

Why there is (also) No Domestic Public Opinion on Europe: Three Case-Studies from The Netherlands

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Abstract

Much debate about the ‘democratic deficit’ of the European Union focuses on the absence of a European public. As long as such a European public is not present, the brunt of the democratic control of EU decision-making will have to be carried at the national level of the member states where well-established publics can keep their politicians in check. This paper challenges the assumption that, at least, at the national level there are effective publics to control EU decision-making. Our argument takes off from the classical distinction of Herbert Blumer between ‘public opinion’ and (mere) ‘mass opinion’. While a genuine public opinion may be well established on domestic politics, there are structural impediments for it to develop on EU politics. Indeed, for each of the factors that are crucial in structuring public opinion on domestic politics – parliament, parties, interest groups and the media – different research literatures suggest that they experience significant obstacles in performing the same democratic functions when it comes to EU issues. To demonstrate how these factors conspire to frustrate the emergence of public opinion on European integration issues, this paper analyses the handling of three major recent EU dossiers in The Netherlands: the Constitutional Treaty, the opening of accession negotiations with Turkey, and the Services Directive. It shows how in many respects the domestic public’s opinion on EU issues remains fickle, unstructured and unpredictable, displaying more the characteristics of mass opinion than of a public opinion that can inform democratic decision-making.

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Introduction

Much debate about the ‘democratic deficit’ of the European Union focuses on the absence of a European public. Without an integrated and coherent public, democratic politics simply lacks a referent. Public opinion provides democratic politics with input of issues and interests that need to be addressed. It operates as a sounding board to test whether proposals for decision-making may count on support. Ultimately, politicians are accountable to public opinion; they can address it to justify their decisions but also to explain mistakes that they have made. A single, integrated pan-European public opinion remains a farfetched ideal as, for the moment, there is very little of a genuine EU public sphere, even if domestic public spheres (and with them, presumably, public opinion) can be shown to move increasingly in tandem with each other (Giesen and Risse 1999; Diez Medrano 2003). As Holzacker and Albæk (2007: 15) assert: “the opinion formation process within European societies appear to have remained overwhelmingly dominated by national processes”.

If we accept the unlikelihood of the emergence of a pan-European public opinion for the foreseeable future, then the national level remains the main context for process of public elaboration and legitimation of EU decision-making. This may set limitations to what can be done and achieved at the European level. However, the assumption is that one may expect that European issues can be accommodated by domestic public opinion as it does so also for other political issues on the domestic scene

This paper challenges this assumption. Instead, we argue that European issues badly fit the mechanisms that normally facilitate the development of public opinion and that hence, also at the national level, effective publics to control EU decision-making are absent. In important respects, this assertion agrees with Schmidt’s (2005: 761) analysis of “a national democratic deficit, which is more serious regarding questions of political legitimacy than the democratic deficit at the EU level”. However, whereas Schmidt emphasizes problems of institutional fit between the national and the European level, our analysis focuses on the failure of institutional factors to trigger opinion formation when it comes to European integration issues. Furthermore, while Schmidt’s analysis looks comparatively at four big member states (Germany, France, Britain, and Italy), we focus on the case of the Netherlands and explore the way three EU issues were received: the Constitutional Treaty, the opening of the accession negotiations with Turkey and the Services Directive.

The structure of the paper is as follows. The next section lays out the theoretical framework. First, the concept of public opinion is laid by invoking the classical distinction by Herbert Blumer between public opinion and mass opinion. Then the roles of parliament, parties, interest groups and the media in public opinion formation are reviewed, as well as the problems they encounter in fulfilling these roles when it comes to issues related to European integration. Sections 2-4 are the empirical sections organized around the three case studies and section 5 concludes.

1. The Nature of Public Opinion and its Preconditions

Herbert Blumer (1966: 46) has sought to reserve the term public for “a group of people (*a*) who are confronted by an issue, (*b*) who are divided in their ideas as to how to meet the issue, and (*c*) who engage in discussion over the issue”. For Blumer this definition of the public served to demarcate public opinion from ‘mass opinion’ (Blumer, 1966; Wright Mills, 1956: 303/4; see Price, 1992 for an excellent overview). Mass opinion is constituted by the aggregate of all disconnected individual opinions towards a certain object. In contrast, public opinion assumes the opinions involved to be connected to each other by a certain underlying logic or structure. The opinions that constitute public opinion do not emerge out of the blue, but are constituted in the course of a collective process embodied in the public sphere.

The distinction between public opinion and mass opinion is crucial for our understanding of modern democratic decision-making. Mass opinion stands in an unmediated relation to political decision-making. Under these conditions the political initiative is left to politicians, and opinion formation comes down to each individual deciding for her- or himself whether to respond to these decisions and to do so in an affirmative or opposing manner. Without any overarching structure or coordination, mass opinion is thus bound to have only a limited impact on political decision-making. In turn, indifference and frustration are as likely responses to political decisions as support.

Only when opinions are (to some degree) structured at the collective level, can they, as a commonly constituted public opinion, fulfil a guiding function for democratic policy-making. In the context of a properly constituted public opinion, politics faces an already well-structured array of demands and division lines. Short of determining what politicians must do, public opinion provides a frame of reference in which they can locate their options. Their task is to respond to public opinion by formulating a decision. In the process of doing so, the able politician may succeed in reconciling division lines or in shifting people’s preferences. In the context of a public opinion, individual opinions appear much less as an instinctive, gut reaction, but are open to argument and revision.

Following up on Blumer’s approach, three features can be identified to distinguish public opinion from mass opinion. Crucial is that individual opinions that are part of public opinion are not of a completely random, ‘freak’, nature. Instead they are assumed to be grounded. This suggests a certain degree of stability in individual opinions in that the opinion held one day is not completely unconnected to the opinion held yesterday. A second feature is that the variation among individual opinions constituting a public opinion can be made sense of in terms of certain patterns. Thus we expect certain opinions to be correlated to certain characteristics (age, gender, social-economic position, education, value orientation etc.) of the individuals who hold them. A third feature can be derived from combining these two features, namely that individual opinions that constitute a public opinion react in harmony (rather than randomly) to external shocks. This does not require them to react in exactly the same way, but it does presuppose that effects of certain shocks can be traced systematically within groups of similar opinions and between them.

Following this logic, the leading hypotheses in this article is that domestic opinions on European integration issues remain fickle, unstructured and unpredictable, displaying more the characteristics of mass opinion than of a genuine public opinion that can inform democratic decision-making. Before moving to the empirical analysis, we first turn to the causes that are conducive to the emergence of public opinion and the reasons why these fail to operate when it comes to European integration issues.

Historical accounts have underlined how public opinion only came to emerge within a certain societal infrastructure (Habermas, 1962). Major preconditions were the development of a public sphere outside of the direct control of the state and technical innovations, in particular the emergence of (daily) press, that facilitated the much more extensive and quicker exchange of opinions. These conditions led to the emergence of a civil society in which individuals freely associated with each other and a wide range of associations took shape. These societal developments went hand in hand with the emergence of modern liberal politics organized on the basis of general elections and ever better-organized political parties. In this context public opinion could develop and be sustained.

To be more concrete, focusing on the main actors mentioned, the following elements appear particularly favourable for public opinion:

- A. *Parliament* that controls and scrutinizes government.
- B. *Political parties* that can pick up on the distribution of citizen preferences and organize them along major division lines.
- C. *Interest groups* that are able to pick up on issues that risk being ignored by the political parties.
- D. A *media* environment that stimulates opinion formation in a timely and adequate way.

Of course, in practice, public opinion never develops fully freely in a perfect environment. It generally faces constraints and pressures that distort or manipulate it. Typical threats to public opinion are posed by socioeconomic inequalities, commercialization, and political controls over the media. Still, we generally assume the overall societal infrastructure of democratic institutions, political parties, civil society and free media to sustain a public opinion that can inform democratic decision-making.

If the general societal conditions in European states thus allow public opinion to develop on the main issues of domestic politics, it is much less evident that these conditions also effectively apply when it comes to European issues in the domestic context. In fact, previous research has brought to light structural impediments in performing the same role for European integration issues for each of the elements of the social infrastructure conducive to public opinion formation: parliament, parties, interest groups and the media. We can shortly review these findings for each of the four institutions mentioned.

