the parliamentary Sinn Féin position on Nice relied on Caoimhghín Ó Caoláin for Cavan–Monaghan, and its frame can be ascertained from his speech on May 2, 2001.<sup>71</sup> The speech opens by shortening the Treaty into a single question Ó Caoláin asked to Commission President Romano Prodi — "Are we all clear that we want to build something that can aspire to be a world power? In other words not just a trading bloc but a political entity?" He answers it clearly on behalf of his party: "My answer and that of Sinn Féin is 'No' and that is why we are calling on people to vote 'No' in the referendum."<sup>72</sup> The speech's most explicit identity formulation — "We oppose the creation of a *new superpower*, an *EU Superstate* with its own army dominated by the largest countries" — evokes the same frame of the EU as on the road to becoming a superstate that will be intensified in the Sinn Féin Nice manifesto, issued under Gerry Adams's name in May.<sup>73</sup> It also links this political development to the Nice treaty, attempting to create an environment whereas a voter listening might assume that a vote for Nice would be a vote for a more global EU.

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<sup>69</sup> Deaglán de Bréadún, "Political Tussle on Planet Nice," *The Irish Times*, June 6, 2001, <https://www.irishtimes.com/news/political-tussle-on-planet-nice-1.311621>.

<sup>70</sup> Michael Holmes and Stephen Quinlan, "The 2001 Referendum on the Treaty of Nice" in *How Ireland Voted 2002*.

<sup>71</sup> An increased weight is given throughout this section to Ó Caoláin's responses, in his capacity as Sinn Féin's sole Teachta Dála in the Twenty-Eighth Dáil. This reflects the structure of the documentary record rather than any claim to representativeness: the Nice No campaign was conducted overwhelmingly by extra-parliamentary actors — the Peace and Neutrality Alliance on neutrality, Anthony Coughlan's National Platform on the democratic deficit and a "two-tier" Europe, alongside conservative and environmental strands — so that the parliamentary record captures only a fragment of it. Ó Caoláin's interventions — furthermore — are the clearest formulations of many arguments seen across the spectrum of actors in the Nice I environment. Responses given on the record were more extensive and detailed than other Dáil members who composed part of the No coalition.

<sup>72</sup> Ó Caoláin, contribution to "Nice Treaty Referendum: Statements."

<sup>73</sup> On the quotation of Ó Caoláin: Ó Caoláin, contribution to "Nice Treaty Referendum: Statements."; on the manifesto discussed: Sinn Féin, *Nice Treaty Referendum Manifesto 2001*, sections "Relegating Ireland," "Eroding Neutrality," and "Undermining Sovereignty," accessed via *Republican News*, May 3, 2001, <https://republican-news.org/archive/2001/May03/03nice.html>.

The Sinn Féin manifesto made its way into media, offering the party a path to connect with more voters. The manifesto deploys "superstate" three times within four paragraphs, framing its alternative as a "Europe of equals where all states regardless of their wealth, their population or strength of armies would have an equal say"; its three substantive qualms — that the Treaty will "undermine our sovereignty," draw Ireland "closer into a European Army and NATO," and "relegate us to the second division of a two-tier European Union" — are clearly identity-coded in the postfunctionalist sense.<sup>74</sup> The way in which the sovereignty grievances are laid out questions where authority lies, linking neutrality grievances to the post-1949 Irish sense of self-understanding. Distribution and efficiency claims are largely absent in the response.

The Dáil speech goes further than the manifesto in outlining the rationale and issues of particular importance and weaponisation by Sinn Féin. The first is a democratic-deficit argument, contending that "more and more democratic control has been taken away from us" and that the Nice Treaty "removes yet more democratic control from the hands of elected representatives in this Dáil" — which connects to the identity logic by treating institutional development as a transfer of authority away from the people rather than as a *functional* response to common problems.<sup>75</sup> Transfers of authority can create mobilisation around identity when politicisation has reached a threshold where claims find domestic political traction, and where institutional venues — namely a referendum — provide moments where one can register their traction.

The second is a direct refusal of the government's enlargement frame: "The Treaty of Nice is not about enlargement. It is about further centralising the EU, placing greater power in the hands of the larger states and allowing them to create a two-tier EU." <sup>76</sup> The rhetorical structure of the argument — "it is not about X, but about Y" — reflects an unwillingness to be drawn onto the government's terrain of debate, and it implicitly reasserts that the No coalition's preferred terrain is on matters relating to sovereignty and institutional centralisation.

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<sup>74</sup> Sinn Féin, *Nice Treaty Referendum Manifesto 2001*, sections "Relegating Ireland," "Eroding Neutrality," and "Undermining Sovereignty."

<sup>75</sup> Ó Caoláin, contribution to "Nice Treaty Referendum: Statements."

<sup>76</sup> *Ibid.*

When read alongside Ó Caoláin's speech to the Connolly conference on 22 April 2001, it demonstrates the broader anti-elite distributional programme of the party, placing Nice in the same identity register as the party platform. Lambasting the treaty, he stated it was "the ceding of ever greater powers from elected representatives in Ireland to the evolving EU superstate [which] also weakens democracy and this is why the Treaty of Nice should be opposed."<sup>77</sup> The continuity between Treaty criticism and continued identity debate is analytically important, as well, as these conferences were important places where ideologues and those with sovereignty anxieties congregated – individuals often outside of mainstream Irish politics, but not with negligible influence when combined.<sup>78</sup>

The Green Party's opposition was similarly identity-coded around the topic of neutrality, with John Gormley's 9 May Dáil exchange a valuable primary account. Asked about his meeting with Joschka Fischer at the Institute of European Affairs forum, Gormley's responses centred around the identity of Ireland as a neutral state, having pressed the German Foreign Minister on why "the Finns and the Swedes no longer describe themselves as neutral, yet Ireland continues to do so," also questioning Fischer's reply that "he favoured the militarisation of Europe."<sup>79</sup> Liz O'Donnell's defensive Yes-side response that "Our neutrality is not in question. The Constitution does not state that Ireland is neutral. It has been the policy of successive Governments that Ireland should remain neutral. Nothing in the Nice Treaty affects that position and to misrepresent that to the people is a travesty" was framed inside the No coalition's own identity-coded register rather than in an efficiency register about Treaty impacts, and it conceded that neutrality lacked constitutional entrenchment but was a result of governmental commitments and actions.<sup>80</sup>

Joe Higgins's parliamentary statements on behalf of the Socialist Party add a distinctive framing to the No coalition's argument, and the only one that is dominantly distribution-coded. Higgins characterised enhanced co-operation as a vehicle which would enable "the creation of an elite inner circle of the more powerful states," and asked what would happen

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<sup>77</sup> Caoimhghín Ó Caoláin, "Connolly's Vision Both Feasible and Essential," *An Phoblacht*, April 26, 2001 (excerpt of his Connolly conference speech, c. 22 April 2001).

<sup>78</sup> *Ibid.*

<sup>79</sup> *Dáil Éireann, Debates*, vol. 535, no. 5 (9 May 2001), Other Questions — Official Engagements, contribution of John Gormley.

<sup>80</sup> *Ibid.*

to "the two million farmers in Poland" who would be "delivered into the hands of multinational corporations," rejecting the Government's claim that accession would benefit accession-country populations on the grounds that "the elite are in favour of joining the EU because they want to get their snouts into the trough along with everybody else."<sup>81</sup> Here Higgins is not defending the Irish people, but rather a transnational working-class population, with lineage to a Trotskyist Eurosceptic tradition rather than the left-republican tradition which gripped Sinn Féin and the National Platform.<sup>82</sup> The identity-coded register isn't completely absent — Higgins also referred to the "superstate" and characterised the Rapid Reaction Force as "the armed wing to that economic unit" — but the difference here is that the militarisation critique is approached from the distribution lens rather than functioning as an autonomous identity threat.<sup>83</sup>

On civil society's contribution, the National Platform is the only major No actor found whose frame contains a meaningful efficiency argument alongside its identity dominance. Coughlan's presentation to the Joint Committee on European Affairs on 2 May 2001 grounded the Platform's opposition on the claim that the Treaty "creates a two-tiered Europe and alters the balance of power in favour of the larger Member States," and the accompanying Alternative White Paper on the Treaty of Nice concluded that "we have to fulfil our obligation to democracy and the rest of Europe by rejecting this divisive and unbalanced Treaty."<sup>84</sup> The efficiency strand is clearest in Coughlan's contention that "only 8 of the 80 or so pages of the Nice Treaty in the EU Official Journal relate to the issue of EU enlargement, and these are in political Declarations and Protocols at the end."<sup>85</sup>

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<sup>81</sup> Joe Higgins, contribution to Dáil debate, "Ceisteanna – Questions. - Official Engagements," *Dáil Éireann Debates*, May 8, 2001, <https://www.oireachtas.ie/en/debates/debate/dail/2001-05-08/2/>

<sup>82</sup> The Socialist Party traces its lineage to the Militant Tendency, a Trotskyist group expelled from the Labour Party in the late 1980s, and constitutes the Irish section of the Committee for a Workers' International. Its opposition to European integration is internationalist rather than sovereigntist: the Union is rejected not as a threat to national self-determination but as an employers' Europe. It is seen as a vehicle for privatisation, deregulation and the erosion of workers' conditions across borders — against which the relevant constituency is the European working class as a whole rather than the Irish nation. Higgins's characterisation of the Nice Treaty as promoting "the invasion of multinationals" plays on this assumption, locating the threat in transnational capital rather than in a perceived loss of Irish sovereignty.

<sup>83</sup> *Dáil Éireann, Debates*, vol. 535, no. 5 (9 May 2001), Other Questions — Official Engagements, contribution of Joe Higgins.

<sup>84</sup> Houses of the Oireachtas, Joint Committee on European Affairs, Report on the Treaty of Nice, Pn. 9987 (Dublin: Houses of the Oireachtas, May 2001), § 3.5.1 (Coughlan, 'two-tiered Europe'); National Platform, The Alternative White Paper on the Treaty of Nice (2001), as quoted in the committee report.

<sup>85</sup> Houses of the Oireachtas, Joint Committee on European Affairs, Report on the Treaty of Nice, Pn. 9987 (Dublin: Houses of the Oireachtas, May 2001), § 3.5.1 (the 'only a small part relates to enlargement' point, attributed to Coughlan / the Alternative White Paper).

PANA's Joint Committee presentation, advocating a protocol "excluding Ireland from involvement with or payment for the European Rapid Reaction Force," is straightforwardly identity-coded around neutrality, while AFRI's submission, arguing for "genuine security through greater attention to conflict prevention and peace-building" rather than "unthinking ratification," adds a transnational-ethical register that corresponds to Higgins's concern for accession populations.<sup>86</sup> The reach of AFRI's frame can be seen in David Norris's 3 May 2001 Seanad intervention: voting Yes but expressing "considerable reservations about the military aspects of this treaty," Norris cited the AFRI pamphlet by name, quoted its commentators' formulation that "there is little doubt that the EU started off on the path to becoming a military power to be reckoned with."<sup>87</sup>

The Catholic-conservative network which coalesced around Justin Barrett's No to Nice committee distributed material through parish-based information sheets. It coded identity in a cultural-religious rather than democratic-sovereignist manner, capitalising on concerns about EU encroachment on Ireland's current abortion laws; however, the absence of accessible primary archives for Barrett-era material places a limit on understanding how deeply these arguments relied on other identity-related arguments.<sup>88</sup>

In examining the major vocal critics of the Nice Treaty, the aggregate pattern is heavy identity-coding across actors who are otherwise ideologically disparate. It is also worth noting the distinct undertones and sub registers of each argument: democratic-sovereignist; small-state-egalitarian; anti-militarist; and cultural-traditionalist. The Socialist Party is the only major actor with a distribution-coded framing, and efficiency-coded arguments are primarily confined to a procedural critique of the Treaty from the National Platform.

This is not the distribution one would predict from a model treating referendum opposition as primarily issue-voting or primarily second-order-election protest; it is closer to what Hooghe and Marks's postfunctionalist framework would predict. Sinnott's quantitative analysis identifies the attitudinal variables most likely to produce a No vote

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<sup>86</sup> Houses of the Oireachtas, Joint Committee on European Affairs, Report on the Treaty of Nice, Pn. 9987 (Dublin: Houses of the Oireachtas, May 2001), § 3.4.1 (PANA) and § 3.8.1 (AFRI).

<sup>87</sup> Seanad Éireann, Debates, vol. 166, no. 9 (3 May 2001), Twenty-Fourth Amendment of the Constitution Bill 2001: Second Stage, contribution of David Norris.

<sup>88</sup> O'Mahony, "Ireland's EU Referendum Experience," 441; see also 437.

(dissatisfaction with EU operation; the belief that large states have disproportionate power; and concerns about neutrality) as substantively identity-coded, and Garry, Marsh and Sinnott find that neutrality and sovereignty were the issues doing the most work on actual vote choice.<sup>89</sup> Therefore, the frames the No coalition supplied were frames the electorate manifested. What made Nice I uniquely instructive for postfunctionalist analysis is that these identity-coded frames travelled into deliberative space without serious Yes-side contestation.

### 3.4 Synthesis

The Nice I evidence assembled thus far – a demobilisation of the Yes side outlaid in the first section followed by an identity-coded No frame in the second – portrays Irish mass-arena politics in an era of constraining dissensus. Elite assumptions misread the electorate, and arguments surrounding identity become increasingly utilised and resonant.

The Yes side had a strategic problem as it contends with the loss at Nice I. It is not faced with a hostile electorate that opposes the EU, as the majority of citizens support the EU. It had to mobilise the absent voters while attempting to neutralise arguments from the No side which had proven to resonate in environments devoid of heavy information flows.

Postfunctionalism predicts a specific method of response. Where identity-coded frames have captured the discursive environment, the framework would anticipate that competent elite management will seek to remove those frames from the debate rather than contest these identity-coded arguments on their own field — depoliticise them through restricting what is part of the field of debate, rather than countering them with information head-on. Where Yes mobilisation has not succeeded, the framework anticipates a more sustained effort by both parliamentary bodies and civil society organisations to reactivate the pro-EU electorate. And further, depoliticisation cannot proceed through unilateral state advocacy or differential public funding. How Nice II handles the lessons of Nice I will provide one of the first indicators of how the Irish elite handle constraining dissensus.

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<sup>89</sup> Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice*, 17.

## **CHAPTER IV: NICE II**

The text of the Treaty of Nice did not change between 7 June 2001 and 19 October 2002, however the contest surrounding the referenda changed significantly. Nice II offers an opportunity to examine how the elites managed Ireland's first major instance of dissensus on European integration. This chapter will examine legal, political and social tools utilised by the Yes and No sides leading up to the Nice II vote.

### **4.1 Managing Constraining Dissensus**

In between Nice I and Nice II, the government secured two declarations at the European Council Summit in Seville in June 2002, which came to be known as the "Seville Declarations." These declarations mandated future Irish referenda on any further Common Defence policies, while also reaffirming that Ireland's traditional policy of military neutrality would continue to be upheld, and finally stating there were no plans for a "European Army."<sup>90</sup> The declarations alongside robust government engagement substantially changed the environment under which Nice II was being considered. At the same time, the No coalition that had successfully carried the first vote regrouped. However, the topics of contestation shifted: the neutrality and argument and emphasis on a "European Army" that had led Nice I was demoted, and procedural-democratic critique of the rerun itself took centre stage.

Abstention, which played a central role in the results of Nice I, dropped notably with nearly fifty per cent of voter participation. The Yes vote carried the election with 62 per cent of the share – and a margin of about 371,000 votes, almost five times the margin of defeat in Nice I.

