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GRADUATE COLLEGE

A COMPARATIVE CONTENT ANALYSIS OF THE ADDITIONS
AND AMENDMENTS TO THE PRIMARY TREATIES OF THE
EUROPEAN UNION: REFLECTING THE MANIFESTATION OF AN
EVOLVING SHARED VISION WITHIN THE EUROPEAN UNION

A DISSERTATION

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degree of

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By

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A COMPARATIVE CONTENT ANALYSIS OF THE ADDITIONS AND
AMENDMENTS TO THE TEXT OF THE PRIMARY EUROPEAN UNION
TREATIES: REFLECTING THE MANIFESTATION OF AN EVOLVING
SHARED VISION WITHIN THE EUROPEAN UNION

A DISSERTATION APPROVED FOR THE GRADUATE COLLEGE

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Table of Contents

List of Figures	v
Abstract	vi
Chapter 1 Introduction	1
Chapter 2 Background of the European Union and the EU Treaty Process	
2.1 A Brief Overview of the Initiation of the European Union Treaty Process	12
2.2 Economic Issues	18
2.3 Security Issues	26
Chapter 3 Review of the Literature	
3.1 Implications of Treaties	31
3.2 Function of Text in Framing Institutions	37
3.3 European Union Integration: Organizational Culture	42
3.4 European Union Integration: Organizational and Cultural Identity	56
Chapter 4 Design of the Study	
4.1 Rationale for the Research	63
4.2 Treaty Content for Analysis	65
4.3 Methodology – Why a Content Analysis	67
4.4 Methodology – Selecting the Thematic Categories for Analysis	70
4.5 Methodology – The Process of Analysis	74
Chapter 5 Results of the Analysis of the Additions and Amendments to Each Treaty	81
5.1 The Treaty Establishing the European Economic Community	81
5.2 The Treaty of the European Union	93
5.3 The Treaty of Amsterdam	106
5.4 The Treaty of Nice	120
Chapter 6 A Comparative Analysis of the Additions and Amendments to The Primary EU Treaties	
6.1 A Comparison of the Introductory Text of the Analyzed Treaties	132
6.2 Content Comparison of the Primary EU Treaties	137
6.3 A Comparison of the Economic Content in the Primary Treaties	137
6.4 A Comparison of the Security Content in the Primary Treaties	143
6.4 A Comparison of the Social Content in the Primary Treaties	147
Chapter 7 Discussion, Findings and Conclusions	151
7.1 Findings	157
7.2 Conclusions	159
Directions for Future Study	169
Appendix A Coding Instructions	173
References	174

List of Figures

Figure 1	Percentage of Identified Thematic Categories in the Articles of the Treaty of the European Economic Community	92
Figure 2	Percentage of Identified Thematic Categories in the Articles of the Treaty of the European Union	105
Figure 3	Percentage of Identified Thematic Categories in the Articles of the Treaty of Amsterdam	119
Figure 4	Percentage of Identified Thematic Categories in the Articles of the Treaty of Nice	131
Figure 5	Comparisons of the Proportions of Economic Issues in the Analyzed Treaties	142
Figure 6	Comparisons of the Proportions of Security Issues in the Analyzed Treaties	146
Figure 7	Comparisons of the Proportions of Social Issues in the Analyzed Treaties	149
Figure 8	Comparisons of All Identified Thematic Categories in the Analyzed Treaties	150

Abstract

This research focuses on the development of the European Union and on the primary treaties that have been adopted over time and have helped define the goals and structure of the European Union. A comparative content analysis of additions and amendments to primary European Union treaties provides a metaperspective of the treaty process, revealing a pattern of EU development, shedding light on EU integration and on the extent that incremental changes to the treaties may be the manifestation of an evolving shared vision within the European Union. Also considered is the role of text in reifying belief systems and legitimizing institutions. The analysis confirms that the economic foundations established with the European Coal and Steel Community in 1952, and with the European economic Community in 1958 continue to be at the heart of the European Union even as the European Union has expanded into non-economic areas.

Chapter 1

Introduction

“I have never read, or even seen, any of the EU treaties. I think they would be too boring. It is up to my representative to do that for me. He will decide what they mean and what is best to do. The treaties don’t really matter to me.” (C.Roland, Personal Communication, April 2005)

The woman quoted above is one of the 450 million inhabitants of the European Union. Living in one of the innumerable small villages within the European community, she undoubtedly reflects the sentiments of most Europeans when it comes to the treaties of the European Union. She simply is not interested in these official documents, even though they dramatically affect her own life.

When her children graduated from the university and had difficulty finding employment in a nation with high unemployment, she lamented the EU rules that allow citizens of other EU nations to come to Germany for jobs, but she did not say that Germany should withdraw from the EU. When she and her husband (a retired banker) talk about the Euro, they both agree that everything is more expensive now that the Deutsche Mark is no longer in use and the European Central Bank controls all of the monetary policies. But at the same time, they believe that Germany is ultimately better off economically because it is part of the EU. This spring, when the German government agreed to contribute German soldiers to the EU forces headed to DR Congo, my friend only shook her head and

agreed that, “Africa always needs help.” (C.Roland, personal Communication, May 2006)

The examples above point to the direct affect of EU membership on the lives of ordinary Europeans. Because of the EU treaty agreements, the European Union organization is woven into the lives of EU citizens. Although EU citizens seldom have any personal interaction with the EU treaties, significant, incremental, and subtle changes to the treaties have resulted in an organization that, although retaining economic issues as one of its primary reasons for being, has, at the same time, expanded beyond an economic relationship. The EU organization now affects the personal and national lives of Europeans on many other levels.

In light of the national importance of the EU treaty relationship to EU member states, singular changes to the treaties over the last 50 years may seem relatively unimportant, but often just the opposite is true. The continuous stream of amendments and additions to the successive EU treaties has resulted in an organization that meets or exceeds the expectations of the Treaty of Rome of 1957. Today, EU member states do participate in a true economic community, and the member states are closer together than ever before. In fact, the EU member states are united to such a degree that the organization has drafted a provisional EU constitution.

How has the European Union evolved to this point? Usually, organizations can point to leaders who have been responsible for the direction of an organization's growth. It is true that important leaders such as Robert Schuman and Jean Monnet directly influenced the earliest forms of the EU organization, and later, Jacques DeLors and Valérie Giscard d'Estaing played critical leadership roles. (Gillingham, 2003) Today, for the most part, EU decisions are not tied to any individual leaders. Writing specifically about the importance of leadership discourse and its relation to political institutions, Gaffney (1999) points out that leadership discourse legitimizes institutions in the same way that leadership leads to popular legitimacy in democratic nations. In the case of the EU, "A first point to note is that the EU institutions are not designed for the leadership purpose as it is understood in the national contexts, and that there is no centralizing institution in which or from which claims to sovereignty, legitimacy, and authority can be made" (Gaffney, 1999, p.201).

The EU organization is a web-like structure of institutions and administrators, working with various types of committees to make the necessary decisions for implementing the treaty provisions. For example, in the case of the EU parliament, each EU member state sends representatives to help the relevant executive committee make decisions. The term for this interaction is *comitology* (Hooghe & Marks, 2001). Ultimately, this means that EU committees are comprised of both *epistemic communities* (Zito, 2001) of professionals in

particular fields (i.e. environment), and national political appointees sent by the individual member states. The decisions about the implementation of the treaty content may reflect both an epistemic and a political perspective. Thus, the EU growth is a dynamic process with individuals from a particular time and space interacting with the text of the treaties and making the decisions that directly affect the direction of EU development. The individual actors within the EU are continually changing, but the treaty process and treaty documents are a consistent presence.

Seven major treaty agreements have been responsible for the growth of the EU. The Coal and Steel Treaty, the European Atomic Energy Treaty, and the Treaty of the European Economic Community are the three foundation treaties framing the historical origins of the European community. The Treaty of the European Union and its extensions and clarifications in the treaties of Amsterdam and Nice reflect the European Union at the beginning of the 21st century, and the Single European Act pulls the early and later time periods together.

Although the treaties are the basis for the European Union, the treaties have received relatively scant attention. The limited research that has been conducted typically investigates only the extent that specific articles relate to a particular topic in the EU integration literature. (Integration is the term used to refer to the integration of EU member states into the EU organization.) When describing the EU, this literature usually reflects two different views of the

organization. The first view investigates the EU as an economic arrangement, and the second view examines the EU as a type of supranational organization. In general, the integration literature tends to focus on particular EU structures, administrative changes, policy shifts within the various institutions of the EU, or questions of the assumption of an EU culture or identity.

Little consideration has been given to the overall pattern of the direction of changes made to the EU treaties; yet each of the amendments and additions to the treaties has reshaped the organization to some extent. The purpose of this research project is to examine and compare the additions and amendments to the EU treaties in order to discern the overall pattern of the direction of change in the EU organization. Even a brief exposure to the extensive literature on EU integration reveals that today's EU organization has many ties to the lives of citizens of EU member-states, raising particular questions for EU citizens about a wide range of non-economic issues, including questions about national cultural and individual identity.

Because of the extensive integration literature affirming the expansion of the EU into the lives of Europeans, two important questions arise. First, as the EU has developed, has the organization retained its original reasons for being as articulated in the Principles of the Treaty of the European Economic Community? Does the European Union remain focused on improving the economic well-being for EU member states while at the same time bringing the

EU member states closer together? Second, will a metaperspective of the entire EU treaty process reveal a pattern of development that helps to explain why and how European Union integration is occurring?

A longitudinal comparative analysis of the additions and amendments to the primary treaties will help answer these questions. This analysis of treaty content will also support or refute the idea that the treaty changes may be the manifestation of a shared vision among European Union member states. In order to better understand the role that economic issues continue to play in the European Union and to gain a metaperspective of EU development through the treaty process, this research must answer four questions.

First, to what extent do the additions and amendments to the primary EU treaties focus on economic issues? Since one of the original reasons for the creation of a European community organization was the desire to promote economic well-being among member nations, it is clearly important to understand the role that economics plays in the EU organization at the beginning of the 21st Century.

Second, what proportion of the treaty changes relate more generally to social issues than economic concerns? As the years have gone by and the EU treaties have steadily expanded the EU into an organization that at this time includes citizenship and a passport, it has become clear that the EU is not only an economic organization. The EU has a social component as well, but how is this

social component reflected in the EU treaties? How many of the amendments and additions to the treaty content focus on social issues?”

Third, to what extent does the content of the EU treaties relate to security issues? After World War II, peace and security concerns were factors for the earliest European community organization- the European Coal and Steel Community- but how frequently do changes to the EU treaties relate to security issues?

Four, how many of the amendments and additions to the European Union treaties relate to administrative practice? After decisions for action are taken within the EU, are the administrative means available to implement those decisions?

These four simple research questions are important, because although many explanations have been put forward over the years for the direction of the development and the integration of the European Union, no explanation has achieved consensus among EU scholars. The voluminous amount of research on European integration (particularly that concerned with the formation of an EU identity) underscores that the EU member states are not involved solely in an economic relationship. But what role have the EU treaties played in creating a situation where an EU identity is even discussed?

This research provides a metaperspective of the treaty process and the additions and amendments to the treaty content. This overview of content and

process may help explain how the European Union has grown into the organization it is today. The treaties are the base of the formal relationship among EU member nations, so although a longitudinal historical comparative analysis of changes to the treaty content may seem to be a simple exercise, the outcome of such an analysis is a clearer understanding of the process of EU development.

This metaperspective of the direction of growth of the European Union lends credence to the possibility that the incremental changes in the texts of the treaties may be a simple answer to explain in part how and why EU integration has occurred. In ratifying the treaties, EU member states have consented to become a part of the powerful economic relationships (i.e. European Central Bank, single currency) stipulated in the EU treaties. Perhaps, commitment to these critical economic policies has made Europeans more willing to adopt treaty provisions that are not economic in intent and extend far into the lives of Europeans. Maybe the agreement with treaty provisions that extend beyond economic areas has resulted in the manifestation of an evolving shared vision reflected today in the beliefs and behaviors of citizens within the European Union, as well as within the EU organization itself.

Besides the four specific research questions discussed above, this research seeks to reassess the notion that text helps to create, reify, and legitimize institutions and ultimately to influence individual and institutional beliefs and

behaviors. This creation, reification, and legitimization certainly seems to be the case with the European Union treaties. The treaty documents literally do create the EU organization and verify its existence, while the formal language of the treaties and the perception of the implications of the treaty relationships legitimize the treaty content.

The methodology utilized in this research is a coded thematic content analysis (see Semetko & Valkenburg, 2000; Coleman & Wasike, 2004; Davidson, A. & Wallack, L., 2004 for other uses of this methodology) of the significant additions and amendments to the Treaty of the European Economic Community, the Treaty of the European Union, the Treaty of Amsterdam, and the Treaty of Nice. This analysis reveals the percentage of content within each treaty that focuses on themes related to economic issues, social issues, security issues, or administrative issues. The analysis also makes it possible to compare the proportions of thematic content in each category within all of the analyzed treaties.

Most of the information connected to this study comes from research relating to topics on the function of text in shaping ideas and influencing behavior and from research on EU integration. The integration literature includes research focusing on EU cultural or identity formation, or on the organizational culture of the EU. Other research utilized in this study relates to the history and structure of

the European Union or to the issue of sovereignty with respect to EU membership.

Chapter 2 provides background information about the earliest European community organization and about the historical context of the European Union treaty process.

Chapter 3 reviews literature related to the role that text plays in creating, legitimizing, and sustaining institutions. In terms of this research, the text of treaties is discussed. This chapter also includes a review of literature relating to European integration, particularly the development of a European Union organizational culture and an EU identity.

Chapter 4 details the design of the study, including the rationale for the research, the research questions, a description of the content to be analyzed, and a discussion of the methodology utilized. This chapter also addresses concerns about validity and inter-coder reliability within this type of methodology.

Chapter 5 is a detailed description of the content of the analyzed treaties. First, the additions and amendments to each of the treaties are discussed. Then the implications of the particular treaty changes are commented on..

Chapter 6 focuses on the trends in the treaty process through a comparison across the treaties of various aspects of the documents. First, the introductory text to each of the treaties is compared, and comments are made on the changes from one treaty to the next. Then the identified thematic categories within the four

treaties are compared and discussed. Finally, the implications of the results are considered.

Chapter 7 includes the main findings and broader conclusions to be drawn from this research. I consider the role of the European Union treaties in the development and integration of the European Union and the impact of text that becomes the manifestation of an evolving shared vision promoting and sustaining organizational growth and change.

Finally, suggestions are made for directions for future study.

Chapter 2

Background of the European Union and the EU Treaty Process

“Divided into spheres of influence between two hegemonic powers after 1945, its [Europe’s] Western states –under a benevolent American hegemony – accepted shared institutions, and limits on their sovereignty, which have crept gradually closer to the central issues of national sovereignty as their economies have integrated and their societies become more interdependent. (Wallace, 1999, p. 201)

A Brief Overview of the Initiation of the European Union Treaty Process.

The vision of the relationship that might exist between the nations of Europe emerged out of necessity after World War II. Although conflict and shifting borders and alliances have always been a part of European history, the First and Second World Wars of the 20th Century demonstrated the importance of regional peace and security. The destructive potential unleashed in Japan toward the end of World War II raised real concerns about future conflict. Given the European experience, the possibility of renewed conflict in Europe was in the minds of Europeans. This fact, along with the great economic losses resulting from the wars, caused the European nation states to reevaluate their relationships with one another. It soon became clear that forging cooperative economic ties would not only allow all nations to recover more quickly from the ruin of war, but eventually would help all to begin to prosper. Economic ties would create reciprocal dependencies and obligations among the countries involved; so

commensurate with meeting the goals of improving economic conditions in the region, regional peace and security would also be enhanced.

