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Ireland's EU Referendum Experience

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ABSTRACT *The purpose of this article is twofold. First, it surveys Ireland's European Union referendum experience, tracing the key actors, issues and political dynamics of seven European referendums from 1973 to 2008. It unpicks the institutional rules of the referendum game in Ireland stemming from the McKenna and Coughlan judgements, the operation of the Referendum Commission and the effect of this institutional environment on referendum campaigns and outcomes. Second, building on a framework originally developed by Darcy and Laver (1990), this article investigates the emergence of a dynamic in Irish referendums on EU treaties with two key elements: elite withdrawal and populist capture.*

Introduction

Until June 2001, Ireland's experience of European Union (EU) referendums was a positive one: referendums were comfortably carried, helping to copper-fasten Ireland's reputation as a constructive and *communautaire* EU member state. The supportive attitude of the electorate in referendums on accession, the Single European Act (SEA), Maastricht and Amsterdam treaties was mirrored by public opinion polls on the EU: a healthy majority of those surveyed declared themselves in favour of membership and appreciated the perceived benefits that membership brought Ireland. The rejection of the Nice Treaty by the electorate in 2001 was therefore a major shock to the political elites, and for the first time indicated that perhaps the Irish consensus on European matters could not be taken for granted. The success of the second Nice referendum in 2002 appeared to suggest that lessons were taken from the experience in 2001 and greater efforts were made to explain the relevant issues to the electorate. However, the decisive defeat of the Lisbon Treaty in June 2008 suggested that learning from Nice I was short-lived among Irish political elites (see Table 1).¹ With the second rejection of a European treaty by the Irish electorate in seven years, Ireland's EU referendum experience has been transformed.

The rejection of the Treaty of Lisbon in June 2008 marked a critical juncture in Ireland's relationship with the EU and at the same time brought two key issues sharply into focus: the Irish electorate's self-confessed lack of knowledge of the EU and evolving Irish attitudes towards European integration. An environment has emerged in which Irish referendums on EU treaties have become highly contested affairs.

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Looking at the Nice I and Lisbon I referendums in particular, a dynamic has become apparent with a number of common characteristics (Darcy & Laver, 1990; LeDuc, 2003; Moravcsik, 2008). As the experience of the French and Dutch referendums on the European Constitutional Treaty in 2005 show, these referendum characteristics are not unique to Ireland. In the Nice I and Lisbon I referendums, in the face of *de facto* elite withdrawal from the referendum playing field, a number of effectively-organized groups and political parties on the margins of the political system, often espousing populist and anti-establishment ideas, succeeded in capturing the referendum agenda. These actors capitalized on the fears and distrust of an electorate deficient in general knowledge about the EU and were facilitated by the complexity of the issues at stake and the institutional rules of the Irish referendum game.²

The purpose of this article is twofold. First, it offers a survey of Ireland's EU referendum experience, outlines why Irish governments hold referendums on EU treaties, provides an account of how the rules of the Irish referendum game evolved, and highlights the issues in each of the referendum campaigns. Second, it focuses on a referendum dynamic that has emerged in the Nice I and Lisbon I referendums, which involves the twin elements of elite withdrawal and populist capture. Implicit in this analysis is an investigation into whether the Irish electorate is becoming more Eurosceptic. In the Nice I referendum, it was evident that the success of the No vote as a percentage of the electorate was heavily influenced by the abstention of Yes voters, rather than an increase in the No vote as a percentage of the electorate *per se* (see Figure 1). However, a key difference between the Nice I and Lisbon

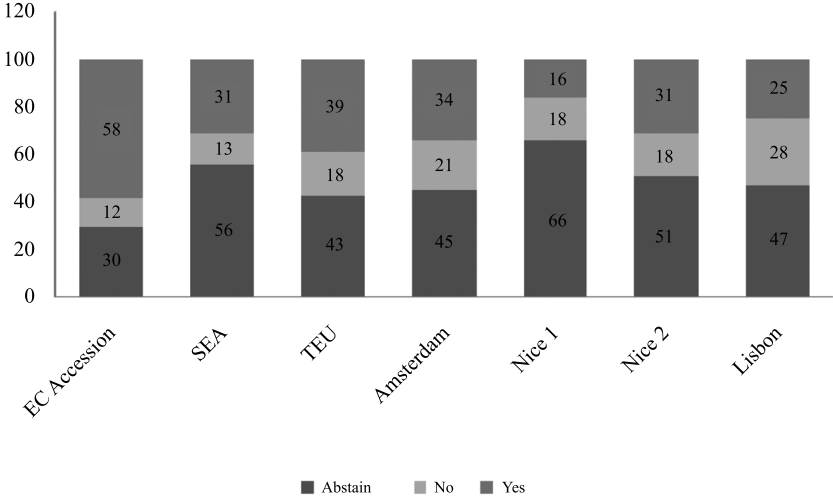


Figure 1. Yes, No and abstentions as proportions of the electorate in EU referendums in Ireland.

Source: Available at: www.ireland.com/focus/thelisbontreaty/analysis/graphics/#result (accessed June 2008).