Parliament

Within the societal infrastructure that facilitates public opinion, parliament claims a primary position as what may be called public opinion's first interlocutor. Public opinion forms and reforms itself following the decisions taken, the stances expressed and the lines of division taking shape in parliament. As is widely agreed in the literature, "European integration has meant an increase in executive power and a decrease in national parliamentary control" (Follesdal & Hix, 2006). This loss of national parliamentary control is easily explained when we recognize that European integration engages national executives in a two-level game with on the one hand the international negotiations and on the other hand their engagement with parliament (Putnam 1988; Moravcsik, 1994).

The two-level game implies that executives find their actions at one level constrained by their involvement at the other: their international bargaining position is constrained by their national constituency, but in turn the international constellation also conditions what they can justify at home. However, as executives are the only actors having access to both levels, they can turn these constraints into bargaining advantages. In particular, executives can refer to limited room for manoeuvre at the international level to excuse itself from heeding parliament. As regards internationally agreed policies,

parliament's role is basically reduced to attaching its stamp of approval or reaching for the extreme measure of the emergency brake. This role leaves little point for the development and articulation of alternative lines of action. Thus, international cooperation not merely reduces parliament's *de facto* powers, but stifles its role as the central forum for political debate (Moravcsik, 1994).

The conversion of parliament's role as an arena in which conflicting views on what is to be done are exchanged and developed to one of simply accepting or rejecting international agreements entered into by the government, has direct effects for public opinion formation. First of all, in many respects the shift of power towards the executive affects public opinion in a similar way as it does parliament (cf. Moravcsik, 1994: 4); public opinion's role becomes more reactive and the scope for raising relevant positions more restricted. Secondly, public opinion suffers to the extent that it relies on the structuring role being played by parliament. If parliament's engagement with EU issues is limited and if whatever engagement takes place is merely cast in parliament versus government terms rather than allowing for the articulation of a broad range of positions, there is little that public opinion can derive from this.

Political Parties

Political parties play a crucial role with respect to public opinion. They serve to develop and articulate a diversity of views, they aggregate views on various issues by developing ideologies and programs, and – taken together in the political party system – they provide a structure for political contestation. Historically, national party systems in Europe have generally come to be organized along a left-right axis, ranging from the socialist insistence on the need for reallocation if justice is to be done to the conservative creed that the free exchange of goods will naturally lead to a just allocation of resources (Lipset and Rokkan, 1967). The dominance of the left-right dimension within European party systems requires for new issues to be accommodated within the party structure that they can in some way be mapped upon it.

While this may work well for many issues within the domestic sphere, research shows that the issue of European integration fits very badly on the left-right axis. Indeed voter preferences on European integration appear to be completely unrelated (or orthogonal) to the left-right dimension: whether somebody is ideologically inclined to the left or the right of the political spectrum leaves her stand towards European integration completely open (van der Eijk and Franklin, 2004). However, when it comes to the parties that are supposed to represent these citizens, only a very limited set of combinations options is being offered. Most parties in the ideological centre tend to adopt rather Eurosupportive stances, while Euroscepticism is concentrated among anti-establishment parties on either the left or right extreme of the ideological spectrum (Taggart, 1998).

At the same time, it is also clear that parties' positions towards European integration are not necessarily of one mind; their positions towards Europe often vary from one policy domain to the other. Most notably, as Marks, Hooghe and Wilson (2004) point out, right wing parties tend to support European integration above all when it involves measures of economic, market-liberalising, integration as they were particularly prominent in the late eighties and early nineties. In turn, the EU can count on left-wing support when it involves political measures that seek to reassert regulative capacity at the European level that has come under pressure domestically (e.g. social policy and environmental issues).

Political parties thus have problems with fitting European policies into the traditional domestic political framework, while they also find their electorate divided on the issue of Europe. Thus, as van der Eijk and Franklin (2004) conclude, there are structural incentives for established parties to downplay the issue of European integration on the political agenda. As long as they succeed in doing so, the EU is bound to remain a ‘sleeping giant’ in the domestic politics of the member states. This explains why European integration has hardly led to the emergence of new political parties or new political cleavages (Mair, 2000).

Interest groups

Interest groups constitute another set of actors that is generally taken to fulfil mediating functions between the people and the political process, like representing societal interests, offering opportunities for participation, raising awareness of political and societal issues, setting the public and political agenda and monitoring and influencing public policies (Berry 1989: p. 6). Research has highlighted how interest groups have responded to European integration by developing their channels of influence towards the EU institutions (Greenwood, 2003) and how they strategize in choosing between the different channels of influence available to them (Bouwen 2004, Richardson 2007). In fact, European actors, most notably the European Commission, are actively engaged in involving interest groups in the European policy-making process (cf. Commission, 2001).

However, while interest groups have become widely engaged in the processes of EU policy development, they display far less activity in communicating their Brussels’ experiences back home in the domestic realm. Greenwood observes that the interests following the ‘Brussels strategy’ are often operating in a system resembling an ‘insider’s town’ (Greenwood 2003). Similarly, Warleigh (2001) is very sceptical about NGO’s potential for socialising citizens into EU politics as he finds that grassroots’ members have very little awareness of NGO’s activities in EU policy-making and interest group officers indeed feel little pressed to engage them.

While EU expertise and engagement have become concentrated in federative offices in Brussels, direct interaction with the grassroots constituencies remains maintained by the member organizations. Member organisations’ engagement with EU actions consists mostly in supplying resources and thus is mostly indirect. Thus, as Greenwood asserts: “[w]ith all interest areas, the overwhelming predominance of confederated structures among interest associations means that there always will be limitation to the degree to which they can be agents of political socialization, because they lack direct links to grass roots members” (Greenwood 2003: 272). As EU actions have been ‘outsourced’ to the Brussels’ federations, the focus of attention and publicity in the interaction between national interest groups and their membership remains with domestic issues and actions.

In short, as much as interest group consultation in the EU policy-making process is premised on them representing certain constituencies, there is a huge gulf between the Brussels-based policy offices and the nationally-based constituencies.

The Media

The media have always figured prominently in accounts of how democratic politics is linked to public opinion. As citizens do not have direct access to decision-making processes, it is the function of the media to make actors, issues and policies visible. Thus, as a stepping-stone for citizens’ political engagement, the media fulfil an essential crucial precondition for the legitimation of political decisions

(de Vreese 2003). At the same time, by serving as an outlet for citizens' concerns, the media provide information for policy makers. The question is whether the media also fulfil these functions with regard to European policy.

There are few Europe-wide media, and those that exist only reach small audiences, as European 'specialist outlets' such as *European Voice* are almost exclusively read by "the Brussels policy making circuit and its interpreters" (Greenwood 2003: 271). For this reason, the national media remain crucial in communicating EU politics to the public. Obviously, however, EU politics is not their prime concern, even though with the evolution of European integration media coverage of EU politics has steadily increased (Peter, Semetko and de Vreese 2003).

At the same time, the rise of EU news has forced media, most notably newspapers, to reconsider the traditional distinction between domestic and foreign news. Not only is this distinction reflected in separate news sections, it also reflects different journalistic approaches. Domestic news is generally covered in a more extensive way, both quantitatively and qualitatively, including background analysis and editorial comments. In contrast, in foreign news reporting, the transmission of information, prevails. While EU politics originally came under foreign news, it increasingly straddles the distinction, especially when it directly interferes with domestic politics (which is relatively rare however, for the reasons surveyed above).

However, a genuine 'domestication' of EU news is prevented by the nature of EU politics itself. For one, given its relatively recent development, the structures of EU politics lack familiarity among the public. This problem is amplified by the opaque nature of the European decision-making process. As European political issues are mainly dealt with behind closed doors, or intentionally depoliticized to protect fragile compromises, this creates little incentives for media attention (Meyer 1999). Furthermore, it is hard to find political actors that are (willing to be) responsible for a certain EU policy, which hampers the personalization of political debate. As a consequence, EU politics falls short in respect of crucial news values which media use to report on political events: visible conflict and persons ('fights and faces'). Also taking into account the commercial interests of the media to maximize audience size, European Union decision-making processes "are not compatible with the demands for a rapidly delivered and preferably controversial news" (De Vreese 2001: 301).