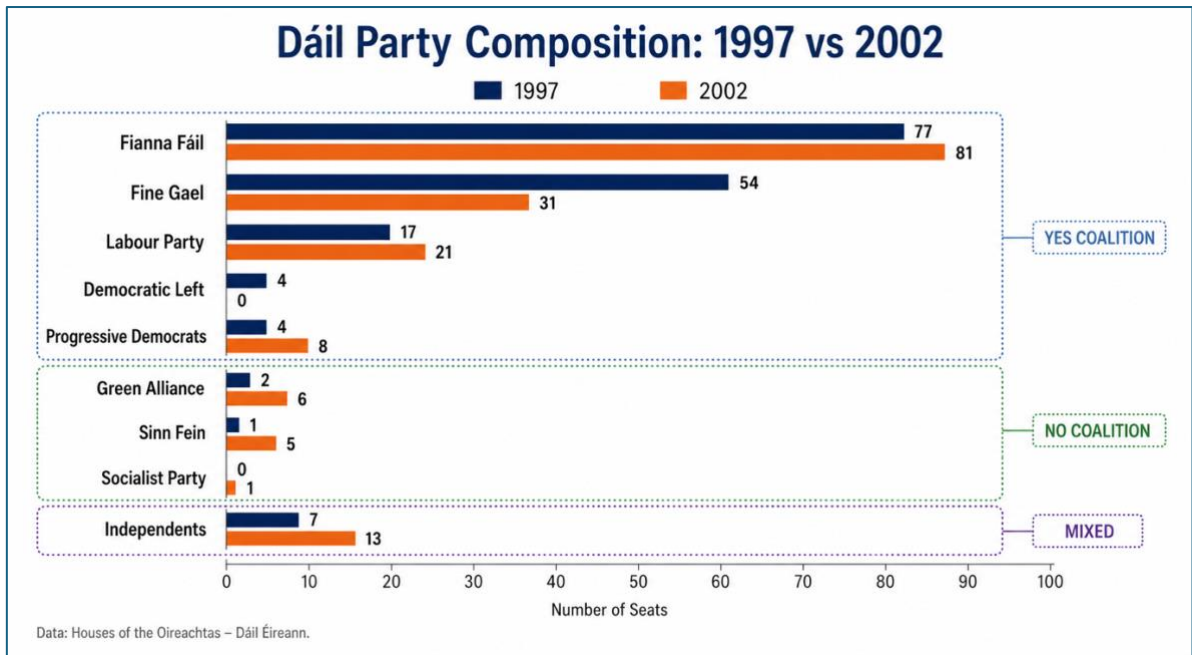
Not peripheral to the Nice II vote is how the Dáil's composition changed, both as it relates to the information environment for voters via parliamentary debate, and in managing other "second-order" approaches to integration. The 17 May 2002 general election gave the

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<sup>90</sup> European Council, Presidency Conclusions, Seville European Council, 21 and 22 June 2002, Annex III ("National Declaration by Ireland"); see also Hayward, "If at First You Don't Succeed," 120–32.

Fianna Fáil–Progressive Democrat coalition a shrunken majority of ten seats while also expanding the parliamentary No coalition: Sinn Féin grew from one seat to five, the Green Party from two to six. Meanwhile, Fine Gael — the second most popular Yes party — suffered its worst result since 1948.

**Chart 3<sup>91</sup>**



This chapter follows the campaigns that ran prior to the second referendum: the government's recognition of Nice I as a politicisation of the European project rather than a routine turnout failure, its construction of a campaign rooted across declaratory, constitutional, and campaign-rhetorical arguments, and the No coalition's adaptive reaction once the Yes side mobilised more heavily.

Opening the Second Stage debate on the Twenty-sixth Amendment of the Constitution Bill on 4 September 2002, Minister for Foreign Affairs Brian Cowen summarised the government's assessment of the failure, telling members that "we failed collectively last time to energise and enthuse the public, with a turnout of barely more than one third of

<sup>91</sup> Compiled by the author using seat-count data from the Inter-Parliamentary Union (IPU) PARLINE database (1997 and 2002 Irish general elections). Coalition alignments are coded by the author.

the electorate," and that "analysis after the event revealed that there were many complaints of confusion and lack of knowledge."<sup>92</sup>

The chapter will trace how the elite responded to Nice I's politicisation, drawing a within-pair contrast in its conclusion. While treaty content held constant, the campaign dynamics became varied, and the result reversed. Therefore, this case offers a particularly clean basis for reweighting as a mechanism to explain voter change. Especially as it relates to voters' underlying preferences remaining stable while the conditions most salient to their decision-making process shifting because of elite framing.

Two observations emerge from this case which will be developed further. The first concerns the dynamic rather than static status of constraining dissensus, with framing priorities updating in real time as practical campaign politics and elite responses change the substance and weight of certain issues. The second is the response of the Government to operate in constrained optimisation: without access to a preferred instrument, the government logically opted for a next-best-instrument logic.

## **4.2 The Yes Side's Response to Nice I**

Cowen differentiates Nice I's failure from other routine turnout problems familiar to Ireland, such as in local elections or in European Parliament elections.<sup>93</sup> Cowen and Roche's remarks map out the plan developed by the party which was built as a response to this diagnosis.

This plan can be tracked in the record as a four-pronged strategy in Cowen's March 27, 2002, reply to written questions, where he laid out his strategy for reversing the results: 1) A declaration by the Seville European Council on Irish neutrality; 2) the establishment of a National Forum on Europe; 3) Enhanced scrutiny by the Oireachtas regarding EU

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<sup>92</sup> Dáil Éireann, *Debates*, vol. 554, no. 1 (4 September 2002), Second Stage of the Twenty-sixth Amendment of the Constitution Bill, 2002, contribution by Brian Cowen, Minister for Foreign Affairs.

<sup>93</sup> Two of Ireland's last three European Parliament elections saw turnout rates lower than 50%, in 1984 and 1994. See <https://results.elections.europa.eu/en/turnout/>; on Cowen: Dáil Éireann, *Debates*, Written Answers, 27 March 2002, replies of the Minister for Foreign Affairs (Brian Cowen) to parliamentary questions on the Nice Treaty referendum strategy.

affairs; 4) improved communication with existing No-side problems.<sup>94</sup> The government admitted that “a protocol to the Nice treaty is not feasible. Rather, the Government will seek a declaration from the Seville European Council.”<sup>95</sup> When compared to the No coalition’s demands in Nice I, in-text treaty recognition of neutrality guarantees, this demonstrates that the strongest instrumental response possible was not feasible. Therefore, logical second-tier responses from the government were sought when preferred pathways weren’t possible.

At the meeting of the European Council in Seville on the 21 and 22 of June 2002, the Yes campaign secured two admissions, known collectively as the Seville Declarations. The first was the National Declaration of Ireland affirming that its participation in the Common Foreign and Security Policy did not prejudice any traditional commitments to military neutrality, and that any decision to depart from its previous posture in this domain would require a referendum.<sup>96</sup> Secondly – and perhaps more important – is a Declaration of the European Council recognising the statement from Ireland, reaffirming the Irish position.<sup>97</sup> Contemporary press for its part read the documents as methods to “reassure the Irish people on their concerns.”<sup>98</sup> Therefore, with the treaty unchanged, diplomatic instruments were directed primarily at the public, in terms consistent with postfunctionalist predictions.

However, the Irish government went further than a political declaration, putting the declaration into constraining legal documents: it attached subsection 9 to Article 29.4, inserting a clause prohibiting the State from adopting a decision establishing a common defence where that common defence would include the State.<sup>99</sup> The clause transferred Seville from a political declaration to a constitutional commitment, putting the weight of the state’s constitution behind this statement. This direct response deactivated a major

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<sup>94</sup> Dáil Éireann, Debates, Written Answers, 27 March 2002, Brian Cowen.

<sup>95</sup> Ibid.

<sup>96</sup> European Council, *Presidency Conclusions, Seville European Council, 21 and 22 June 2002*, Annex III (“National Declaration by Ireland”).

<sup>97</sup> European Council, *Presidency Conclusions, Seville European Council, 21 and 22 June 2002*, Annex IV (“Declaration by the European Council”).

<sup>98</sup> Daniela Spinant, “Declaration Confirms Ireland’s Neutrality,” *EUobserver*, 21 June 2002.

<sup>99</sup> Twenty-sixth Amendment of the Constitution Act 2002, inserting Article 29.4.9° of Bunreacht na hÉireann.

point of the No campaign's rhetoric, preventing the No coalition from being able to contest this topic further.

Alongside this instrument was a slower-acting but important infrastructural response, demonstrating the government's recognition that the initial No vote was partly the fault of a generally pro-EU Irish electorate that was not sufficiently mobilised. This instrument, the National Forum on Europe, first convened in October 2001 and brought together Oireachtas representatives with civil society organisations under an agenda concerned with topics of European affairs.<sup>100</sup> This addressed the diagnosis of Nice I being rejected through "confusion and lack of knowledge" by building a system that could – in principle – redistribute information while engaging with voters in advance of a second vote.<sup>101</sup>

Alongside this mobilisation, civil society activated. Registered in Roche's Second Stage debate in the Dáil, Roche catalogued different endorsements of organisations who were much more significantly active in the lead up to Nice II, including from Dublin and Cork Chambers of Commerce, Ireland's Foreign Direct Investment Agency (IDA) under Sean Dorgan, IFA under John Dillon, Janssen Pharmaceutical, the Musgrave Group, and the Economist Intelligence Unit, while simultaneously naming and disowning the No coalition.<sup>102</sup> Roche claimed the Coughlan-Barrett axis was utilising "the xenophobic and racist card" against new-member-state immigration.<sup>103</sup>

Roche and Cowen together served as the Yes campaign's instrumental voices, with Roche serving as the operational coordinator while Cowen was the designated campaign director, working from a dedicated campaign headquarters that was separate from the ministerial machinery. Fine Gael also ran its own parallel campaign under the direction of its former leader John Bruton.<sup>104</sup>

Therefore, it can be gleaned that the work of addressing both the No coalition's campaign in Nice I and the high levels of abstention operated across four different main domains:

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<sup>100</sup> John O'Brennan, "Ireland's National Forum on Europe: Elite Deliberation Meets Popular Participation," *Journal of European Integration* 26, no. 2 (2004): 171–89; Brigid Laffan and Adrian Langan, *Securing a "Yes": From Nice I to Nice II*, Notre Europe Policy Paper No. 13 (Paris: Notre Europe, 2005), 7–9.

<sup>101</sup> John O'Brennan, "Ireland's National Forum on Europe: Elite Deliberation Meets Popular Participation," 171–189.

<sup>102</sup> Cowen, Second Stage contribution, 4 September 2002.

<sup>103</sup> *Ibid.*

<sup>104</sup> Laffan chaired the Irish Alliance for Europe and Langan was its Campaign Director. Laffan and Langan, *Securing a "Yes"*, 9–11.

declaratory (Seville), constitutional (Article 29.4), infrastructural (National Forum on Europe and broader non-governmental organisation/civil society coordination), and campaign-rhetorical (as evidenced in Dáil debates). These were supported by a new and sustained coordination with civil society organisations. The government's intense engagement with civil society organisations and with the public following Nice I weren't extraordinary, but they did require allocation of time, money, and other resources, and the Treaty was given higher prioritisation following the unexpected defeat of Nice I.

The response is also a function of the institutional constraints specific to Ireland, however. The McKenna doctrine prohibited the State from partisan campaigning, which is why the work of "asking" the electorate to reconsider was carried by party-political actors (Cowen and Roche speaking as ministers *and* as Fianna Fáil officeholders), by relevant organisations (IBEC, IFA, IDA, the chambers), and by European Council instruments, rather than by the State directly.

This response can be seen as *constrained optimisation*, a scenario in which preferred governmental response as predicted by postfunctionalism are not feasible due to institutional conditions, such as foreclosed arena choice. The Seville Declarations are viewed as a logical response of using the next-best instrument.

### **4.3 The No Campaign's Adapted Refooting**

The political parties and civil society organisations who made up the Nice II no coalition were, with a few exceptions, those that had successfully carried the Nice I rejection: Sinn Féin, the Green Party, the Socialist Party, the National Platform, PANA, AFRI, and a loose Catholic-conservative network coalesced around Justin Barrett and Anthony Coughlan.<sup>105</sup> As aforementioned, the No coalition made modest gains in the Dáil elections held between Nice I and Nice II which, while not indicative as it relates to the

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<sup>105</sup> On the parties and organisations comprising the No coalition for Nice II, Laffan and Langan, *Securing a "Yes": From Nice I to Nice II*, 11–13. The Dáil division on the Twenty-sixth Amendment of the Constitution Bill, Second Stage (4 September 2002), records the parliamentary roster of the No side as comprising Boyle, Crowe, Ferris, Gogarty, Gormley, Harkin, Healy, Higgins, F. McGrath, Morgan, Ó Caoláin, Ó Snodaigh and Sargent.

Nice Treaty, paint broad strokes about citizens' priorities at this time in a more reflective way than the 1997 Dáil elections, held four years before Nice I.

The No coalition responded to the rerun with a shifting emphasis on different issues and topics. The neutrality frame that had led Nice I was demoted, and a procedural critique of the Treaty's content and of the rerun itself took its place. It is difficult to assess whether the No coalition was pushed into this reprioritisation as a factor of the Yes campaign's tactics – including the securing of the Seville declaration – however the causal factor remains less important than the continued adherence to the new strategy. The framing across the mainstream No coalition shifted, and that the shift is visible across the ideological spectrum, from Sinn Féin to the Greens to the Socialists to the National Platform.

Caoimhghín Ó Caoláin's Second Stage remarks lay out their approach: "Democracy is the key and the critical issue in this debate," he told the Dáil on 4 September 2002. Whereas Cowen and Roche relied on European Council attestation to provide a means for depoliticising a prominent issue among voters, Ó Caoláin marshalled European-level Yes-side figures against the Treaty itself, quoting Romano Prodi's Dublin remark of 20 June 2001 that "legally, ratification of the Nice treaty is not necessary for enlargement," together with passages from Gerhard Schröder and Valéry Giscard d'Estaing. He also turned domestic Yes-side criticism of the Treaty at the time of its negotiation against the rerun campaign, throwing Ruairí Quinn's and John Bruton's 13 December 2000 Dáil characterisations of Nice — Quinn's reported description of the deal as "a disaster," Bruton's as "one of the weakest negotiating outcomes" — back at these same parties who were now whipping for a Yes vote.<sup>106</sup> Sinn Féin's objection therefore changed from hallmarking neutrality as means of safeguarding sovereignty into a question of democratic process being the sovereignty safeguard.

The same reorientation is legible across the rest of the parliamentary No coalition, too. The Green Party position, advanced by John Gormley on the Second Stage floor, retained more of the Nice I positioning frame than Sinn Féin's did, but couched it within a

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<sup>106</sup> Ó Caoláin, Second Stage contribution, 4 September 2002, quoting Dáil contributions by Ruairí Quinn and John Bruton of 13 December 2000.

distinctively Green argument that Irish neutrality had already been compromised by the Government's prior engagements with the Partnership for Peace and the Western European Union, and that the Seville Declarations therefore protected only Ireland's non-aligned status rather than its neutrality.<sup>107</sup> The lead frame in Gormley's speech is procedural-democratic, organised around a sharp critique of the Referendum Commission's diminished role under the Caldwell amendments and of the Government's household information leaflet, which Joe Higgins of the Socialist Party characterised in the procedural debate the following day as "a powerful advocate for a 'Yes' vote even if it is not overtly described as being in favour of the referendum."<sup>108</sup> Higgins's statements continue to lambast the process as non-democratic, questioning the architecture of the rerun. In the same exchange, Trevor Sargent of the Greens claimed that those who opposed the Treaty were operating under the grace and favour of those in its favour, and Higgins stated that "ten minutes of a six-hour debate will be granted to a group of Deputies comprising the Green Party, Sinn Féin, the Socialist Party and Independent Deputies."<sup>109</sup> Therefore, the No coalition heartily contended that the Treaty was not being debated or considered under fair conditions – or that it should not be done at all.