Table 1. European referendum results, 1972–2008

Date	Issue	% Yes	% No	% Turnout	% Spoilt or blank papers
10.5.72	Accession to EEC	83.1	16.9	70.9	0.8
26.5.87	Ratify Single European Act	69.9	30.1	44.1	0.5
18.6.92	Ratify Maastricht Treaty	69.1	30.9	57.3	0.5
22.5.98	Ratify Amsterdam Treaty	61.7	38.3	56.2	2.2
7.6.01	Ratify Nice Treaty (first time)	46.1	53.9	34.8	1.5
20.10.02	Ratify Nice Treaty (second time)	62.9	37.1	48.5	0.4
12.06.08	Ratify Lisbon Treaty	46.6	53.4	53.1	0.4

I referendums is the increase in No voters as a proportion of the total electorate (from 18 percent at Nice I to 28 percent in June 2008). Although it was questionable whether Nice I proved the Irish electorate was becoming more Eurosceptic (Gilland, 2008: 120), recent *Eurobarometer* public opinion polls have certainly indicated that the Irish electorate is becoming increasingly cautious about European integration: public opinion is nuanced. This has significant implications not only for EU referendum campaigns in Ireland but, indeed, for the future course of Ireland's relationship with the EU.

Dynamics of Referendums in Europe

There has been a substantial increase in the number of referendums held throughout the world in recent years (LeDuc, 2003: 13; Qvortrup, 2005). Ireland is no exception to this phenomenon, as Figure 2 shows. The majority of referendums in Ireland, particularly since the 1960s, fall into one of two broad categories: those dealing with social-moral issues and those dealing with governance issues, including referendums on joining the European Economic Community (EEC) and subsequent EU treaties (Sinnott, 2002: 812). Supporters of the referendum device have argued that citizens' direct involvement in politics, through referendums, can supplement traditional forms of representative democracy (Qvortrup, 2005; Setälä, 2006). In an era where the traditional forms of political participation, such as voting in elections and membership of political parties, are seen to be in decline and trust in politicians is on the wane, direct participation of citizens in the political process through referendums can be seen to maximize legitimacy of decisions. They also have the potential to increase actual participation and involvement of citizens in the political process itself, engaging them as much as possible in the decision-making process (LeDuc 2003: 38). In this sense, voting in referendums becomes an active form of civic education (Barber, 1984; Qvortrup, 2005: 35).

Critics of the referendum device, however, focus on two general concerns. First, referendums are seen as privileging the rights of the majority over those of minorities. Second, instead of contributing to their civic education, voters in referendums

'routinely complain about insufficient information, confusing question wording, or contradictory lines of argument regarding the possible consequences of a referendum vote' (LeDuc, 2003: 43). In addition, voter turnout in referendums is typically lower than that in general elections (Butler & Ranney, 1994: 17). Indeed, Qvortrup (1998: 256) has found that a frequent use of referendums generally results in a drop in the turnout rate. The claims that referendums facilitate citizen participation in the political process and increase civic education must be seriously evaluated in this context.

Research on referendums, while limited in comparison to studies of voting behaviour in elections, has increased in recent years and focuses on why voters behave the way they do in referendums (LeDuc, 2003: 14). As regards EU referendums, political scientists are divided on the reasons why voters vote the way they do (Franklin, van der Eijk & Marsh, 1995; Svensson, 2002; Binzer Hobolt, 2003). Some focus on individuals' values and beliefs, arguing that voting behaviour in EU referendums reflects people's underlying broad attitudes towards Europe: it is voters' general views on Europe that influence how they vote (Svensson, 2002). Others argue that EU referendums work very much like second order European Parliament (EP) elections; an important factor in determining their outcomes can be support for, or opposition to, the party or parties in government at the time of the referendum (Franklin, van der Eijk & Marsh, 1995).

Campaign dynamics have also been investigated (Darcy & Laver, 1990; LeDuc, 2002, 2003). Referendums are often seen to provide a very volatile electoral environment, particularly in situations when political parties line up in a non-traditional manner (i.e. not on ideological or partisan lines). In such situations voters find it difficult to take cues or shortcuts from party positions, take more time to come to a decision, and that decision becomes highly unpredictable (LeDuc, 2003: 173; LeDuc, 2002: 727). In this context, the nature of the campaign becomes extremely important and the impact of opposition campaign strategies and tactics can play a crucial role in determining the outcome. While LeDuc acknowledges that the political context of each referendum can differ widely, a referendum dynamic, or at least a set of common patterns, can emerge (LeDuc, 2003: 15). In the face of broad consensus across the political spectrum, establishment elites often withdraw from the campaign arena, leaving the referendum field open to capture by what Darcy and Laver (1990) term 'fringe activists', frequently espousing populist or anti-establishment values. In the context of elite withdrawal from EU referendums in particular, the often emotive tactics of such groups – capitalizing on voter ignorance, the complexity of the issues and an underlying sense of political discontent amongst the electorate – can wrestle control of the referendum campaign from those who originally instigated it in the first place (Moravcsik, 2008). According to Darcy and Laver (1990: 16), 'as the going gets rough on one side, the elites withdraw, the spiral begins, the going gets rougher, and so on. Once the elites begin to back off, the voters too, become dubious and vote no'. As we will see in this survey of Ireland's EU referendum experience, such a referendum dynamic exists in Ireland, particularly since the Nice I referendum.