Thus, instead of compensating for the relative lack of attention in domestic politics for EU issues, the media rather tend to reinforce it (cf. Trenz 2006). In and of themselves, they are unable to structure news stories that suffer from opacity and a shortage of 'attractive' political characters and conflict. Instead media coverage of EU issues remains limited and disengaged, thus providing only limited cues to the public.

Summing Up

The established literature thus gives ample reason to expect factors that are normally conducive to public opinion formation to be inoperative when it comes to European integration issues:

- A. *Parliament's* position is weakened vis-à-vis the government and government can actually exploit international negotiations to shift initiative away from parliament.
- B. *Political parties* have difficulties in coping with the European issues, which deviate from traditional domestic subjects. As a result they do not provide citizens with choices on European issues.

C. *Interest groups* have successfully established Brussels-based umbrella organizations to engage with EU policy-making, little of which however trickles back again to their nationally-based constituencies.

D. *Media* coverage of European issues remains limited and whatever is offered reinforces the ‘foreign’ image of EU issues.

Each of these findings relies on a different literature within the discipline of EU studies. Our theoretical framework thus basically consists in linking these different literatures and demonstrating how they, taken together, conspire to frustrate the emergence of public opinion on European integration issues. In the analysis below we will treat each of these findings as hypotheses and explore whether they actually apply to the treatment of three major EU dossiers in the Netherlands. To the extent that they do apply, we are led to expect public opinion on the issue involved to remain fickle (unstable), to lack structure, and to be unpredictable.

The cases analyzed below concern the reception in the Netherlands of three major EU dossiers from the period 2002-2006. The first case concerns the decision-making on the European Constitutional Treaty. As important as this case may be, it is of course of an exceptional nature as it involves a revision of the constitutional rules of the European game. Also the second case is of an exceptional nature as it involves an issue of enlargement, the opening of EU accession negotiations with Turkey (2004). Finally, the third case involves an issue of ‘normal’ EU decision-making, even if it probably ranks as the most high profile dossier to emerge from Brussels in the period under study: the Service Directive (2002-2006). Given their prominence, these cases qualify as most likely cases for lending evidence for the formation of a domestic public opinion on European integration issues. In other words, if we find opinion formation to be hampered on these issues, this is probably even worse when it comes to other, less prominent EU issues.

At the same time, the three issues appeal to rather different ideological cleavages. While the Services Directive can be expected to map well on the traditional left-right axis, the Constitutional Treaty rather appeals to a pro- versus anti-integration cleavage and the Turkish accession negotiation appeal more broadly to a nationalist versus cosmopolitan opposition. This variation allows us to check whether the ability of institutional factors to facilitate public opinion formation is conditioned by the nature of the EU issues.

2. The EU Constitutional Treaty

On agreeing the Treaty of Nice in December 2000 the EU Heads of State added a ‘Declaration on the future of the Union’ that envisaged “a deeper and wider debate about the future of the European Union”. Conform this Declaration, the European Council of December of 2001 adopted the Declaration of Laeken, which involved a list of more than fifty questions that might contribute to the overall objectives of making the European Union more democratic, transparent and efficient. Also the Laeken Declaration established a European Convention to explore possible answers to these questions and to thus pave the way for intergovernmental negotiations on a new Treaty.

After meeting for one-and-a half years, the Convention presented its conclusions in the form of a draft Constitutional Treaty for the EU that would completely overhaul the existing treaties. Subsequently an Intergovernmental Conference was held to reach formal agreement among the member states on the proposed Treaty changes. Even if some issues turned out to be more contentious than might have been anticipated and some notable changes were inserted, the general structure as well

as the general orientation of the Convention's draft was maintained. The EU governments concluded the negotiations in June 2004 and subsequently all Heads of Government signed the new Constitutional Treaty in Rome on 29 October.

Like all Treaties, the Constitutional Treaty then entered a round of ratification. Most member states opted for parliamentary ratification, which proceeded steadily. In ten member states a popular referendum was announced. In spring 2005, after the first referendum in Spain had delivered a 'yes', the referenda in France and the Netherlands yielded a 'no'. Even if subsequently Luxembourg came out in favour of the Constitutional Treaty, the ratification process was shored up.

A. Parliament's control over the Government's position

The negotiations on the Constitutional Treaty took place under three different Dutch governments. The Convention was started under the second 'purple' cabinet led by Prime Minister Wim Kok. In May 2002 his coalition was voted out of power and Christian-Democrat Jan-Peter Balkenende superseded Kok presiding over a coalition of the Christian-Democrat CDA with the Liberal-Conservative VVD and the newly entering List Pim Fortuyn. However, this coalition came to an early end and the second Balkenende-cabinet entered office in May 2003 with Democrats '66 taking the place vacated by the List Pim Fortuyn.

Despite the domestic political turbulence, there was a high degree of continuity in the positions of the various governments. The Kok government initially adopted a distinctively lukewarm stance towards the whole debate about the future of the European Union. However, in the run-up to the Laeken Declaration, the government adopted a rather federalist position with some notable reservations, like a strong emphasis on the principle of subsidiarity and an insistence that what the EU needed was "not a definitive blueprint, but a clear direction" (Minister for Foreign Affairs, 2001). This position met with little contestation in the Dutch Parliament (TK 28005, nr. 14), which rather focused on some specific concerns about the structure of the Convention. Outside of parliament, Jan-Peter Balkenende, then leader of the opposition, took the government to task for giving in too much to the scepticism of the Liberal-Conservative VVD (Balkenende in NRC, 14-12-2001).

However, when in 2002 Balkenende became Prime Minister himself, his government adopted a line remarkably similar to that of his predecessor, highlighting if anything a slightly larger number of reservations. Again the majority in Parliament basically endorsed the, still broadly, federalist orientation of the government. The debate tended to concentrate on the issues on which the government expressed its reservations: the status of the EU Rights Charter, the values of the Union, the contested proposal of a permanent European Council President, and the CFSP (TK Handelingen 2002-2003, nr. 49: pp. 3237-3265). Now it was Labour MP Frans Timmermans who speaking from the opposition would take the government to task for its reservations.

The single big parliamentary debate on the Convention's work took place in a joint meeting of the parliamentary committees involved on 10 June (TK 28 473: nrs. 158e/33), just one day before the Convention entered its last round of protracted negotiations on the basic parts of its draft Constitutional Treaty. In this debate, the government saw its position undermined from various sides. First, a marginal EU-oriented majority (including governing parties CDA and D66, but not the VVD) overturned the government defence of the maintenance of national vetoes on selected EU competences. Most embarrassingly, a parliamentary majority, involving the parliamentary factions of CDA, VVD and the more Eurosceptic parties, insisted that the Commission was to include one voting

member of each member state, thus double-crossing the government's carefully crafted federalist position on reducing the size of the Commission to make it more effective. Still, coming as late in the negotiations as they did, these amendments had little to no impact on the Convention outcome, which was to include a reduced Commission. After the IGC, the government was happy to embrace the eventual Constitutional Treaty as it came out and in doing so it could count on the agreement of a wide majority in Parliament (TK 21 501-20 en 29 213, nr. 252).

B. Cleavages between parties

The parliamentary debates on the Convention's work demonstrated the absence of a single dominant cleavage on the Constitutional Treaty. Generally, the factions from the parties in government tended to adopt a more nuanced stance towards the government, whereas speakers from opposition factions would make a more critical assessment of the strategy followed. The main divide that could be discerned ran between more Eurosupportive factions insisting on the strengthening of the European Parliament and the Commission and more Eurosceptic parties that rather sought to secure national controls. At the Eurosceptic extreme, the left-wing Socialist Party and the right-wing List Pim Fortuyn formed a minority coalition advocating a moratorium on the transfer of policy competences from the national level to the EU. They were joined by the VVD and the protestant parties CU and SGP in advocating the preservation of national vetoes on key policies. At the other extreme, the left-wing parties GroenLinks, D66 and, to a slightly lesser extent, the Labour Party adopted a far more supranational perspective. In the middle the CDA played a pivotal role. This became particularly apparent when the CDA first brought the Eurosupportive coalition to a majority in endorsing the generalisation of qualified majority voting in the Council and full involvement of the EP in Union legislation, and then deserted to the more Eurosceptic coalition in opposing a motion advocating qualified majority voting on the specific issue of the Multiannual financial perspectives. Also on the composition of the Commission, the CDA joined the more Eurosceptic camp

Not only did the pro-anti integration cleavage shift, it was also far from comprehensive as also other division lines came to the fore. Thus the Socialist Party would join fellow-progressives D66 and GroenLinks in seeking to increase EP-control and ECJ oversight. Another notable cleavage within parliament concerned the desirability to insert a reference to the Judeo-Christian tradition in the Constitutional Treaty. On this issue, the Christian parties (plus the LPF) saw themselves defeated by the majority of secular factions in parliament.