Economic arguments were more visible from independent deputies than the parties themselves. Finian McGrath, contributing to the debate as an Independent Deputy, argued that "more than 60% of overseas companies located in Ireland are from outside the European Union" — pressing back against the Yes side's foreign-direct-investment efficiency claim by reframing the geography of Irish economic dependence — and observed that "the Nice treaty is supported by 95% of our so-called independent free press."<sup>110</sup> Arguments made in the 2002 rerun did not emphasise any new distribution or efficiency framing on the part of the mainstream parties.

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<sup>107</sup> Dáil Éireann, *Debates*, vol. 554, no. 1 (4 September 2002), Twenty-sixth Amendment of the Constitution Bill, 2002, Second Stage, contribution of John Gormley.

<sup>108</sup> On Gormley's critique of the Referendum Commission and the household leaflet, see Gormley, Second Stage contribution, 4 September 2002. The Higgins characterisation of the leaflet is drawn from Dáil Éireann, *Debates*, vol. 554, no. 2 (5 September 2002), Business of Dáil: Motion, contribution of Joe Higgins.

<sup>109</sup> At this time, those in the No coalition represented less than 15 per cent of the Dáil seats; on Higgins quotation: Dáil Éireann, *Debates*, vol. 554, no. 2 (5 September 2002), Business of Dáil: Motion, contribution of Joe Higgins.

<sup>110</sup> Dáil Éireann, *Debates*, vol. 554, no. 1 (4 September 2002), Twenty-sixth Amendment of the Constitution Bill, 2002, Second Stage, contribution of Finian McGrath.

Outside the Dáil, the Catholic-conservative network around Coughlan and Barrett ran an immigration-coded campaign that split part of the No coalition. Members treated it as a distinct and unwelcome neighbour, rather than as part of its own campaign. Cowen used his Second Stage opening to disown what he characterised as "deeply regrettable attempts made during the summer by some opponents of the Nice treaty to whip up fears about the immigration of workers from new member states," and Roche, as already noted, named the Coughlan–Barrett axis directly as deploying "the xenophobic and racist card."<sup>111</sup> More informative than Yes side condemnation, however, is Ó Caoláin and Gormley's distancing from the immigration argument.<sup>112</sup>

The Catholic-conservative bloc was operationally visible in 2002 in a way that it had not been in 2001 — visible enough that four senior Yes-side and No-side voices addressed it on the parliamentary record within the same week — but it was not yet a coordinated electoral force on the scale that Cóir would become by 2008. 2002 should be read as a transitional moment for this strand of the No coalition rather than as either its absence (as Nice I) or its consolidation (as Lisbon I and II).

The frameshift across the mainstream No coalition can also be observed on the parliamentary record. Nice II opened new pathways for argumentation not previously available in Nice I (the Seville declaration, the choice to hold the rerun itself, and the amendment regarding the Referendum Commission's participatory mandate). The architecture the Yes side built between Nice I and Nice II neutralised certain identity grievances, but procedural grievances took their place.

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<sup>111</sup> For Cowen's disowning of the immigration frame, Dáil Éireann, *Debates*, vol. 554, no. 1 (4 September 2002), Second Stage, contribution of Brian Cowen; for Roche's characterisation of the Coughlan–Barrett axis, contribution of Dick Roche in the same debate.

<sup>112</sup> Ó Caoláin and Gormley, Second Stage contributions, 4 September 2002. Both speakers distanced their parties from the immigration argument while otherwise making common cause across the No coalition on procedural and sovereignty grounds — evidence in and of itself that the mainstream No coalition treated the Coughlan–Barrett axis as separate from its own cause.

#### 4.4 Outcome and Within-Pair Analysis

In 2001, two of the forty-one constituencies voted for the Nice Treaty. In 2002, every single constituency voted for the Treaty.<sup>113</sup> Yet the share of the Yes vote was still only thirty-one per cent of the total electorate, a smaller share than at Maastricht or at Amsterdam, which had thirty-nine and thirty-four per cent respectively.<sup>114</sup>

Analysis completed on the election presents two explanations for the reversal of votes: a change in the opinion across the electorate, or a change in the weight that voters gave to certain topics that altered their decision. Holding the first-referendum estimates fixed but substituting the second-referendum distributions of party support and attitude yields a predicted Yes vote of forty-eight per cent, barely distinguishable from the forty-six per cent actually recorded; conversely, applying the second-referendum estimates to the first-referendum distributions yields sixty-one per cent against the sixty-three per cent observed.<sup>115</sup> Therefore, a changing of opinion between the two votes, in other words, accounts for almost none of the swing. What changed was not chiefly what voters thought but how heavily a given topic affected their voting choice.

The weighting given to enlargement saw the largest shift. Whereas in the first referendum pro-enlargement disposition raised the probability of a Yes vote by about twenty-five points over an anti-enlargement one, in the second, that gap had doubled to fifty-one points.<sup>116</sup> In addition, the penalty attached to outright opposition rose from nineteen to fifty points relative to other voters. So, even those without a settled view on enlargement were forty-three points more likely to vote Yes than opponents, compared to only seven points in 2001.<sup>117</sup> Over the same time period, the importance of neutrality in determining the vote weakened.<sup>118</sup>

The two shifts in sentiment (enlargement rising and neutrality receding) are voter-level evidence that the reweighting described in the previous sections actually occurred. Furthermore, this dynamic shows the evidence that reweighting, versus conversion,

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<sup>113</sup> Richard Sinnott, *Attitudes and Behaviour of the Irish Electorate in the Second Referendum on the Treaty of Nice*, 1.

<sup>114</sup> Sinnott, *Second Referendum*, 2.

<sup>115</sup> Garry, Marsh, and Sinnott, "'Second-Order' versus 'Issue-Voting' Effects," 15.

<sup>116</sup> Garry, Marsh, and Sinnott, "'Second-Order' versus 'Issue-Voting' Effects," 214.

<sup>117</sup> *Ibid.*, 215.

<sup>118</sup> *Ibid.*, 214 (table four).

occurred. Voters' underlying attitudes to neutrality and sovereignty shifted little between the votes, but what shifted was the weight given to each of the attitudes, and how that weight affected the outcome. In 2001 and 2002 the electorate held broadly similar views on the topic. But in 2002, the voters were answering a question about enlargement rather than neutrality. The campaign did not convert the public — it determined, in effect, what the referendum was about.<sup>119</sup>

The neutrality evidence, however, complicates the absolute-positive correlation which can be attributed to the governments' strategy of securing a reassurance package regarding the referendum. Awareness of the Seville Declaration on Ireland's neutrality was associated with a reduced likelihood to vote No; awareness of the domestic constitutional provision on common defence ran in the opposite direction, being associated with a No vote.<sup>120</sup> Sinnott reads this as a matter of *selection* rather than *persuasion*, however. Those most aware of the constitutional clause were disproportionately those already disposed to vote No, and separately, neutrality was identified as the single attitudinal dimension to move in an anti-integration direction between the two votes.<sup>121</sup> This indicates that the declaration and the domestically legislated guarantee did not function as one instrument to the voter. At the European level, the voter was reassured, but at the domestic level, it re-activated an anxiety it was meant to assuage.

The evidence also affects the second-order question of whether the referendum was affected by voters' attitudes towards the Irish government rather than towards Europe. The Yes side actively tried to prevent voters from using the ballot as a referendum on the government, and the data suggests that this was successful, as satisfaction with the government fell sharply between the two votes – from roughly fifty-nine to thirty-three per cent – also resulting in an increase in No bloc representatives in the Dáil. Yet, the Yes vote increased. Dissatisfaction with the government had only a minor effect on vote choice, and trust in government had none at all.<sup>122</sup> Therefore, the decoupling held with one exception qualifying the picture: Labour supporters tended toward No despite their

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<sup>119</sup> Garry, Marsh, and Sinnott, "Second-Order' versus 'Issue-Voting' Effects," 210-211.

<sup>120</sup> Sinnott, *Second Referendum*, 46 (table 8).

<sup>121</sup> Sinnott, *Second Referendum*, 11.

<sup>122</sup> Garry, Marsh and Sinnott, "Second-Order' versus 'Issue-Voting' Effects," tables 2–3.

party campaigning for Yes and explicitly urging voters not to punish Fianna Fáil at Europe's expense.<sup>123</sup> Therefore party leadership and party base did not move together, marking a limit of what elite coordination could achieve at the mass level.

#### **Chart 4**<sup>124</sup>

*Table 3* Reasons for voting 'yes' in the first and second Nice referendums

	Nice1	Nice2
Generally a good idea, development of existing commitments	44	53
Enlargement a good thing, give others a chance	22	29
Influence of government, political party, politician, TV debate	14	11
Advice of family or friends	4	5
Other	10	11
Don't know	6	1
<b>n =</b>	<b>204</b>	<b>625</b>

#### **Chart 5**<sup>125</sup>

*Table 4* Reasons for voting 'no' in the first and second Nice referendums

	Nice1	Nice2
Lack of information	39	14
Loss of sovereignty/independence	16	8
Neutrality and military issues	12	17
Bad idea in general	7	25
Influence of political party, politician, TV debate	6	5
Would create refugee problems	3	11
Abortion issue	1	1
Advice of family or friends	1	2
Anti-government/anti-politician		10
Refuse to change vote		5
Other	2	14
Don't know	13	2
<b>n =</b>	<b>300</b>	<b>223</b>

<sup>123</sup> Sinnott, *Second Referendum*, 46 (table 8)

<sup>124</sup> *Ibid.*, 42.

<sup>125</sup> *Ibid.*, 43.

Placed side by side, the change can be more easily observed: in 2001 voters weighed neutrality, sovereignty and enlargement in roughly equal measure; in 2002 enlargement became the dominant consideration and neutrality receded. That shift in the structure of the vote — not any shift in the distribution of public opinion — is what likely produced the different result.

However, the chronology of the events are worth noting. Pro-integration sentiment had recovered to a normal level by January 2002, months before the campaign began.<sup>126</sup> The Yes side therefore did not face the task of converting a sceptical public. It faced the task of mobilising a majority that was already latent and ensuring that, when voters arrived at the question, they answered it through enlargement rather than neutrality. The reversal of Nice I was the product of that mobilisation and that reframing. The underlying contestation — the persistent minority opposed to further integration, the resilient preference for neutrality — was not resolved. It was managed.

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<sup>126</sup> Sinnott, *Second Referendum*, 18–19 and 46 (table 8).

## **CHAPTER V: LISBON I**

Five years after the Nice II referendum, Ireland was asked again to vote on the next treaty of European integration, the Treaty of Lisbon. Despite Nice I's No vote, the Irish elite suspected that the Lisbon Treaty would pass easily, instead characterising Nice as an aberration that wouldn't be repeated.<sup>127</sup> The electorate confounded that assumption – for a second time. Scholars go as far as to say that it “had been viewed as a formality” given recent elections which cemented the standing of pro-EU parties and pushed eurosceptic parties farther to the fringes of the Dáil.<sup>128</sup> Yet, as this chapter will outline, the average Lisbon I voter was uninformed, and the No campaign was able to capitalise on this to activate its campaign and ultimately garner a No vote from the electorate.<sup>129</sup>

### **5.1 Déjà Vu**

The Treaty of Lisbon was the settlement reached by European Union leaders after the 2005 rejection of the Constitutional Treaty.<sup>130</sup> It was signed in the Portuguese capital on 13 December 2007 and rid of much of the constitutional vocabulary and symbolism that had proven most contentious two years earlier.<sup>131</sup> Of the twenty-seven member states, Ireland alone had the requirement to ratify the Treaty via popular vote, a mandate under the Supreme Court's 1987 *Crotty* judgment.<sup>132</sup> The referendum on the Twenty-Eighth Amendment of the Constitution Bill 2008 was held on 12 June 2008, with the Referendum Commission's establishing in the March prior. On a turnout of 53.1 per cent (higher than Nice I and Nice II) the amendment was defeated by 53.4 per cent to 46.6 per cent — the largest absolute negative vote then recorded in an Irish referendum on a European treaty.<sup>133</sup>

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<sup>127</sup> Mervyn O'Driscoll, "It's the Economy, Stupid!: Changing Irish Minds on the Lisbon Treaty," *Journal of European Integration History* 28, no. 1 (2022): 123–46; here: 123–24.

<sup>128</sup> *Ibid.*

<sup>129</sup> See Annex 3 and 4 for campaign material in the Lisbon I and Lisbon II campaigns.

<sup>130</sup> *Ibid.*

<sup>131</sup> O'Driscoll, "It's the Economy," 126

<sup>132</sup> Corinne Deloy and Helen Levy, *Referendum on the Lisbon Treaty in Ireland, 12th June 2008*, European Elections Monitor (Paris: Fondation Robert Schuman, 13 May 2008). On the practice of treating an EU-treaty referendum as required following *Crotty v. An Taoiseach* [1987] IR 713, see O'Driscoll, "It's the Economy," 129.

<sup>133</sup> *Ibid.*, 125 (Table 1) and 124, drawing on the results compiled in Jane O'Mahony, "Ireland's EU Referendum Experience," *Irish Political Studies* 24, no. 4 (2009): 429–46, at 431.

In the first Lisbon campaign, the pro-treaty centre — Fianna Fáil, its coalition partners - the principal opposition parties of Fine Gael and Labour - and an umbrella of business, farming and trade-union interests — mobilised late and without coordination, their attention focused for much of the spring on the controversy surrounding Taoiseach Bertie Ahern's personal finances and his replacement by Brian Cowen in May 2008.<sup>134</sup> Senior figures conceded during the campaign that they had not read the treaty in full, and the case for ratification was - as scholars have contended in post-referendum analysis - advanced belatedly and defensively.<sup>135</sup> Against this stood an active, engaged and ideologically varied No coalition, which ranged from familiar opponents of integration — campaigners for sovereignty and neutrality, the parliamentary and extra-parliamentary left, and conservative Catholic groups — alongside a novel and well-resourced new contributor to the No campaign, Declan Ganley's Libertas, which placed the protection of Ireland's corporate-tax regime and the retention of an Irish Commissioner at the centre of its case.<sup>136</sup> The treaty itself was significant, complicated, and dealt with a vast range of topics, from military neutrality to institutional voices to taxation to identity. And, similar to the Nice treaties, the electorate felt poorly informed about the document on which it was voting.<sup>137</sup>

The sections that follow examine the first Lisbon referendum. Section 5.2 turns to the Yes campaign, tracing the complacency, distraction and late mobilisation of the political and economic centre and the difficulty it met in advocating for ratification. Section 5.3 examines the No coalition — the established sovereignty, neutrality, left-welfare and conservative-Catholic strands, and the distinctive contribution of Libertas — together with the range of economic and identity-based appeals it emphasised. Section 5.4 then

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<sup>134</sup> Ahern had led Fianna Fáil and the government since 1997, but his appearances before the Tribunal of Inquiry into Certain Planning Matters and Payments (the Mahon Tribunal) over payments he had received from businessmen during the 1990s had, by 2008, come to dominate Irish political life. Amid sustained pressure, he announced on 2 April 2008 that he would step down, handing over the following month to his Tánaiste and Minister for Finance, Brian Cowen, barely a month before polling day on 12 June. The scandal directly affected the pro-treaty effort in two respects. Through the spring, the government's energies were absorbed by the leadership question rather than the treaty, and Ahern's prolonged reluctance to name a polling date left an opening that the better-organised No campaigners were quick to occupy. The Yes campaign did not begin in earnest until roughly a week before the vote, by which point polling suggested the referendum might be lost. On the Ahern affair and its bearing on the campaign, see John O'Brennan, "Ireland says No (again): the 12 June 2008 Referendum on the Lisbon Treaty," *Parliamentary Affairs* 62, no. 2 (2009): 258–77; Jane O'Mahony, "Ireland's EU Referendum Experience," *Irish Political Studies* 24, no. 4 (2009): 438.