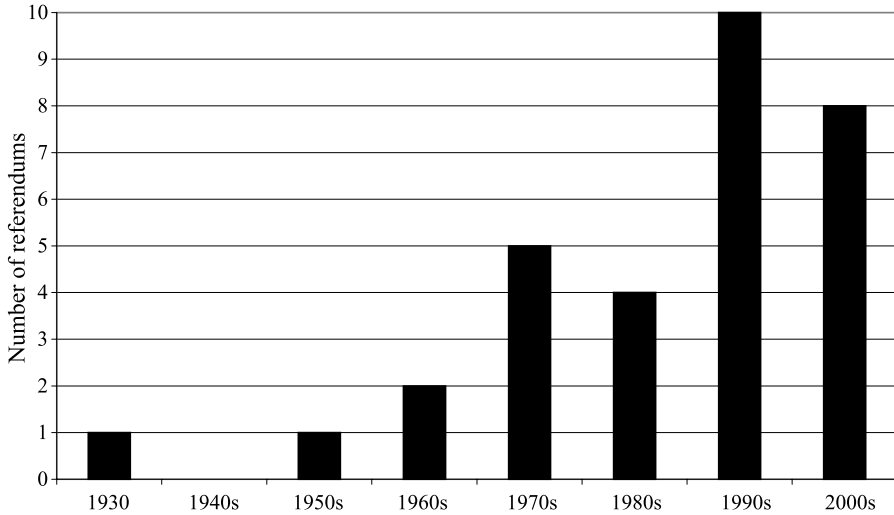


Figure 2. Number of referendums in Ireland per decade.

EU Referendums in Ireland

The reason behind the 1972 referendum on accession to the EEC was fairly straightforward: it was necessary in order to correct the conflict that the obligations of membership would cause for the Constitution, *Bunreacht na hÉireann*. Under the obligations of EEC membership and alongside the doctrine of supremacy of European law, legislative authority would no longer be solely invested in the Oireachtas and the European Court of Justice would be superior to the state's Supreme Court. Rather than amending each of the affected articles accordingly, the decision was taken to introduce a catch-all amendment (Article 29.4.3) allowing the state to join the EEC. The 1972 referendum has been the only time Irish political parties have divided on a European issue according to the (rather weak) left–right economic cleavage evident in Irish electoral politics (Sinnott, 2002; Gallagher, 2003): the parties of the centre-right/right (Fianna Fáil and Fine Gael), alongside business leaders and farmers' groups, strongly advocated membership of the Common Market, while parties of the left (primarily the Irish Labour Party and the Workers Party), alongside the civil society group the Common Market Study Group and the Irish Congress of Trade Unions, campaigned for a No vote. The mounting of a vigorous campaign by political parties and civil society groups which were clearly divided on the issue, together with wide public discussion of the issues, helped push turnout up (at 70.88 percent it is the highest level of turnout heretofore recorded in any referendum in Ireland) and the referendum was comfortably carried with 83.1 percent in favour.

By the time of the signature of the Single European Act (SEA) in 1986, the consensus amongst political and legal circles was that parliamentary approval was

sufficient in order for Ireland to ratify the new treaty. After a period of delay, the SEA was put before the Dáil on 9 December 1986. However, concern in certain legal and academic circles as to the means used to ratify the SEA was growing and just before Christmas 1986, development economist and anti-EEC campaigner Raymond Crotty, backed by a larger group, challenged the constitutionality of the bill in the courts (McCutcheon, 1991). Crotty and fellow campaigner Anthony Coughlan believed that the SEA went far beyond what the Irish people consented to when they originally approved membership of the EEC in 1972 (Crotty, 1988: 104).

On appeal to the Supreme Court in early 1987, Crotty succeeded in stopping the Oireachtas from ratifying the SEA. Basing its judgments on the provisions in Title III of the SEA entitled 'European Political Cooperation', by a three-to-two majority the Supreme Court held that Title III was inconsistent with the Constitution as it was additional to the original constitutional sanction provided by the 1972 referendum and thus the Constitution required amendment if the SEA was to be ratified. The government moved quickly to approve legislation which would enable the Constitution to be amended, setting the stage for another EU-related referendum in 1987. As in 1972, the decision was taken to confine the 1987 referendum to the specific issue at hand, namely the amendment of the constitution in order to ratify the SEA, rather than introducing an all-encompassing amendment that would make all future referendums unnecessary. This political decision has meant that since 1987, ratification of European integration treaties in Ireland has been carried out by referendum.

The Rules of the Irish Referendum Game

The rules of the Irish referendum game were decided in the 1990s and stem directly from two court judgments referred to as the McKenna and Coughlan judgments respectively. During the 1992 Maastricht campaign the government came under fire from treaty opponents for the use of public funding in order to campaign for a Yes vote. Feeling hampered by their limited financial resources, especially in comparison with the resources held by the Yes side, anti-Maastricht groups criticized the decision by the state broadcaster Raidió Teilifís Éireann (RTÉ) to show a special government television appeal for a Yes vote without allowing equal airtime to the opposition campaign. In the run up to the 1995 divorce referendum, then Green Party Member of European Parliament (MEP) Patricia McKenna questioned the constitutionality of the use of public money by the government to campaign for a Yes vote. Such funding was declared unconstitutional as the Supreme Court ruled that the government was not entitled to use public money to put forward only one side of the case, since not all citizens would support one side. Thus, for each referendum since 1995, the government of the day has established a Referendum Commission whose function is to inform the public about the issues and arguments in a non-biased manner. The Commission is composed of non-political figures, and usually headed by either a former or current member of the judiciary nominated by the Chief Justice, alongside the Ombudsman, the Comptroller and Auditor General and other senior civil servants. One month before the Amsterdam referendum in

1998, in response to a request for judicial review by Anthony Coughlan, the High Court found that RTE's giving of airtime on the basis of electoral support for political parties resulted in inequality amounting to unconstitutional unfairness 'which would not have arisen had their starting point been to afford equality to each side of the argument to which there could only be a YES and NO answer' (Carney, 1998). The implication of this judgment (confirmed by the Supreme Court in January 2000) has been that in subsequent referendums, RTE has allotted equal broadcast airtime (i.e. on television or radio) to parties and groups advocating a Yes and No respectively, in any given campaign. Taken together, both judgments considerably altered the way EU referendums have since been conducted.