Arguably, the issue that divided parliament most did not concern the substance of the Constitutional Treaty, but the question whether or not, once signed, the Treaty should be subject to a referendum in the Netherlands. Notably, the initiative to have a referendum on the Constitutional Treaty came from a progressive coalition of the parliamentary factions of the Greens and the Labour Party together with the governing D'66. The main government partner CDA and the smaller Christian parties CU and SGP strongly opposed any referendum initiative on principle. Eventually, it was the hesitantly given support of the VVD that helped the referendum initiative to a parliamentary majority.

The referendum forced all political parties to choose sides. The three government parties (CDA, VVD and D'66) that had been formally involved in the negotiation and the signing of the Treaty were naturally committed to endorse the Yes-side. They were joined by the Labour party and the Greens. As these factions added up to 127 of the 150 seats in Parliament, there was little doubt about what the outcome would have been if parliamentary ratification would have sufficed. However,

political parties on the Yes-side were generally reluctant to invest their limited personal and campaign resources on the referendum campaign. Government parties CDA and VVD displayed their reservations towards the very instrument of a referendum, while pro-ratification parties in the opposition were inclined to leave the initiative to the government, realizing they had little to gain by taking the lead (Giebels, Kalse & Versteegh, in NRC 06-04-2005).

The parties on the No-side (the Socialist Party, the CU, the SGP, the List Pim Fortuyn and Geert Wilders) were not directly more successful in forming a single block (cf. Lucardie, 2005). However, they did show much more unequivocal commitment in entering the campaign. They also started their rally for the No-vote much earlier. This applied in particular to the Socialist Party, which has a reputation for its extra-parliamentary actions and adapted quickly to this type of campaign. Thus, a big but half-hearted and divided Yes-camp faced a smaller but committed No-camp.

To resume, even if a pro- and anti-European integration cleavage could be discerned, Dutch political parties operated in shifting coalitions during the drafting of the EU Constitutional Treaty. When the referendum forced the parties to choose sides, the larger mainstream parties supported the Treaty, while the much smaller Eurosceptic parties advocated the no-vote. With the latter, however, being much more active in engaging the voters.

C. Interest group engagement

Many civil society organisations did monitor the Convention debate on issues that might touch on their concerns. Generally, these concerns would involve rather specific, policy-related parts of the Constitutional Treaty. Few organisations really adopted a more general stance on the Constitutional Treaty. One notable exception to this was the Dutch business association VNO-NCW, which insisted on the importance of an effective institutional framework to ensure the well functioning of the internal market and for that reason strongly endorsed the government's emphasis on the role of the Commission. On the other hand, the unions, in the Netherlands most prominently represented by the FNV, closely monitored the work in the Convention working groups on economic policy and social policy. As the Convention steered clear of all too much ideological polarisation, the unions, while recognising the generic changes proposed in the objectives of the Union, would express their dissatisfaction over the very modest changes adopted in social and economic policy (cf. Roozmond in NRC, 11-6-2003).

Together, business and unions (and social-economic experts appointed by the Crown) countersigned two advisory opinions of the Dutch Social Economic Council (SER) on the Constitutional Treaty to the government. The first report (SER, 2003/01) endorsed the federalist line pursued by the government, and underlined the importance of reinforcing the use of the subsidiarity principle. In the second report, the SER (2003/09) reiterated its call for additional safeguards to secure that EU legislation would observe the principles of subsidiarity and proportionality. Furthermore, part of the SER favoured the introduction of qualified majority voting on the multi-annual perspectives, which was vehemently rejected by the government.

Beyond the Dutch domestic debate, most of the more prominent Dutch NGOs would be associated with an EU-wide umbrella organisation (cf. van den Berg, 2006: 84ff.). Obviously, the extent to which Dutch NGOs actually could bear upon the influence exerted by the European NGO-federations varied from one to another. In general, though, the NGO representatives would take the lead given their distinctive experience with and insight in the minutiae of the negotiations.

Ultimately, while most of the established civil society organisations tended to support ratification of the Constitutional Treaty (cf. van den Berg, 2006: Ch. 4), few, if any, of them considered this issue important enough to launch a substantial campaign (cf. Lucardie, 2005: 115). Many would argue that it was up to the government to take the lead before they would start moving themselves. Typically, the FNV, the main labour union, while acknowledging that the Constitutional Treaty constituted “a step forward” with regard to the rights of workers, refrained from giving a vote instruction to its members.

D. Media Coverage

Dutch media seem to have had genuine problems in finding appropriate angles to report on the debates around the Constitutional Treaty. Obviously, many issues were involved, with most of them being of a rather technical nature. Naturally, the press obliged to the landmark moments in the European debates on the Constitutional Treaty. However, coverage would intensify and become much more engaged when the debates on the Constitutional Treaty would touch directly upon Dutch politics.

Newspapers did pick up on the future of the EU debate that developed mid-2000 following the speech by Joschka Fischer on the future of Europe. However, without much engagement of Dutch politicians, the coverage mostly involved reports on interventions by foreign politicians. When in 2001 the Kok government published its views on the future of Europe, its substance was duly noted. However, most media attention was dedicated to the presumed split between the Liberal-Conservative and the Social-Democrat members in government (Trouw, 9/6/2001; NRC 11/6/2001; Volkskrant 11/6/2001; De Telegraaf 12/6/2001).

Dutch media duly followed the European Convention through its course, but it never became a real headline story. Early 2002 the opening of the Convention was widely covered, with the quality press dedicating several articles to the event and providing background analyses. The next half year, coverage was limited, to pick up again in autumn when the Dutch government unveiled its strategy in cooperation with the Benelux partners. While the more popular press would limit itself to reporting the major moment, the quality press extended its coverage by focusing on issues where the Dutch position was at odds with that defended by others countries, most notably the Dutch opposition against the proposal of a permanent European Council President. When the Convention reached its final round of negotiations in spring 2004, media attention rose to unprecedented levels. Quality newspaper *NRC Handelsblad* covered the final debates in the Convention with more than 50 articles in June 2003. In contrast, Holland’s most popular newspaper *De Telegraaf*, limited itself to eight articles on the Convention that month.

Only when it became a domestic issue with the referendum on 1 June 2005, did the Constitutional Treaty hit the headlines. In the month preceding the referendum, *De Telegraaf* dedicated more than 100 articles to it and *NRC Handelsblad* even more than 200. As Kleinnijenhuis, Takens & Van Attevelt (2005) point out, only a minor part of the media coverage regarded the substantive changes proposed by the Constitutional Treaty. Much attention was given to general EU issues, like the Euro, Enlargement and the internal market. Above all, however, the media focussed on the running of the campaign and the performance of the politicians involved (Kleinnijenhuis, Takens & Van Atteveldt, 2005: 139ff). In particular, much attention was given to the ‘Yes’-side spearheaded by the government that suffered from campaigning problems, internal disagreements and admissions of EU problems. Desperate moves of proponents of the Yes-side to respond to this media-portrayal

and to the increasingly discouraging polls only served to reinforce their negative image. Notably the most convincing media intervention on the Yes-side probably came from German Foreign Minister Joschka Fischer in the news-show *Buitenhof* (22-05-2000).

To sum up, Dutch media coverage of the Constitutional Treaty would flare up due to persons and conflict, preferably *Dutch* persons and conflict. In important respects media attention of the Constitutional Treaty was thus a function of Dutch political engagement. However, for most of the process few Dutch politicians lent themselves as protagonists of the Constitutional Treaty. Also media attention was not helped by the rather consensual stance that the majority of Parliament adopted on the Constitutional Treaty with divisions focussing mostly on secondary issues. However, all this changed when it came to the referendum. At that point the Constitutional Treaty became a domestic issue, with clear division lines and clear proponents on both sides. Notably, however, rather than focussing on the issues at stake, media coverage became above all dedicated to the politics of the campaign.