Exhausted from war, Europeans yearned for peace and security, but after 1945, much of Europe needed rebuilding, so economic concerns were primary. The destruction or degradation of European nations' infrastructures during the war years meant that these nations needed an infusion of capital (Gillingham, 2003). In an effort to begin to meet these monetary demands, several different models for cooperative trade and security unions were suggested (i.e. the Victory Program, the European Payments Union, European Recovery Program, and Organization of European Economic Cooperation). Other than the highly successful Marshall Plan that established the Organization of European Economic Cooperation as the means for distributing aid money to assist in the rebuilding of Europe, none of these trade and security models was very successful (Gillingham, 2003).

The earliest supranational organization in Europe began with the cooperative movement of six member states to unite in the European Coal and Steel Community in 1951. Today, the European Union is the organization uniting the nations of Europe. The EU includes almost every nation in Western Europe as well as many in the former eastern bloc. Today's European Union is an integral part of the lives of over 450 million citizens in EU member nations, and the organization involves an advanced form of economic integration, namely an

economic union. However, influence of the EU now extends far beyond trading and monetary integration, affecting the social structure of member nations as well.

In fact, even though on the surface the European Coal and Steel Community (ECSC) might appear to have been a purely economic arrangement, along with the trading arrangements, an equally important factor was the desire to ensure that the dreadful world wars that had ravaged Europe were never to be repeated. The Principles to the treaty state that the ECSC treaty agreement is formulated:

Convinced that the contribution which an organized and vital Europe can bring to civilization is indispensable to the maintenance of peaceful relations; Conscious of the fact that Europe can be built only by concrete actions which create a real solidarity and by the establishment of common bases for economic development;

(European Coal and Steel Treaty, 1951)

An intergovernmental conference involving representatives from the six member nations drafted The Treaty of Paris (1951) establishing the ECSC.

The full assembly negotiated previously prepared reports and recommendations.

(Gillingham, 2003) One of the most important points is that expert officials from each of the concerned areas had compiled the information, so the treaty provisions resulted from informed opinions, rather than merely political considerations. As a result of this intergovernmental meeting, the European Coal and Steel Community was formed and put under the control of a High Authority answerable to an Assembly (in later treaties to become the EU Parliament) which could be

challenged by the European Court of Justice. (Gillingham, 2003) The European Coal and Steel treaty agreement was to remain in effect for 50 years.

The Treaty of the ECSC is particularly important as far as the ultimate formation of today's EU is concerned. Not only did the European nations who had united in the European Coal and Steel Community begin the European Economic Community, but some of the administrative structures developed in the ECSC served as the basis for later institutions in the European community.

The European Economic Community came into being a few years after the Treaty of Paris of 1951. A second inter-governmental conference was held in Messina in 1955. This conference eventually resulted in the acceptance in 1957 of a new two-pronged agreement among the six nations united in the European Coal and Steel Community. One part of this agreement was the establishment of the European Economic Community; the second part was the creation of the European Atomic Energy Commission. The European Economic Community focused its attention on bringing the peoples of Europe together and increasing their economic well-being through the Treaty of the European Economic Community (TEEC). (Chapter 5 of this paper includes an extended discussion of this treaty.) The European Atomic Energy Commission outlined security goals in the European Atomic Energy Treaty (EURATOM).

The Treaty of the European Atomic Energy Treaty (April 1957) was intended to safeguard nations with regard to the larger security issues that arose at

the end of World War II. This treaty contained provisions for encouraging progress in the field of nuclear energy, particularly the promotion of research and the dissemination of information to the member nations. Also, security provisions were put in place to ensure peaceful cooperation among member nations. Special provisions of this treaty out-lined rules for: patents, investment, joint undertakings, health and safety, supplies, property ownership, safeguards, a nuclear common market, and regulations for external relations. There were also provisions for governing the institutions administering the treaty community. Finally, this treaty created an Economic and Social Committee to advise about treaty matters. Like the European Coal and Steel Treaty, the EURATOM treaty was viable for 50 years. (European Atomic Energy Treaty, 1957)

Then the European Economic Community- now known as the European Union- basically went into a static mode for 27 years until the first meeting of the European Council was held. Originally, the Council was formed so that there would be a place for informal discussion about unresolved issues in the EEC. In the first years (12 years to be exact), it had no legal standing under the treaties, (Schoutheete, 1986), but Gillingham (2003) says that it was important because it was very modern in taking the role of setting strategies for both internal and external policies. Certainly, its revival of the EEC seems to have been critical in leading to the dramatic changes that were to come to the EEC in the years to follow.

In the 1980's the EEC started to be concerned about falling behind the United States and Japan economically and technologically, so a push began to broaden EEC influence. The European Parliament (elected after 1979) became more powerful as the European Council could no longer make decisions without the Parliament's approval, and in 1984, the Parliament drafted a treaty that would eventually create the European Union, but which at this point increased the power of the parliament. Shackleton (1997) points out that the parliament now could vote on international agreements and did so 30 times in the first two years of its existence.

The European Council responded to parliament's initiatives by forming committees to reform the organization. Jacques DeLors published a White Paper on 'Completing the Internal Market', which the heads of the member states approved by a majority, thus opening the way to major changes in the organization. (DeLors, 1985) The European Council met in 1985 specifically to address the decision-making process in the EU. Most representatives were well-informed people who were well acquainted, so the meetings were very effective. The results were a series of treaty amendments known as the Single European Act.

The SEA extended voting rights, the Community's power in economic and social areas, enhanced the role of the parliament, formalized a cooperative foreign policy, and formalized the existence of the European Council. (Gillingham, 2003)

These amendments went a long way toward reshaping the EU in general and prepared the way for the Treaty of European Union (TEU). The SEA “...presented a recommitment ... to complete the internal market by 1992.” (Kondonassis, 2001, p. 154) In the years after 1986, there was a real move to make the EEC an economic and a monetary union, and in 1988, the European council proposed real economic and monetary reforms. Finally, after the fall of the Berlin wall and the reunification of Germany, a political union was proposed as well. The TEU was formalized in Maastricht in 1991.

The TEU set the stage for a very different European community. Today, the concept rests on three pillars: economic and monetary union; common foreign and security policy; and justice and home affairs policy. (Peterson & Shackleton, 2002) This current version of the EU organization varies greatly from the first association of nations that emerged at the inception of the European Coal and Steel Community in the Treaty of Paris.

Economic Issues

Since one of the primary reasons for the existence of the European Union is to promote economic well-being among member states, it is important to have an historical perspective of the European community and its relationship to economic issues.

As discussed in Chapter 1, the European Coal and Steel Community was the first truly supranational European organization. Coal and steel production had played a major role in both world wars, so there was concern about building a relationship between neighboring nations that would place some controls over these industries, while at the same time creating a security relationship. In the situation in Europe after World War II, economic issues were a practical and beneficial rationale for uniting nation states, but the results inevitably went far beyond economic concerns.

There was a need to sustain an environment of peace and security after the horrors of the first and second world wars and the destruction of Europe. Although the peoples of Europe had engaged in conflict from early times, the costs of modern warfare were too great to bear, and the potential for destruction far beyond that of even the Second World War, was very real. Economic integration of the coal and steel industries provided France and Germany (in particular) with the means of uniting toward a single goal without re-confronting what had taken place during the war.

The history of economic policies in the European Union is complex, beginning long before the events that led to the Treaty establishing the European Economic Community or even the European Coal and Steel Treaty. In post-war Europe, a number of plans were proposed. The economic policy of today's European Union really begins with the implementation of the Marshall Plan,

which enabled the rebuilding of post-war Europe when practical conditions made other market-based solutions impossible, and with the establishment of NATO, which created a security shield to ensure that economic growth and development could take place. (Gillingham, 2003)

Specifically, the Marshall Plan led to the OEEC/EPU/and GATT. The GATT, or General Agreement on Tariffs and Trades, helped to reduce the payments on goods traded internationally.(Gillingham, 2003) The OEEC, or the Organization of European Economic Community, was the Marshall Plan's program establishing a trading relationship between European nations and providing the means for distributing the aid money to rebuild Europe. Part of the OEEC was the establishment of the European Payments Union (EPU), designed to increase European trade and to help stabilize the national currencies.

In terms of the development of today's European Union, the Marshall Plan's aid of about \$13 billion provided the necessary funds for the successful functioning of the OEEC and thus the EPU. (A.Kondonassis, personal communication, 2006) The role of the EPU was purely economic, so after that goal was successfully achieved in 1955, the OEEC did not need to exist.(Gillingham, 2003) However, in the world economy of the late fifties, some type of economic and political organization was still desirable, so the way was opened for the development of the European Economic Community.

While the earliest treaties dealt with coal, steel, and nuclear energy, the Treaty of Rome of 1957 proposed integration of all aspects of the member-state economies into the European Economic Community. As the EEC began to function and expand, the difficulty of this process became clear. For example, one of the key concerns of the Treaty of Rome (EEC Treaty) was to lessen the disparities in the standard of living among member states by improving agricultural production and employment. This program was carried out through the common agricultural policies, but there were many problems relating to imports, exports, and subsidies. (Kondonassis, 2001)

Perhaps due to the type of economic problems confronted in initiatives like the Common Agricultural Policy (CAP), integration lagged among the member nations for the next thirty years, with bursts of energy followed by periods of near inactivity. (Gillingham, 2003) Nonetheless, in 1987 the community was re-energized with the passage of the Single European Act. This treaty focused on further integrating the European market by exploiting previously untapped resources and eliminating non-tariff barriers. According to Gillingham (2003), “Jacque Delors sponsored the Single European Act for two reasons, one of them close at hand: the internal market provisions supply the strongest centralization leverage in the Rome Treaty” (p. 494). Gillingham (2003) says of Delors, “He wanted to create a corporatist-socialist system to

protect “a distinctive European way of life” and strong enough to stand up to the United States” (p. 494).

In fact, the very nature of the non-tariff barriers of the SEA seems to have supported a competitive spirit among member nations, as well as leading to the internal changes necessary for each member nation to remain economically successful. So, in working within the parameters set by the SEA, what Delors called “a distinctive European way of life” did begin to emerge for Europeans, and it was this refreshed relationship that led the way to the Treaty of European Union (TEU) at Maastricht in 1992. The TEU not only planned how to extend the monetary policy, but it also extended the EU into broad areas of the lives of citizens in its member nations.

Without exception, the most significant outcome of the TEU was the planned expansion of the monetary policy with the establishment of the European Central Bank and the creation of an EU currency. Tillman (2004) says that, “Monetary union constitutes the most ambitious effort to deepen the level of European integration” (p. 604). Although the process of monetary expansion was designed to occur over time, it was clear from the beginning that there would be reluctance on the part of EU citizens to relinquish their national currencies.

Currency is a very important aspect of citizens’ daily lives since the amount of money citizens’ have, and the amount of power the money has, relates directly to the individuals’ economic well-being. Kaelberer (2004) contends that,

“Conventional wisdom holds that control of money has been associated with the notions of sovereignty and state power, at least since the emergence of the nation state in the late nineteenth century” (p. 161). Money helps to build up a nation so that people feel a part of the same political community. Money is a social relationship based on trust.

EU policy makers realized that it would take time for this feeling of trust to develop, so they must carefully promote the new currency. “After it was enshrined in a treaty, the recipe of monetary orthodoxy acquired legal force. Consequently, the promoters of EMU in the European Commission and in the member states increasingly chose to adopt an orthodoxy and legalistic discourse as a way to insulate the EMU process from political attacks” (Jabko, 1999, p. 485). According to Jabko (1999), this increase in orthodoxy was not immediate, but was eventually gained through a massive public relations campaign that promoted the benefits of the shared currency as a means of combining the European Monetary System and the Single Market.

Perhaps most significant as far as EU member states were concerned is the ability of the ECB to fix the currency exchange rates. The European Central Bank is an institution with a great deal of power, but it appears to have legitimacy. Kaelberer (2004) writes, “Thus, even though the ECB is not a democratic institution in the conventional sense, its legitimacy is higher than that of pre-EMU central banks, which had to follow directly the monetary policy of

the German Bundesbank” (p.176). The Director-General for Economic Affairs of the EU recognized that the ECB setting the exchange rate would preclude the individual nations from autonomous monetary policies. The inability of a nation to sustain autonomous monetary policies meant that the European Union would have an impact on national domestic decision-making since it would directly impact budgetary choices and force member nations to adjust their internal policies

Krasner (2001) writes that giving over national control of monetary policy is not a new situation because, “Since World War II, contractual arrangements that violate autonomy have become routine for international financial organizations...the conditionality requirements...can violate Vattelien sovereignty...can specify changes in domestic policy....” (p. 28). Jabko (1999) believes, though, that while the introduction of the single currency-- the Euro-- in 2000, implied trust between European Union member nations, “The political decision to move to monetary union still required a genuine leap of faith” (p. 479).

Kaelberer (2004) says that the Euro has resulted in a “spirit of openness and cooperation”. The design of the money is itself significant, with the EU symbols on one side and the individual national symbols on the other. The fact that the national symbols are artistic icons of one type or another, builds the sense of cooperation and openness in the EU community motto of Unity in Diversity.

Kaelberer (2004) argues that since money is not directly associated with a specific item of value, it always is an abstraction in a sense, so even a national currency is something apart from a regional or an individual identity. The situation of the EMU, then, is not so different from that of a national currency.

Writing in 1997 about the anticipated monetary union, Weiler lamented that the EU had been a “market culture”, but now the EU would have an “ethos of consumerism”. But by 1999 Checkel admitted, “After all, the process of European integration has largely been about market integration where national and transnational business interests have played key roles. (p. 547) And by 2004 Fairlamb emphasized the power of the EU when he wrote about how it was forcing its economic rules on banks in Zurich even though Switzerland was not a member of the EU. As far as the members of the EU are concerned, “Support for the EURO remains extraordinarily high in Euroland and overall majorities of public opinion are both happy with it and consider it as advantageous for the future of their country.” (Risse, 2003, p. 492)

Like the interdependent nature of monetary union, the interdependent relationship of EU member states, first legitimized in a supranational European organization through the 1951 Treaty of Paris, remains constant due to the geographic proximity of the European nations, but also due to the place that the EU holds in today’s global markets. As the United States, the former Soviet Union, and Japan gained preeminence in the 1980s, the European nations realized

that even closer economic alliances were necessary if they were to remain competitive in the world's market place. In fact, the close relationship of European nations has resulted in the EU becoming one of today's economic giants.