Elite Withdrawal

The SEA, the Treaty on European Union and Amsterdam Referendums

Between 1972 and 2008, Irish governments fought seven referendum campaigns asking the Irish electorate to ratify five EU treaties and a number of common characteristics in each of these referendum campaigns emerged. Turnout in EU referendums have typically been lower than at general elections, reaching a lowest point in June 2001 when 34.9 percent of the electorate turned out to vote on the Nice Treaty. Apart from the 1972 accession referendum, EU treaties have garnered broad support across the political establishment, including the mainstream political parties, trade unions and business organizations. Smaller political parties, ostensibly at the margins of the political spectrum, such as Sinn Féin, the Green Party and the Socialist Workers' Party and non-party political and civil society groups all have opposed EU referendums (this changed in 2008 when the Greens, now a partner in the Fianna Fáil-led government, did not campaign against the Lisbon Treaty).

Until Nice I, Irish governments and other pro-European campaigners were convincingly able to point to the benefits EU membership had brought Ireland, both in terms of direct financial transfers and in increased opportunities for Irish industry and workers. In alluding directly to this 'donor/recipient' narrative, they relied on the permissive consensus inherent in Irish public opinion on the EU, namely that citizens appreciated the considerable benefits Ireland had received from EU membership. Little effort was made to explain the issues at stake to the electorate. Political parties tended not to campaign actively in referendums.

The Single European Act referendum campaign is a case in point and set the tone for referendum campaigns to follow. While the Workers' Party and Sinn Féin campaigned for a No vote (the Labour Party did not adopt an official position due to internal differences), the main opposition came from groupings outside the party political system, including veteran anti-EU campaigner Anthony Coughlan. Those campaigning for a Yes vote argued that Ireland's membership of the European Community would be at stake and that damage would be done to the economy and employment if the referendum was defeated. Little effort was made to inform voters fully about the issues. In the end, the campaign was relatively short and the referendum

was comfortably carried with an almost 70 percent Yes vote. The fall in turnout to 44 percent was more alarming however, and constituted at the time the second lowest ever turnout in a referendum (Gallagher, 1988: 80). The effect of the low turnout was that the Yes vote amounted to only 30.7 percent of the electorate, compared with 58.4 percent in 1972.

In some ways, the Maastricht referendum of 1992 could be said to have been merely a re-run of the SEA referendum. The referendum was comfortably carried (with 69.1 percent voting Yes) and the pro-European consensus amongst mainstream political parties and interest groups such as the trade unions was solidified as both the Labour Party and the Irish Congress of Trade Unions (ICTU) came out in favour, thus marking the first time that Labour had given official support to an initiative towards integration. What is notable about the Maastricht referendum campaign is not just the solidifying of a pro-European consensus amongst political parties (with the exception of the Green Party and Sinn Féin), but also the rise in importance of civil society groupings in the referendum campaign. In the Maastricht campaign, these groups included Anthony Coughlan's National Platform for Employment, Democracy and Neutrality (comprising other groups such as the People First/Meitheal organization and Irish Campaign for Nuclear Disarmament, CND). Neutrality, sovereignty and independence, and the threat integration posed to traditional, Catholic values were recurring motifs of the debate. The threat of possible conscription to a common European army was also mooted. The focus of the campaign was also deflected away from the content of the treaty itself towards issues such as the record financial sum negotiated by the then Taoiseach Albert Reynolds as part of the Delors II structural fund package and the controversial rulings on abortion by the High Court and Supreme Court in the 'X' case, which led to discussions on the treaty becoming embroiled in the issue of the introduction of abortion in Ireland.

The party-political pro-European consensus continued in the 1998 Amsterdam referendum as the leaders of the government coalition parties, Fianna Fáil and the Progressive Democrats, joined forces with Fine Gael, Labour and Democratic Left to host a press conference in which they jointly urged a Yes vote based on the economic and political benefits active EU membership would bring. A core tenet of their argument was that rejecting the treaty would hurt Ireland's position in the EU. Much of the debate during the campaign focused on the issue of neutrality with protagonists in favour of the treaty asserting that the treaty had no negative implications for neutrality. The Peace and Neutrality Alliance (PANA) chaired by Roger Cole opposed the treaty on the grounds of the threat it posed to Irish neutrality and much of the discussion during the campaign focused on Ireland's participation in the North Atlantic Treaty Organization's (NATO) Partnership for Peace framework.

While the referendum was comfortably carried with a 61.7 percent Yes vote, the No vote of just over 38 percent was the largest vote against EU integration hitherto recorded. With a turnout of 56.2 percent, the proportion of the electorate rejecting further integration reached a high of 21 percent, with 45 percent of the electorate choosing to abstain (see Figure 1). The Amsterdam referendum was the first EU referendum to take place under the auspices of the Referendum Commission. The

Referendum Commission's approach of making a public call for arguments from individuals, interest groups or parties, and then putting these together in leaflets, newspaper advertisements, and television and radio broadcasts was widely criticized, leading as it did to erroneous arguments being presented as facts. The material disseminated by the Commission was also criticized by some as turgid and confusing, turning off voters rather than enlightening them (Mansergh, 1999; Gallagher, 2003). The ineffectiveness of the Commission in informing voters of the issues at stake was highlighted even more when the results of an exit poll were published in May 1998. Asked 'why did you vote No against the Amsterdam Treaty', those polled cited a perceived lack of information as the main reason (Gilland, 1999: 435).