E. Public opinion

If the Eurobarometer is taken as an index of public opinion, then there would have been few EU member states in which the Constitutional Treaty should have been better received than in the Netherlands. Dutch support for European integration has generally been registered as high, even if by the early 21st century this support displayed a somewhat declining trend (cf. Thomassen, 2005). In fact, in spring 2000 the Dutch top all other member states with 88% answering affirmatively to the question “Should the EU have a Constitution?” against 4% answering that it should not (Eurobarometer 2000: 37).

In a poll in November 2003, shortly after the conclusion of the Convention, the Dutch came out as most widely aware of the European Constitution. Also in terms of support for the draft Constitutional Treaty they still ranked among the top of all member states (Eurobarometer 2003: p. 15). Notably, the Dutch endorsing the Constitutional Treaty tended to do so for reasons of an efficient functioning of the institutions, while the opponents feared a loss of national sovereignty (Eurobarometer 2003: 22, 28).

These figures gave little reason to expect that the Dutch would eventually reject the Constitutional Treaty on 1 June 2005 by a broad majority of 61.5%. The 4.7 million ‘No’-votes (at an unexpectedly high turnout of 63%) were cast by people from all across society. The social division that displays the most unequivocal correlation with the No-vote was the level of education: while around 75% of those who had enjoyed no more than lower education turned against the Constitutional Treaty, the two camps more or less balanced each other among those who had enjoyed higher education (peil.nl, 1-6-2005; Eurobarometer, 2005b). Also individuals from high-income households were more likely to vote in favour of the Constitutional Treaty. Still, the figures suggest that opposition against the Constitutional Treaty reached well into the middle classes (peil.nl, 1-6-2005; Aarts and Van der Kolk, 2005: 186).

Whilst the main political parties had campaigned in favour of ratification, their followers were deeply divided (Eurobarometer, 2005b). The government parties turned out to be unsuccessful in persuading their voters of the party line and also the pro-Constitution opposition parties PvdA and GroenLinks saw their electorate deeply split. Most dramatic was the case of the PvdA that saw more than 60% of its voters defect to the No-camp. In contrast, among followers of the smaller parties that campaigned against the Constitutional Treaty, the No-vote polled well above 90%.

As for the motivation to vote 'No', opinion polls suggest that the result was neither a vote against EU membership nor a vote against the specific contents of the Constitutional Treaty. In fact, voters generally indicated little interest in the institutional issues that featured prominently in the text (Aarts & van der Kolk, 2006). No-votes were connected to particular EU issues, like the widely disputed introduction of the Euro and, to a lesser extent, EU enlargement. Still, in the end, for many the No-vote appears to be motivated by a more diffuse sentiment. As Aarts and Van der Kolk (2006: 246) put it: "many Dutch continue to support European integration, but the form it has assumed is disliked. The perceived costs are too high and the benefits too low".

The one consistent finding of polls of Dutch public opinion on the Constitutional Treaty is that many did not yet have an opinion and felt that they were poorly informed on the issue (Aarts & van der Kolk, 2005: Ch. 8). The Eurobarometer Post-referendum survey suggests that almost a third of the Dutch electorate only made its mind up in the final week or even on the final day itself (Eurobarometer, 2005b). Moreover, the Dutch showed themselves very dissatisfied with the campaign with two-thirds of them finding that debates on the Constitutional Treaty had started too late and 56% feeling that they failed to have all the necessary information by the time they had to cast their vote.

To sum up, despite the lengthy negotiations on the Constitutional Treaty, its rejection by the Dutch public seems to have had little to do with a well-informed opinion on its substance. Indeed, the basic notions of deepening, democratising and constitutionalising EU cooperation might in principle well be welcomed by large segments of the Dutch population. Yet, when the Constitutional Treaty was put before them in a referendum, the majority of the electorate eventually turned against it. Behind this No-vote diffuse anxieties about the course of European cooperation, may be discerned. However, the fact that most of the electorate only made up its mind rather late in the campaign and felt ill-informed about the Constitutional Treaty indicates that earlier, more and better information might have made a difference. In fact, this might not have been a matter of earlier and better campaigning, but rather reflect on the limited public information and engagement throughout the making of the Constitutional Treaty. Thus the very lack of visibility and engagement left the Constitutional Treaty exposed to an uncertain public that eventually turned against it.

3. Opening Accession Negotiations with Turkey

After keeping Turkey on the waiting list for at least four decades, the EU granted it the official status of candidate member in 1999. The 2002 Copenhagen European Council then concluded that the European Council in December 2004 would decide to open the accession negotiations if Turkey would fulfil the Copenhagen Criteria. Accession negotiations were eventually started on 3 October 2005.

The process leading up to the start of the accession negotiations was anything but easy. Up to the final day before the opening of the negotiations, it remained uncertain whether the EU foreign ministers were able to come to an agreement. In particular, Austrian Minister of foreign affairs Plassnik consistently opposed a possible Turkish accession, advocating a looser association without the explicit perspective of full EU membership instead. However, as the Turkish Prime-Minister stated, such a 'privileged partnership' option was out of the question, and 'Turkey would not accept anything except full EU membership' (Turkish Press Review, September 2005). After intense bilateral negotiations, the 25 EU member-states eventually agreed upon the text of a 'negotiating framework', consisting of the ground rules for the negotiation process between the EU and Turkey. Yet, while such a negotiation process usually leads to an offer of full membership, with respect to Turkey it is

explicitly stated that ‘these negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand’ (Negotiation Framework for Turkey 2005: p.1).

A. *Parliament’s control over the Government’s position*

The Dutch second Balkenende cabinet has been an important advocate of Turkey’s EU-membership. In fact, during the European Council of December 2004 – when under the Dutch Presidency agreement was reached upon the conditions to open the accession negotiations with Turkey in the next year – Dutch Prime Minister Balkenende and Minister Bot of Foreign Affairs both played an important mediating role. In line with the recommendations of the European Commission, the Dutch government consistently declared that if Turkey would meet the Copenhagen criteria, it would have no objections to start the accession talks.

However, Balkenende faced some serious problems with getting his cabinet to speak with one voice, as the ministers were heavily divided on the Turkish issue (Wynia, in *Elsevier* 22-01-2005). The main supporter of Turkey’s EU-membership was Minister Bot, who had been ambassador in Ankara from 1986 to 1989 and retained strong ties with the country (ESI Report 2006: p. 3). However, other members of the Dutch cabinet were inclined to oppose a Turkish accession. Some Christian-Democratic ministers felt that the accession of such a big Islamic country as Turkey was inconsistent with the European Christian heritage (*Volkskrant*, 21-12-2004). Alternatively, various ministers of the Liberal-Conservative VVD were critical of Turkish accession for economic reasons, as they feared huge migration flows from Turkey to the current EU member-states and high costs for the richer EU member-states (ibid.).

Within the Christian Democratic Party (CDA), Balkenende had to take away the principal concerns about Turkish Islamic tradition. Thus, in a speech to the EP, he stated: “We must not allow ourselves to be guided by fear, e.g. of Islam. Raising barriers to any particular religion does not fit in with Europe’s shared values” (Speech Balkenende to EP, 21 July 2004: p.6). In addition, the Dutch government followed up on practical concerns about Turkey’s fulfilment of the political and economic criteria by emphatically supporting the Commission proposals for additional criteria to be applied to Turkey, regarding for instance transition periods with respect to some policy-areas (TK 23987, nr. 41).

The first debate within the Dutch Parliament explicitly dealing with the accession of Turkey only took place in November 2004 (TK, 21ste Vergadering). Notably, much of the parliamentary debate focused on the question of whether Turkey could in principle join the EU, a question that was of little relevance in the light of the forthcoming European Council’s assessment whether Turkey met the Copenhagen criteria. In this debate the internal divisions of the parties in government clearly emerged, with only D66 consistently supporting Turkey’s EU membership. Thus, much of the debate on the decision to start the negotiations with Turkey took place *within* each of the mainstream political parties and less *between* political parties. Nevertheless, in the end all main political parties agreed upon these conditions under which negotiations could be started, providing the Dutch cabinet with a clear mandate for the December 2004 summit.