Security Issues

Over the past fifty years, the world has seen both an increase in weapons of mass destruction, and less certainty of controlling those weapons. Due to the dissolution of powerful nations such as the USSR, and the increased determinism of ethnic or religious factions within nation states to assert their minority rights, there has been an increase in rogue behaviors by regional or ideological factions--including an increasing utilization of terrorist tactics. In light of the current situation, with the dramatic increase in worldwide terrorism since the September 11, 2001 terrorist attacks in the United States, and the subsequent attacks in Afghanistan, Bali, Spain, England, and throughout Southeast Asia, a persuasive argument could be made for the need for a strong united front of the European nations. The fact that so many of the former Soviet bloc nations were anxious to join the EU is certainly evidence of the anticipated economic gains of EU membership, but also of building security relationships that give implied protection to these relatively new and independent nation states. (Gardner Feldman, 1999)

Without a doubt, a powerful reason for the genesis of the European community was the urgency to build relationships among nations within Europe that would help prevent horrific conflicts like those of World Wars I and II. The interdependence established between countries who became part of the European Coal and Steel Community spurred economic growth for member nations. At the same time, membership in the ECSC helped to ensure peaceful relationships between the member nations, thus fostering a sense of national security, with advisory status in directing financial and general provisions of the treaty,

After the Treaty of Rome in 1957, the nations of Europe were engaged in rebuilding their devastated countries, but they were also worried about their safety. To ensure the security of the nations in the ECSC, a proposal was made for a European Defense Community – a European army. The idea was that such an army would prevent the rearmament of the Germans. (Gillingham, 2003) The other European community members did not receive the proposal well because it was not equitable among member nations, but instead favored the French. (Gillingham, 2003) The United States put a lot of pressure on the Europeans to agree to it, however, because the Americans believed that failure to ratify the EDC would be a help to the Soviets. Once the French refused to participate because other political factors came into play, the proposed EDC was finished. (Gillingham, 2003)

In the 1970's and 1980's European economic issues received more attention than did military concerns. Especially after the fall of the USSR and through the 1990's, post Cold War Europe remained less focused on military security and more concerned with economic issues and security issues related to the environment. (Sperling & Kirchner, 1998) The NATO alliance was seen as the solution to the maintenance of peace and security in Europe. Often, the members of NATO were also members of the European Community organization. The security function of the EU seemed to be fulfilled. (Cornish & Edwards, 2001) Also, NATO – with the involvement of the United States and its extravagant defense budget– had potential access to large amounts of money.

In 1992, the TEU at Maastricht declared that a common foreign and security policy (CFSP) was established, and then proceeded to outline the provisions for what would be involved. Writing about the CFSP, Tonra (2003) sums up the situation. “From a point at which member states were unable to discuss formally any aspect of security issues in the early 1980's, the CFSP now includes all of the ‘questions related to the security of the Union, including the progressive framing of a common defence policy which might lead to a common defence” (Tonra, 2003, p. 732). The Europeans hoped they would develop the ability to competently and effectively respond to their own security needs rather than rely on intervention by NATO. Morth & Britz (2004) claim that since the

end of the cold war there has been rivalry, jealousy, and a general lack of clarity about authority and competencies among NATO nations.

The TEU was amended in the treaty of Amsterdam and then again in Nice to include a military force that the EU could deploy for peacekeeping or humanitarian situations. The proposal called for 600,000 military personnel from the various member nations. This force was seen as one that would promote peaceful solutions and solve problems. (Cornish & Edwards, 2001; Tonra, 2003)

Unfortunately, the CFSP was not prepared to deal with the problems resulting from a real conflict situation. Such was the case during the crisis in the Balkans where they once again felt that they had to rely on NATO for help, and NATO's decisions sometimes depended on the United States' political climate. The CFSP continues to have difficulties in certain situations where common action is expected, because nations sometimes choose to go their own way and disregard the CFSP provisions. (Tonra, 2003)

Although there are problems, the CFSP process has proceeded much more quickly than anyone anticipated. (Cornish & Edwards, 2001) The European defense industry seems to have developed along with the development of EU institutions, both factors resulting in a new way for Europeans to work cooperatively to regulate armaments. (Morth & Britz, 2004) Kaelberer (2004) says that, "Globalisation and international economic factors have already pushed

Europe to adjust and to search for joint solutions to commonly experienced pressures” (p. 174).

One concern about the functionality of the CFSP has been that the EU nations do not share a “strategic culture” of foreign and security policies. The basis of such a culture would be shared notions of the legitimacy and appropriateness of particular decisions. Tonra (2003) proposes, “Foreign policy actors are not ‘cultural dupes’ and they may indeed seek to exploit narratives of national identity to their strategic ends and consciously attempt to manipulate change in some narratives.” (p. 735) This way, EU members would have a “conceptual framework” on which to base their practices.

The approach, that Tonra (2003) suggests, of creating a narrative, is a cognitive approach where reality is constructed on the basis of ideational images. These ideational images may be derived from historical belief systems or symbols, stories, or other identity markers (i.e. the historical participation in the EU treaty relationships).

Chapter 3 covers a review of literature related to the role that text plays in creating and sustaining institutions or organizations, in this case the text of treaties. This chapter also reviews literature relating to European Integration, specifically literature concerned with the creation of an EU organizational culture or an EU identity.

Chapter 3

Review of the Literature

This chapter first reviews literature to support the notion that the changes to the texts of the European Union treaties may reflect the manifestation of an evolving shared vision within the European Union. As further evidence that an evolving shared vision is taking place, I review European integration literature relating to the development of a European Union organizational culture and an EU identity.

Implications of Treaties

The Concise Oxford English Dictionary (2004) defines a treaty as a formally concluded and ratified agreement between states. The nation states involved in a treaty agreement have a shared set of assumptions of what the concept of a treaty, as a binding document, entails. These shared assumptions are the starting point for discourse that takes place surrounding the treaty. (Harvey, 2000) The treaty process follows three stages: negotiation, signing, and force of entry. (Setear, 1997) Sometimes the treaty agreement is in the way of being a contract, but regardless of the precise form of the document, inherent in the definition of the treaty are the ideas of negotiation – perhaps compromise – and reciprocity.

Nation states initiate treaties because states perceive a need to join with other independent nation states to prescribe or restrict some type of behavior. Kralberer (2004) contends that treaties are the legitimate base of interaction between nation states however “unwieldy and fragile” the structures on top are. This is because treaties create a “sovereign relationship” between the signatories. (Vanduffel, 2004) They are neutral with regard to nationalism, but they establish the parameters of some type of behavior. Treaties provide a stabilizing factor. (Aalberts, 2004)

Also, there is implied trust in the treaty signatories, not only to adhere to the provisions of the treaty, but also not to attempt to subvert the treaty mandates. Whether loyalty to the other involved states is the basis of this trust, or is merely a political strategy, may not be significant. Rather, according to Setear (1997), in terms of adherence to treaties, game theory is the best explanation for the behavior of the nation states involved in the treaty process. He says that as far as treaties are concerned, deciding to abide by them is a continual “prisoner’s dilemma”.

However, from the Peace of Westphalia in 1648 to the present day, all treaties have been violated. (Krasner, 2001) He believes that nation states sign treaties and conventions with the expectation that there will be treaty violations, but states do ratify the agreements because the advantages of signing a treaty often outweigh the potential problems of violations. The treaties of the EU

represent “social contracts”. (Krasner, 2001) In fact, all treaties are some type of social contract. In a study to discover why state leaders decide to violate treaty agreements, Ashley Leeds (2003) discovered that leaders were most likely to fulfill treaty obligations if the associated costs of breaking the agreements were high. Since the EU does not have a particular state leader, this information would seem to predict EU treaty violations. However, Leeds (2003) writes that :

Whether one views formal alliances as primarily serving as costly signals of intentions or as mechanisms for coordinating economies of scale in securing production, dominant theories predict that alliances should be effective instruments of policy and that state leaders are likely to fulfill the alliance commitments they make most of the time. (p.802)

The European Union treaties are the “mechanisms” for coordinating economies and for acting as instruments of policy. This explains the very reason that the treaty relationship within the European community has been as successful as it has been for almost half a century. There have been violations, but the economic costs of EU membership are so high that the leaders within the member-states generally ensure the fulfillment of the treaty requirements.

After negotiations and signing, the final stage of the treaty process is “entry into force” (Setear, 1997). In the case of the EU, the entry into force stage means that the various institutions and committees within the European Union accept the authority of the text and work within the treaty provisions to make

decisions about the EU. The text of the treaty document represents the EU organization.

It appears that the European Union treaties are what Foucault (1972) refers to as a "...discursive practice...." which has influenced the "...political behavior of a society, a group, or a class...." (p. 194) In this case, the discursive practice is one where the text maintains a consistent linguistic style across time, thus convincing the individuals interacting with the text that the meaning is stable and not open to individual interpretation. This, of course, cannot be since the individuals reading the text represent different perspectives, points of view, and most significantly, different time periods. (Irvine & Gal, 2000) However, the content of these formal documents determines particular EU behaviors and influences the strategies of the EU and of individual nations. The formal nature of the treaties allows for a continual reshaping of the EU, including expanding through new treaty initiatives, as well as amending and nullifying aspects of existing treaties in order to arrive at acceptable compromises.

For example, Kreppel (2003) points to the fact that since 1987 there have been treaty revisions of the Single European Act, and the treaties of Maastricht, Amsterdam, and Nice. While some researchers have claimed that national leaders and officials were essential to the treaty process, Zito (2001) believes that national leaders and officials were part of the process, but not essential in the sense of

being a necessity for the process to take place. Regardless, in all cases the treaties resulted in expansion of the powers of the European Union.

Sometimes, as in the case of the EU Parliament, the expansion of EU powers has been into legislative areas. Kreppel (2003) says that in the context of parliamentary committees the legitimacy of attempts to “stretch” the content of the treaty provisions in order to make decisions in response to environmental factors at a particular time is sometimes questioned. The formality and consistency of the documents may help to constrain the committees’ behavior and contain national anxiety, even when it is over expansion into non-treaty specific conduct. In direct and indirect ways, the EU has extensive authority over many aspects of the day-to-day lives of Europeans.

The expansion of EU authority through the EU treaties may be easier to understand if it is true that each of the treaties reflects an evolving shared vision of the European Union, a common purpose that drives EU choices. Despite the specific time or who the actors and agents might have been, the text of the treaties must have sustained some aspect of the original purpose for a European organization. In fact, the elemental reasons for the generation of the structures and function of the EU seem much the same throughout the years, even though the EU organization continually changes in response to environmental conditions.

If the assumption is correct that the treaties of the EU consistently promote a vision of the EU that shapes the organization, then it would seem critical that

European citizens had read the documents, or that there was wide participation in generating an agreed upon interpretation of the text. However, Europeans who do not hold positions within the EU institutions have typically not read the EU treaties. Contrary to the expectation that EU citizens should have read the treaties if they are to understand the goals of the EU, it is probably does not matter that the majority of Europeans have not done so. Europeans know that they are part of the EU treaty relationship that binds their state to other member nation states, regardless of whether or not European citizens have had personal experience with the EU treaties.

What is important is that the existence of these formal texts lends legitimacy to the organization. The text of the treaties is a legal entity in terms of treaty law that binds the parties to a treaty and to the treaty provisions. (Chodosh, 1995) This legitimacy means that the EU treaties have become the mandates for action, as well as providing historicity and re-ifying the tradition of Europe as a community. They have become the physical manifestation of the abstract ideas underlying the organization's history and guiding the organizational behavior. In ways crucial to the survival and growth of the organization, the texts of the EU treaties are the institutions of the EU.

Function of Text in Framing Institutions

All cultures have traditions, and some type of traditional text frames the vision of nation states and of organizations in general. These texts may be as significant as the ancient Mesopotamian's Code of Hammurabi that outlines the law or the constitution of the United States that frames the vision and expectations of a nation. The text may be the mission statement of a large company or the rules for running an orderly meeting. In any case, the western world places a high priority on the written word that has the power of identifying and categorizing reality and then connecting that reality to individuals. Collins & Blot (2003) contend that text embodies a moral stance, economic potential, and civic virtue. In the absence of a constant human agent, text that explains and verifies the organizational *raison d'etre* represents the organizational reality.

Text describes the organizational components and delineates the parameters of the form and function of the sub-structures of the organization, as well as rules/laws that govern the operation of the organization. Individuals within the organization direct their actions beyond the text, perhaps, but their actions are also constrained by the fundamental elements that provide the basic motives for the existence of the organization. Unlike a dialogic interaction where individuals know they may interpret content differently (Bakhtin, 1981; Hopkinson, 2003), individuals' perception of the text of the treaties is that the provisions of the treaty have a clear meaning because the treaty is a legal

document. The fact that EU committees operate “within” the meaning of the treaty provisions means that the committees believe a clear meaning exists.

In The Archaeology of Knowledge, Foucault (1972) remarks that "...in our time history is that which transforms documents into monuments." (p. 7) The treaties, on which the EU is based, may in fact be monuments to the earliest vision of European nations uniting for economic growth while moving closer together to also gain peace and security benefits. The treaties become important for what they met historically in a different time, with different agents and actors. The treaties remain important for what they reflect of the present, and for what they promise of the future. Foucault explains this by saying, "The positivity of a discourse... characterizes its unity throughout time and well beyond individual oeuvres, books, and texts" (p. 126). The existence of the discourse of the EU treaties means that there is a sense of literally identifying with the past, with the vision of the original European community organization. The discourse of the EU treaties is powerful since the texts of the various treaties extend for 50 years. Foucault believes that discourse of this type "...defines a field in which formal identities, thematic continuities, translations of concepts, and polemical interchanges may be deployed. Thus, positivity plays the role of what might be called a historical a priori" (p. 127).

Confidant that the on-going EU treaty process links them to the past, EU nation states accept that they share a history in terms of the EU. The formalized

text of the treaties has both promoted and helped to sustain a European Union organizational culture. The historical a priori discourse Foucault (1972) refers to is reflected in the treaties and the role the treaties play in EU growth and development. These treaties are historically connected, independent of the time period or the motivating factors for each treaty. This means that there is a component of “intertextuality” in the content. (Wodak, 1999) The meaning of each treaty goes beyond the content of that one treaty and includes the relationship of the differences between the texts. The idea of intertextuality is particularly applicable in the case of treaty documents that are by nature iterative (Chodosh, 1995). The continual additions and amendments to the treaty documents throughout the EU treaty process are a classic example of the iterative aspect of treaties. In the EU treaties, the text of each new treaty continually amends and modifies all prior treaties.

In another example, Collins and Blot (2003) comment that: "In the colonial and early national periods, newspaper publishing, writing, and reading were viewed as essential to the ferment and debate of self-government, to the formation of civic ideals, civic responsibilities, and citizen-subjects" (p.75) (Thomas Paine's *Common Sense* is an example of just such a document.) Also, Bojkov (2004) comments that, "From the seventeenth century, an important place in the British national identity is occupied by documents espousing liberalism and the rights of citizens in relation to their rulers, such as the Magna Carta, Carta

Libertatum, the Petition of Rights, the Habeas Corpus Act and the Bill of Rights “ (p.326).

The previous discussion demonstrates the critical role that text can play in shaping state policies. The EU treaties may have played a similar role in creating and maintaining the construct of the European community organization. One way to understand the formation of the construct of the European community organization is through the notion of a schema of thought that encapsulates the whole concept. In the case of the EU, the concept of the treaty provides the structure for the representation of the organization of the European community. Since the EU is a synthetic creation with no real physical point of origin, the treaties become the artifact that members of the European community see as the legitimate representation of the organization. Aalberts (2004) says that these structural features of the EU become the “agents of authority” symbolizing the relationship that exists between the member states of the European Union. In this sense, the EU member states are the stakeholders in the relationship, and the treaties are the source of power and authority. (Peters, 2003)

The provisions of the treaties determine the vision of the EU because the EU treaty provisions literally prescribe the formal relationship that exists within the EU organization. Individual European Union member nations retain their own sovereignty, but they also are signatories to the treaties, so the inherent power of the treaty provisions affects even some internal decisions of member states. The

importance of adhering to the EU treaty mandates is continually reinforced and taken into account as decisions are reached.

In fact, treaties are discursive practices that reflect very real power. This is particularly significant if the EU treaties have resulted in the imposition of a shared evolving vision between EU member nations. Certainly, with EU agents from 25 different nations of unique cultural and linguistic backgrounds, it is clear that there will be differences in pre-existing responses to events, but with a shared vision/purpose as articulated in the treaties, some degree of standardization in perception of the EU can be expected. Such standardization is certainly important since cross-culturally shared perceptions and experiences cannot be assumed.