The Nice and Lisbon Referendums

The Nice I and Lisbon I referendums provide the most illuminating examples of Ireland's EU referendum dynamic, clearly illustrating the two characteristics of elite withdrawal and populist capture. At Nice I, the broad consensus across the political establishment in favour of ratification was again in evidence. The smaller parties of Sinn Féin, the Green Party and the Socialist Workers' party all campaigned against the treaty. The Nice Treaty was sold by Yes campaigners as being in Ireland's best interests, as it would facilitate the enlargement of the EU from 15 to 25 and thereby give Irish industry access to an enlarged single market. The referendum also took place on the same day as two other referendums on the International Criminal Court and the death penalty. With their eye on a general election in 2002, political parties advocating a Yes vote were reluctant to spend money campaigning and the message put forward to the voters was unclear. In contrast, No campaigners, including Anthony Coughlan's National Platform, the 'No to Nice' group (led by anti-abortion campaigner Justin Barrett), PANA and others ran a highly committed and visible campaign. Their main slogan 'if you don't know, vote No', echoed that of the Amsterdam referendum.

In the second Nice referendum in 2002, those advocating a Yes vote did not this time withdraw from the campaign arena. While the same No campaigners emerged to advocate another No vote, a re-engaged political elite was joined by a number of strongly committed civil society groups organized under the umbrella 'Irish Alliance for Europe'. Before the campaign proper began, the government moved to allay electorate fears, securing two declarations on Irish neutrality at the June 2002 Seville European Council summit. A National Forum on Europe was set up to communicate the issues to a wider public in advance of the second referendum, and national parliamentary scrutiny on EU matters was enhanced. With Minister for European Affairs Dick Roche taking the lead, government ministers and opposition politicians spoke to the issues within the treaty and firmly rebutted No campaigners' claims. Increased face-to-face political campaigning also took place which reduced room for No campaigns to instil fear in the electorate. On 18 October 2002, 49.5 percent of voters turned out to vote with 63 percent voting to ratify the treaty.

The referendum dynamic of elite withdrawal was even more in evidence in the first Lisbon referendum of June 2008. For those advocating a Yes vote, selling Lisbon was always going to be difficult. Unlike the single European market underlying the SEA or the common currency underlying the Maastricht Treaty, the Treaty of Lisbon contains no one 'grand' idea (Moravcsik, 2008). As an amending treaty, it sets out various incremental reforms to EU decision-making and policy-making procedures. It is arguable that, as the only member state to ratify the treaty by referendum, the Irish government was faced with an unenviable task. Early signs that ratification would be a challenge were also evident in public opinion polls. In a poll conducted in November 2007, only 25 percent of those surveyed said they would vote Yes to the new Treaty, while 13 percent intended to vote No and 62 percent said they did not know or had no opinion.³

The retreat of the political elite from the Lisbon campaign could be said to be a mixture of both accident and design. It became clear from early 2008 that the then Taoiseach Bertie Ahern was distracted from the business of government due to ongoing revelations at a judicial enquiry into planning matters. Amidst growing public disquiet, Ahern's position came under scrutiny. Confusion also existed as to when the referendum itself would be held as Ahern procrastinated in naming a date, eventually deciding on a date in June (Laffan & O'Mahony, 2008: 116). Between the announcement on 2 April 2008 of Ahern's intention to resign and the appointment of Brian Cowen as Taoiseach on 8 May 2008, a political vacuum emerged which was filled by effectively organized No campaigners. Passing Lisbon was the new Taoiseach's first priority but the campaign itself was set to be a short one of barely four weeks and, as new Minister for Foreign Affairs Micheál Martin was to subsequently acknowledge, the Government failed to run an effective campaign.⁴ The Lisbon Treaty had the support of all main political parties, including the parliamentary Green Party. Sinn Féin was the only party in the Dáil to campaign against Lisbon.

The Yes campaign only ignited one week before the referendum date itself, when a TNS/MRBI poll clearly indicated that the referendum could be lost. In terms of campaign strategies and tactics, the Yes campaigners failed to construct a narrative on the treaty, simply urging voters to trust them and vote Yes. Yes posters expounded generic slogans such as 'Good for Ireland, Good for Europe', 'Europe, Let's be at the Heart of It' and controversially displayed photos of politicians, which were more akin to election campaign posters. Admissions by a number of politicians such as new Taoiseach Brian Cowen and European Commissioner Charlie McCreevy that they had not read the treaty in its entirety did not help the Yes campaign. Given the early foothold gained by the No campaign, the Yes side spent their time attempting to counter No arguments and misinformation. Infighting amongst the mainstream political parties (most notably Fianna Fáil and Fine Gael) also undermined the Yes campaign, as did the threat by sectional interests such as the farmers' organizations, most notably the Irish Farmers' Association (IFA), to withhold their support for the treaty unless a commitment was given by the government to veto ongoing World Trade Organization (WTO) talks should the ultimate deal undermine Irish farmers' interests.