As the December summit approached, the divisions within the Dutch cabinet were restrained, and a consensual agreement was reached on the conditions under which the Dutch cabinet was willing to support the start of the negotiations with Turkey. In a letter to the Dutch Parliament, the cabinet stated that it followed the Turkey-Report of the Commission, adding that the negotiations would take a long time and that a date for accession would by no means be set nor guaranteed (TK 29800 V, nr. 61).

Whereas this position was much more moderate than Bot had advocated, it was considered as a position on which consensus could be reached within Dutch politics and by which the Dutch Presidency was able to reach agreement among the European leaders (Wynia, in *Elsevier* 22-01-2005).

B. Cleavages between parties

Regarding the stances of the different political parties, the parliamentary fraction of the CDA remained critical about Turkey's progress on policy areas as human rights, respect for (religious) minorities and democratization. In November 2004, member of the CDA parliamentary fraction Van Dijk stated that whereas the fraction of the CDA did not have any principal objections against Turkey's EU-membership, it would oppose the intention of the Dutch government to start negotiations with Turkey as the time was not right for such a big step forward (TK, 21ste Vergadering, p. 1219). However, after the 'triumph' that party prominents Balkenende and Bot had accomplished during the December summit, it seemed no longer appropriate for the parliamentary fraction of the Christian Democrats to not openly commit to the position taken on by the Dutch EU-Presidency. Hence, whereas the parliamentary fraction regretted that the Dutch delegation made little efforts to push for the additional political criteria that were advocated by the fraction, the fraction openly complimented and congratulated the Dutch government with its European 'success' (NRC 2004).

Also, the other main party in government, the VVD, was also clearly divided on the Turkish issue. Whereas State Secretary of European Affairs Nicolaï consistently supported Turkey's EU membership, and played an important mediating role during the December European Council, some of his colleagues in both the cabinet and the Parliamentary fraction were not convinced and pointed to the high costs that Turkey's membership would bring about (*Trouw* 03-09-2004). In fact, in September 2004, the Turkish issue was one of the main reasons for MP Wilders to leave the fraction, as he refused to support the pro-attitude of his party-associates. Fraction leader Van Aartsen clearly moved away from the anti-Turkey sentiments, stating that his party did not have any principled objections against Turkey's EU membership (NRC 10-09-2004).

In contrast to the main governing parties, the parties in opposition did take on a clear and consistent position on Turkey's EU membership. The parties on the left, the Socialist Party (SP), GroenLinks and the Dutch Labour Party (PvdA), were clear supporters of a Turkish EU accession, arguing that Turkey should be firmly assisted in achieving the Copenhagen criteria (TK, 21ste Vergadering). In contrast, religious considerations led the smaller conservative parties, the ChristenUnie and the Reformist Party (SGP), to consistently rejected Turkey's EU membership. In addition, the LPF argued that the Turkish Islamic religion would enhance the insecurity in the region and eventually in the EU (TK, 21ste Vergadering, p. 1233). However, the most prominent opponent of Turkey's bid for EU membership has been Geert Wilders, who created his own political party ('GroepWilders', later 'Partij voor de Vrijheid') after having left the VVD faction. Wilders consistently stated that Turkey is too big, too poor and too Muslim, and not even geographically and historically belonging to Europe (TK 30309, nr. 6).

C. Interest groups

Dutch interest groups have largely shunned the issue of Turkish EU accession. Business organization VNO-NCW endorsed Turkish EU accession for the economic benefits it is supposed to bring, but underlined the importance of Turkey meeting the political and economical criteria and of gaining

public support (e.g. vno-ncw.nl, 08-04-2004). While the European umbrella labour organisation ETUC largely seems to share this position (etuc.org, 04-10-05), Dutch unions refrained from taking up a strong position with regard to the issue. The SER (2004/12) provided an advice on the economic implications of accession, and concluded that from a socio-economic perspective, there would be no serious objections to a Turkish accession if Turkey would implement the necessary reforms. It is nevertheless questionable if this advice contributed to public support for the accession of Turkey. Apart from socio-economic interests, the Dutch office of Amnesty International monitors the fulfilment of the political criteria with regard to the Turkish human rights situation, observing that this situation is still a cause for concern (Amnesty International, 2004). However, all things considered, societal engagement through interest organisations with regard to the Turkish accession issue has remained marginal.

D. Media Coverage

Newspaper analysis displays a gradual increase in attention to the Turkish issue over 2004. The first peak in attention was in September. In that month Geert Wilders left the parliamentary faction of the VVD because of divisions over Turkey's possible EU-Membership. After September, attention to EU enlargement with Turkey dropped. However, in December attention to the possible Turkish EU accession increased considerably, which is of course due to the European summit that was held in that month.

The Dutch media appeared to be a rather neutral towards the Turkish debate. From the 162 articles that were published in December 2004 and which explicitly deal with the relationship between Turkey and the European Union, around 60% can be considered as neutral, highlighting the state of affairs of the Turkish issue, without explicitly presenting the issue in a certain frame and without referring to a value judgement in terms of good and bad. In addition, of the 40% of the articles that did contain a certain idea on Turkey's EU membership, the majority was predominantly negatively framed, focussing on Turkey's perceived lack of progress on the political Copenhagen criteria, the perceived cultural and religious differences between Turkey and the EU and the perceived economic and institutional implications of a Turkish EU accession. In addition, positive value-judgements in terms of economic or geo-political benefits that were emphasized by many Dutch politicians remained rather absent in the media debate on Turkey.

At the same time, many articles highlight the divisions within the Dutch government and coalition parties. For example, the *NRC* of 16 October 2004 headed 'Issue of Turkey divides cabinet'. However, after the December summit the papers were considerable supportive of the Dutch government and its role during the EU-presidency. Some newspaper articles even applauded the diplomatic skills of the Dutch EU-Presidency, as for example the *Telegraaf* of 18 December 2004 (p.9) headed: 'Turkish EU-agreement thanks to Balkenende'.

To conclude, whereas the media appeared to be rather factual, there was no clear structured debate, in the sense that all the arguments and counterarguments with respect to Turkey's EU-Membership were systematically confronted. Notably, in highlighting religious and human rights issues, the media's emphasis significantly departed from that of the political debate.

E. Public opinion

Whereas the Dutch government adopted a rather supportive position towards Turkey during the European Council in December 2004, it is remarkable that the agreement to open the negotiations with Turkey encountered considerable objections among the Dutch public. According to Eurobarometer public opinion polls, only 39% of the Dutch respondents were fully in favour of a Turkish accession to the EU, whereas 53% said to be against (Eurobarometer 2005a, cf. Thomassen 2005: p. 64). According to opinion polls by De Hond (peil.nl 29-09/03-10/05-10-2005), support for Turkey's EU-membership was highest among voters of D66 and GroenLinks. In addition, besides voters of Wilders and the LPF, the PvdA, VVD and CDA voters appeared mostly critical towards the possible Turkish accession. These findings can be considered as striking, as the political debate within both the VVD and the CDA was geared towards a positive position on Turkey's EU-membership.

In the spring of 2005 an in-depth analysis was conducted on citizens' perceptions of a possible Turkish accession (Standard EB 63). The main concerns of the Dutch respondents were related to Turkey's fulfilment of the political and economic Copenhagen criteria. Over 90% of the respondents agreed that Turkey must improve its human rights situation, and more than 80% agreed that the country must improve the state of its economy. In addition, economic concerns appeared to be widespread, and the Dutch respondents did not seem convinced by the limitations on the free movement of labour from Turkey that were imposed at the request of the Dutch government, as 60% of them expressed concerns about increasing immigration.

It should be noted that public support for Turkey's possible EU-Membership still appeared to be much higher than in other European member states. Nevertheless, the Dutch political parties in general did not appear to be very responsive towards their electorates with respect to the Turkish accession issue. Whereas the main political parties in the Dutch political arena turned out to be supportive of Turkey's EU-Membership, the electorates of these parties appeared to be much more critical towards the Turkish issue. In addition, whereas some of the Dutch public concerns were – pressured by the Dutch EU-Presidency – taken up by the October Commission Report, the emphasis within the Dutch political arena was consistently put on the necessity to reach agreement in December 2004 and on the reputation of the Dutch EU Presidency. In this way, a public debate on the issue of Turkish EU accession remained underdeveloped.