In the situation of the EU, an organization composed of individuals from so many backgrounds, it is critical to have a shared idea of the vision/purpose of the European Union that will structure thinking and evoke a shared schema. Such a view is important because although members of an organization may occupy the same physical space (the territory of Europe), and may be perceived as occupying the same mental or emotional space (citizens of the EU), in all likelihood this is not precisely the case, because each individual brings a unique memory and experience to understanding every situation. (Sperber & Wilson, 1986) Treaty content, explicitly or implicitly, promotes some type of evolving shared vision.

After investigating the impact of EU treaty reform on the internal development of the European Parliament, Amy Kreppel (2003) concluded that,

“This research suggests that treaty reforms need to be studied in a broader context to fully understand the impact that they have on the development of the EU and specific institutions within it” (p. 885). She speculates about whether the treaties and treaty reforms are the “mechanism” through which some type of integration occurs.

If all of the EU treaties are the manifestation of an evolving shared vision, then a strong argument could be made that the vision/purpose reflected in the treaties is one of the main sustaining mechanisms behind the evolution of the European community into the EU. A number of studies have been conducted that evaluate and confirm the relationship between shared visions and shared identities. (Beech, 2000; Blevins, 2001; Eubank, 2003) Finney (2001) maintains that, “All cultural forms of representation...are ideologically-grounded, [in] that they cannot avoid involvement with social and political relations and apparatuses” (p. 298). Tillman, (2004) says that, “European leaders have integrated Europe largely through the negotiation of treaties among member states” (p. 604).

European Union Integration: Organizational Culture

The long period of time over which the EU treaties were formulated, and the general adherence of member states to the mandates of the treaties, appears to have influenced the subtle growth of a loosely knit European Union culture that runs parallel to the cultures of the individual nation states. While the EU culture

is not distinguishable in precisely the same way that the individual European national cultures are, there are actually two essential dimensions of European Union culture that must be considered.

The first dimension of EU culture is the actual manifestation of the organization -the material manifestation. The second dimension of EU culture is concerned with a specific EU cultural identity that transcends national boundaries and represents all of the Europeans who are citizens of Europe and members of the European Union –in a sense the psychological component of the EU. It is difficult to discuss these dimensions of EU culture independently because they are actually intimately connected, in a sense defining and validating each other.

(Brown, 2000)

Today's European Union is the result of an organizational expansion that has taken place over the past fifty years. The unique ways of implementing the provisions of treaties and the treaty additions and amendments have resulted in increasingly complex and multi-dimensional relationships between the growing numbers of European countries who are part of the organization. For example, the EU has accomplished much in the areas of social policy. There is free movement of workers throughout Europe now, so for many EU citizens there are more opportunities for employment. Along with the movement of workers from one nation state to another, has come a more general acceptance of different types of "Europeans" as belonging to the collective group. There is a kind of unity in

diversity as Pantel (1999) comments when writing about the motto of the EU—Unity In Diversity.

There have also been some changes within member states as they attempt to comply with the EU human rights mandates. Goldston (2002) points to the Roma people (commonly called the gypsies) as an example of an oppressed people who have gained rights under the EU policies. In fact, minorities of member states often indicate very positive feelings toward the EU due to these changes that directly impact their lives. (Weiler, 1997)

However, as these types of social policies have been enacted, the size of the European community has expanded, and the bureaucratic organizational structures have developed, questions regarding the implications of and outcome for European integration have been widely debated. Many Europeans view the possibility of some type of a supranational European community as a true threat to their own country's national identity, believing that such an organization might deprive them of their own laws and unique cultural traditions.

While members of the EU elite may want the EU to result in a “mass identity” (Bruter, 2003) contained within an independent nation state, many people within the unique and ethnocentric countries of the European Union do not view the social and political ramifications of such a concept in a positive light. While geographic factors force close cooperation between the EU nations - and monetary rewards confirm the real value of such cooperation - linguistic,

religious, and cultural variables reaffirm the differences between the nations, so even the smallest state strives to maintain its autonomy. In fact, within the past decade, regions within nation states (i.e. Basque) have been seeking their own autonomy, perhaps encouraged by the Treaty of European Union that established a Committee of the Regions. (Laffan, 1996)

Weiler (1997) points out that even in the later text of the Treaty of Rome (EEC) there are only statements about bringing the people of Europe together – not about making them one nation state. However, when the name of the EU organization was changed to the European Union in the Treaty of the European Union, the potential for a super-state of some kind appeared more possible. Regardless of the name change, the idea of a single European nation state is still not compelling. Even as the decisions of EU institutions have become more and more a part of European life, the individual member states seem to have become more determined to preserve their identity, while also participating in the institutions of the EU.

Decker (2002) believes in spite of the concerns about the EU organization, integration seems to be continuing, and it remains the major concern. There is no consensus on the advisability of, or even the extent of, integration, but at this point member states have no alternative but to go forward in the integration process. Integration continues, if for no other reason than the existence of the single currency or the common foreign and security policy.

While everyone questions what is involved in EU integration, an organizational identity (with all of the functional and dysfunctional patterns of interaction found within any organization) has taken shape. This EU organizational identity cannot adequately be described as only an economic community. The EU has a security policy (CFSP) a court of laws, but it cannot be defined as a sovereign state. However, implementation of the provisions of the EU treaties and the treaty additions and amendments is resulting in the gradual imposition of EU institutions into domestic decision-making.

The EU is not a sovereign nation state, nor does it conform to the sovereign state model, or even the true model of an organization. It is unclear whether the EU ever will be defined as a nation state, since over the past 50 years the idea of a European nation state has waxed and waned depending upon environmental factors affecting the individual European nation states and Europe as a whole.

Often the word “nation” is used informally when referring to a country -- an area more correctly referred to as a nation-state. At other times, “nation” refers to a group of people of a particular ethnic group, or people connected by kinship ties. In the first usage of the term “nation”, an actual physical space exists where the nation-state can be located. In the second case of the word “nation”, there is not a physical space, but rather there are individuals who are connected in the space of a psychological or sociological relationship. These individuals perceive

a connection between themselves and other people who they recognize as being members of their “nation”. (Silverstein,1998)

Implicit in both usages of the word “nation” is the notion of “we-ness”. Silverstein (1998) believes, “This “we-ness” constructs a normative consciousness that inclusively shares with others’ consciousness a particular, homogeneous nationalist space-time—a set of distinct, spacio-temporal nationality based suppositions within a narrator’s and a narratee’s intersubjective normative consciousness” (p.65). Silverstein’s comment is in reference to discourse in general, but this remark is particularly pertinent in terms of the citizens of the European Union and the EU treaty process.

European citizens share a “normative consciousness” to begin with because they all live in Europe. There is an identified physical space that is Europe, so citizens of Europe share a sense of “we-ness” about being European. Many Europeans also share ethnic or kinship ties that cross the formal boundaries of the individual nation states. Over the years, the territorial boundaries of the nation states have sometimes shifted because of international conflicts (i.e. France and Germany in the Alsace, or the states of the former Yugoslavia). Also, Europeans from one nation state sometimes move to another European country for study, work, or marriage, for example. On many levels, Europeans possess a sense of “we-ness”. The texts of the European Union treaties are the official “discourse” of the European organization, reflecting the “normative

consciousness” of the European Union and reaffirming the “we-ness” inherent in being part of the EU organization. Each successive treaty document has continued to do this.

Silverstein’s (1998) views about “discourse” and “normative consciousness” and “we-ness” pose interesting possibilities when trying to understand the European Union. The EU is not a sovereign nation. However, the sovereign state model has actually been the governmental concept underlying the organizational structure of the EU. Debeljak says that, “...today it is relatively difficult to think outside the frame of the nation-state or more precisely outside of ethnic tradition...” (p. 156). Ethnic traditions have been particularly significant within the last two decades, as ethnic groups have reasserted their ethnicity within their individual nations. The tragedy of the Balkan conflict between Serbs and Croats in the former Yugoslavia is a sad example of the power of ethnic loyalties that drive behavior.

The tendency of citizens of the western world to think in terms of a sovereign state model appears to be the case in the EU where, even though the resistance to a European nation state remains strong, many of the characteristic structures and the concomitant problems of sovereign nations are present. All of the leaders and participants in the EU organizations were raised within some version of a sovereign state model. However, Keohane (2003) argues that the Europeans have moved away from the classic model of sovereignty and have

embraced a model of “pooled sovereignty”, as opposed to the model of “classic sovereignty” still practiced in the U.S. Pooled sovereignty may be what EU scholars such as Hooghe and Marks (2001) refer to when they use the term “multi-level governance” to describe the European Union system. But, Inglehart (1990) claims that, "People live in the past far more than they realize. We interpret reality in terms of concepts and world views based on past experiences" (p. 422). Some of the confusion about what type of governmental structure is occurring in the EU might be explained if the EU is operating within a model of “pooled sovereignty” while EU leaders are remembering a model of “classic sovereignty”.

There is, however, one dramatic difference between the European Union and any other type of sovereign nation. Although EU development has depended on strong leaders to provide the direction of change at times, there is no one individual in the dominant leadership role at the top of an EU leadership pyramid today. No such position exists. No autonomous European nation state wants to relinquish decision-making powers to leaders of a foreign state, so there are no individuals in the EU who have the over-whelming status of being the dominant authority. All of the EU leaders, who assume the offices of the various committees, or of the council, commission, or parliament, play significant roles in the EU, but the EU does not depend on any of them to sustain itself. Rather, the organization is sustained regardless of who fills the particular leadership roles,

because the direction that the EU will take is constrained by the provisions articulated in the earliest treaties and all subsequent treaties and amendments.

Various individuals have acted as significant change agents in promoting the notion of the EU, and there continue to be other agents providing the energy and vision for changes taking place as the EU has continued to grow. Certainly, without Jean Monnet (sometimes called the Father of Europe) who is responsible for such concepts as supranationalism, sectoral integration, and functionalism, the EU would not exist. Gillingham (2003) says of Monnet, “The apparent inescapability of this linguistic legacy makes Monnet an avatar of integration, albeit less owing to his powers as a pure thinker than to his uncanny knack- in an age of science and technology, mass production and instant communication- to harness the powerful powerful and fertile minds of others to his goals and policies” (p. 17). Monnet was committed to a European Union.

Similarly, if Valerie Giscard D’Estaing had not revived the European project with his creation of the informal discussions in the European Council, the EU might still be in a holding pattern as it was for the first 27 years after the Treaty of Rome. And if Jacque DeLors had not published his famous White Paper which laid out the remedies for economic weakness and the timetable for change, then the EU would not be what it is today. (DeLors, 1985) However, if any of these personalities had been any more dominant in the EU process, the EU might also not be what it is today. (The fact of their nationality would have been

sufficient grounds for mistrust between some European nation states who have a history of conflict with one another.)

There are leaders of the councils and commissions and the parliament, but they are often politicians or former government higher ups of the various nations. Even the relatively new (1979) practice of electing European Parliament members finds a president and representatives who are leading in only one pillar of the EU. (Hooghe, 2001)

As members of this web-like multi-level EU structure, the current agents who control the institutions of the EU recognize the legitimacy of the complaints by the average European. It is clear that the EU does not function perfectly and often fails to do what it says it will do. But it is difficult to achieve successful governance through committees and multi-level structures that require almost total agreement among participants in order for change to occur. If the EU really was a sovereign nation, these types of problems might not seem as frustrating to regular citizens because there would be electoral mechanisms in place to solve them.

In reality, organizational/governmental failure is part of the expectations of individuals who exist within sovereign nation states. Citizens of nation states know that policies fail and there are gaps in how systems function, but there are strategies for correcting these problems through changes in leadership or procedure. Krasner (2001) says that organizational hypocrisy where the

government says what it will do and then fails to do it is the inevitable outcome of the governance of democratic sovereign nations who strive - but fail – to strictly adhere to organizational guidelines.

The EU member nations share many universal ideological notions and value systems, so a case could be made that the EU organizational structure is functional due to the very convergence of ideologies and beliefs. On the other hand, there is no denying the divergence of the individual national cultures. The boundaries between these two extremes create some of the difficulties that arise in the interactions between EU members.(McPhee & Zaug, 2001) However, Pantel (1999) says that by referring to “unity in diversity” the European cultural policy, the European Council, and the European Commission have tried to acknowledge – but at the same time downplay --the difficulties regarding divergence.

All nations and cultures want to conserve their autonomy, so EU member nations typically emphasize the differences between themselves even as the individual nations slowly begin to relinquish aspects of their sovereignty in order to maintain their status as economic, legal, and social partners in the EU. The irony of European Union member nations proclaiming their individual identity, while at the same time shifting power to the EU organization, is inescapable. But by reinforcing the importance of the EU organization, groups of individuals who support the concept of the European Union reify the EU organizational structures. (Monge, 2000)

Acceptance of the EU vision as articulated in the treaties may reflect agreement with the basic ideological viewpoint of the practical economic and security value of a European community structure. Regardless, compliance with the treaties enables the individual member states to be a part of the larger EU hegemonic structure. The desire to be a part of an EU hegemonic structure makes sense in the case of the EU, if we follow Mumby's (1997) definition of hegemony. This definition says that hegemony is, : "...non coercive relations of domination in which subordinated groups actively consent to and support belief systems and structures of power relations that do not necessarily serve –indeed, may work against—those group' interests" (p. 344).

Promoting economic well-being and bringing member states closer together may be the main expectations that shape the institutions of the EU organization, but the process for accomplishing these goals is often unwieldy and at times may actually work against the goals of the individual nations. Regardless, the value of being part of the EU hegemon seems particularly appealing in light of the hegemonic powers of the United States, China, and Japan whose economic strengths far surpass those of most individual European nations.

The web-like structure, that currently regulates decision-making, assists in maintaining the perception that individual states have not truly given up their rights for this single organization. The individual nation states that comprise the EU cannot surrender their own rights of sovereignty in total, nor can any one

leader take the role of governing the EU, or directing the outcome of EU decisions, so the form of EU institutions must be multi-faceted with a certain degree of fluidity.

There are a few points that need to be made about the sense of EU cultural identity that individual Europeans feel. First, the way that individual citizens within the European Union view themselves might be described in the same manner as the organization was described - as being complex, multi-faceted, and sometimes fluid. Second, most Europeans acknowledge that they have multiple identities, naturally including those that are regional, national, and professional/associational. EU citizens also have the identity of being a European purely because they live on the continent of Europe and are an EU citizen in the case that their country of origin is a member of the European Union. Third, often the strongest ties are to their own nation state. For all three of these reasons, building an EU cultural identity is problematic. Every person is sustained by a belief system about his/her place in the world. Multiple identities confound the formation of a single belief system because of conflicting needs and effective responses. To account for this situation, in the minds of Europeans, old and new identities must be linked in some way if individuals are to maintain belief consistency. (Hooghe, 2001)

Linking these identities may be difficult to do since most Europeans feel little connection to the organization. They do not feel that they have a personal

voice in determining EU policy, since they tend to believe that the elite of European society run the EU. Many of the agents controlling EU institutions have been former elected officials of the member states, have been appointed by their governments, or belong to an exclusive professional group that excludes outsiders. (Peterson & Shackleton, 2002)

This sense of exclusion does not facilitate the growth of an EU cultural identity for the individual. The Council of Europe is intended to deal with concerns relating to the identity issue. Unfortunately, council officials often only exacerbate the disconnectedness of the average European citizen, because these EU officials may be worrying more about their own political careers than about social and cultural issues (including EU identity). Yet social and cultural issues may be a concern if the institution is to be effective.