Marsh *et al.* (2008: 5–11) have found that an important feature of Irish politics is the personal and local style of campaigning in general elections which consists of extensive door-to-door campaigning by party workers and the candidates themselves, the distribution of leaflets, putting up posters and canvassing at shopping centres, church gates, etc. Such campaigning has not been as common in referendums: 'traditionally political parties don't campaign door to door in referendums'.⁵ Anecdotally, reports circulated that there was very limited door-to-door campaigning undertaken by the Yes side in the Lisbon referendum. In a parliamentary committee debate in the immediate aftermath of the referendum result, one politician referred directly to this: 'Nobody knocked on doors. People felt a massive deficit in engagement ... People are reassured by personal canvassing and explanations'.⁶ In contrast, the National Forum on Europe road shows that took place around the country in the lead-up to and during the campaign appeared not to have had an impact on public knowledge and engagement as public attendance was low. According to Marian Harkin MEP: 'we go to meetings of the Forum on Europe and we are talking to ourselves'.⁷

Populist Capture

Low Levels of EU Knowledge

Research has shown that since the 1990s at least, knowledge of the EU amongst the Irish public is low (Laffan & O'Mahony, 2008: 128). In his 1995 study, Sinnott discovered that the positive perceptions of EU membership in Ireland were accompanied by relatively low levels of knowledge regarding the EU (Sinnott, 1995). Ireland ranked sixth overall out of all then 15 EU member states in actual levels of knowledge of how the EU functioned. In addition, Sinnott found a positive correlation between higher levels of knowledge of European affairs and a favourable attitude to European integration. Low levels of knowledge are also closely associated with social class and level of education. At the time of Lisbon I in 2008, it became clear that both the Irish electorate's objective (i.e. actual) and subjective (i.e. perceived) knowledge of the EU continued to be poor (Laffan & O'Mahony, 2008: 129). In *Eurobarometer* 69 (Spring 2008), three questions were fielded to those surveyed to test their knowledge on the EU.⁸ In the survey Ireland was compared with Denmark: 29 percent of Irish respondents answered three questions correctly (compared with 40 percent of Danes); 28 percent of Irish respondents answered two questions correctly; 22 percent answered one question correctly and 22 percent gave no correct answer to the questions (in comparison with 10 percent of Danes).

In terms of knowledge of the Lisbon Treaty itself, a Referendum Commission opinion poll in late April 2008 found that just five percent of those polled believed they understood the treaty well or quite well (see Quinlan, 2009). A total of 15 percent understood it to some extent while 80 percent said they did not understand it particularly well or did not understand it at all (Referendum Commission, 2008). In the post-Lisbon survey undertaken by Millward Brown/IMS on behalf of the

Department of Foreign Affairs, the main reason behind abstention was lack of knowledge/understanding of the treaty (at 46 percent this was well in excess of any other reason). In terms of an understanding of the treaty at the time of the referendum, the researchers found:

1. 9 percent had a good understanding of what the treaty was about;
2. 31 percent understood some of the issues but not all;
3. 30 percent was only vaguely aware of the issues involved;
4. 30 percent did not know what the treaty was about at all.

Of those surveyed who said they voted Yes, 70 percent said that they either had a good understanding of the treaty or some understanding of the issues. In contrast, of those who said they voted No, 53 percent said they were either only vaguely aware of the issues or had no knowledge. As the Millward Brown/IMS report (2008) concluded: 'an EU knowledge deficit is clearly present which has undoubtedly contributed to the No vote [in Lisbon] ... Knowledge of EU institutions and how they work appears to be particularly low. The difficulty of advocating a referendum that is based on the premise of institutional reform in this environment is apparent'.

A common strategy of referendum opponents is to sow seeds of doubt about the motives of those proposing the referendum and possible unforeseen consequences of a positive referendum outcome. As analysts such as LeDuc (2003: 71) have observed, 'when voters become suspicious or uncertain, they tend to vote No'. In the context of the knowledge deficit amongst the Irish electorate as outlined above, the strategy of Lisbon No campaigners was to cherry-pick elements of the treaty and attack them, instilling fear into the minds of an electorate already displaying worries about Ireland's deteriorating economic climate and showing distrust in Irish parliamentary institutions (*Eurobarometer*, 2008). In this way, voters did not have the knowledge to hand to be able to properly scrutinize the various statements regarding the treaty put forward by the No campaigners (Moravcsik, 2008). Through the McKenna and Coughlan judgments, these fringe activists, often espousing populist sentiments, gained an important foothold in the media and succeeded in capturing the Lisbon campaign.

Populism and the No Campaigns

The populism of Irish No campaigners was most clearly evident in the Lisbon I referendum campaign. As a concept, populism is notoriously difficult to define. According to Canovan (1999: 3), populism in modern democratic societies is best seen as an appeal 'to the people' against both the established structure of power and the dominant ideas and values of the society. Indeed, what is often clearer is who and what populists are *against*, rather than what they are for (Mudde, 2004: 546). At its heart however, populism involves opposition between the 'people' and the 'elite'. In an era of declining participation in political parties, falling voter turnout and low levels of trust in politicians, populists attack the establishment for its corruption and lack of

accountability to the people, far removed from the 'common' person (Abts & Rummens, 2007: 408). Populism can attach itself to many different ideologies and any economic programme, therefore populists can be found in any position on the left-right political spectrum. Populism is not confined to grass-roots movements led by charismatic leaders, members of the political establishment can also adopt 'populist' tactics with the use of simple, direct language that appeals directly to the people.