4. The Services Directive

With the Directive on Services in the Internal Market the European Commission aimed to liberalize the internal services market. While the European internal goods market has steadily evolved, multiple obstacles still hamper the free movement of services. In consideration of the Lisbon 2000-objective of making the EU the most competitive and dynamic knowledge-based economy in the world, the free movement of services received attention once more. Although there already existed several directives for particular service sectors, the Services Directive would have a horizontal character, meaning that it would cover all but some specifically excluded services markets.

The initial proposal for this 'Bolkestein Directive', dubbed after the former European Internal Market Commissioner Frits Bolkestein, was presented in January 2004 and caused widespread societal response in several European member states as France, Belgium and Sweden. The most targeted feature of the Directive was the 'country of origin principle' which allowed the temporary service provision by a foreign worker in another EU member state under the labour law of the worker's

country of origin. The fear existed that this principle would facilitate unfair competition and ‘social dumping’ by allowing (notably Eastern European) workers to evade domestic wage levels and labour regulations. Another worry was that the Directive would lead to the liberalization of ‘services of general interest’ such as education and health care.

Governments of member states as France and Germany shared parts of these concerns. Furthermore, a majority against the original proposal was formed in the European Parliament, which had an important role given that the topic was dealt with under the co-decision procedure. In the EP’s first reading in February 2006 the initial proposal was subject to a large number of far-reaching amendments, including the removal of the country of origin principle. The Commission and later the Competitiveness Council re-entered some of the original articles. However, despite their preference for a far-reaching Directive, the Commission and the pro-Directive member states, eventually agreed to a watered-down version of the original Bolkestein Directive. On November 16, 2006 the EP adopted this Services Directive in the second reading.

A. Parliament’s control over the Government’s position

The responsible member of government for dealing with the Services Directive in the Netherlands was Minister of Economic Affairs Laurens-Jan Brinkhorst of the Liberal Democratic party (D66). He warmly supported the Services Directive’s aims, even if he had some concerns about certain features of the initial draft (TK 2004: 21501-30, Nr. 59). As the draft Directive raised questions among various parties in the Dutch parliament, a request was made for an advice from the Social and Economic Council (SER). Presented in July 2005, the SER advice revealed several (legal) ambiguities in the draft, but was on the whole relatively positive about the aims and calculated effects of the Directive (SER 2005/07). The government concurred with the advice report, as did the coalition parties in the parliament: CDA (Christian Democrats), VVD (Liberals) and D’66. The left-wing opposition parties in parliament PvdA (Labour), GroenLinks (Green Party) and SP (Socialist Party) focused on the critical recommendations of the SER advice.

After the presentation of the SER advice, a parliamentary majority supported the generally pro-Directive line of the Dutch government. This majority consisted of the coalition parties, while the largest part of the opposition was rather silent about the issue, or in any case did not publicly contest the draft Directive. Only the SP consistently and fervently opposed the draft and amended versions of the Directive. However, on the whole, the Dutch parliament played a rather passive role with regard to the Directive; its involvement with the issue was largely limited to reacting to the governmental position, personified by pro-Directive minister Brinkhorst.

Thus, although the Parliament expressed concerns at the outset, a parliamentary majority adhering to the governmental position formed soon after the SER advice. The opposition did not fiercely dispute the pro-Directive attitude of minister Brinkhorst, while only the SP diverged from the passive parliamentary posture.

B. Cleavages between parties

As we have observed, the Dutch pro-Directive position has eventually been shaped by the support of the coalition parties and the passive role of most of the opposition parties. Only the SP clearly opposed the draft Directive, using a left-wing economical discourse. SP Member of Parliament Arda Gerkens for instance stated that the draft Directive would lead to social dumping and a ‘market jungle’ (TK

2004: 21501-30, Nr. 68). The other left-wing parties (PvdA and GroenLinks) took up critical positions before and after the presentation of the SER advice, but were never as outspokenly negative as the SP and did not oppose the creation of a Services Directive in the first place. In comparison with the critical stance of the PvdA fraction in the European Parliament (which is part of the socialist PSE party group) the PvdA was much milder on the national level. Whereas the national fraction argued that some modifications in the amended EP proposal went further than necessary (TK 2006: 21501-30, Nr. 144), PSE MEP Ieke van den Burg was one of the proponents of the EP-amendments. Previously, she had published her objections to the initial draft in a highly critical booklet named 'the Bolkesteinbubble', written with SP-member Roeline Knottnerus (Van den Burg and Knottnerus 2005).

As the Directive was only drafted in January 2004, the Directive logically played no role in the campaign for the Dutch Parliamentary elections of 2003. However, the Directive was also not an issue in the election campaigns for the European elections in June 2004. Also at a later stage, no attention was given to the Directive in the campaigns related to the Dutch referendum on the Constitutional Treaty in June 2005. In contrast, during the French referendum campaign the Services Directive was a much-debated issue (e.g. *Volkscrant* 22-03-2005, *Financieele Dagblad* 06-04-2005). In the Netherlands, however, it can be concluded that on neither occasion Dutch political parties provided the means for voters to distinguish the parties on the particular Services Directive subject.

It seems that the SER advice was a central source of the political parties to base their position on. Also, the political parties generally did not engage their voters with regard to the Directive. Again, the SP was the most active party in this respect. Several SP politicians, for instance MEP Kartika Liotard, repeatedly wrote several critical opinion articles about the negative social effects of the Directive in the national newspapers (*Volkscrant* 06-12-2004 and *Financieele Dagblad* 15-04-2005 and 19-07-2006).

Hence, although parties in the Dutch parliament positioned themselves quite consistently with their economical orientation, the left-wing parties, with the exception of the SP, did not fiercely oppose the draft Directive. Moreover, the parties did not play out their stances on this topic in the European election campaign, nor in the campaign for the referendum on the Constitutional Treaty.

C. Interest group engagement

While business organizations had clear views on the Services directive, they did not fervently communicate their positions to an audience beyond their constituencies. The main business association in the Netherlands, VNO-NCW, generally supported the initial draft Directive and emphasized the positive economical effects of the liberalization of the services market, while rejecting some of the concerns raised (vno-ncw.nl, 22-10-2004). The MKB, representing small and medium-sized enterprises, adopted a more reserved stance and expressed worries concerning certain legal ambiguities (mkb.nl, 18-03-2005). In the end, the MKB proved to be rather pleased with the amended proposal of February 2006 (mkb.nl, 16-02-2006).

The FNV, the largest labour representative, expressed concern about the initial draft Directive (fnv.nl 27-01-2005). Still, the Dutch labour organizations took up a much less radical stance against the Directive than the European umbrella organization ETUC. Notably, the Dutch unions were the only labour organizations in the EU to reach a consensus with the employers in the SER, leading to the relatively positive Services Directive advice. This consensus more or less implied that the labour organizations were bound to the SER compromise and could not openly criticize the Directive for

other reasons than those stated in the SER advice report. Nevertheless, to some extent the FNV later departed from the consensus by encouraging people to join the international labour demonstration against the Directive in Brussels, March 19, 2005 and by declaring its satisfaction with the amendments made to the original proposal.

Other interest organizations largely refrained from engaging their constituencies, or were at least not able to translate their opposition to a large public. Typical for the Dutch consociative 'polder model', labour unions and employers reached a compromise based on expert knowledge rather than political debate. It is thus questionable whether the position of the labour organizations stemmed primarily from the stance of their constituencies.

D. Media Coverage

In the months after the presentation of the initial proposal hardly any article about the Directive appeared in the Dutch newspapers. News coverage on the Directive was only to peak in March and April 2005, due to the division in the Competitiveness Council, the labour demonstrations in Brussels and the presentation of the draft SER advice. However, in a large share of the articles in this month the Directive is only mentioned in relation with the French referendum on the Constitutional Treaty in May 2005. A second peak in newspaper attention emerged in February and March, because of the proposed amendments by the EP and the revised Commission proposal. Still, even in these peak-months the Services Directive did not become daily news and it is important to note that most of the articles about the issue appeared in the economically specialized and not widely distributed *Het Financieele Dagblad* ('The Financial Daily'). Hence, the general attention to the Directive in the newspapers, and most likely in the media as a whole, was quite low.