Howe (1995) believes that homogeneity is actually not necessary for supporting an EU personal identity. He sees the heterogeneity of Europeans as potentially beneficial if it is framed as a positive way to include ethnic minorities or other groups who might typically feel excluded from the system. If the individual citizen is in any way disenfranchised from their own national cultural group, then they may place more importance in their EU cultural identity. (Laffan, 1996)

Within the EU, Biscoe (2001) says there are a number of policies that protect national sub-groups at the expense of the larger EU community. For

example, he claims that, “European economic integration...is premised on the sanctity of individual freedoms as outlined in the Treaty of Rome.” (p. 58), and the European Court has upheld this premise on many occasions. So, rather than the EU robbing national regions of their rights, the EU economic policies support these sub-groups.

It is clear that the relationships between the national cultures and an emerging EU culture are dynamic, with unique responses depending upon the issues and the nation involved. But why are the EU member nations willing to allow this encroachment into their domestic policy? Perhaps this encroachment may be the result of major anticipated economic and security advantages.

European Union Integration: Organizational and Cultural Identity

In order to understand the relationship between the ideas of an EU organizational or cultural identity and an evolving shared EU vision, it is important to review some of the literature regarding organizational and individual culture and identity formation, and some of the literature relating to the importance of a shared vision in promoting an identity.

“As various writers argue...citizenship is mainly definable in terms of the existence of a political community, civil society, and public sphere whether or not that is conterminous with a nation-state” (Roche, 1995, p. 726). “The European cultural identity of citizens is best described as individuals’ perception that fellow

Europeans are closer to them than non-Europeans” (Bruter, 2003, p. 1155). “An identity is a conception of self organized into rules for matching action to situation” (Egeberg, 1999, p. 458). In the end, it is difficult to agree about how to define an EU identity or, consequently, what dimensions that identity may take. (Power, 2002; Rossant, 2002; Illouz & John, 2003)

These definitions of identity in the previous paragraph reveal only some of the difficulties of trying to explain what it means to be a nation state or a citizen in the European Union. In a sense, integration has already taken place on many levels. The European Parliament, European Council, European Commission, European Court of Justice, European Central Bank, and myriad European committees, along with an EU flag, passport, and anthem, are all concrete evidence of the EU organizational culture. Each of these various EU artifacts and structures has been constructed and adjusted over time to adapt to new realities of the emerging European organization.

In fact, the EU organizational culture is a complex web of relationships uniquely structured to tie Europeans to one another while at the same time avoiding the notion that the EU as a super-state will dominate or destroy the integrity of the individual nations. This diversity of councils, commissions, and committees, as well as the court, the parliament, and the central bank, exist in a multi-layered institutional system that has generated a unique EU organizational cultural identity. “Multi-level governance” is the term for the type of institutional

structure reflected in the diversity of councils, commissions, etc., in the European Union. (Aalberts, 2004; Hooghe & Marks, 2001) Multi-level governance differs from the sovereign state model of government because there is no one in a sovereign position. Heads of committees and elected officials of the various EU institutions are the agents operating the EU organization.

The complexity of such a multi-level institutional structure has resulted in a degree of opacity that is both an advantage and a disadvantage. (Decker, 2002) The complexity prevents any one body from gaining supremacy, so in many cases decisions about policy are actually made by professionals who work together to generate strong solutions, rather than politicians who gage their responses to EU policy-making on the basis of their own nation's needs. (Egeberg, 1999)

The disadvantage to the complexity of EU institutions is that the average citizen of an EU member nation is discouraged from active participation in the organization because of a poor understanding of the structures and functions of the EU. This lack of information about policy formulation creates misunderstanding and unease among Europeans who live within the organization of the European Union. (Bruter, 2003; Jones, 2003; Who Killed..., 2003) Feeling distanced from the organization's operations, the typical Europeans believe that the EU has little impact on their daily lives, with few exceptions such as the use of the EURO.

Sometimes this issue of lack of information is lumped into concerns about the “democratic deficit” of the EU. (Albert, 2002; Decker, 2003) Decker (2003) believes that this topic often is misconstrued because it is unclear if individuals see the EU as deficient in the sense that a sovereign nation has deficiencies, or if the term deficit is interpreted as a situation where not all citizens have access to the same level of “wealth”.

In a revealing study by Peter (2003) (a content analysis of television news reporting on the EU) citizens were found to evince almost no interest in EU matters unless the issue involved was one that was polarized because of its controversial nature. The fact that 63% of eligible EU voters voted in 1979, while only 43% voted in 1999 seems to lend further credence to the lack of EU enthusiasm (Ford, 1999). In addition, the failure of the constitutional referendum in 2003 raises serious concerns about the strength of the EU. (*Brussels Breakdown*, 2003).

At the root of the lack of enthusiasm may be the issue of the fear of the loss of national identity. For example, many individuals have feared that an EU identity will strike at the value systems of their countries. This has been a concern of the Scandinavians who faced changing their liquor laws to accommodate “sin tourism” (Kurzer, 2001), to the Cypriots who worried as early as 1998 about a loss of their own values regarding homosexuality (Theodoulou, 1998), and to the more recent concerns over legislation controlling stem cells and

tissues. (The Lancet, 2003) In her text *Markets and Moral Regulations*, Paulette Kurzer (2001) proposes that European cultural values are moving toward “homogenization” because open borders and increased media attention to different value sets ultimately leads to a broader definition of what “truth” is and what values might be. If Kurzer is correct, the fear of a loss of a unique national identity characterized by particular ethics and values may be reasonable.

Some researchers (Hooghe, 2001; Semetko, Van Der Brug, & Valkenburg, 2003) indicate that only when a close relationship with the EU benefited a nation state in a particularly advantageous manner were citizens of individual nation states found to be anxious to align themselves with the EU. Advantages may include economic gains, increased security measures, or international status. Positive internal economic, political, and social changes may promote a subtle shift in attitudes toward the concept of the supranational community, but when there are no noticeable benefits, then less than positive attitudes may result. Europeans value and acknowledge the benefits of some aspects of European integration, and individual situations may sometimes make nations amenable to integration even within areas which may affect national sovereignty.

One group of nation states who is reluctant to part with any degree of national sovereignty is the Eastern European countries who have gained autonomy only since the fall of the USSR. They have expressed mixed reactions to EU integration and identity. Some nation states have felt that the costs of EU

membership are high in terms of loss of national identity (Clark, 2003; Glachant, 2002; Pridham, 2002), but other states feel that economic advantages, and issues of safety and security, generally outweigh other concerns. (Dahrendorf, 2003; Virkkunen, 2001) In his research, Meinhof (2003) found that people living on the borderlands of Eastern Europe were aware of a European identity, but tended to feel unsure of it beyond the economic gains that it might contribute.

Research on the issue of the identity of individual Europeans shows that, unfailingly, the vast majority of citizens place the highest value on their national, regional, and professional/associational identities. Loyalty to the international identity seems to be more contextually determined. Individuals do not usually feel a dramatic connection to the EU unless the EU has succeeded in meeting their basic needs in some manner in which their own nation has failed. For example, research shows that Italians were more supportive of the move to the Euro than were Germans. Italians benefited greatly from the EU currency, while Germans tended to feel that they had been losers in the exchange. (Risse, 2003)

Numerous efforts have been made to find evidence to persuade individuals of the value of an EU identity (Melvin, 2003; Polish Premier says..., 2002). Fabrini (2003) contends that coming together does not mean that member states must become similar. This comment reflects the delicate balance that is the crux of the EU identity problem. Interestingly, Kritzinger (2002) evaluated the influence of the nation-state as far as the assumption of a supranational identity is

concerned, and found that citizens' negative perceptions of their own nations were more likely to persuade them to adopt the supranational identity.

Europeans do not appear generally to be persuaded of the importance of their EU identity because of the outward symbols such as the flag or the anthem. However, research has found that over the long term, "In other words, symbols have a very strong effect on the distinctive cultural aspect of political identities." (Bruter, 2003, p. 1168) Also, Europeans have been found to demonstrate EU loyalty to European sports figures who are competing against non-Europeans, and to international endeavors that directly affect Europeans. (Kaelberer, 2004)

Chapter 4 explains the rationale for this study; outlines the questions addressed in the research; and explains the design of the study, including the materials used in the research, a description of the coding processes, the role of the participants/coders in the analysis of data, and the justification for the validity and reliability of this research methodology.

Chapter 4

Design of the Study

Rationale for the Research

The European Union that exists today is based primarily on an economic relationship between EU member states, but today's EU has also grown to bring the nations of Europe closer together, and in a safer environment. The Common Foreign and Security Policy (for example) demonstrates that the EU is “something” more than a treaty arrangement designed to improve the economic well being of member states while bringing the peoples of Europe closer together, but there is no agreement about exactly what that “something” is. The review of the literature in the previous chapter illustrates the real ambiguity EU citizens feel about the EU organization and the implications of an EU organizational and cultural identity. Yet, there is no escaping the depth of EU involvement in the lives of EU citizens, so the question is how did the EU get to this point?

One possible explanation is suggested in an example given by Shackelton (2002) who, when writing about the European Parliament, explains:

Parliament was also given the formal right to approve the person proposed by the European Council as President of the Commission. In this way, the Treaty legitimized existing practice as well as complemented the right granted at Maastricht to take a vote of confidence to elect or reject the Commission as a whole. The changes were ones of degree rather than of principle, a pattern that was repeated in Nice in 2000, ...” (Peterson & Shackelton, 2002, p.99).

If Shackelton is correct in the instance of changes to the European Parliament, it is possible that the same process of incremental changes in the text of the primary EU treaties is legitimizing the manifestation of a shared vision in the European Union. A careful examination of all of the changes made during the EU treaty process helps to answer this question by providing a metaperspective of the development of the European organization.

In order to achieve this metaperspective of the content of the EU treaties and to better understand the evolution of the EU, this research addressed the following questions.

1. Has the frequency of additions and amendments referring to economic issues increased, decreased, or remained about the same over the course of the development of the EU treaties?
2. Has the frequency of additions and amendments referring to social issues increased, decreased, or remained about the same over the course of the development of the EU treaties?
3. Has the frequency of additions and amendments referring to security issues increased, decreased, or remained about the same over the course of the development of the EU treaties?
4. How frequently are treaty additions and amendments relating to economic issues tied directly to social issues?

5. How frequently are treaty additions and amendments relating to administration tied directly to economic issues?
6. How frequently are treaty additions and amendments relating to administration tied directly to social issues?
7. Have the introductions to each of the treaties of the European Union retained a common vision of the treaty relationship?

Treaty Content for Analysis

The four treaties evaluated in this study comprise more than 1000 pages of text, so the first problem was to decide what to look for in all of that content. The Treaty of the European Economic Community was the starting point for the content analysis, so it was examined in its entirety. The other three treaties (the Treaty of European Union, the Treaty of Amsterdam, and the Treaty of Nice) were evaluated only in terms of the amendments and additions (the significant changes) to the treaties.

Making the decision about which of the treaties to analyze necessitated a familiarity with the major treaties that have structured and sustained the development of the European community. These treaties are the Treaty of Rome i.e. the EEEEC Treaty (1957) – one of the three foundational treaties that today comprise the first pillar of the EU; the Treaty of European Union (1991) that resulted in the most dramatic changes in the organization; and the Treaties of

Amsterdam (1997) and Nice (2001) that further refined the TEU. The European Coal and Steel Treaty and the European Atomic Energy Treaty are the other two foundation treaties in the first pillar of the EU, but they were not analyzed in this research since their content is very narrowly focused and modifications to these two treaties have generally been administrative or simple responses to time sensitive technological changes. In the same way, the Single European Act was not part of the analysis in general since it is not part of the continuing treaty revision process, but was important as it revived the organization, setting the EU on the path of growth and change.

A substantial portion of the SEA amends portions of the Coal and Steel Treaty and the European Atomic Energy Treaty. Other parts of the SEA address Research and Technological Development, Environment, Economic and Monetary Policy, Social and Economic Cohesion, and Foreign Policy Cohesion. All of these topics are developed more thoroughly in the later treaties, but the amendments to the EEC made in the SEA actually begin the process.

The text of The European Economic Community Treaty and the additions and amendments to the Treaty of the European Union, the Treaty of Amsterdam, and the Treaty of Nice were obtained from Europa, the official web sight of the European Union. Some documents were immediately downloadable as Pdf files, while other older treaties had to be ordered from the EU document center. All of the treaties analyzed in this research are the original text rather than the

consolidated versions. Multiple copies were made of each of the documents to ensure that unmarked text would be available for evaluation by the research coders.

Methodology – Why a Content Analysis

Initially, I intended to utilize a computer program for the text analysis. However, it soon became obvious that this was not feasible because too much content was involved- over 1,000 pages. Also, the treaties and the treaty additions and amendments were not sequentially altered one after another. Rather, each new treaty not only introduced new provisions, but also amended each of the treaties that had come before it. So, the Treaty of the European Economic Community (TEEC) amends the Coal and Steel Treaty (ECST) and the European Atomic Energy Treaty (EURATOM), and the Treaty of the European Union (TEU) amends all three of the previous treaties. The same process occurs in the treaties of Amsterdam and Nice.

The use of a computer analysis was also not practical because targeting only words or phrases was insufficient to determine meaning. Inherent in text analysis is the problem of determining specific meaning as opposed to implied meaning. Content analysis is always less clear cut when the meaning of the text is obscured for some reason (i.e. open-ended generalizations that result in ambiguity of interpretation), or when meaning is relationally determined. Potter and Levine-

Donnerstein (1999) discuss this distinction in terms of manifest content versus latent content.

Manifest content is that which is readily identifiable because it is specific and definable, and immediately apparent. Donnerstein (1999). Nuendorf (2002) defines manifest content as, “anything that is physical and countable” (p.23). Latent content is the level of meaning derived from the interrelatedness of elements within the text. It is what Nuendorf (2002) describes as existing at the “deep” structure of language. Thus, the meaning is implied and must be inferred by the coder, in fact generating a partially subjective reaction to the text. For this reason, manifest content may be considered the most reliable since a more objective evaluation is likely as there is less room for error in interpretation and in assigning value. However, if latent content is ignored, the subtleties and depth of text may be over-looked. (Priest, Roberts, & Woods, 2003). Since mental images are triggered by single words or phrases as well as text as a whole, then in this study manifest and latent content were evaluated. Potter and Levine-Donnerstein (1999) believe that individuals (of similar linguistic and experiential backgrounds) evaluating content will identify so-called “primitive concepts” which are understood in the same way even if a clear definition is not possible.

In looking for these “primitive concepts” or themes that EU treaty modifications reveal, the researcher and the coders had to be able to consistently utilize a direct read and react strategy for identifying the thematic content. The

coders read each individual unit of analysis –either a treaty article in its entirety or a single clause of a multi-faceted article. (i.e. Article 7a) The strategy of reading and reacting allowed the coders’ to respond spontaneously, first decoding the manifest content of the article while simultaneously processing the latent content, and then assigning the text to a thematic category. Nuendorf (2002) writes that some researchers consider the boundaries between manifest and latent content to be pretty “fuzzy”. In this research, any perceived fuzziness was not a concern, because the units of analysis were concrete to begin with, so the coders started with the same denotative meaning of the text (manifest content) and unconsciously applied the connotative meaning as thematic categories were identified.

There were very few instances where an examination of text embedded in context was necessary to obtain meaning. In these cases, if an examination of text resulted in differences between the coders, then the primary researcher’s own initial coded response was used as the deciding factor. Generally, problems with accuracy of interpretation of the EU treaty amendments were minimal since the structural format and the language of the treaties is formalized and structured in a prescribed style.

In the case of the European community, adherence to a prescribed linguistic style in the treaties has been critical since nations signing on to membership in the European community are required to accept “acquis

communautaire” all text and legislation of the European community. Therefore, comparison of the various amendments to the treaties was relatively straightforward since the content of the treaties is iterative and derivative until the instance when completely new articles or provisions are made. (Some extra time was necessary when analyzing the Treaty of Amsterdam due to the re-numbering of the treaty articles.)