<sup>135</sup> O'Driscoll, "It's the Economy," 133–34.

<sup>136</sup> John O'Brennan, "Ireland Says No (again): The 12 June 2008 Referendum on the Lisbon Treaty," *Parliamentary Affairs* 62, no. 2 (2009): 258–77.

<sup>137</sup> Flash Eurobarometer 245, *Post-Referendum Survey in Ireland: Preliminary Results* (Brussels: European Commission / The Gallup Organization, 18 June 2008), 2–3.

turns to the result and the evidence on voting behaviour, drawing on the post-referendum survey data to consider who voted, who abstained, and the reasons voters themselves offered. Together, these sections present Lisbon I as a contest in which the politicisation of the treaty proceeded with little of the elite management that will be evidenced in Lisbon II.

## 5.2 The Yes Campaign

Almost the entirety of mainstream Irish political life supported the ratification of the Lisbon Treaty. Fianna Fáil, its coalition partner the Progressive Democrats, principal opposition parties Fine Gael and Labour, and the major employers' and trade unions (IBEC, Irish Congress of Trade Unions (ICTU) and Chambers of Commerce) all advocated for a Yes vote, in addition to the Irish Alliance for Europe, a cross-party civil-society umbrella of organisations.<sup>138</sup> The Green Party was the only member of the governing coalition to express any reservations about a swift ratification, and even then, a majority of the party was in favour of ratification - it had only fallen short of the supermajority required to officially endorse.<sup>139</sup>

The nearly unrivalled support for ratification could have proved part of the problem, as it reinforced the assumption that the Irish electorate was reliably pro-European, and the Nice I rejection of 2001 was an abnormality that Nice II proved to be a fluke.<sup>140</sup> The pro-treaty parties, holding faith that the electorate would transpose their support for Europe to a Yes vote on the Lisbon Treaty, were therefore less active.

A lack of focus on campaigning due to confidence was compounded by distraction at the national level. For much of the first half of 2008, the attention of the governing political centre – particularly of the Taoiseach – was consumed by the controversy regarding Bertie Ahern's personal finances, and of his appearances before the Mahon Tribunal. With the Taoiseach resigning in early April, there was considerable distraction in Irish domestic

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<sup>138</sup> O'Brennan, "Ireland Says No (again)," *Parliamentary Affairs* 62, no. 2 (2009): 258–77; O'Driscoll, "It's the Economy," 132.

<sup>139</sup> "Greens Fail to Agree on EU Position," *RTÉ News*, January 21, 2008; O'Driscoll, "It's the Economy," 132.

<sup>140</sup> O'Brennan, "Ireland Says No (again)," *Parliamentary Affairs* 62, no. 2 (2009): 258–77 (drawing on Michael Holmes).

politics during the formative weeks of the campaign.<sup>141</sup> The extent of Irish complacency regarding the campaign was even remarked by a French correspondent visiting Dublin in April who concluded that there was no Yes campaign under way.<sup>142</sup>

Engagement by the Yes side was late and uncoordinated, with door-to-door canvassing largely taking place only during the final week, and more canvassing taking place by the No side.<sup>143</sup> Furthermore, the Yes party wasn't vocal and united from the onset. The Irish Farmers' Association for example withheld its endorsement until the closing week, and after it extracted a pledge that the government would veto any World Trade Organisation deal damaging to farming.<sup>144</sup> The largest single union, the Services Industrial Professional and Technical Union (SIPTU), declined to back either side and some of its affiliated unions even campaigned for a No vote. A survey of managers in the small- and medium-enterprise sector found that a large majority of these likely voters were intending to reject the treaty.<sup>145</sup> The coalition also saw signs of friction: Cowen appeared to question the commitment of the Fine Gael and Labour efforts throughout the crucial hours of the campaign.<sup>146</sup>

Lack of engagement was matched by campaigning blunders from a government advocating for a Yes vote: in the final nights before a vote, Cowen admitted he had not read the treaty from cover to cover, and Irish Commissioner, Charlie McCreevy remarked that he "would not expect any sane person" to do so.<sup>147</sup> The Tánaiste, Mary Coughlan, twice misstated the composition of the Commission, claiming that the larger member states retained two Commissioners — an entitlement that had lapsed in 2004.<sup>148</sup> Coming from leaders who had spent years involved with EU affairs, these errors were weaponised

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<sup>141</sup> O'Brennan, "Ireland Says No (again)," 258–77; O'Driscoll, "It's the Economy," 132.

<sup>142</sup> O'Driscoll, "It's the Economy," 132, relaying Ruadhán Mac Cormaic, "Foreign Views of Our Lisbon Debate," *Irish Times*, 7 June 2008.

<sup>143</sup> O'Driscoll, "It's the Economy," 132–33.

<sup>144</sup> *Ibid.*, 136. The pledge was given by Taoiseach Brian Cowen in the closing week of the campaign, the IFA having held back its endorsement while pressing for guarantees over the WTO trade negotiations then under way. See also Jane O'Mahony, "Ireland's EU Referendum Experience," *Irish Political Studies* 24, no. 4 (2009): 438, which records the farmers' organisations' threat to withhold support pending a government undertaking to veto any WTO deal damaging to Irish farming.

<sup>145</sup> O'Driscoll, "It's the Economy," 135–36.

<sup>146</sup> *Ibid.*, 134.

<sup>147</sup> *Ibid.*, 133–34.

<sup>148</sup> *Ibid.*, 134.

by the No side as confirmation of its charge that the treaty's advocates did not understand or care much about the document they were defending.

Beyond these were a more basic difficulty: the Yes campaign struggled to articulate convincing gains for the Irish people. Its dense, amending text invited the suspicion that it was little more than the rejected Constitutional Treaty in another guise.<sup>149</sup> By the time the centre gained steam, the No coalition had already spread heavily its own messaging, and the Yes effort was reduced to rebutting the claims rather than advancing arguments of its own. What positive case there was arrived late and exaggerated: days before the poll Cowen framed the vote as "the most important vote in a generation" and warned that rejection would marginalise Ireland and jeopardise its hard-won prosperity, while Eamon Gilmore for Labour argued that greater familiarity with the treaty would translate into greater support.<sup>150</sup>

The defining feature of the first Lisbon campaign on the Yes side, then, was not the content of its argument but the near-absence of one until the terms of debate had been set elsewhere.

### **5.3 The No Campaign**

The No campaign was significantly more developed. It activated early, had ideologically diverse actors, and was well dispersed throughout Irish social life. While only one party within the Dáil representation, Sinn Féin, actively campaigned for rejection, there was a strong extra-parliamentary group of actors, similar to Nice I. These ranged from long-established sovereigntists to anti-militarist organisations to the radical left to a conservative-Catholic fringe. These actors were joined by a new – and well-funded – ally in 2008.<sup>151</sup> The campaign was an amalgamation of actors all with different priorities, but these opinions converged on a strong No on Lisbon message.

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<sup>149</sup> Desmond Dinan, "Institutions and Governance: Saving the Lisbon Treaty," *Journal of Common Market Studies* 47 (2009): 113.

<sup>150</sup> Eoin Burke-Kennedy, "Lisbon 'Most Important Vote in a Generation'," *Irish Times*, 8 June 2008; "Labour Party Launches Yes Campaign for Lisbon Treaty," *Irish Examiner*, 11 May 2008.

<sup>151</sup> O'Brennan, "Ireland Says No (again)," 258–77; O'Driscoll, "It's the Economy," 133.

The oldest strand of the No arguments was sovereigntist, led by Anthony Coughlan's National Platform and the People's Movement, who resurfaced earlier Nice-era arguments: Lisbon transferred competencies and decision-making from the national to the European level (which they perceived as a negative development), reduced Ireland's relative weight in the Council, and equipped the Union to alter itself without further popular approval due to simplified revision procedures.<sup>152</sup> And the loss of a permanent Irish Commissioner under a smaller and rotating College joined the chorus of outcries.<sup>153</sup>

Foreign policy and defence was another core rallying point for the No campaign, with the treaty's provisions on Common Foreign and Security Policy (CFSP) and the European Defence Agency perceived as pulling Ireland further away from its tradition of neutrality.<sup>154</sup> The extent to which this plays a role in the No outcome will be analysed in the next chapter.

A third strand advanced a critique from the left. Sinn Féin, the Socialist Party — whose leader Joe Higgins had lost his Dáil seat the previous year — and People before Profit characterised Lisbon as a treaty which would further deregulation and a "race to the bottom" in pay and conditions, invoking recent judgments of the Court of Justice that had subordinated collective action to single-market freedoms, and warning of pressure on public services and workers' protections.<sup>155</sup> For the Socialist Party, Lisbon was a renaming of the 2005 treaty already rejected by France and the Netherlands.<sup>156</sup>

A fourth strand mobilised conservative-Catholic anxieties. Its principal vehicle was Cóir, a group descending from the "No to Nice" network, which had then been led by Justin Barrett; its Lisbon-era spokesman was Peter Murphy. Cóir contended that the Charter of

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<sup>152</sup> Passerelle, or "bridge" clauses were an introduction of the Lisbon Treaty that allowed the European Union to alter legislative procedures or voting rules without the formal treaty amendment and ratification previously required in the European Union. The two most significant developments are (1) the ability to move a piece of legislation from a unanimity requirement to a QMV requirement and (2) the ability to move a piece of legislation from a special legislative procedure to the Ordinary Legislative Procedure, where the European Parliament has full co-decision power. It is worth noting that such passerelle clauses can only be activated where there is unanimity in either the European Council or the Council of the European Union.

<sup>153</sup> O'Brennan, "Ireland Says No (again)," 258–77; Scott Millar, "Cóir Anti-Treaty Posters 'Trade on People's Fears,'" *Irish Examiner*, September 1, 2009.

<sup>154</sup> "Lisbon Treaty No Vote Delivers Major Shock for Political and Big Business Establishment," Socialist Party statement, June 2008; O'Brennan, "Ireland Says No (again)," 258–77.

<sup>155</sup> "Lisbon Treaty 'No' Vote Delivers Major Shock for Political and Big Business Establishment," Socialist Party, June 2008.

<sup>156</sup> *Ibid.*

Fundamental Rights would operate as a vehicle for liberalising Irish law on abortion and the family, an issue with heightened salience in Ireland.<sup>157</sup>

Libertas was a new factor added to the No campaign that had not been present in other referendum campaigns. Founded and funded by businessman Declan Ganley, it was a well-resourced and professionally-presented organisation advocating for No. Rather than join the existing No campaigners, it sat opposite and provided a more polished reasoning for a No vote.<sup>158</sup> Its arguments were an amalgamation of those coming from other No actors, including protecting Ireland's low corporate tax-regime, safeguarding Ireland's Commission representation, and calling for a more informed electorate.

The No campaign therefore was composed of ideologically opposed figures with a common end-goal: a sovereigntist right, an internationalist left and a conservative-Catholic fringe. Several of them cut across the registers of economic interest, national sovereignty and social identity rather than occupying any one alone. Libertas's fusion of corporate taxation with the loss of the Commissioner is the clearest instance — a material economic interest and a claim about national voice pressed as a single argument rather than two. This diverse front presented the Yes side with more arguments than it could answer, and lent weight to the intuition that a No vote risked little while holding open the prospect of a better settlement.<sup>159</sup>

#### 5.4 Voting Analysis

In the wake of Lisbon's defeat, the post-referendum survey commissioned from Gallup by the Commission's Representation in Ireland provides a detailed account of who voted, who abstained, and what drove each respondent's vote.<sup>160</sup>

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<sup>157</sup> O'Brennan, "Ireland Says No (again)," 258–77; on C oir's lineage and spokesman, Millar, "C oir Anti-Treaty Posters," *Irish Examiner*, September 1, 2009.

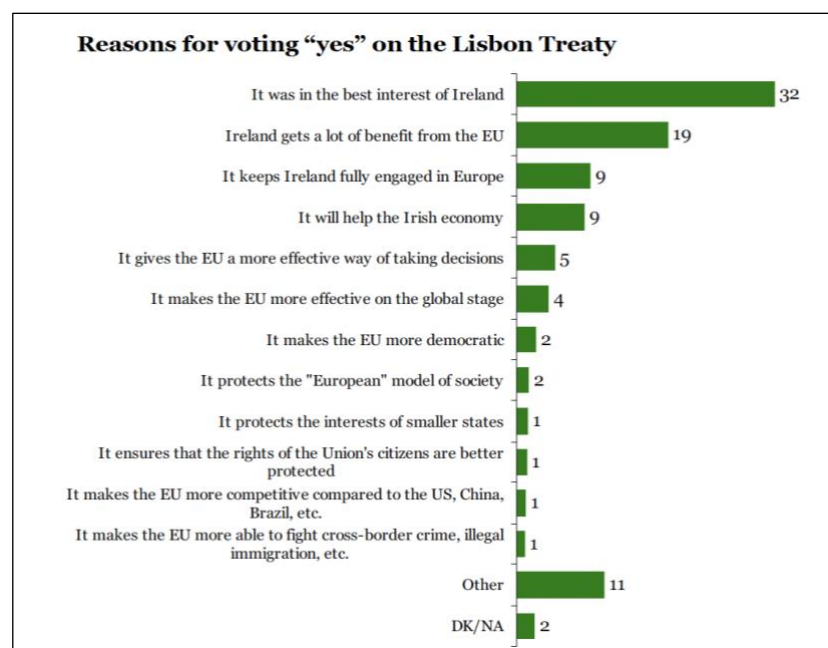
<sup>158</sup> O'Driscoll, "It's the Economy," 133–35; O'Brennan, "Ireland Says No (again)," 258–77; O'Mahony, "Ireland's EU Referendum Experience."

<sup>159</sup> O'Driscoll, "It's the Economy," 135; cf. Atikcan, "The Puzzle of Double Referendums," 937–56, on agenda control / asymmetric advantage.

<sup>160</sup> Flash Eurobarometer 245, *Post-Referendum Survey in Ireland — Analytical Report* (Brussels: European Commission Representation in Ireland / The Gallup Organization, 2008).

In examining who abstained, a lack of comprehension about the treaty, rather than indifference for it, drove an abstention: 52 per cent did not fully understand the issues, while 45 per cent said they had been too busy.<sup>161</sup> Looking at demographics, non-participation was stratified by age and class, with two-thirds of 18-24 year olds abstaining, compared to less than a third of those 55 and above abstaining.<sup>162</sup> Furthermore, in examining the voting data, it was this demographic that was most likely to vote No, with 65 per cent of voters 18-24 choosing No, compared with 42 per cent of voters aged 55+ choosing No.<sup>163</sup> The older a voter, the more likely they were to vote Yes.