Even if newspapers did publish several op-ed pieces on the Directive by politicians and interest organization officials, the media are unlikely to have stirred public opinion on the Services Directive. Media coverage simply remained too marginal to familiarize a wide public with the subject. Another factor contributing to this was the reactive nature of the news coverage. Apart from the absence of news about the presentation of the first draft, most articles appeared *after* decisions in the Council or Parliament had been taken. Also, the coverage mainly focused on the European level of decision making, which reinforced the impression that the Services Directive was a 'foreign' policy that Dutch parliamentarians could only criticize, not modify. Finally, the lack of media attention can also be considered as a reflection of the absence of a political debate. Without politicians and other societal actors providing the 'fights and faces' with regard to this issue, the media were not stimulated to report about the issue.

Summing up, apart from two peak moments in which the Services Directive was still no daily news, the media attention with regard to the Directive has been marginal. Also, media attention had a reactive character and focused more on the European than on the Dutch level of decision-making.

E. Public opinion

Although at the time of the Directive's decision-making process support for European integration in the Netherlands lay above the EU average, the transfer of employment to member states with low production costs did come out as the largest fear of citizens with regard to European integration (Eurobarometer 2004, 2005a,c). Other opinion figures related to the opening of EU borders to Eastern European workers confirm the anxieties of most of the Dutch on this issue (peil.nl, 07-02-2005). These

statistics may be an indication of a potential critical stance of citizens towards the Directive, which has predominantly by its critics, been associated with the transfer of jobs away from the Dutch workers.

In a study concerning public opinion towards the EU initiated by the Dutch government (*Nederland in Europa*, 'The Netherlands in Europe'), 64% of the respondents was against or tended to be against the Directive, 22% was in favour or tended to be in favour, while 13% had no opinion (NiE 2006: 70).¹ Remarkable is the fact that respondents who voted for the pro-Directive parties CDA, VVD and D'66 generally responded negatively as well (ibid: 156). These respondents were only slightly less negative about the Directive than respondents favouring more Directive-sceptic parties. Further, although lower educated and Eurosceptic respondents were generally more critical about the Directive, the large majority of the higher educated and more Europhile respondents also responded quite negatively (ibid: 119, 137-8). Thus, although there are some observable patterns in the respondents' answers, the answers in this research are not strongly structured along societal cleavage lines. What is more, the position of many respondents was inconsistent with the opinion of their favoured political party.

However, given the absence of a public debate about the Services Directive it can be questioned whether we can speak of a genuine 'public opinion' at all. The processing of the Services Directive in the Netherlands was confined within a sphere of experts. Although, arguably, the SER trajectory resulted in a balanced and constructive advice, it did certainly not improve citizens' opinion formation with regard to the issue.

5. Conclusion

One might read the result of the Dutch referendum on the EU Constitutional Treaty as a clear signal of Dutch public opinion against European integration. However, on a closer look the 'No' appears to have been targeted less against the specific contents of the Constitutional Treaty than at the general direction of European integration and the anxieties that it stirs up. What is more, many indicated that they felt insufficiently informed about the issue. Thus, however clear the outcome of the referendum and however consistent its structure throughout the electorate, electorate's opinion on the Constitutional Treaty remained fickle and unpredictable.

The Dutch electorate was never asked about accession negotiations with Turkey or about the Services directive. In fact, had referendums been held on these issues, they would probably have come out negatively as they would have appealed to the same anxieties (arguably even more directly) as the referendum on the Constitutional Treaty. A referendum on opening accession talks with Turkey would probably have appealed most directly to citizens' sentiments. In fact, on this issue some political division lines could be registered. Notably, however, the issue was considerably shifted in the media coverage that it received and it never really came to a structured debate. As for the Services Directive, due to the technocratic way in which it was handled in Dutch politics, it triggered little to none societal engagement. Thus opinion formation on the issue never really moved beyond instinctive fears of labour migration.

¹ It should be noted that the validity of these figures is quite questionable, given the sketchy phrasing of the question.

Table 1 Public opinion formation on EU issues in the Netherlands

	Constitutional Treaty	Turkish accession talks	Services directive
Parliament	Government lead based on broad parliamentary consensus apart from some isolated skirmishes.	Although initially divided, Government adopted a positive stance towards negotiations, supported by a clear parliamentary majority.	Despite initial reservations, after the positive SER advice a large parliamentary majority came to endorse the pro-Directive position of minister Brinkhorst.
Political Parties	Shifting lines of engagement in Parliament. The referendum forced polarization and citizens' involvement.	Coalition parties eventually suppressed internal divisions to support the government stance. Opposition was left to the smaller conservative opposition parties.	Faint left vs. right cleavage line in parliament, yet only the SP fiercely contested the Directive. Other parties largely refrained from engaging citizens.
Interest groups	Lobbying mostly left to European umbrella organizations; while generally supportive, little engagement in referendum campaign.	Little to no substantial interest group engagement on the issue; apart from the SER stipulating positive economic effects.	Interest groups generally stuck to the SER compromise and thereby to the expert-based decision-making process. Only the FNV to some extent departed from this.
Media	EU debates preferably covered from Dutch perspective; focus on persons and conflict rather than substance, also in referendum campaign.	Substantial amount of factual media coverage. Yet, news with a value bias tended to be negative. Little of a structured debate.	Media coverage of the Services Directive was marginal and reactive.
Public Opinion	Although indecisive until short before the referendum, the citizens voted the Treaty down by a striking majority, led by a variety of motivations.	Considerably negative towards Turkish accession.	Although public opinion seems largely absent concerning the specific topic, citizens are reserved towards economical integration of Eastern European countries.

A striking conclusion that holds for all three cases is that the position adopted by the Dutch government remains far removed from the prevailing opinions among the electorate. In the cases of the Constitutional Treaty, the Turkish accession negotiations as well as the Services Directives the government agreed upon policies that would have found no support under a majority of Dutch citizens. What is more, the position of most parties in parliament deviated from the position of their constituencies. Hence, political behaviour in parliament appears to be conditioned more by the position adopted by the government than by anything like public opinion or party constituencies. Cleavages are in fact often more notable within government than within parliament, considering the PvdA/CDA versus VVD alignment on the Constitutional Treaty and the divisions within government with regard to the Turkish accession case.

Interest groups do not make up for the lack of societal engagement of political parties on EU issues. Interest representation largely took place at the European level by umbrella organizations, such as the ETUC in the case of the Services Directive. Apart from that, the Dutch Social and Economic Council (SER) played an important role in each of the three cases. The consensus seeking activities of labour and business interests through this institution led to the depoliticisation and the lack of public engagement with regard to the involved European issues.

Lastly, the media adopted a rather external stance towards the three cases, as a large amount of coverage seems to characterize the European issues as ‘foreign news’. As has particularly become clear from the Turkish accession and the Constitutional Treaty cases, the media attention increased when domestic conflicts became discernible. However, as the substantive issues at stake remain complex and obscure, they risk being lost in the interest in persons and conflicts.

To sum up, Dutch public opinion has little means to develop and structure itself on EU issues. Regardless of the substance of issues, we find little variation in this respect. The key challenge seems to be to import political conflict in the domestic dimension. Here the referendum on the Constitutional Treaty made a major difference. Also disagreements within the government may serve to express different opinions. Notably, these tend to come out relatively early in the process. However, due to the pressure on the government to maintain a single position, such disagreements also tend to be smoothed out quite quickly. Notably, parliamentary (parties) and societal (interest groups) actors tend to follow the lead of the governmental consensus rather than providing for arenas in which this position can be challenged and in which division lines can be elaborated.

The theories on which we based our hypotheses are not particular to the Netherlands but reflect mechanisms that apply to the EU at large. Some of them may indeed be reinforced by particular features of the Dutch context, like the tradition of coalition government and the reliance on consociative institutions like the Social-Economic Council. Another relevant factor may be that, in contrast to most other EU member states, the Netherlands, as a founding state, never had a EU accession debate (although the referendum may have served its role in that respect). Still, on the face of it, there are few if any other member states where EU issues are subjected to public scrutiny as systematically as domestic issues. Cross-country comparisons could shed further light on the variations between member states in the obstacles at work. European integration may have to do without a European public, but it probably cannot afford to leave its national publics unstructured and underdeveloped.

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