Methodology – Selecting the Thematic Categories for Analysis

The selection of thematic categories for this analysis was done in light of the treaties themselves and of the review of literature about the European Union. To begin with, since the organization that is now the European Union started as an economic arrangement, it was logical to evaluate the treaty content to determine how many of the changes to the EU treaties have involved economic issues. It was expected that a substantial number of the additions and amendments would have an economic focus, since economics not only lies at the heart of the EU, but also because, for Europeans, the idea of an economic relationship is much more palatable than is that of a relationship built around some type of EU super-state. Also, for EU citizens, believing in the critical importance of the economic relationship may mean that changes to the treaty in non-economic areas are sometimes accepted, not because the changes are best for the individual nation, but because the treaty already has legitimacy attached to it.

A secondary area of interest was content related to security issues. One of the foundation treaties for the European community organization was the European Atomic Energy Treaty whose goal was to help to ensure a peaceful and secure existence for European community members. Since the EURATOM was part of the first pillar of the European Economic Community, security issues were clearly a part of the early treaty agreements. Considering this beginning and the current existence of the Common Foreign and Security Policy that controls almost all aspects of member nations' foreign security, as well as directly impacting domestic security, assessing the treaty content for security provisions seemed justified. It is no small thing for a sovereign nation to agree to let the EU organization wield so much influence on national policy. However, with the enlargement and the inclusion of many former eastern bloc nations, security issues are a concern – specifically how will Russia cope with the reality of former allies who now belong to the EU? (The Economist, 2001)

Treaty provisions related to social issues were the third topic of interest for this content analysis of the treaties. Economics is a part of the social domain; however, the original text of the treaties separates economic and social concerns. For example, in the introductory pages to the Treaty of the European Economic Community, the text proclaims that it is, “Resolved to ensure the economic and social progress of their countries...” (1957). Also, within the Article 3 of this early treaty there is a provision for the establishment of an “Economic and Social

Fund”, and Article 4 provides for the Economic and Social Committee to provide advice for the Council and the Commission. Another example is Protocol 15 of the Treaty of the European Union that proclaims that “...economic and social cohesion is vital for growth...”. Finally, Article 1 of the Treaty of Amsterdam inserts the wording, “Confirming their attachment to fundamental social rights as defined in the European Social Charter...” and later in Article B the text refers to the “...strengthening of economic and social cohesion...” (1997).

A further justification for categorizing treaty content in terms of a social theme can be found if one considers that individual national political agendas are nearly always evident in the shifting EU Presidency. The term of each president lasts for only six months and rotates from member state to member state, so each president attempts to emphasize his national priorities as much as possible. For example, during the Swedish presidency, cleaning up the environment was one of the major issues. (Goran Persson, *A Swede Leading Europe*, 2001) Also, during the term of the British EU Presidency, the president held a conference on further education with the idea that, “Lifelong learning is declared to be an indispensable condition for employability and local competitiveness, and for greater citizen’s participation and equality of social opportunities as an expression of social policy and communitarianism” (Krug, 2000). During both of these presidential terms, the national political climate of the nation holding the office of the presidency was influencing EU actions. Political positions reflect a social stance, so while

the EU presidency may typically focus on economic issues, social issues are always part of the equation.

Apart from using the EU Presidential agendas, and the EU treaties themselves, as justifications for identifying social issues as the third thematic category, the fact that the European Union confers EU citizenship on individuals within the EU, issues EU passports and EU license plates, and displays the EU flag across Europe, is evidence that the EU has a social component. In addition, the European Commission has initiated a Social Policy Agenda (2006-2010) that has the primary objective of, "...a social Europe in the global economy: jobs and opportunities for all" (The Social Policy Agenda (2006-2010), 2006). This agenda involves a variety of social policies that relate to economic issues in some way, but which inevitably impact individual national values as well. For example, "...to remove obstacles to labour mobility, notably those arising from occupational pension schemes"; "combating poverty and promoting social inclusion"; "promoting diversity and non-discrimination"; "promoting equality between men and women" are all provisions of The Social Policy Agenda (2006-2010) (2006).

The final thematic category identified in this analysis was administrative. Regardless of the number of proposals that are made in the additions or amendments to the content of the treaties, unless an administrative function is put in place, the treaty provisions cannot be implemented.

Methodology – The Process of Analysis

Since it was not possible to use a computer program for analyzing the data to answer the research questions, the analysis was conducted in three separate phases by the primary researcher and two independent coders. The first phase of the analysis began with the primary researcher reading the treaties in their entirety to gain a general understanding of each document and an overview of the EU principles and provisions as evidenced in the treaties. To take advantage of the impressions gained from the first exposure to text, as the text was read for the first time, treaty articles were categorized into the identified themes: economic issues, security issues, social issues, administrative procedures, or any combination of the above. In other words, themes were identified that either reinforced the original purpose of the organization or that extended the content in terms of security concerns, administrative concerns, or social matters.

The Treaty of the European Economic Community was the starting point for the analysis, since this treaty was one of the foundation treaties. The TEEC provided the basis for comparisons with the later treaties. The other treaties evaluated (Treaty of the European Union, Treaty of Amsterdam, and the Treaty of Nice) were read in the order in which they were implemented.

The second phase of the content analysis occurred two months after the initial reading of the entire text of all of the treaties. This phase involved creating

large over-sized comparative displays of all of the consecutive additions and amendments to each of the treaties and then having the primary researcher evaluate and color code the text thematically as relating to economic, social, security, or administrative issues.

Looking at the additions and amendments in such a display increased the salience of the treaty revisions and spotlighted the areas with the most changes. After all of the additions and amendments were thematically categorized, the primary researcher returned to the first set of thematic markings made in order to determine if the earlier category identifications coincided with my second reading. The third phase of the content evaluation involved two trained coders independently repeating the thematic category identification and color-coding the treaty additions and amendments.

In content analysis, the level of accuracy increases if the individuals coding the text are activating the same basic schematic representation of reality when they begin the analysis. An exact replication of schema is not possible because of individual differences in education, life experiences, etc. In order to ensure that a similar schema may exist, however, individuals coding these pieces of text were American women in their mid twenties who were first language English speakers with a comparable educational and experiential background. Individuals with this background should have a similar frame of reference. First language English speakers reading an English text should have very similar

interpretations of content. Although the EU has several official languages (Some of the early treaties are in French, for example.) only the English text of treaties was evaluated. Additionally, since the coders were American, some biases were reduced that might have occurred if European nationals with their own personal feelings about the EU had participated in the analysis.

Beyond utilizing coders who possessed similarities in their background, making the coding process as uniform as possible was essential, particularly since in a few instances patterns of meaning were inferred from context. So, in addition to coder similarities, the coders who evaluated the documents participated in simulated coding of other text of the same type prior to coding the treaty amendments. (sample text from the European Atomic Energy Treaty) Before the process began, the researcher worked with the coders to determine coding rules and definitions of terms. Rules and definitions of thematic terms were discussed in order to facilitate the coding process without constructing coding guidelines that were so rigid as to bias coding responses ahead of time or to dissuade coders from acknowledging latent content patterns that might emerge. The coders practiced extracting manifest content as well as perceiving underlying latent content patterns of relationships. In this way, a degree of standardization was imposed prior to the actual evaluation of content. (Appendix A includes the instructions given to the coders.)

In the actual analysis process, both coders worked independently to code each piece of text under analysis. Coders were unaware of differences in their perceptions that might have occurred. Only when the analysis of the results began did the primary researcher know of coding dissimilarities, and then, when differences in the coders' responses were found, I referred back to my own primary and secondary analyses to make a final determination of the thematic category. At no point in the research process did the coders ever see the other coder's or the primary researcher's analysis of the text. When the percentages of the occurrence of various themes was reported, only the coders' analyses were used, except in the case where there had been a conflict between the two which was resolved when I referred to my own coding.

It is acknowledged that the type of subjective evaluation of latent content described above may be of some concern, but achievement of a level of agreement among the coders makes a case for the reliability of the analysis. Qualitative research studies over the past 40 years bear out that content analysis of text is a legitimate measurement. In the case of treaties and treaty additions and amendments where the format and style of the language is particularly consistent, an even stronger case can be made for the reliability of the findings.

The coders evaluated the treaty amendments noting treaty additions and article revisions that related to: economic issues, security issues, social issues, administrative procedures, or a combination of any of the three topics. Whether

reflecting manifest or latent content, these articles were assigned to one of the designated thematic categories, and then these results were compared with those of the other coder to confirm the reliability of the process. Reliability coefficients using Scott's pi for individual treaties are: Treaty of European Union, .77; Treaty of Amsterdam, .79; Treaty of Nice, .75. Nuendorf (2002) says that, "What constitutes an acceptable level of intercoder reliability for each variable is open to debate" (p.143) Nuendorf (2002) says that inter-coder ratings from .75 to .80 are generally considered to have "high reliability", while some other researchers even consider .70 as being highly reliable. The Scott's pi measure adjusts for coder agreement occurring by chance by using a joint distribution for the coders. One criticism of Scott's pi is that the measure is too conservative because it, "...gives credit only to agreement beyond chance" (Nuendorf, 2002, p.151).

The frequency of occurrence in each treaty of each of the thematic categories was converted into a percentage of the total number of modifications to each individual treaty. The resulting percentages are used to answer all of the research questions, except for the question relating to the introductory material of each treaty, which will be discussed in the results in the next chapter.

One further point should be made about the particular content analysis employed in this research. Stemler (2001) contends that when designating categories to be analyzed in content analysis research, each category must be mutually exclusive from any other category. In the content analysis in this

particular research, category over-lap was allowed because it was clear from the first reading of the documents that some articles in the treaty text were both economic and administrative in focus, or social and economic in focus, or some combination of economic, social, or administrative. If economic issues have remained the primary purpose behind the organization, and if the process of incremental changes in the text of the treaties is legitimizing the manifestation of a shared vision in the European Union, this category over-lap would be expected. (Kreppel (2003), when researching the effect of treaty changes on the European Parliament, faced the same difficulty of non mutually exclusive categories when Rapporteurs in the EP identified treaty changes as relating both to power and to efficiency.

Also, if the researcher and the coders all identified the same combinations of categories, then the combined categories become valid units of analysis because they, in fact, are another type of semantic whole reflecting as distinct of a category in the combined form as do the single form concept categories of economic, social, or administrative. This measurement of semantic categories of content is appropriate for content analysis of treaty text that retains a consistent linguistic style while reflecting substantially different content depending upon the historical time of the document.

Chapter 5 discusses the results of the data analysis for each individual treaty, providing some general comments with regard to the identified thematic categories.

Chapter 5

Results of the Analysis of the Additions and Amendments to Each Treaty

This chapter provides an overview of each of the individual treaties and a discussion of the additions and amendments to that treaty. Particular attention is paid to the extent that each treaty centers around economic issues – the primary motivation for the formation of the European community. The other under-lying more political motivations for the organization --peace and security- and the role that articles relating to social issues play as the treaties evolve are also noted. Chapter 5 will concentrate on comparing the treaties with each other in terms of the identified thematic categories.

The Treaty Establishing the European Economic Community

The Treaty establishing the European Economic Community (TEEC) contains 248 articles. Of all 248 articles, 224 of them are devoted to economic policies. The vast majority of these articles also contain an administrative component to ensure the enforcement of the articles, but the content is economic in nature. The twenty-four articles not devoted to economics refer to social issues of member states, but only 10 of these articles have no economic component. In the entire text of the EEC Treaty, there are only two articles focused entirely on

security concerns. It is accurate to say that the EEC Treaty is an economic document.

In order to establish a baseline of content so that comparisons can be made between the EEC Treaty and the other treaties analyzed in this research, it is important to examine the instances in the treaty text that do not relate to economic concerns, but instead can be categorized as relating to security or social issues. First, it is necessary to review the contents of the TEEC, including the sections into which the treaty is organized

Part 1 of the TEEC Treaty is the Principles (Articles 1-8). This part establishes the basic community relationships and outlines the tasks, activities, administrative institutions, and the member states' actions necessary to make the community function. In addition, provisions are made for the coordination of economic policies to ensure financial stability, and the common market is established for a given time period.

Part 2 of the TEEC Treaty is the Foundation of the Community (Articles 9-84). Appropriately, these articles deal with the economic foundation of the TEEC, including the rules for regulating agriculture, the rules for the free movement of goods, persons, service, and capital, and the regulations regarding transport of materials.

Part 3, Policy of the Community (Articles 85-130) includes the common rules for competition, tax provisions, approximation of laws, and particular

economic policies. Additionally, Title III focuses on a limited Social Policy concerning provisions for workers and the establishment of a European Social Fund, also associated with employment.

Part 4 is the Association of Overseas Countries and Territories (articles 131-136) and is concerned with sustaining the economic relationships that existed with other countries and territories prior to the formation of the European Economic Community.

Part 5 the Institutions of the Community (Articles 137-209) specifies the institutions of the Community (including the Court of Justice), the provisions for governing them, and the financial provisions. Chapter 3 of this part of the treaty is devoted to the Economic and Social Committee (Articles 193-198). Regardless of the title of this chapter, the function of this committee is only to act in an advisory capacity for the formulation of economic and social policies.

The last part of the actual EEC Treaty is Part 6, a section that provides for the General and Final Provisions (Articles 210-248). These articles involve provisions for the legal personality of the community, including the rules for staff and members of the various Community institutions. In this section of the treaty, there are also rules for the location of Community institutions, the official languages used in the Community, and the rights of the Community when interacting with the outside territories. Other articles reinforce the rights of individual nations to enact their own laws, while at the same time encouraging the

adherence to the Community rulings. Article 223 is particularly concerned with emphasizing the right of each nation to ensure their own internal security, and the right not to disclose their own security measures. This article specifically mentions armaments that do not fall under the trading rules of the Community.

The remainder of Part 6 is articles centering on relationships between the Community and other nations and organizations, and on rules for amending the treaty, and the procedure for Community membership. Also, there are procedures for setting up the institutions (Articles 241-246) and Final Provisions which deal with the treaty ratification rules and the final signatories. At the end of the treaty are Annexes with descriptions of products and Protocols directed to particular member states.

After reviewing the entire content of the EEC Treaty, it is important to examine more closely specific articles in the TEEC text that do not relate solely to economics, but instead are concerned with security, or are more social in nature. A closer look at these articles provides insights into the role of the EEC as conceived by the participants in the EEC Treaty process of 1957.

For example, Article 4 refers to the role of the Economic and Social Committee as an advisor to the Council and the Commission. Article 39 confers the right of an established standard of living, and Article 49 helps to ensure that this will happen by empowering the Economic and Social Committee to enforce TEEC Title III- Free Movement of Persons, Services, and Capital. The

expectation of a specific standard of living implies much more than economic well being for a particular nation as a whole. Article 39 implies that all of the citizens within the treaty organization have the right to a certain level of existence regardless of the circumstances of the individual. Empowering an Economic and Social Committee legitimizes a social dimension in the treaty relationship and sets the stage for the right to define what constitutes a “standard of living”. National standards may vary greatly depending upon the resources available. For example, since 1989, Germany has experienced many difficulties in attempting to raise the standard of living in Eastern Germany up to that of the West. East Germans feel entitled to live at the same level as that of their West German countrymen, even though East Germany under the communist system did not utilize its resources effectively. (Steichen, 1989; Berlin, 1989)

Article 50 directs the exchange of young workers. This article permits young workers from one EU nation to participate in traineeships or working holidays in other EU countries. Article 51 specifies the rights of social security benefits for migrant workers and their dependents. Article 52 determines the rights of nationals in one member state to become self-employed in another. Article 56 stipulates the application of rules of public policy, health, and security. Each of these articles is based on a primarily economic issue, but each article also contains some degree of a social component, to the extent of promoting what can be construed as social values in the case of employment of young workers or in

rules regarding public health. This over-lap of categories continues into articles that extend further into the non-economic realm, impacting states' governmental policies or laws and ultimately affecting the individual member states' sovereignty.