**Chart 6**<sup>164</sup>



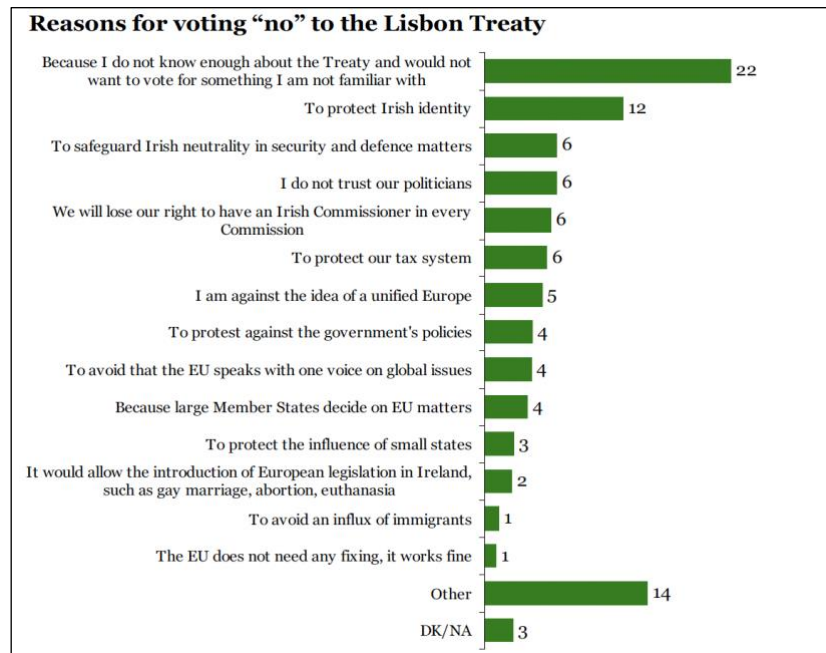
<sup>161</sup> Flash Eurobarometer 245, Analytical Report, 7-8.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid., 19

**Chart 7**<sup>165</sup>



Among voters, results tracked the lines of economic exposure and identity which the campaigns had focused on. Women voted No at 56 per cent, with men split almost evenly. The steepest gradient of all was occupation, with manual workers rejecting the Treaty by 74 per cent and non-workers rejecting the treaty at 56 per cent. Meanwhile, self-employed, professionals, and senior managers approved the treaties at well above 50 per cent. The survey openly asked Yes voters why they chose Yes, and most believed that it was “in Ireland’s best interest,” with a further fifth saying that Ireland had benefitted from membership. Yes votes could mostly be attributed “the advantages the EU provides and provided to Ireland,” according to the survey.<sup>166</sup> The No vote, however, was much more diverse. The most common reason for a No vote was a lack of information, but the analysis discusses the varied reasoning – from protesting the current government to the desire to safeguard Irish neutrality. Taken at face value, the leading reason for rejection was the electorate's sense that it had not been given enough information to make an informed vote.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid., 17-19.

Read through postfunctionalism, the fact that voters felt uninformed isn't a competing explanation that rules out identity and distribution reasons for voting — it is an enabling factor that allows them to be activated and drive voting choice.

Voter-choice in Lisbon I demonstrates that the functional argument did not register effectively, with only five and four per cent of voters respectively crediting the Treaty with more effective decision-making, or a stronger European presence in the world.<sup>167</sup> Furthermore, the efficiency register was essentially absent among No voters. A No vote was a fusion of identity and distribution arguments, with Identity supplying its largest substantive theme: 40 per cent of No votes can be attributed to issues broadly related to Irish identity.<sup>168</sup> Distribution registered through No votes motivated by opposition to the corporate-tax regime and the security of pay and conditions. These prompted questions make a sharper point than the open question. Even as a plurality of No voters had professed not to understand the Treaty, large and confident majorities of them understood very well what their No was for: 83 per cent agreed that it preserved Irish neutrality, 79 per cent that it protected the tax system, 76 per cent that it opened the way to renegotiated exceptions, and 60 per cent that it secured existing Irish law on abortion and the family.<sup>169</sup> Therefore, despite attesting to not being familiar with the Treaty, much of the population had a structured set of identity and distributional intuitions that the No coalition had spent the campaign articulating — and that registered with voters.

Voters, unequipped and ill-informed about the document in front of them – according to postfunctionalist logic – rely on the cues available to those ill-equipped to judge a complex legal document. In the case of Lisbon I, the cues were strong in one direction. Over half of the electorate decided in the final weeks, with 15 per cent deciding on the polling day itself.<sup>170</sup> Looking at the campaigns, there was an unequivocal acknowledgement that the No campaign was more convincing: 68 per cent of all voters, and even 57 per cent of Yes voters judged the No campaign as more convincing.<sup>171</sup> Confronted with a dense amending treaty whose advocates were less active, and a

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<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid., 26.

<sup>170</sup> Ibid., 14.

<sup>171</sup> Ibid., 13.

crowded field of identity and distributional warnings, voters who felt ill-equipped to judge the text had less support to draw on.

The survey's data is at least consistent with a protective rather than considered rejection: three-quarters of No voters believed the result cost Ireland little while holding open the prospect of a better settlement. It's unknown how much this might be impacted by awareness of the Irish government's ability to secure the Seville Declarations a few years earlier.

This is not to claim that the electorate returned a considered judgment on the Treaty's functional merits but that with no countervailing case in the field, the identity and distributional frame was the one most available to voters. The data also isn't as easily explained by a second-order protest against the government: explicit anti-government protest accounted for only four per cent of No reasons, barely a quarter of No voters thought the result should oblige the government to stand down, and four in five continued to support membership.<sup>172</sup> On this evidence the Irish No, as with the Nice contests, is not easily viewed as a vote on the government's efficacy or success.

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<sup>172</sup> Ibid., 19.

## **CHAPTER VI: LISBON II**

Following a disastrous second-time rejection from the Irish people, the Irish government was left blocking the enforcement of the Lisbon Treaty. According to a prominent gathering of politicians and civil society advocates, who formed *Ireland for Europe*, “When Lisbon I went down, many people felt shocked and adrift. Many felt anger at themselves...others had never before felt compelled to get involved in this way...if and when the referendum was called, they were determined to be ready.”<sup>173</sup> Therefore Lisbon II activated the country’s elite intensely, who had to campaign alongside exogenous economic factors.

### **6.1 The Background**

On 2 October 2009 the Irish electorate reversed its initial No vote, approving the Twenty-Eighth Amendment by 67.1 per cent to 32.9 per cent – a swing of more than twenty points on the same treaty.<sup>174</sup> Following the previously unthinkable second rejection of an EU treaty by the Irish electorate, the elite mobilised and engaged in a deliberate and sustained response. This chapter examines that campaign and what it produced.

Following the initial No vote, the post-Lisbon I research commissioned by the government identified a finite set of concerns behind the No vote: protection of the current corporate-tax regime, integrity of Irish neutrality, constitutional provisions on the right to life and the family, the protection of an Irish Commissioner, and the security of workers’ rights.<sup>175</sup> Similar to the developments between Nice I and Nice II, the Irish government was able to secure certain guarantees from the European institutions and other member states in order to better assuage its electorate’s concerns. At its December 2008 meeting, the European Council agreed to retain one Commissioner from each member state. In June of 2009, the government secured a more extensive package from the members of the European Council which – described as a legal guarantee – would address multiple

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<sup>173</sup> Erskine, Caroline. *Saying yes : how Ireland reclaimed its future in Europe*. Dublin: Ireland for Europe, 2010., 6-7.

<sup>174</sup> “Second Time Around, Irish Vote Yes for Lisbon,” Eurofound, 2009 (67.1% to 32.9%; 20.5% swing); cf. O’Driscoll, “It’s the Economy,” 125 (Table 1).

<sup>175</sup> Richard Sinnott et al., *Attitudes and Behaviour in the Referendum on the Treaty of Lisbon*.

sections: the right to life, family and education; taxation; security and defence; a Solemn Declaration on Workers' Rights and Social Policy; and a unilateral Irish declaration on neutrality to be associated with the instrument of ratification. This Decision was given "full Treaty status" by setting out its provisions in a Protocol at the time of the next accession treaty.<sup>176</sup>

The government articulated its logic in securing these guarantees on the floor of the Dáil, presenting the guarantees as having addressed the key concerns of the previous campaign — workers' rights, neutrality and defence, and taxation — and the Commissioner as having been "secured" for every Member State.<sup>177</sup> The move is not an attempt to win the identity-coded arguments on their merits but to take them off the agenda, so that the considerations left in play would weigh more heavily when voters returned to the question. This is the depoliticisation that the postfunctionalist account associates with constraining dissensus, and it is also a precondition for the reweighting that the within-pair analysis will trace at the level of the vote: by removing or neutralising the core issues that had structured the 2008 No, the campaigns sought to remove them from the field of debate.

Lisbon's Guarantees were far more encompassing when compared against the Seville Declaration in Nice II, spanning a wide-ranging set of issues. In the case of Lisbon, the Irish actually changed the outcome of the Treaty, which called for a reduced College, changing the outcome rather than reassuring about it.

One further feature of the second campaign sets it apart from the Nice pair and affects how the voting outcome should be interpreted. The same June 2009 Council conclusions that announced the Irish Guarantees also described "the deepest and most widespread recession of the post-war era."<sup>178</sup> Between the two Lisbon votes the Irish economy had faltered, the government had offered a sweeping guarantee to the banks, and public finances and employment had deteriorated sharply all in the context of the Great

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<sup>176</sup> European Council, Presidency Conclusions, Brussels European Council, 18–19 June 2009, Council doc. 11225/2/09 REV 2 (Brussels, 10 July 2009), Annex 1 (Decision) and Annex 2 (Solemn Declaration); "Protocol on the Concerns of the Irish People on the Treaty of Lisbon," Official Journal of the European Union L 60 (2 March 2013): 131. On the December 2008 Commissioner decision, European Council, Presidency Conclusions, Brussels European Council, 11–12 December 2008.

<sup>177</sup> Dáil Éireann, Debates, vol. 685, no. 4 (24 June 2009).

<sup>178</sup> European Council, Presidency Conclusions, Brussels European Council, 18–19 June 2009, doc. 11225/2/09 REV 2.

Recession. This is an exogenous shock of a kind absent from Nice, and it complicates any straightforward reading of the reversal as the work of elite management alone: the recession plausibly did some of the reweighting that no campaign could have engineered, raising the salience of the economy and of Ireland's standing in the Union at the very moment the Guarantees were lowering the salience of identity. Whether, and how far, the result is attributable to the managed removal of identity grievances or to the unmanaged pressure of the economic crisis is a central question of this chapter.

The sections that follow develop the case in the now-familiar sequence. Section 6.2 turns to the Yes campaign and the mobilisation that the centre had withheld in 2008; Section 6.3 examines the No coalition's adaptation to a contest in which its principal grievances had been formally addressed; and Section 6.4 turns to the result and the post-referendum evidence, drawing the within-pair contrast with Lisbon I and locating Lisbon II within the wider pattern of the four referenda.

## **6.2 The Yes Campaign**

Following the rejection of the Lisbon Treaty in 2008, the Yes campaign mobilised early and actively. The broad coalition used many resources not previously activated for Lisbon I. The coalition also grew from 2008 with a heavier civil society presence joining the efforts with for example, Ireland for Europe participating in the new campaign. Spending also increased, with the Yes campaign spending many multiples of the No campaign's €800,000 budget.<sup>179</sup> There was noted increased mobilisation of the political parties comprising the Yes campaign, and door-to-door canvassing increased.<sup>180</sup> Mobilisation identified in Sinnott's analysis of Nice, became a feature of Lisbon II.

A guarantee package built a core pillar of the Yes campaign's response, having secured European Council instruments about taxation, neutrality, the right to life and the family, workers' rights, and the Commissioner. Real concessions were made to the Irish electorate after the failure of Lisbon I. Concessions that also allowed the Yes campaign

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<sup>179</sup> Ben Tonra, "The 2009 Irish Referendum on the Lisbon Treaty," *Journal of Contemporary European Research* 5, no. 3 (2009): 477.

<sup>180</sup> O'Driscoll, "It's the Economy," 132, 135–36.

to say that they had answered the concerns driving the No vote in 2008, and thus a second referendum was more than a simple re-run.<sup>181</sup> This response was the supply side of depoliticisation: instead of winning identity-coded arguments on their merits, the campaign removed them from the area of contention. This likewise forced the No campaign into an awkward position of either explaining why the government's guarantees either weren't good enough, or why there were other factors still worth rejecting the treaty over.

A second asset was external to the campaign, but a key factor identified as positively impacting the Yes campaign: the recession. With the economy in the deepest contraction in the State's modern history and unemployment climbing above twelve per cent, the campaign returned, in O'Driscoll's phrase, to "back to basics" — jobs, recovery, and Ireland's place in Europe — and largely abandoned the clause-by-clause argument over the treaty's content that had bogged down the first campaign.<sup>182</sup> The decision was framed as a choice between the Union's "safe harbour" and an isolationist place in the world, with the banking collapse of Iceland pressed as a cautionary alternative.<sup>183</sup> A heavy number of high-profile firms vocally joining the Yes campaign had a similar effect, with Ryanair and Intel openly campaigning for the treaty.<sup>184</sup> This suggests that the campaign had also shifted onto the grounds of efficiency and distribution, and away from the identity terrain on which the No campaign was stronger. The government secured guarantees lowering the salience of identity from one direction while the economic emergency raised the salience of economic factors from the other side.

One frame the government's package didn't address satisfactorily was the workers' rights concerns. The Solemn Declaration only "confirmed" the importance of social protections, rather than guaranteeing them.<sup>185</sup> Contrary to 2008, the Yes campaign rebutted the claims more effectively, with trade unions and the government reframing the Charter of Fundamental Rights as a potential advance for workers. It also pointed out that the bulk

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<sup>181</sup> O'Driscoll, "It's the Economy," 138–40.

<sup>182</sup> *Ibid.*, 142–143.

<sup>183</sup> *Ibid.*, 143.

<sup>184</sup> Erskine, *Saying yes: how Ireland reclaimed its future in Europe.*, 42–43.

<sup>185</sup> European Council, *Solemn Declaration on Workers' Rights, Social Policy and Other Issues*, annexed to the Decision of the Heads of State or Government concerning the concerns of the Irish people on the Treaty of Lisbon, Brussels, 18–19 June 2009.

of Irish employment rights were originated by European laws, while the No side pressed a contrary interpretation of recent Court of Justice judgements such as Laval and, in C oir's case, distributing posters claiming ratification would cut the Irish minimum wage to  1.84 an hour.<sup>186</sup> The Yes government was active in engaging on topics it thought it could win, such as the above misrepresentation of the Treaty's contents.

The government characterised that claim as one of the campaign's grossest misrepresentations, and the ICTU's David Begg stated flatly that there was no basis for the suggestion that the minimum wage was under threat.<sup>187</sup> The contest over workers' rights is examined further in the analysis of the No coalition; what matters here is that the Yes side met it actively, on terrain it judged winnable, rather than allowing it to travel unanswered.

The campaign also succeeded in spite of, not because of, the approval of the reigning government. Fianna F ail's support had collapsed to historic lows in the local and European elections of June 2009, and satisfaction with the government stood at around fourteen per cent at the time of the vote; the Yes campaign responded by asking voters to vote explicitly on the treaty, rather than its administration.

### **6.3 The No Coalition**

There was not much change in the composition of the No campaign in Lisbon II. Sinn F ein remained the only D ail party campaigning for rejection, the sovereigntist argument and neutrality issues continued to drive other organisations' opposition, the left pressed the case on workers and public services, and the Catholic flank was vocal in continued opposition.<sup>188</sup> Rather than the composition changing, the situation had. In 2009, the campaign had to counter the government's European Council instrument which addressed each of their grievances accordingly. Therefore, the central problem was how to sustain

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<sup>186</sup> Scott Millar, "C oir Anti-Treaty Posters 'Trade on People's Fears,'" *Irish Examiner*, 1 September 2009.

<sup>187</sup> David Begg, quoted in Ciara O'Brien, "Begg Rejects Minimum Wage Claims," *The Irish Times*, September 28, 2009.

<sup>188</sup> O'Brennan, "Ireland Says No (again)," 258–77; FitzGibbon, "The Second Referendum on the Treaty of Lisbon in Ireland, 2 October 2009," *Representation* 46, no. 2 (2010): 227–39.

arguments on the Treaty at-large when the government had already conceded on topics of primary concern.