At first glance, the rise of populism in Western Europe has been a phenomenon that has taken place outside of Ireland, with the use of referendums on moral, social and European issues helping to insulate Irish electoral politics from it (Albertazzi & McDonnell, 2008: 2). However, that does not mean that populism does not exist in Ireland. Indeed, as an example, Fianna Fáil politicians in particular have adopted populist rhetoric in the past (the famous reference to Fianna Fáil as a movement rather than a political party for instance). Sinn Féin politicians also make use of populist rhetoric, particularly in relation to the EU (cf. McDonnell, 2008; O'Malley, 2008). In the Lisbon I campaign, populist sentiment became increasingly evident amongst opponents of the treaty, from both the left and the right. On the left was the Campaign Against the EU Constitution (CAEUC), a broad coalition of leftwing political parties, organizations, trade unionists and individuals who opposed the Lisbon Treaty. Couching their rhetoric in anti-establishment terms, these groups opposed the treaty on a number of fronts: it posed a threat to Irish sovereignty and independence (particularly in foreign policy terms as an attack on Irish neutrality), it undermined workers' rights, it would usher in the privatization of public services, and Ireland's right to levy taxes would be circumscribed. Finally, the treaty was presented as an 'anti-democratic constitutional treaty ... foisted upon the peoples of Europe by anti-democratic methods' (Campaign Against EU Constitution, 2008). Anthony Coughlan's National Platform also campaigned against Lisbon on the basis that it undermined Irish sovereignty and the principle of the equality of states in the EU.

As in the Netherlands, elements of the religious right have also opposed EU referendums in Ireland on the grounds that ratification of EU Treaties constitutes a threat to Irish Catholic values, by undermining the importance of family values, facilitating the introduction of abortion and challenging the right to life. During the Nice I and II referendum campaigns, the No to Nice group, led by longstanding conservative campaigner Justin Barrett, himself a former leader of Youth Defence, campaigned against the Nice Treaty on this and other issues. In 2008, Youth Defence re-emerged as *Cóir* (Justice) and opposed the Treaty of Lisbon on similar grounds. Going against the official position of the Irish Bishops, *Cóir* argued that the Charter of Fundamental Rights would force Ireland to legalize abortion, gay marriage, prostitution and euthanasia. *Cóir* also tapped into the 'anti-establishment, anti-authority and anti-politician' mood in the country (*Irish Times*, 7 June 2008) through their use of poster slogans such as 'Don't be Bullied, Vote No'.

In opposing the Lisbon Treaty, Declan Ganley and his small but tightly organized *Libertas* movement also made most use of populist rhetoric, combining anti-establishment sentiment with economic neo-liberalism and an emphasis on the benefits of 'entrepreneurship'. Ganley's stance stemmed from his opposition to the

Constitutional Treaty, which he called an 'attack on democracy in Europe and a subversion of Europe's citizenry' (Ganley, 2003: 3). For Ganley, the Constitutional Treaty represented the 'political bureaucracy's attempt to consolidate its hold over the decision-making process in the EU'. The crux of Libertas' campaign against the Lisbon Treaty in 2008 was that it was *de facto* a European constitution. Libertas undoubtedly ran a masterful and highly effective campaign, with sophisticated use of the internet amongst other media. Ganley welcomed the referendum result with rhetoric that exemplified his style throughout the campaign:

This is democracy in action. It makes me proud to be Irish ... The Irish sent a message to an unelected, unaccountable elite in Brussels that they need to listen to the will of the people ... today is about the common sense and generosity of the Irish people in handing Europe back to the people it belongs to ... A chasm is opening up between the political elites and the people of Europe. (Comments reported in *Irish Times*, 13 June 2008)

In late 2008, Ganley launched Libertas as a pan-European political party, contesting the 2009 European Parliament elections throughout Europe. Only French politician Philippe de Villiers was elected under the Libertas banner, Ganley himself failing to win a seat in Ireland's North West Constituency. Very late in the day Declan Ganley decided to re-enter the fray and oppose the Lisbon Treaty referendum again. The ignominious results for the party were closely followed by Ganley's announcement that he would not lead the party in campaigning for a No vote in the second referendum (*Irish Times*, 9 June 2009), a position he retracted just a few weeks prior to the Lisbon II vote.

Populist and anti-establishment argumentation in an EU referendum campaign is not unique to Ireland and the range of objections raised to EU treaties in Irish referendums have been echoed elsewhere. In the French referendum on the Constitutional Treaty in 2005, the No campaign brought together a 'fairly heterogeneous collection of minor fringe and/or radical anti-system parties placed disparately on the traditional left-right axis', from Philippe De Villiers (later of Libertas) and his far right, Eurosceptic *Mouvement pour la France*, to the Communist Revolutionary League and the anti-globalization organization *Attac* (Ivaldi, 2006: 55). These left-wing groups argued that the Constitutional Treaty promoted an Anglo-Saxon vision of a liberal free market Europe (Marthaler, 2005: 230). In the Dutch referendum of 2005, a similar range of groups from both left and right campaigned against the treaty. According to Harmsen (2005: 6), these groups consisted of three main strands: the populist left (such as the Socialist Party), the populist right (including the Pim Fortyn List and the Geert Wilders group) and small, traditional Protestant parties, who were critical of the absence of a reference to the EU's Christian heritage.

Euroscepticism in Ireland?