For example, Article 11 specifies the responsibility of member states to ensure that their governments carry out the provisions of the treaty, with Article 27 calling for member states to take steps to "approximate" the legal provisions of the EEC. If an individual nation state is directed to carry out the provisions of a treaty, even to the extent of being expected to change the member state's own laws to better match those of a treaty relationship, then the treaty requirements are influencing the internal policies of the member state. Therefore, each of these articles is touching on national sovereignty to some degree.

Yet, the treaty provides an escape route of sorts for those who might be concerned about a loss of national power. For example, Article 36 reaffirms individual national sovereignty by placing specific restrictions on cross-border exports if a particular member state has concerns relating to the import of products that threaten the nation's morality or public policy and security. Ultimately, in these situations, the individual nation must make a choice either to abide by the economic requirements of the treaty mandates or to follow the national interests. While this choice is allowable under Article 36, failure to concur with the treaty may have long-term economic consequences, even to the

extent of factionalizing national groups who object to the national decisions. Kurzer (2001) describes this exact situation with regard to Sweden's dilemma about selling alcohol outside of state operated stores. Alcohol sales are an economic activity with a social/moral component. Societal restrictions on alcohol sales are sometimes determined because of age or racial or religious factors.

Article 117, dealing with working conditions and a standard of living for workers, is an example of an article with both an economic and social agenda, as are other articles. For example, Article 118 promotes close cooperation in the social field, encouraging cohesion among member nations, perhaps due to the belief that closer social ties foster greater economic successes.

When Article 119 specifies gender equality in rate of pay, the treaty is calling for more than an economic behavior. Rather, in many cases, this article is challenging some member states' traditional views that men are more valuable in the workplace than are women. If an individual nation or an international business complies with this Article, then the pay for women in the workforce must match that of the men. This single article has the potential to lead to changes in male/female relationships, child-rearing practices, or even challenges to particular religious views that define gender roles more narrowly.

Something similar occurs with Article 120 that provides for paid holidays, and Articles 121 and 122 that task the Commission to promote common measures regarding social security. While paid holidays and social security may be

desirable for the worker, they may be a hardship for the employer, or for the government in the case of social security. In either case, these articles are promoting a social policy with ramifications that extend beyond the immediate economic consequences. The guarantee of paid holidays, for example, may result in shorter workweeks if an employer cannot meet the economic demands that the treaty specifies. The same situation applies – but to a far greater degree – with respect to social security.

The European Social fund, provided for in Chapter 2 of this section, is focused entirely on economic issues, but is also clearly encouraging particular values, as does Article 131 in Part IV of Association of the Overseas Countries and Territories which calls for the promotion of social and economic development. The areas of development referred to in this Article are often the former European colonial regions with which the individual nations have maintained close relationships. The economic relationships have often been quite profitable (with imports of chocolate, coffee, and bananas, for example, from France's former colonies) but ultimately have brought about an influx of immigrants from the overseas countries and territories into the EU member nations, often leading to strain in providing social services or employment. The Parisian street riots in the Spring of 2006 are a particularly harsh example of this situation.

An even more potentially significant example of an article affecting social outcomes is Article 186 in Part IV the Court of Justice. This article allows the Court of Justice to prescribe interim measures – thus creating legal rulings that the Community members must abide by, and the following Article – 187- says that the judgments of the Court of Justice are enforceable. The Court of Justice can impose fines or restrictions on participation until rulings are upheld. In addition, the court makes the rulings public so that other member states will be aware of the violation and will exert social pressure for compliance by the nation violating the rulings.

In this same section, Chapter 3 the Economic and Social Committee, Article 193 establishes a committee with representatives from various categories of economic and social activity. Again, social factors are part of economic decision-making.

Articles 223 and 224 of Part VI General and Final Provisions are the only two articles in the TEEC centered on security concerns. Article 223 gives each member state the right to produce what is needed for its own security and ensures that member states cannot be forced to supply information that will affect the states' own security. In this instance, a nation holds that the possible economic consequences of the production of goods are less important than an individual nation's security. Interestingly, Article 223 specifically reassures of a nation's right of self-defense, a reassurance that was no doubt important since the memory

of the war was still sharp in member states' memories. But with Article 224, the potential power of the treaty relationship is apparent once again as member states are required to talk together about internal disturbances that may create international insecurity.

The last three articles, numbers 225, 226, and 227 center around how the court will deal with an abuse of power, the right of protective measures, and the justification for institutions enforcing the treaty. Each of these articles reinforces the significance and legitimacy of the treaty relationships.

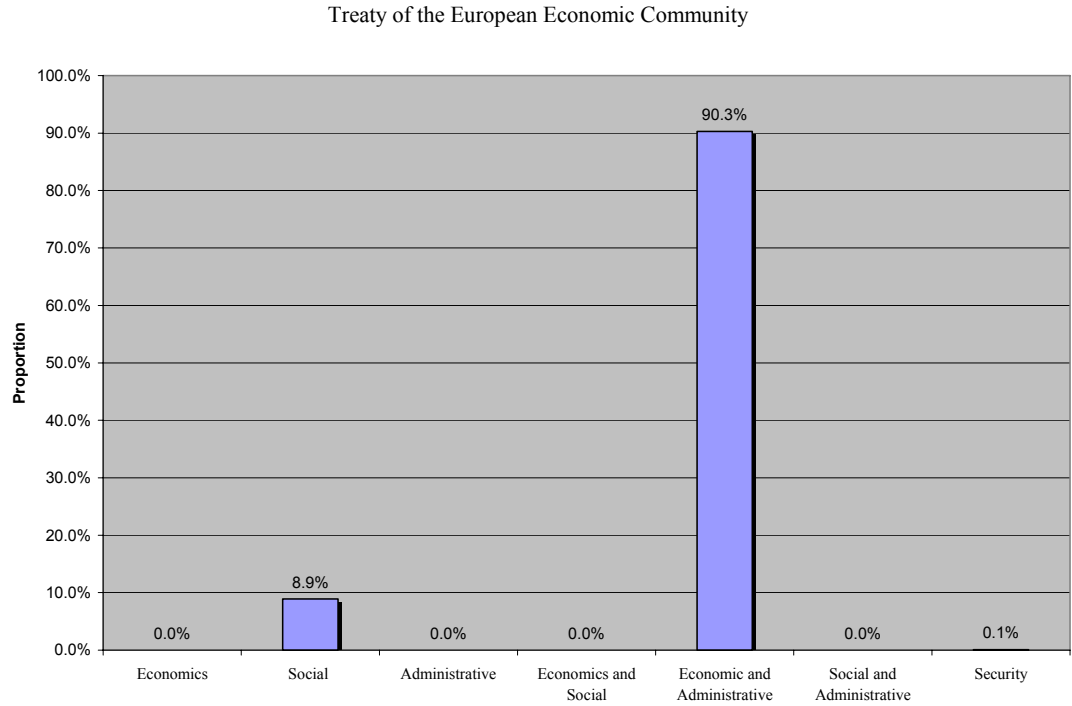
The Treaty of the European Economic Community is a document establishing an economic relationship among the member states. In many ways, this treaty is an expansion of the earlier Coal and Steel Treaty, controlling the coal and steel production of the six member states participating in the European Coal and Steel Community. At the time of the implementation of the Treaty of the European Economic Community, the European Atomic Energy Treaty (EURATOM) also came into being. This treaty provided for controls of, and education about, atomic weapons. At the time of the introduction of these earlier treaties, concerns about peace and security were an under-lying motivation for creating the treaty relationships among the member nations. Only 2 of the 248 articles of the TEEC relate to security issues because the EURATOM treaty makes extensive provisions for controlling the development of nuclear power while maintaining security.

While the organization that is today the European Union began as an economic endeavor, as the introduction to the EEC Treaty says, there was also the intent to bring the peoples of Europe into a closer relationship. A look at the additions and amendments to each of the subsequent treaties paints a picture of how this closer relationship has evolved in the European community organization.

Figure 1 illustrates the proportional amount of thematic content in the Treaty of the European Economic Community. It is not only significant that this treaty is nearly all economic, but it is also critical that an equal amount of the content is administrative in nature. Administrative functions that support the mandates of the treaty articles reaffirm the legitimacy of the proposed behavior and of the treaty as a whole (Anderson, 1991). A treaty lacks legitimacy if there is no means of implementing and administering the provisions of the treaty (see Anderson).

Treaty of the European Economic Community

Figure 1. Percentage of identified thematic categories in the articles of the Treaty of the European Economic Community.



Note: Figure 1 illustrates the primary purpose behind the formation of the European Economic Community. The majority of the content (90%) is devoted to economic concerns and the administrative functions necessary to see these concerns carried out. The social content in the treaty is less than 10%, and the security content is approximately 1%.

The Treaty of the European Union

The Treaty of the European Union derives not only from the EEC Treaty, but also from various other agreements that were critical to the evolution of the European Community. The Treaty of the European Union (TEU) expands the European Community into areas far beyond the specifications of all of the previous EU documents, although some of the additions were suggested in earlier provisions and protocols.

Title I Common Provisions of the TEU will be analyzed in Chapter 5, but it is important to comment from the outset on the name change of the European Economic Community. In Article A of the TEU, the organization's name "European Economic Community" is changed to the "European Union". The omission of the word economic is significant because although the TEU introduces critical economic changes (i.e. European Central Bank) into the EU organization, many of the other additions and amendments reflected in the TEU extend beyond economic issues. Also, a union of member states is something different from a community. A community of individuals has common ground of some type, but a union implies a unification of some sort. This could be a unification of views, of policies, even of individual nation states into an autonomous political entity.

Title II is Provisions Amending the Treaty of the European Economic Community. Article 3A adopts an economic policy; 3B empowers the

Community to take actions if it is able to do something better than the individual member state can; and Article 4A establishes the European Central Bank.

Empowering the Union to decide that it can do something better than the individual member nations may refer to an economic situation, but there is a social consequence of a sovereign nation deemed incapable of managing its affairs to the best advantage. The EU organization gains credibility and reinforces its power and legitimacy, as well as the benefits of the treaty relationships.

The establishment of a central bank to regulate European finances is an even more dramatic change, implying something very different from the original text of the Treaty of the EEC. A bank may be an institution devoted to financial concerns, but making economic decision for the entire European Union necessarily entails a social component, because in making decisions the situation of individual nations must be taken into account. A bank must maintain a perceived neutrality and impersonal character, but at the same time, make accommodations for the vastly different economic situations of member nations.

Finally, in this section, Article 6 is deleted and Article 7 becomes Article 6. This article gives the Council the power to make rules to prohibit discrimination. Such a prohibition may be economically sound since people from many nations and many religious, ethnic, or racial backgrounds have the freedom to seek employment in any nation within the EU. At the same time, this article is

of real social significance as it prescribes behavior that directly relates to member states' individual sense of values and ethics. This article is attempting to mandate behavior that actually reflects a particular moral stance. For good or for ill, a prohibition against discrimination inevitably causes social repercussions with regard to domestic policies.

Part 2 Citizenship of the Union is inserted at this point in the TEU. Article 8 introduces citizenship and provides: a definition of European Union citizenship, the rights of citizens, the restrictions that citizens are subject to, the rights surrounding participation in elections, the protective rights due to citizens in third countries, and the right to request petition to the European Parliament. The final provision of Article 8 allows the institutions of the European Union to strengthen or add to the rights specified in this part of the treaty as long as adoption coincides with the member state's own constitutional requirements.

It is easy to imagine various ways that Article 8 relates to economic issues (for example employment of nationals from other member nations). The TEU could have managed international employment among member nations by continuing to rely on a guest worker system rather than adopting the more drastic approach of creating a shared EU citizenship. Citizenship in an organization builds a different relationship than a trading partnership does. Inserting this section into the treaty not only binds European citizens together, but implies a type of connection that goes beyond economic practicalities and encompasses

shared beliefs and a shared identity of some sort. Although being an EU citizen may be of marginal importance for any particular individual, the reality of being part of a collective citizenry is inescapable. A collective citizenry implies a commonality of experience and perhaps even of an emotional response.

Title Part Three Community Policies replaces TEEC Parts Two and Three, and amends TEEC Articles 49, 54(2), 56(2) and replaces Article 57. These changes are all administrative in nature with means for making regulations, means for directives, and means for issuing directives to coordinate legal requirements. Also, Chapter 4 becomes Capitals and Payments and inserts Article 73 A-H. All of Article 73 is economic, but Article 75 is social in nature as it sets down the rules for transportation among member states. While these rules facilitate trade among EU nations, they also stipulate that the Economic and Social Committee will make particular decisions based on each individual member states' developmental needs. This provision allows for taking into account all of the particular and unique factors affecting development in the various nations.

Title V of Part 3, Common Rules On Competition and Approximation of Laws, inserts articles 92(3), 100C, and 100D. This title also replaces Articles 94, 99, 100, and 100A, expanding the administrative authority in order to administer new aspects of the treaty. For example, Article 92(3) promises financial aid to conserve a member state's culture and heritage as long as such conservation does not influence the trading environment of the Union, and Article 94 is necessary to

empower the Council to make any regulations it deems appropriate to enact Article 92.

Although the intent of this article appears to be the reinforcement of the importance of individual member states' culture and heritage, the caveat to this treaty provision is that the state may only enforce its own culture and heritage after first considering the economic consequences for EU trading. The economic factor is the critical component in the decision-making, regardless of what the structure of the text of the article may initially seem to be. However, social effects of the EU's economic decisions are likely to occur. The idea, that treaty agreements can mean that culture or tradition will or will not be enforced, is a startling example of the extent of EU legitimacy and authority.

Article 100C outlines the rules for dealing with third nation citizens who want to enter a Union nation for a prolonged period. This article reaffirms that the stipulations within the Treaty must continue to be met and the laws enforced. Article 100D establishes a committee to help coordinate the various areas of concern in 100C. It is easy to imagine concerns arising when employment is one of the keys to economic development and workers are moving from one member state to another to find employment are common. However, social strain often occurs in response to the movements of large numbers of workers from one nation to another. A good example of this is the German social system that has been nearly broken under the weight of the demand for medical care and other social

services to meet the needs of immigrant workers and ethnic Germans brought back to Germany from other areas of Europe.

(Samuelson, 2004)

Perhaps Article 92(3) helps to soften the psychological impact of one of the most dramatic additions to the treaty process – Title VI Economic and Monetary Policy. This title includes Articles 102A-109L and covers Chapters 1, 2, 3, and 4 of the TEU that provides for: Economic Policy, Monetary Policy, Institutional Provisions, and Transitional Provisions. This title extends far into the sovereign rights of individual nations, as a common monetary policy is established and economic controls are imposed on member states' internal financial matters. Although economic in content, the social implications for nations relinquishing control of their monetary practices through this treaty are dramatic. Simply put, each separate nation has agreed to put primary control of financial matters that help sustain that nation's existence into the hands of the committees and representatives of the European Union. With the introduction of such a shared monetary system, a major shift in the nature of the treaty relationship has occurred, and a community beyond an economic entity has been realized. As discussed in Chapter 2 of this paper, the significance of the adoption of a single currency with the EURO has a deep social impact on EU member nations.