Its first response was to deny that the concession was real. The People's Movement attacked the legal ramifications of the package directly, arguing that declarations are not a ratified Protocol and carry no binding force until one exists, that the Commissioner pledge rested on a promise a future Council might decline to honour since "a current parliament cannot bind its successor," and that the neutrality declaration, despite its contents, still exposed Ireland to the non-neutral mutual-defence clause of Article 42(7).<sup>189</sup> Sinn Féin approached the rerun from a different lens, saying that even if the commitments were binding, they did not address concerns effectively: the Treaty text did not change and these declarations were political fluff.<sup>190</sup>

Behind the argument about the guarantees itself, the adjoining frames of 2008 were still part of the campaign, largely unchanged. PANA continued to say that the Treaty advanced militarisation of the Union through the European Defence Agency and the Permanent Structured Cooperation and that the mutual-assistance clause was incompatible with neutrality however the European Council chose to describe it.<sup>191</sup> The left continued to press a distributional case invoking the Court of Justice judgements in *Laval* and related cases to argue the Treaty would cause a "race to the bottom" in pay and conditions and expose public services to pressures to liberalise.<sup>192</sup> C oir combined its conservative-Catholic arguments with a distributional critique that ratification would push the minimum wage to €1.84 an hour.<sup>193</sup>

The No campaign's most significant change in posture related to the conditions of the Lisbon II vote itself. The campaign argued that the electorate was being asked to vote on the same treaty it had just rejected, because the government did not like the answer. McDonald advanced the argument as did Gerry Adams, who claimed that the political

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<sup>189</sup> "The Guarantees EU Leaders Agreed," People's Movement, accessed March 11, 2026, [www.people.ie](http://www.people.ie).

<sup>190</sup> Sinn F ein, "Sinn F ein Launches No to Lisbon Campaign," *An Phoblacht*, 20 August 2009 (remarks by Mary Lou McDonald).

<sup>191</sup> Roger Cole, "A Treaty to Advance EU Peace-Building or to Develop a Militarised Europe?" *The Irish Times*, September 30, 2009.

<sup>192</sup> "Lisbon Treaty No Vote Delivers Major Shock for Political and Big Business Establishment," Socialist Party statement, June 2008; cf. "Second Time Around," Eurofound, 2009.

<sup>193</sup> Millar, "C oir Anti-Treaty Posters," *Irish Examiner*, 1 September 2009.

establishment was ignoring the decision of the Irish people.<sup>194</sup> This appealed to popular sovereignty and the democratic legitimacy of the second Treaty vote. This argument was regarded by some scholars as the No campaign's residual argument, caused largely by the Yes campaign's ability to neutralise so many other grievances.<sup>195</sup> It was also the appeal least likely to move a recession-anxious electorate while the Yes campaign was urging to weigh jobs and stability in the short term above the process of the vote.

The coalition was also weaker materially. Libertas, the most well-resourced group in the coalition was spent, and Ganley announced that Libertas would not contest the second referendum. The No campaign's total spending, €800,000, was only a portion of the combined Yes spending.<sup>196</sup> The Lisbon II No coalition therefore demonstrates how a campaign caught in the predicament of a depoliticisation storm might react. Its frames had not been refuted so much as pre-empted, leaving it to argue either that the government's answers were fraudulent or that they were empty, or else to retreat to the procedural objection that the question should not have been asked again.

#### **6.4 The Result and the Within-Pair Analysis**

In 2009, 41 of 43 constituencies voted Yes on the Lisbon treaty, with some constituencies such as South Dublin surpassing 80 per cent Yes percentages, and a swing of more than 20 per cent towards the Yes vote overall.<sup>197</sup> The post-referendum evidence suggests that whereas Nice II's reversal came largely through a fifteen-point increase in turnout and former abstainers joining a Yes vote, a change in No voters now choosing Yes drove the successful Lisbon II campaign.<sup>198</sup> The question for the chapter therefore is whether this reflects a change in what voters thought, or a change in how they weighed consistent feelings. The evidence suggests it was the latter.

Analysing the surveys conducted by RED C immediately after each referendum, Marsh and Schwirz first study the factors which resulted in the rejection of Lisbon I: disapproval

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<sup>194</sup> Sinn Féin, "Sinn Féin Launches No to Lisbon Campaign," *An Phoblacht*, 20 August 2009 (McDonald).

<sup>195</sup> Atikcan, "The Puzzle of Double Referendums," 943–47.

<sup>196</sup> O'Driscoll, "It's the Economy," 142–43 (Libertas/Ganley).

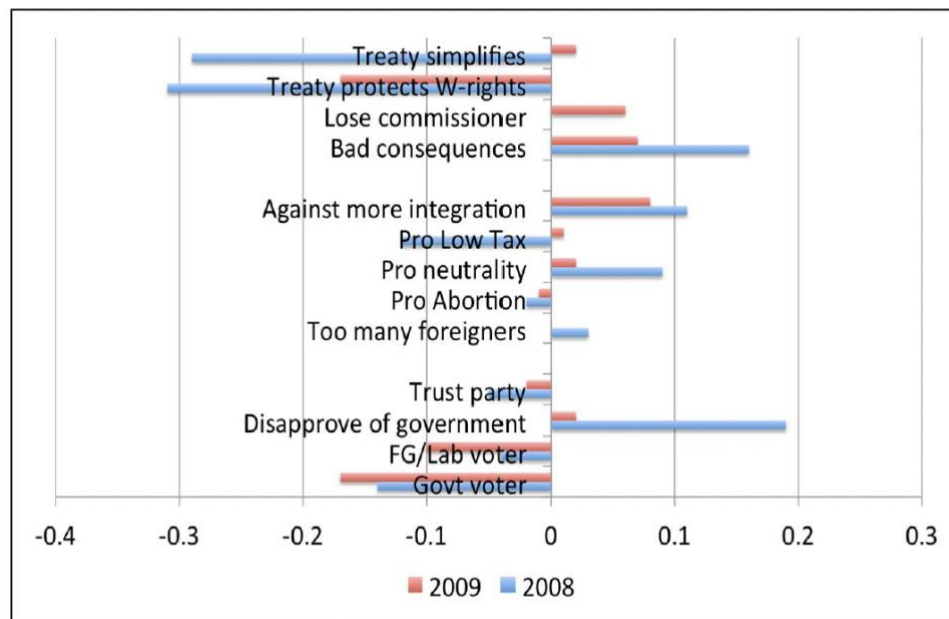
<sup>197</sup> "Second Time Around, Irish Vote Yes for Lisbon," Eurofound, 2009; O'Driscoll, "It's the Economy," 125 (Table 1).

<sup>198</sup> Marsh and Schwirz, *Déjà-vu (again)*, 10.

of the government, general orientations on European integration and neutrality, and a cluster of "bad consequences" perceptions: the Treaty would damage neutrality, raise unemployment, bring abortion closer, diminish Irish influence and threaten the low rate of corporate tax.<sup>199</sup> They then show that the distribution of opinion on these factors barely moved between 2008 and 2009: there was no change in general orientations to the Union or in trust of the parties voters supported, the two visible shifts being a softening of the "bad consequences" perceptions, which favoured the Yes, and a sharp rise in disapproval of the government, which favoured the No.<sup>200</sup> Applying the 2008 model to the 2009 data — holding the relationships fixed and substituting the new distributions predicted a shift of only about four points toward the Yes, against the roughly twenty-two-point movement that occurred.<sup>201</sup>

### **Chart 8**<sup>202</sup>

**Figure 4:** Marginal effects on No vote, 2008 and 2009



<sup>199</sup> Ibid., 18-19.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid., 19.

<sup>202</sup> Ibid., 26.

The reversal therefore lay almost entirely on how certain stable attitudes affected a Yes or No decision. The factors that had driven the 2008 No were, in 2009, much weaker related to vote choice or unrelated to it altogether: the effect of "bad consequences" perceptions fell to less than half its 2008 size, and attitudes to neutrality, significant in 2008, were "not significant at all" in 2009.<sup>203</sup> This is the reweighting the chapter has anticipated, with identity coded issues diminishing in affecting voter decision.

The vote is not second-order in the sense of Reif–Schmitt: whereas disapproval of the government had been a significant partisan driver of the 2008 No vote, in 2009 its effect was statistically insignificant despite a large majority of voters disapproving of a government that had collapsed to historically low approval ratings in the June elections prior. It appears voters heeded the Yes campaign's pleas to separate the Treaty vote from the approval of the government. Diffuse-issue voting was a more defensible analysis of the voting results, with the economic emergency driving the vote to focus on a general orientation to the Union rather than any sentiment towards the government or a single-issue of neutrality or taxation.<sup>204</sup>

The two drivers specific to the campaign that appear to have pushed reweighting were the Guarantees and the increased amount of information that reached voters in 2009. They weakened the "bad consequences" perceptions of the Lisbon treaty, giving voters confidence not to reject the proposal of an unpopular government. Attitude-weighting demonstrated the depoliticisation of identity identified in sections 6.1 and 6.2, but the exogenous economic emergency was arguably more salient than the Guarantees. Polling conducted before the Guarantees were finalised in January 2009 had already shown a near two-to-one Yes lead. Economic recovery became a leading factor in Yes voters' reasoning for their vote, and the relationship between voters' perception of the Union providing economic benefit and a Yes vote, in Marsh and Schwirz's words, were "much, much stronger."<sup>205</sup> This suggests that while the Guarantees helped remove identity-related

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<sup>203</sup> Ibid., 18.

<sup>204</sup> Diffuse-issue voting occurs when voters base their choice on broad attitudes toward European integration or the political direction of the EU itself rather than on specific treaty provisions, campaign issues, or evaluations of incumbent governments. In periods of economic uncertainty, referendum campaigns may become vehicles for expressing general support for or opposition to the European project itself. See Hobolt, *Europe in Question*, 38–42.

<sup>205</sup> Marsh and Schwirz, *Déjà-vu (again)*, 21.

issues from the ballot, the recession supplied a positive reweighting towards Ireland's economic relationship with the Union.

Another observation reinforces this analysis: voters were better informed about the Treaty in 2009, yet its contents mattered less materially to their voting choice.<sup>206</sup> More information did not prove approval as much as render the document less decisive against the weighting of the wider situation, and a belief that the government had secured concessions not previously part of the first round of voting.

Lisbon II shows a dissensus that Lisbon I did not suppress. The government deliberately depoliticised identity concerns through securing guarantees; meanwhile, the recession helped allow for a reweighting of issues that no campaign was able to engineer, raising salience of efficiency and distributional logics which have been historically enabling of deeper economic integration. This pair suggests that in the case of Lisbon II, constraining dissensus proved to be dynamic with activation or suppression of certain frames not only a factor of elite intervention, but also on the external salience of the three logics.

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<sup>206</sup> Ibid., 14.

## **CHAPTER VII: THE DYNAMICS OF CONSTRAINING**

### **DISSENSUS**

Over the course of the four referenda, voters on two occasions – nearly a decade apart – changed their mind on the same treaties. This chapter argues that the reversals were achieved not by changing what voters thought, but by changing which of their considerations decided how they voted, and that this reweighting was the result of an elite technique operating under a distinctive domestic constraint. The cases, taken together, observe constraining dissensus less as a fixed structural phenomenon than a dynamic state whose binding nature can be relaxed (but not dissolved) by manipulating the relative salience of the three logics postfunctionalism describes. It also notices the impacts of exogenous disturbances on voters. Read through this lens, the Irish referenda refine the postfunctionalist account which drives the initial analysis, rather than instantiating it.

#### **7.1 The Reversals as Reweighting, Not Persuasion**

The comparison of reversals can be viewed as reweighting, rather than conversion of voters' beliefs on issues of contestation. Voters were not convinced that their concerns for voting No on the treaties were not important – and in fact the government in both cases secured formal guarantees which demonstrated the actual importance of their concerns. Rather, reweighting shows that an issue – such as neutrality – no longer had a deciding role in a Yes vote or a No vote: a neutrality-hard line voter and a voter less concerned about neutrality might both have voted Yes on Nice II, for example, following the governments' new and reconfirmed adherence to neutrality.

The second rounds did not refute many of the identity-coded arguments – neutrality, sovereignty, the national voice, the integrity of Irish social legislation – but they demoted it to an issue irrelevant to the treaties themselves. The results of voter attitudes on certain topics in Nice II, for example, don't predict the swing that actually occurred. Looking at the vote totals in Nice I and Nice II, substituting the second referendum's distributions of opinion into the first referendum's relationships predicts almost none of the swing, while the weight attached to enlargement roughly doubled and the weight attached to neutrality

fell away. This suggests that the electorate had not changed its mind about neutrality, rather it chose to not let it decide its vote.

This pattern is also present in 2008. Applying the 2008 model to 2009 data predicts a shift of only four percentage points (in comparison to the shift of twenty-two points that actually occurred). The distribution of opinion on significant factors did not change significantly, however the effect of those factors on vote choice became more pointed. Therefore, across the two independent treaty pairs, the reversals can be understood as a change in voters' weighting of their stable attitudinal postures, rather than by a revision of their attitude on topics.

This finding affects the choice between the different frameworks Chapter Two outlines. The second-order account of referenda in the case of those studied above does not hold. A referendum occurring under a government with collapsing favourability should, as the framework holds, move against the government's favoured outcome. Both reruns were held under the condition of falling administration satisfaction (with a 26 per cent drop in government approval between the Nice votes to 33 per cent, and a 14 per cent approval in Lisbon II), yet on both accounts, the vote increased significantly towards Yes. This shows that the vote was not a referendum on the current government. If the vote was issue-based and the distribution of attitudes on issues moved only a marginal amount, then the change in vote should have come from a reweighting of how those attitudes carried voter choice. Reweighting does not compete with an issue-based voting approach but rather demonstrates how issue-based voting can reverse without issues being re-decided by voters.

Issue-voting cannot explain, however, why certain weights moved and others did not. Postfunctionalism offers a better explanation of this. It demonstrates which issues are made more salient in the mass arena, identifying the dimension on which each second-round vote was contested, and how the vote was turned towards Yes on each instance.

## 7.2 Two Pathways to Relaxation

If operating under the assumption that reweighting shifted the vote outcome, then the question becomes what moved voters' weighting on topics. Studying the shift across four different referenda here has great value. Nice and Lisbon offer two different routes to the same outcome. At Nice II, reweighting was – as the evidence suggests – the result of deliberate elite intervention, without other exogenous factors heavily weighing on the campaign according to existing literature.<sup>207</sup> There was no external shock, and pro-integration sentiment recovered to customary levels before the campaign began. The Seville Declaration alongside concrete elite intervention were substantial developments between the two votes.

At Lisbon II, the Guarantees were similarly important in providing a way to lower the salience of identity-related topics. Yet in this case, the exogenous shock of the economic crisis and domestic economic concerns also demonstrably shifted the electorate towards voting Yes on the Lisbon Treaty. The relationship between expecting economic benefit from the Union and voting Yes strengthened markedly during the same time period. Therefore, it can be concluded that the recession also had a reweighting effect on voters, which neither campaign was able to engineer or create.

The economic deterioration and its relationship to Lisbon II has been well studied, but when analysed alongside the Nice treaty, this provides a more concrete understanding of how constraining dissensus might bind or relax.<sup>208</sup> The three postfunctionalist logics are shown to be affected by multiple inputs, whether it is the purposeful intervention of elites or by exogenous factors which lean on any one factor. Therefore, elite agency has an impact on relaxing dissensus, but it is not the only method through which dissensus can be managed. This returns to the question of whether the reversals can reveal a reliable technique to manage treaties in the Irish electorate – and perhaps beyond. They reveal a technique that works, but whose sufficiency is contingent on an environment that is only partially able to be controlled. Therefore, the reversals cannot be credited to elite

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<sup>207</sup> Sinnott, *Second Referendum*, 18–19; Garry, Marsh and Sinnott, "'Second-Order' versus 'Issue-Voting' Effects," 210–11.

<sup>208</sup> Roccu, "The Irish Referendums on the Lisbon Treaty: Did the Recession Save Lisbon?," 81–95; O'Driscoll, "It's the Economy."

management or campaign readjustment alone. Nice demonstrates more clearly how elites can manage and impact the vote outcome, and Lisbon demonstrates that even in cases where exogenous factors can have referendum-deciding impacts, elites still have the possibility to adjunctly affect the levers postfunctionalism describes.