The shift in the No vote at Lisbon by 10 percent to 28 percent of the electorate prompted the question as to whether Euroscepticism is rising in Ireland. As a concept,

Euroscepticism can be viewed in a broad manner, either as an outright rejection of the EU and the process of European integration (so-called hard or principled Euroscepticism), or as opposition towards particular policy areas or developments (soft or contingent Euroscepticism) (Szczcerbiak & Taggart, 2008; Sorensen, 2008: 6). In investigating Euroscepticism in Ireland it is also important to make the distinction between party Euroscepticism and scepticism amongst the electorate (Szczcerbiak & Taggart, 2000). Over time, the Green Party and Sinn Féin have provided the most audible voices critical to the EU amongst Irish political parties, falling into the 'soft' Eurosceptic camp in their opposition to aspects of EU integration (Gilland, 2008). Both parties have shifted over time, however, leading to the conclusion that their opposition to aspects of the EU is perhaps conditional. The transformation in the Green Party stance on the European Union since it entered government does suggest that small party opposition to the EU may be contingent (Laffan & O'Mahony, 2008). Following a poor general election campaign in 2007, Sinn Féin used the Lisbon I referendum to enhance the profile and positioning of the party in the Republic. The profile of the party may have benefited, but their electoral fortunes did not. The party returned only its MEP from Northern Ireland (Bairbre de Brún) to the European Parliament in 2009 after Mary Lou McDonald failed to regain her seat (in the Dublin constituency whose seat total had been reduced from four to three).

There remains widespread support for European integration amongst Irish people. Since the early 1980s, support for the EU rose from lower levels of support to very high levels, well above the EU average (Laffan & O'Mahony, 2008: 123). However, on some indicators, Irish support for integration is of a 'soft' and perhaps more conditional nature (*Eurobarometer*, 2008). Faced in 2004 with a hypothetical situation whereby the EU would be scrapped (the dissolution question), 54 percent of Irish respondents said they would be sorry, whereas 43 percent felt they would be either indifferent or did not know what to think – thus giving the impression that enthusiasm for the EU does not run all that deeply. Irish enthusiasm for certain aspects of integration, such as further political integration, is also more measured (Laffan & O'Mahony, 2008). For example, while attitudes to security and defence matters in general are more likely to be positive than negative, a large percentage of Irish people are unsure about these issues (as evidenced by the numbers of respondents who are reluctant to offer an opinion). According to the *Eurobarometer* poll published in the aftermath of the Lisbon I referendum, 'there is also evidence of a recent small but significant shift towards a preference for more national decision-making and away from EU decision-making on a range of issues, especially issues of taxation, agriculture and fisheries, immigration and energy' (*Eurobarometer*, 2008: 15). In addition, identification with Europe is low amongst Irish citizens. In the 2008 poll, 46 percent of those surveyed said they had little or no sense of attachment to the EU and 59 percent 'rejected the proffered degrees of European identity and opted for an exclusive Irish identity, second in frequency in this respect only to Britain (63 percent)' (*Eurobarometer*, 2008: 21). While on their own such findings do not point directly to rising Euroscepticism amongst the Irish electorate, they do illustrate that Irish support for European integration is nuanced.

Conclusion

In the second half of 2008, the use of the referendum device in ratifying EU treaties was seriously questioned as a solution to Ireland's 'Lisbon dilemma'. Indeed, the scope of the Crotty judgment and the possibility of parliamentary scrutiny of the Lisbon Treaty or aspects of the Lisbon Treaty were widely discussed (e.g. Barrett, 2008; Barrington, 2008; Cox, 2008; Fanning, 2008). The conduct of the referendum game in Ireland was also questioned, most particularly the role of the Referendum Commission. Based on overwhelming precedent, however, it has become embedded in Irish political culture that EU treaties are ratified by referendum and in December 2008 it became clear that the Lisbon Treaty would be put to the Irish electorate for a second time under the existing referendum rules (LeDuc, 2003: 186; Cox, 2008). As Minister for European Affairs, Dick Roche acknowledged, the challenge for the Fianna Fáil-Green coalition government in the Lisbon II referendum in this context involved constructing: 'a narrative for Europe that speaks to peoples' hearts, as well as to their pocketbooks' (Roche, 2008). The changed economic situation facing the country, the emergence of new, active campaign groups (both for and against) and the re-invigoration of existing pro-European civil society groups also meant that the 2009 referendum campaign on the Lisbon Treaty would be somewhat different to that of its forerunner.

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Notes

1. The second referendum on the Lisbon Treaty took place on 2 October 2009. The referendum was passed by 67.1% to 32.9% on a turnout of approximately 58% (source: RTÉ).
2. Darcy and Laver (1990: 16) based their analysis in part on the 1986 divorce referendum in Ireland and proposed that elite withdrawal in referendum campaigns consists of 'elite retreat brought about by community conflict' when the elite either loses or cedes control of the referendum campaign to ad hoc groups. While in the 1986 referendum campaign non-government political parties such as Fianna Fáil pledged neutrality on the issue and as such did not actively campaign in the Nice I and Lisbon I referendums, the political parties which did come out in favour of the treaty ran weak campaigns. I am very grateful to Michael Gallagher for clarification of this point.
3. TNS/MRBI *Irish Times* Poll, 5 November 2007.
4. As reported by Stephen Collins, *Irish Times*, 11 September 2008.
5. Micheál Martin, Minister for Foreign Affairs, RTÉ *Morning Ireland* programme, 30 July 2008.
6. John Perry TD, speaking at the Joint Committee on European Scrutiny - Joint Committee on European Affairs Lisbon discussion, 3 July 2008.
7. Marian Harkin, Independent MEP, speaking at the Joint Committee on European Scrutiny - Joint Committee on European Affairs Lisbon discussion, 3 July 2008.
8. Individuals surveyed were asked first about the number of states currently in the EU, second whether Switzerland was a member of the EU, and third about the rotating Presidency of the EU (a fourth was

also asked about the number of Eurozone countries. This question was excluded from the analysis as it was of a different order of difficulty (*Eurobarometer*, 2008).

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