### **7.3 Heresthetics, Depoliticisation, and Arena Shifting**

The process of reweighting also has modern academic grounding in William Riker's study of heresthetics: the art of restructuring situations to turn existing support into a majority.<sup>209</sup> The analysis of the Irish reruns show that there was less of a conversion of the public, but moreso a reshifting in what the referenda were about, and which matters were salient parts of the vote. Heresthetics provides a convincing understanding of the treaty votes: the Yes side prevailed at Nice II and Lisbon II through raising the salience of a dimension on which it commanded a majority while also by lowering the salience of dimensions on which the No campaign had a more convincing account.

Postfunctionalism and heresthetics are complementary, and together they provide a theoretical core of the contribution of this thesis. Postfunctionalism provides a structure through which the cases can be observed. The three irreducible logics help provide the outlay of the dimensions of choice and provide the mass-arena identity-prevalence that has been observed in the treaty cases. Heresthetics meanwhile provides a form of agency for the government and explains the concrete actions taken in between each vote – also important in justifying the decision to hold a second referendum. It is the technique by which elites have been able to alter which of the dimensions decide the outcome. Reweighting measured at the level of the vote returns is the observable trace that this technique leaves behind. This framework demonstrates which dimensions are in play; heresthetics tell us how they are moved; and the survey returns show that they moved.

The specific heresthetic device the Irish elite employed was depoliticisation, or the removal of an issue from the area being debated, rather than resolving the issue on its merits. The Seville Declarations and the Lisbon Guarantees provided this form of

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<sup>209</sup> William H. Riker, *The Art of Political Manipulation* (New Haven: Yale University Press, 1986).

depoliticisation. The manner in which the Irish elites pursued depoliticisation was shaped by domestic constraints, however. The McKenna judgement barred the government from expending public funds on advocacy, and the elite response was therefore to relocate the depoliticisation to a new arena altogether. The concessions were not negotiated before the Irish electorate, but at the European Council, in the interest-group arena of intergovernmental diplomacy. Only after a positive outcome was secured at this elite-level did the Irish go back to the mass arena. This arena shift is in and of itself a recognised mode of depoliticisation, as the displacement of a question to a venue insulated from mass contestation of the public has been increasingly conducted to further integration through intergovernmental channels in order to avoid the mass arena.

This is the case in which this thesis can identify new areas for elaboration. Hooghe and Marks present the movement from permissive consensus to constraining dissensus as a structural and one-directional development.<sup>210</sup> Lisbon and Nice don't contradict this, but add dynamism, showing it is not a fixed quantity of resistance but a variable state. Its binding nature depends on which of the three logics is most salient during the moment a vote takes place. And because this salience can be manipulated heresthetically, dissensus can be relaxed without being resolved. This is further demonstrated through the influence of exogenous events on the prominence of any of the three levers postfunctionalism identifies. The reruns did not alter contestation, but the expression of a certain contestation in the decision of a voter.

Constraining dissensus was therefore on each occasion managed rather than overcome — relaxed along the dimension that mattered for the result and left otherwise in place as a byproduct of the identity-coded mass arena.

#### **7.4 The Research Question**

The above conclusions help formulate a response to the research question. The reversals appear to have been produced by heresthetic reweighting: Irish elite were able to reverse two rejections not by persuading voters to think differently about specific issues within

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<sup>210</sup> Hooghe and Marks, "Postfunctionalist Theory," 8, 21–22.

the treaties but by altering which logics decided how voters decided. They lowered the salience of the identity grievances on which the No campaign had been built and had stronger ground.

The conditions under which constraining dissensus binds or relaxes were therefore related to the salience of the levers in the Irish cases. Dissensus was more binding when identity was the operating logic, as in the unmanaged Nice I and Lisbon I rounds, and relaxing when efficiency or distribution is made or becomes salient. This salience elites can manufacture, but they do not monopolise, as Lisbon II demonstrates. The concessions of the reruns appear to have been convincing instruments of depoliticisation, removing identity-coded grievances from the live debate. The results are visible in the decline of those grievances' weight at the level of the vote.

The Irish cases show that constraining dissensus can be managed, but it is a dynamic and malleable status. First, dissensus is able to be relaxed without being resolved. Second, it depends on the salience environment of which elites can only control in part. Finally, within-case arena shifts are possible – even when constrained in cases such as Ireland's – and can provide complementary pathways to mass-arena approval. That a similar heresthetic logic produced reversals across two treaties, two campaigns and seven years is the best possible evidence that demonstrates this being a genuine mechanism, and not a unique development in either case.

## **CHAPTER VIII: CONCLUSION AND IMPLICATIONS**

The Irish cases offer a look at two of the most recent mass-arena, treaty-level reforms in the European Union. The goal of this thesis was to explain to what extent the Irish elite had the agency to reverse two rejections of European treaties, and to what extent those reversals provide insight into the nature of managing constraining dissensus. The reversals appear, after examination, to have been heresthetic, deactivating the salient identity concerns of the No campaign and finding new venues to circumvent domestic constitutional constraints. Elites did not alter what voters believed but which of the three logics were most salient. The cases appear to show that as aforementioned, constraining dissensus is not a fixed structural state, but one able to be moulded based on both exogenous events and deliberate elite actions.

The implications of these findings are relevant in a Union where the mass arena has become an increasingly utilised venue for integration. A comprehensive empirical study likewise finds that European integration has become politicised across the post-Maastricht decades – although unevenly – and that the salience and the intensity of conflict is widely different across countries and arenas. The rejections of the 2005 Constitutional Treaty and the Euro-crisis post-2010 demonstrate this. This corroborates the findings of this thesis: constraining dissensus can rise and fall according to the salience of logics in play.

Regarding treaty reform, the Irish cases demonstrate that there are concrete, available ways to help manage constraining dissensus in the mass arena, and the mass arena does not pre-determine failure to further integrate. However, they also demonstrate that the ability to manage dissensus is not absolute and can depend on factors of which elite have no control. The economic crisis which pushed for integration could be mimicked further down the line with a scenario – be it defence, sovereignty, or immigration – that would increase the salience of identity-related problems. This helps make sense of the fact that the Union has attempted no major treaty change since Lisbon, preferring intergovernmental channels to the mass arena. Elites appear to have gathered, therefore, that when possible, it is safest to avoid the mass arena.

A major drawback of this thesis is whether these findings can be extrapolated beyond Ireland, as all four referenda studied occur within the state. The Crotty doctrine and McKenna judgement also provide constraints specific to the state and affect the tools and strategy of the government facing the mass arena. Similarly, Ireland has unusually high baseline levels of support for EU membership and a small, open economy. These features are part of why the mechanism identified is successful, rather than incidental to them. Therefore, it is difficult to generalise these findings to other states without further study. While the findings might not be applicable, however, the mechanism is broad and applying it to other cases would yield interesting results: heresthetic reweighting through depoliticisation of a contested area is a logic of elite management not specific to Ireland. However, elites in other states which do not have a constitutional requirement to referend certain topics of integration might pursue approval through other means.

These limitations mark an area for further study: the mechanism identified above could be tested against other cases of repeated or crisis-driven European referenda, from the Danish votes and opt-outs, the non-reruns of French and Dutch rejections in 2005, or others. This would help establish whether reweighting via depoliticisation is a feature of approval, or if it has been specific to Ireland. It would also help explain why some rejections are reversed and put to a second referendum while others are left to stand. Additionally, individual level data would allow the conversion-versus-reweighting ambiguity identified regarding post-vote surveys to be more cleanly resolved than the aggregate vote tallies currently allow.<sup>211</sup>

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<sup>211</sup> Throughout the course of this thesis, AI – specifically Anthropic’s Claude Opus Model – was used in order to refine ideas, better comprehend and apply different theories’ interactions, and identify additional relevant academic papers. Furthermore, it was used on occasion to formulate clearer expression of ideas. Finally, it was used during the editing phase after the thesis’s completion in order to serve as an additional verifier of format, consistency, academic contribution, and theoretical consistency. All ideas and analysis expressed throughout the thesis, however, were the original product of the author.

## **Bibliography**

### **Primary Sources**

Bundesverfassungsgericht [Federal Constitutional Court]. "Act Approving the Treaty of Lisbon Compatible with the Basic Law; Accompanying Law Unconstitutional to the Extent That Legislative Bodies Have Not Been Accorded Sufficient Rights of Participation." Press Release No. 72/2009, 30 June 2009.

<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2009/bvg09-072.html>.

*Crotty v. An Taoiseach* [1987] IR 713. <http://www.bailii.org/ie/cases/IESC/1987/4.html>

*McKenna v. An Taoiseach* (No. 2) [1995] 2 IR 10.

<http://www.bailii.org/ie/cases/IESC/1995/11.html>

Twenty-sixth Amendment of the Constitution Act 2002 (Ireland), inserting Article 29.4.9° of Bunreacht na hÉireann.

<https://www.irishstatutebook.ie/eli/2002/ca/26/enacted/en/html>

Dáil Éireann. *Debates*. "Nice Treaty Referendum: Statements," 2 May 2001.

<https://www.oireachtas.ie/en/debates/debate/dail/2001-05-02/>

Dáil Éireann. *Debates*. "Ceisteanna—Questions: Official Engagements," 8 May 2001.

<https://www.oireachtas.ie/en/debates/debate/dail/2001-05-08/>

Dáil Éireann. *Debates*. Vol. 535, no. 5 (9 May 2001).

<https://www.oireachtas.ie/en/debates/debate/dail/2001-05-09/>

Dáil Éireann. *Debates*. Written Answers, 27 March 2002.

<https://www.oireachtas.ie/en/debates/debate/dail/2001-03-27/>

Dáil Éireann. *Debates*. Vol. 554, no. 1 (4 September 2002).

<https://www.oireachtas.ie/en/debates/debate/dail/2002-09-04/>

Dáil Éireann. *Debates*. Vol. 554, no. 2 (5 September 2002).

<https://www.oireachtas.ie/en/debates/debate/dail/2002-09-05/>

Dáil Éireann. *Debates*. Vol. 685, no. 4 (24 June 2009).

<https://www.oireachtas.ie/en/debates/debate/dail/2009-06-24/>

Houses of the Oireachtas. Joint Committee on European Affairs. *Report on the Treaty of Nice*. Pn. 9987. Dublin: Houses of the Oireachtas, May 2001.

[https://archive.oireachtas.ie/2001/REPORT\\_29052001\\_0.html](https://archive.oireachtas.ie/2001/REPORT_29052001_0.html)

Seanad Éireann. *Debates*. Vol. 166, no. 9 (3 May 2001).

<https://www.oireachtas.ie/en/debates/debate/seanad/2001-05-03/>

European Council. *Presidency Conclusions, Brussels European Council, 11–12 December 2008*. [https://data.consilium.europa.eu/doc/document/ST-17271-](https://data.consilium.europa.eu/doc/document/ST-17271-2008-INIT/en/pdf)

[2008-INIT/en/pdf](https://data.consilium.europa.eu/doc/document/ST-17271-2008-INIT/en/pdf)

European Council. *Presidency Conclusions, Brussels European Council, 18–19 June 2009*. Council doc. 11225/2/09 REV 2. Brussels, 10 July 2009.

<https://data.consilium.europa.eu/doc/document/ST%2011225%202009%20REV%202/EN/pdf>

European Council. *Presidency Conclusions, Seville European Council, 21 and 22 June 2002*. <https://www.consilium.europa.eu/media/20928/72638.pdf>

European Council. *Solemn Declaration on Workers' Rights, Social Policy and Other Issues*. Annexed to the Decision of the Heads of State or Government concerning the Concerns of the Irish People on the Treaty of Lisbon, Brussels, 18–19 June 2009.

EUR-Lex. “Treaty of Nice.” Summary. <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-of-nice.html>.

European Union. “Founding Agreements.” Accessed 11 January 2026. [https://european-union.europa.eu/principles-countries-history/principles-and-values/founding-agreements\\_en](https://european-union.europa.eu/principles-countries-history/principles-and-values/founding-agreements_en).

“Protocol on the Concerns of the Irish People on the Treaty of Lisbon.” *Official Journal of the European Union* L 60 (2 March 2013): 131.

Referendum Commission. *Report on the Referendum on the Twenty-Eighth Amendment of the Constitution Bill 2008*. Dublin: Referendum Commission, 2008.

<https://www.electoralcommission.ie/app/uploads/2023/04/report-on-the-referendum-on-the-lisbon-treaty-2008.pdf>

Referendum Act 1998 (No. 1 of 1998).

<https://www.irishstatutebook.ie/eli/1998/act/1/enacted/en/html>

Referendum Act 2001 (No. 53 of 2001).

<https://www.irishstatutebook.ie/eli/2001/act/53/enacted/en/html>

*Treaty of Nice Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts*. Signed 26 February 2001.

*Official Journal* C 80 (10 March 2001). [https://eur-](https://eur-lex.europa.eu/eli/treaty/nice/sign/eng)

[lex.europa.eu/eli/treaty/nice/sign/eng](https://eur-lex.europa.eu/eli/treaty/nice/sign/eng)

European Commission. *Eurobarometer 56: Public Opinion in the European Union*.

Brussels: European Commission, Directorate-General Press and Communication, April 2002.

European Commission. *Standard Eurobarometer 73: Public Opinion in the European Union — First Results*. Brussels: European Commission, Directorate-General

Communication, August 2010.

Flash Eurobarometer 245. *Post-Referendum Survey in Ireland — Analytical Report*.

Brussels: European Commission Representation in Ireland / The Gallup Organization, 2008.

Flash Eurobarometer 245. *Post-Referendum Survey in Ireland: Preliminary Results*.

Brussels: European Commission / The Gallup Organization, 18 June 2008.

European Parliament. “Turnout.” European Election Results.

<https://results.elections.europa.eu/en/turnout/>.

Gallagher, Michael. “Election Results and Dáil Composition.” Department of Political Science, Trinity College Dublin. Accessed 8 May 2026.

[https://www.tcd.ie/Political\\_Science/about/people/michael\\_gallagher/ElectionsIreland.php](https://www.tcd.ie/Political_Science/about/people/michael_gallagher/ElectionsIreland.php).

Inter-Parliamentary Union. “Ireland: Dáil Éireann — Elections Held in 1997.”

PARLINE database. Accessed 13 March 2026. [http://archive.ipu.org/parline-e/reports/arc/2153\\_97.htm](http://archive.ipu.org/parline-e/reports/arc/2153_97.htm).

National Platform. *The Alternative White Paper on the Treaty of Nice*. 2001.

[https://archive.oireachtas.ie/2001/REPORT\\_29052001\\_0.html](https://archive.oireachtas.ie/2001/REPORT_29052001_0.html)

Sinn Féin. *Nice Treaty Referendum Manifesto 2001*. Accessed via Republican News, 3 May 2001. <https://republicannews.org/archive/2001/May03/03nice.html>.

Sinn Féin. “Sinn Féin Launches No to Lisbon Campaign.” *An Phoblacht*, 20 August 2009. <https://www.anphoblacht.com/contents/20504>

“The Guarantees EU Leaders Agreed.” People’s Movement. [www.people.ie](http://www.people.ie).

“Lisbon Treaty No Vote Delivers Major Shock for Political and Big Business Establishment.” Socialist Party statement, June 2008.

<https://www.socialistparty.org.uk/articles/6167/17-06-2008/lisbon-treaty-no-vote-delivers-major-shock-for-political-and-big-business-establishment/>

Burke-Kennedy, Eoin. “Lisbon ‘Most Important Vote in a Generation’.” *Irish Times*, 8 June 2008. <https://www.irishtimes.com/news/lisbon-most-important-vote-in-a-generation-1.824007>

Cole, Roger. “A Treaty to Advance EU Peace-Building or to Develop a Militarised Europe?” *Irish Times*, 30 September 2009.

<https://www.irishtimes.com/opinion/eu-s-military-ambitions-clear-1.933044>

de Bréadún, Deaglán. “Political Tussle on Planet Nice.” *Irish Times*, 6 June 2001.

<https://www.irishtimes.com/news/political-tussle-on-planet-nice-1.311621>.

Fitzgerald, M. “Team No — Who’s Who, How They Are Funded and Their Strategy.”

*Irish Times*, 15 September 2009. <https://www.irishtimes.com/news/team-yes-who-s-who-how-they-are-funded-and-what-their-strategy-is-1.737453>

- “Greens Fail to Agree on EU Position.” *RTE News*, 21 January 2008.  
<https://www.rte.ie/news/2008/0119/98459-greens/>
- “Labour Party Launches Yes Campaign for Lisbon Treaty.” *Irish Independent*, 11 May 2008. <https://www.independent.ie/irish-news/labour-launches-lisbon-campaign./a/147698451.html>
- Mac Cormaic, Ruadhán. “Foreign Views of Our Lisbon Debate.” *Irish Times*, 7 June 2008. <https://cora.ucc.ie/bitstreams/defaultfa4-85e0-4f11-8380-4b633a6d3603/download>
- Millar, Scott. “Cóir Anti-Treaty Posters ‘Trade on People’s Fears.’” *Irish Examiner*, 1 September 2009. [https://www.irishexaminer.com/maintopics/organisation-youth-defence\\_topic-984017.html](https://www.irishexaminer.com/maintopics/organisation-youth-defence_topic-984017.html)
- Ó Caoláin, Caoimhghín. “Connolly’s Vision Both Feasible and Essential.” *An Phoblacht*, 26 April 2001.  
<https://republicannews.org/archive/2001/May03/03nice.html>.
- O’Brien, Ciara. “Begg Rejects Minimum Wage Claims.” *Irish Examiner*, 28 September 2009. <https://www.irishexaminer.com/business/arid-30426906.html>
- Spinant, Daniela. “Declaration Confirms Ireland’s Neutrality.” *EUobserver*, 21 June 2002. <https://euobserver.com/87960/declaration-confirms-irelands-neutrality/>
- Miller, Vaughne. *The Irish Referendum on the Treaty of Nice*. Research Paper 01/57. London: House of Commons Library, 21 June 2001.  
<https://researchbriefings.files.parliament.uk/documents/RP01-57/RP01-57.pdf>.
- Sinnott, Richard. *Attitudes and Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice*. ISSC Working Paper 2003/18. Dublin: Institute for the Study of Social Change, UCD, 2003.  
<https://www.semanticscholar.org/paper/ATTITUDES-AND-BEHAVIOUR-OF-THE-IRISH-ELECTORATE-IN-Sinnott/fa70bd31f38904d8eca8e741653033457cdc1aa2>

Sinnott, Richard, Johan A. Elkink, Kevin O'Rourke, and James McBride. *Attitudes and Behaviour in the Referendum on the Treaty of Lisbon*. Dublin: UCD Geary Institute, prepared for the Department of Foreign Affairs, March 2009.

<https://www.joselkink.net/files/UCD%20Geary%20Institute%20report%20-%20DFA%20March%202009%20-%20final%20version.pdf>

## Secondary Sources

Atıkcın, Ece Özlem. "The Puzzle of Double Referendums in the European Union."

*JCMS: Journal of Common Market Studies* 53, no. 5 (2015): 937–56.

<https://doi.org/10.1111/jcms.12239>

Barrett, Gavin. "Building a Swiss Chalet in an Irish Legal Landscape? Referendums on European Union Treaties in Ireland and the Impact of Supreme Court Jurisprudence." *European Constitutional Law Review* 5, no. 1 (2009): 32–70.

<https://doi.org/10.1017/S1574019609000327>

Bickerton, Christopher J., Dermot Hodson, and Uwe Puetter. "The New Intergovernmentalism: European Integration in the Post-Maastricht Era." *JCMS: Journal of Common Market Studies* 53, no. 4 (2015): 703–22.

<https://doi.org/10.1111/jcms.12212>

Cahill, Maria. "The Crotty Case and EU Treaty Referendums in Ireland." IACL-AIDC Blog, 7 November 2023. <https://blog-iacl-aidc.org/2023-posts/2023/11/7/the-crotty-case-and-eu-treaty-referendums-in-ireland>.

Cheneval, Francis, and Mónica Ferrín. "Referendums in the European Union: Defective by Birth?" *Journal of Common Market Studies* 56, no. 5 (2018): 1178–1194.

<https://doi.org/10.1111/jcms.12713>

Closa, Carlos. *The Politics of Ratification of EU Treaties*. Routledge Advances in European Politics. London: Routledge, 2013.

<https://doi.org/10.4324/9780203557860>

Del Monte, Micaela. *Referendums on EU Issues*. In-Depth Analysis PE 729.358.

Brussels: European Parliamentary Research Service, 2022.

[https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/729358/EPRS\\_IDA\(2022\)729358\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/729358/EPRS_IDA(2022)729358_EN.pdf)

Deloy, Corinne, and Helen Levy. *Referendum on the Lisbon Treaty in Ireland, 12th June 2008*. European Elections Monitor. Paris: Fondation Robert Schuman, 13

May 2008. <https://www.robert-schuman.eu/en/monitor/852-referendum-on-the-lisbon-treaty-in-ireland-12th-june-2008>

Dinan, Desmond. "Institutions and Governance: Saving the Lisbon Treaty." *Journal of Common Market Studies* 47 (2009): 113. <https://doi.org/10.1111/j.1468-5965.2009.02017.x>

Erskine, Caroline. *Saying Yes: How Ireland Reclaimed Its Future in Europe*. Dublin: Ireland for Europe, 2010.

FitzGibbon, John. "Citizens against Europe? Civil Society and Eurosceptic Protest in Ireland, the United Kingdom and Denmark." *JCMS: Journal of Common Market Studies* 51, no. 1 (2013): 105–21. <https://doi.org/10.1111/j.1468-5965.2012.02302.x>

FitzGibbon, John. "The Second Referendum on the Treaty of Lisbon in Ireland, 2 October 2009." *Representation* 46, no. 2 (2010): 227–39. <https://doi.org/10.1080/00344893.2010.485845>

Franklin, Mark N., Cees van der Eijk, and Michael Marsh. "Referendum Outcomes and Trust in Government: Public Support for Europe in the Wake of Maastricht." *West European Politics* 18, no. 3 (1995): 101–17. <https://doi.org/10.1080/01402389508425093>

Garry, John, Michael Marsh, and Richard Sinnott. "'Second-Order' versus 'Issue-Voting' Effects in EU Referendums: Evidence from the Irish Nice Treaty Referendums." *European Union Politics* 6, no. 2 (2005): 201–21. <https://doi.org/10.1177/1465116505051983>

Gilland, Karin. "Ireland's (First) Referendum on the Treaty of Nice." *JCMS: Journal of Common Market Studies* 40, no. 3 (2002): 527–35. <https://doi.org/10.1111/1468-5965.00368>

Hayward, Katy. "'If at First You Don't Succeed...': The Second Referendum on the Treaty of Nice, 2002." *Irish Political Studies* 18, no. 1 (2003): 120–32. <https://doi.org/10.1080/07907180312331293269>

- Hayward, Katy. "Not a Nice Surprise: An Analysis of the Debate Surrounding the 2001 Referendum on the Treaty of Nice in the Republic of Ireland." *Irish Studies in International Affairs* 13 (2002): 167–86. <https://www.jstor.org/stable/i30001977>
- 
- Hobolt, Sara B. *Europe in Question: Referendums on European Integration*. Oxford: Oxford University Press, 2009.  
<https://doi.org/10.1093/acprof:oso/9780199549948.001.0001>
- Holmes, Michael, and Stephen Quinlan. "The 2001 Referendum on the Treaty of Nice." In *How Ireland Voted 2002*, edited by Michael Gallagher, Michael Marsh, and Paul Mitchell. Basingstoke: Palgrave Macmillan, 2003.
- Hooghe, Liesbet, and Gary Marks. "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus." *British Journal of Political Science* 39, no. 1 (2009): 1–23.  
<https://doi.org/10.1017/S0007123408000409>
- Laffan, Brigid, and Adrian Langan. *Securing a "Yes": From Nice I to Nice II*. Notre Europe Policy Paper No. 13. Paris: Notre Europe, 2005.
- Marsh, Michael, and Laura Schwirz. *Déjà-vu (again): The Lisbon Treaty Referendum in Ireland*. IHS Political Science Series Working Paper 133. Vienna: Institute for Advanced Studies, February 2013. <https://irihs.ihs.ac.at/id/eprint/2188/>
- O'Brennan, John. "Ireland Says No (again): The 12 June 2008 Referendum on the Lisbon Treaty." *Parliamentary Affairs* 62, no. 2 (2009): 258–77.  
<https://doi.org/10.1093/pa/gsp005>
- O'Brennan, John. "Ireland's National Forum on Europe: Elite Deliberation Meets Popular Participation." *Journal of European Integration* 26, no. 2 (2004): 171–89. <https://doi.org/10.1080/0703633042000222376>
- O'Driscoll, Mervyn. "'It's the Economy, Stupid': Changing Irish Minds on the Lisbon Treaty." *Journal of European Integration History* 28, no. 1 (2022): 123–46.  
<https://cora.ucc.ie/items/60898474-df3a-4177-8fcd-5c5161db2e42>

- O'Mahony, Jane. "Ireland's EU Referendum Experience." *Irish Political Studies* 24, no. 4 (2009): 429–46. <https://doi.org/10.1080/07907180903274727>
- Pech, Laurent. "The European Union's Lisbon Treaty: Some Thoughts on the 'Irish Legal Guarantees.'" *EJIL: Talk!*, 2009. <https://www.ejiltalk.org/the-european-unions-lisbon-treaty-some-thoughts-on-the-irish-legal-guarantees/>
- Quinlan, Stephen. "The Lisbon Experience in Ireland: 'No' in 2008 but 'Yes' in 2009 — How and Why?" *Irish Political Studies* 27, no. 1 (2012): 139–53. <https://doi.org/10.1080/07907184.2012.636185>
- Reif, Karlheinz, and Hermann Schmitt. "Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Election Results." *European Journal of Political Research* 8, no. 1 (1980): 3–44. <https://doi.org/10.1111/j.1475-6765.1980.tb00737.x>
- Riker, William H. *The Art of Political Manipulation*. New Haven: Yale University Press, 1986.
- Roccu, Roberto. "The Irish Referendums on the Lisbon Treaty: Did the Recession Save Lisbon?" *Journal of Contemporary European Studies* 20, no. 1 (2012): 81–95. <https://doi.org/10.1080/14782804.2012.656954>
- "Second Time Around, Irish Vote Yes for Lisbon." Eurofound, 2009.
- Sinnott, Richard. *Knowledge of the European Union in Irish Public Opinion: Sources and Implications*. Dublin: Institute for European Affairs, 1995. [https://search.library.nuigalway.ie/permalink/f/rdkcdr/353GAL\\_ALMA\\_DS2152695130003626](https://search.library.nuigalway.ie/permalink/f/rdkcdr/353GAL_ALMA_DS2152695130003626)
- Tonra, Ben. "The 2009 Irish Referendum on the Lisbon Treaty." *Journal of Contemporary European Research* 5, no. 3 (2009): 477. <https://doi.org/10.30950/jcer.v5i3.249>

## Annex 1: No Campaign Rhetoric in Nice Treaty Referenda



**Socialist Worker** inside  
**The battle of Gothenburg**  
French anti-capitalist José Bové interviewed  
— PAGES 6&7

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**NICE TREATY:**  
**They want us to vote till we give the right answer but...**

**NO MEANS NO**

THE political establishment has been hammered over the Nice referendum, it represents a turning point in Irish politics. All the main parties looked up with heads of the masses, big business and farmers to call for a 'no' vote. But they were beaten.

Our editors saw the EU as the force of progress and civilization. But the population believed they were a genuine military power that could quickly use its Rapid Reaction Force to fight "terrorist wars".

All promises in the contract used by Irish politicians to sell off the ERM and the EMS.

And it is increasingly met by the most undemocratic means with people concentrated in the industrial area for legal cases.

The establishment but America they were afraid to open into a real debate. The parties of the vote right were simply without development.

They thought they could reach a road through to a low poll.

The vote also reflected the main gap that is existing between our values and the majority of the population.

The vote of corporate interests have exposed their moral bankruptcy.

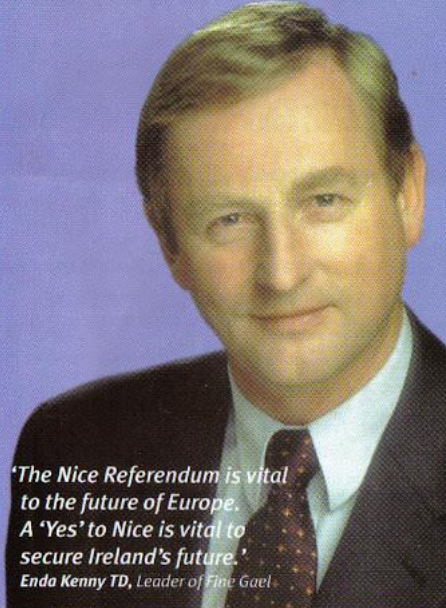
The vote against Nice was a sign that a revolution is brewing.

## Annex 2: Yes Campaign Rhetoric in Nice Treaty Referenda

GUIDE TO THE NICE REFERENDUM

# Yes.

Secure your future.



*'The Nice Referendum is vital to the future of Europe. A 'Yes' to Nice is vital to secure Ireland's future.'*  
Enda Kenny TD, Leader of Fine Gael

**fine gael** ★

## Yes. To secure Ireland's future.

**Yes** to the Nice Treaty will secure Ireland's future.

**Yes** will continue to give Ireland a good deal. Our membership of the European Union has given us better transport, better hospitals and better schools.

**Yes** will extend better employment rights. This will bring candidate countries into line with European industrial norms and prevent unfair competition.

**Yes** will allow more small countries to join the EU, countries with whom Ireland can ally itself to pursue mutual interests and further common aims.

**Yes** will mean a strong voice for small countries. With Nice, Ireland will have twice the voting strength per head in the European Parliament and five times the strength per head in the Council of Ministers as Germany.

## Yes.

## What No might mean for Ireland...

**NO** is Ireland's door into the dark. **NO** would create a crisis of confidence in the European Union, the outcome of which no-one can predict.

**NO** would hamper Ireland's ability to effect change in the EU. Because of the stance we would have taken, we would no longer have a powerful say in decisions that will affect life and living in Ireland.

**NO** would endanger existing and future foreign investment in Ireland and threaten Irish jobs.

**NO** would undermine our position as the preferred US investment location in Europe, damaging our competitiveness and diminishing our valuable EU credentials. It would also seriously weaken our credibility on major European issues.

### **Remember:**

*YES for Nice is a YES for Ireland - not for the Government.*

## Yes. For a strong economy.

**Yes** to the Nice Treaty will mean a strong economy for Ireland.

**Yes** will give 10 new countries EU membership, increasing our potential export market by more than 100 million consumers.

**Yes** will mean more companies investing in Ireland, employing more people and opening up new markets for our products, driving prices down and ensuring better goods and services.

**Yes** will give poorer countries a chance. They will have the opportunities we had to work and live in their own country.

## Yes.

## Yes. For new opportunities.

**Yes** to the Nice Treaty will mean new opportunities for Ireland.

**Yes** will mean we can travel, work and study in 10 more countries, while spending our euro there without pay exchange fees.

**Yes** will ensure greater equality in Ireland. It means that workers, women and people living with disability will continue to benefit from European directives covering everything from access and pay to maternity leave.

**Yes** will mean real equality between member states. Every country, large and small, will have exactly the same right to an EU Commissioner, for the first time.

## Yes.

**Annex 3: No Campaign Rhetoric in Lisbon Referenda**



**Annex 4: Yes Campaign Rhetoric in Lisbon Referenda**