Title III Article H of the TEU amends the foundational Coal and Steel Treaty, primarily by updating the institutions of the Union. This research begins with the Treaty of the European Economic Community, so the articles in this title were not analyzed in particular, nor were the changes to Title IV I of the TEU that amends the foundational European Atomic Energy Treaty. Again, the amendments proposed here are mainly administrative provisions for the institutions of the Union, including the role of the Court of Justice in evaluating the actions of the institutions, and that of the Court of Auditors in reviewing community expenditures.

Along with the introduction of the monetary union, Title V Provisions On A Common Foreign And Security Policy Article J –J.11 is one of the most significant parts of the TEU. Containing 12 articles, this title establishes a common foreign and security policy. Peace and security was one of the underlying motives for the earliest foundations of the European community –the European Coal and Steel Community. The entirety of Article J includes 12 articles that move from the objectives of (and extent of) a common foreign and security policy, to how these policies shall be determined, administratively accomplished, and eventually enacted. Article J has far- reaching effects because it essentially identifies the EU on the world stage not only as acting economically with one voice, but also as speaking with one voice about foreign policy issues

and security concerns. Under the dictates of this article, third nation relationships with Union Member States are spelled out.

Article J.1 specifically states that there will be "...joint action in the areas in which the Member States have important interests in common" (TEU, 1991). This language is so broad as to include any policies (economic, social, etc.) that institutional members deem necessary. This article really is providing for a closer union of the people of Europe as it extends the treaty relationship beyond economic issues and prepares the way for the ultimate end of the European Atomic Energy Treaty due to expire in 2007.

While Title V Article J deals with member nations' external security needs, Title VI -Provisions On Cooperation In The Fields Of Justice and Home Affairs (Article K-K.9) - centers on internal national security issues that might negatively impact the achievement of objectives of the Union. The introduction states that Article K is intended, "For the purpose of achieving the objectives of the Union, in particular the free movement of persons without prejudice to the powers of the European Community..." (TEU, 1992). This article reaffirms commitment to other areas related to achieving economic goals and identifies other issues as those of common interest, including: combating drug addiction, combating terrorism, combating unlawful drug trafficking, regulating relationships with third party nationals, and cooperating with a European Police Force (Europol). Article K.2 also refers to the protection of human rights and the

responsibility of member nations to provide internal security to their citizens.

Finally, this article directs member nations to coordinate their policies and actions and, in fact, to act as a Union with a common position in defending Union policies in all international dealings and in all international conferences.

The provisions of Article K usually relate to economic issues in some manner. However, all of the provisions are premised on particular sociological principles that may or may not be part of a member nation's own social structure. For example, some citizens of the EU would argue that when France disallowed Moslem schoolgirls the right to wear headscarves to school, the girls' human right to worship in their own way was being violated. The government of France believed that it was staving off domestic disputes by ruling against the girls. (Theil, 2004)

The provisions of Article K may ultimately have economic consequences, but the political and social dimensions are equally important. Both articles bring about substantial changes in the role of the European Union in the function of individual member states, because these articles unabashedly propose both internal and external controls over national policies that clearly reflect a values orientation (i.e. equal treatment for homosexuals).

Title VII Final Provisions is the last major section of the Treaty of European Union. The section includes Articles L – S that cover a range of topics including the following. First, the range of previous treaties with regard to the

Court of Justice of the European Communities is established and the integrity of the earlier treaties is affirmed despite the agreement to the TEU. Then, the means for drafting a new treaty are outlined, as are the means for seeking membership in the Union. Finally, the treaty is concluded, with agreement on the specifics of ratification and languages to be used.

After the text of the treaty, the Final Act is to specify protocols that will be added to previous documents and to list the declarations agreed upon by the conference members who attended the conference for the drafting of the treaty. The protocols deal with particular concerns, often related to specific individual national issues or to institutions within the Union. The majority of the Protocols are concerned with economic matters in some way, but Protocols 14, 15, and 16 focus on social relationships, agreeing to establish a common social policy based on the 1989 Social Charter and on the notion of “*acquis communautaire*”. Protocol 15 affirms that the economic and social cohesion of member nations is vital to the growth of the Union. The context of Protocol 15 accords equal value to economic and social concerns, and the EU is clearly viewed as a relationship of nations that is both economic and social.

The declarations at the end of the TEU articulate the Union policy with respect to a variety of concerns including: the monetary policies in special circumstances, the roles of national institutions with Union institutions, and the determination of legality of community laws. The protection of animals,

environmental impact of the Union, and cooperation with charitable associations are also spelled out in declarations, but the greatest number of declarations relate to economic issues.

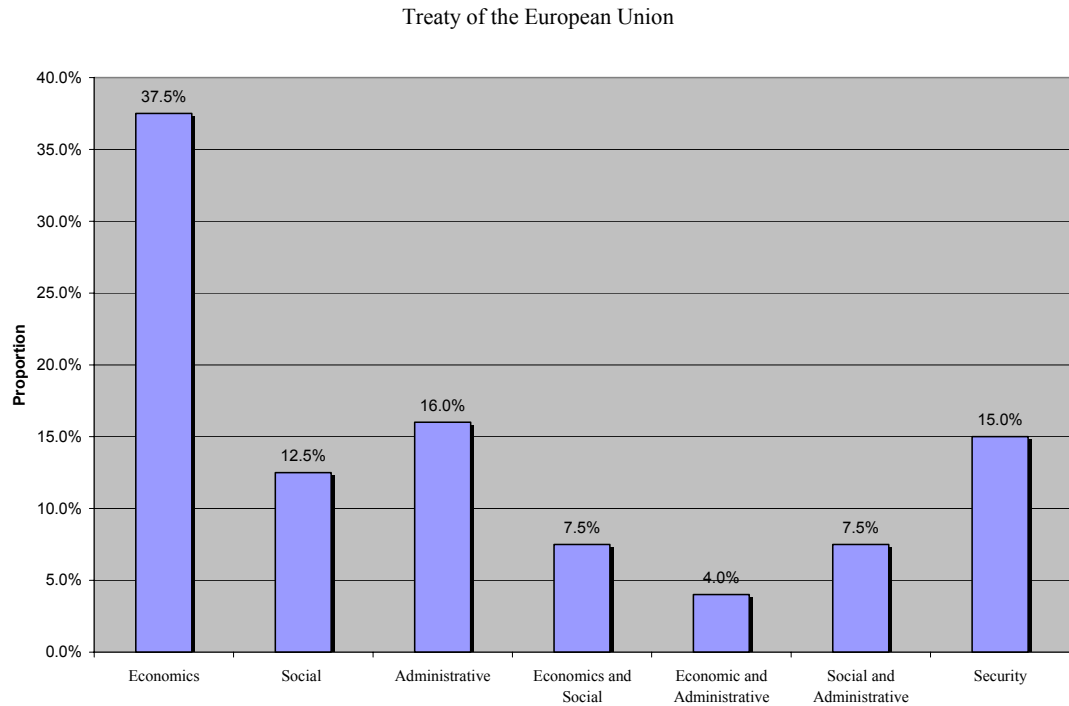
The final declaration involves the Western European Union and the engagement of its members in the North Atlantic Treaty Organization. This declaration seeks to clarify the relations between the European Union and these western European nations who share the NATO commitment, but the declaration also extends its agenda to include the progressive growth of the Western European Union so that it can become a legitimate defense force for the European Union. This is a dramatic proposal that implies something very powerful – an on-going EU military force. The social implications of a common defense force may go far beyond the original ideas behind the founding EU treaties.

Figure 2 illustrates the proportional distribution of content within the Treaty of the European Union. While 37.5% of the TEU content continues to reflect a purely economic focus, 25% of the treaty centers on social issues. This is not surprising when one considers the additions and amendments to this treaty that undeniably broaden the social agenda for the EU organization. Equally significant in this treaty are the dramatic changes relating to security concerns, where 15% of the content focuses on security provisions that regulate aspects of member states' domestic and international security policies. The remainder of the treaty involves some type of administrative function. Again, if Anderson (1991)

is correct, the administrative function helps to legitimize the content of the treaty provisions, and this legitimization is critical since the TEU clearly expands the authority of the EU.

Treaty of the European Union

Figure 2. Percentages of identified thematic categories in the articles of the Treaty of the European Union.



Note: Figure 2 illustrates that 49% of the treaty additions and amendments is devoted to economic issues in some manner. The combined social content accounts for nearly 28% of the total changes. There are three times as many social provisions in this treaty as in the EEC Treaty. Finally, security provisions increase from less than 1% in the EEC Treaty to 15% of the total content in the TEU, reflecting the content providing for the Combined Foreign and Security Policy (CFSP).

The Treaty of Amsterdam

The 1997 Treaty of Amsterdam, or most correctly The Treaty of Amsterdam Amending The Treaty On European Union, The Treaties Establishing The European Communities and Certain Related Acts, is a document that amends and simplifies the previous treaties. Part One- Articles (1-5) includes the substantive amendments to the Treaty on European Union. Part Two (Articles 6-11) is the simplification of the Treaty establishing the European Economic Community, and Part Three (Articles 12-15) is the General and Final Provisions. Finally, Protocols to the previous treaties, and Declarations of the Conference are provided. There are 122 amendments in the Amsterdam Treaty. Forty-eight amendments are made to the Treaty of the European Union. Seventy- four amendments are made to the Treaty of the European Economic Community, and ten amendments are made to each of the earliest foundation treaties – The Coal and Steel Treaty and The European Atomic Energy Treaty.

Article 1 in Amsterdam immediately reinforces the objectives of the Treaty of European Union by inserting the commitment to “social rights”. Article 1 also seeks to ensure that there will be a balance between achievements in economic integration and in other non-economic areas of European life. This emphasis on the social aspect of European life is reinforced with the replacement of the TEU Article A. Article A of the TEU stresses the continued creation of a

closer union of Europeans, Article B in the Amsterdam Treaty replaces the existing text with new provisions that in part require:

The Union shall set itself the following objectives:

-to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately to include a single currency in accordance with the provisions of this Treaty;

(Treaty of Amsterdam, 1997)

The above provision of this article ties economic and social cohesion together, emphasizing that internal boundaries are unnecessary when there is agreement on economic and social matters. Other provisions of this article reinforce the rights and protection of nationals of member states, and the Union as an area of freedom, justice, and security. Finally, Article B concludes that the adoption of the common security and defense policy has actually created an “identity” on the international scene. Making such a claim substantiates that the EU is more than an economic organization, and nations outside of the European community see it as such. Then, in Article C of the Treaty of Amsterdam, the proposal is made to make the member states’ security, external relations, and

economic and development policies consistent. Article F continues reinforcing the notion of a commonality of purpose and shared set of values by proclaiming that, “The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States” (Treaty of Amsterdam, 1997).

All of the amendments and replacements to the TEU discussed to this point are socially significant, particularly the last statement which seems to reflect the ideas of a sovereign state model of government. Interestingly, by paragraph three of the same article, new text is inserted that proclaims that, “The Union shall respect the national identities of its Member States” (Treaty of Amsterdam, 1997). This is a classic example of the contradictory message that the treaties often convey. On the one hand, the treaty is a practical way to work toward economic growth of member states, while at the same time promoting closer political, social, and security relationships among member states. On the other hand, the treaty is the basis for a new organization that often closely resembles a nation state.

The next area of significant change that the Treaty of Amsterdam makes in the Treaty of the European Union is Title V Article J. This section deals with the Provisions On A Common Foreign and Security Policy. First, there is the intent for Union policy to conform to the United Nations Charter. Then further additions charge the member states to support the Union policy with a solid stand.

Much of the language of the amendments to all parts of Article J continues to stress a common purpose or general agreement of member states in the formulation of their policies. Article J.7 expands the idea of a mechanism for a common security and defense with the notion of a future time when a European defense force might exist. However, Article J.14 reaffirms that member states will not be forced to comply with Union agreements that violate their own internal laws or policies. Again, Article J.14 gives member states the right not to act within the treaty mandates, but the very fact that the Article gives EU members permission to violate the treaty relationship demonstrates how much authority the treaty has. Although much of Article J is a further explication of the administrative aspects of this title after its introduction in the TEU, some of the changes are quite significant.

Title VI Provisions On Police And Judicial Cooperation In Criminal Matters (Article K) is modified in Amsterdam with amendments of a social nature that include measures to combat racism and xenophobia, trafficking in persons, and offenses against children, and amendments that determine more administrative functions such as how Union authority can operate across national borders. In general, changes to Article K further explain or extend the original provisions of the TEU. The changes provide more specific definitions of Union actions, including those of the Court of Justice of the European Communities.

Throughout the text of Article K, there is consistent reinforcement of the notion of closer cooperation between member states. This is particularly relevant in light of the amendments focused on fighting racism and xenophobia. In a sense, xenophobic feelings have been a logical means of encouraging nationalistic loyalties within a somewhat homogenous European populace residing in a relatively limited geographic area. If EU treaties proposals regarding xenophobia are adhered to, nationalist tendencies may decline.

This was clearly articulated when a young German friend said, “Now, with the EU, we are all Europeans first, then Germans, French, whatever” (M.Berndt, personal communication, 2005). Although, at this time, the majority of Europeans would probably not share the same sentiment as this recent university graduate, just the fact that this young German man would make this statement is indicative of the EU’s growing influence.

There is an addition to Title VI in the form of title VIa Provisions On Closer Cooperation. Spelled out in Article K.15, this article enables member nations who wish to establish even closer levels of cooperation to utilize the institutions, etc. of the Union to do so, as long as new arrangements do not violate the provisions of the Union set out in the treaties. In this article, the text of the treaty encourages the strengthening of a sense of community (through concerted actions between member nations) that may even exceed treaty expectations.

The remaining articles in this section, Articles L, N, O, and S are primarily administrative in nature. They restrict the powers of the Court of Justice and its application to the foundation treaties, renumber one paragraph of another article, further define the conditions for seeking Union membership, and make special provisions regarding the Finnish and Swedish versions of this treaty.

Article Two in the Treaty of Amsterdam amends provisions of the Treaty of the European Economic Community. The preamble to the EEC is modified to include wording that promotes the most education possible for European citizens. Article 2 of this same document is amended not only to encourage economic activity, but also gender equality. While maintaining the primary reason for the European community of promoting economic well-being, social values are also a focus of the amendments. Proposing gender equality bears this out, as does the insertion of Article 6a with the directive that the Union can fight against all types of discrimination (sexual, racial, ethnic, religious, etc.)

This article goes beyond economic and political matters and into the realm of defining values and seeking to regulate morality within the societies' of member states. The societal impact of mandating behaviors (which may be in direct opposition to a member nation's deeply ingrained cultural beliefs) must in the end either be that the society changes to meet the EU demands, or that the commitment to the relationship with the EU is reduced. Less of commitment to

the EU relationship is unlikely in light of the monetary arrangements and security measures that exist within the EU organization.

Article 7d is inserted at the end of Part One of this section. This article refers to the means in which economic interests influence shared value systems and encourage “social and territorial cohesion”. (This is the first reference to territory that I am aware of. It is interesting to think of this treaty attempting to make EU members see themselves as part of a shared territory rather than as a shared economic and political and security partnership.) Finally, Article 8a in the EEC is replaced in this treaty with text establishing citizenship in the Union. This citizenship is achieved by virtue of being a citizen in one of the member nations, but at the same time, EU citizenship does not replace individual national citizenship. Again, a trend toward something much bigger than an economic or security arrangement is clear.

The Treaty of Amsterdam inserts a new title in Part Three – Title IIIa which involves visas, immigration, asylum, and other issues related to people traveling across borders. In the TEU, this article is included in the chapter on monetary capital and payments, but Articles 73i-73q extend far beyond movement of persons for monetary reasons. When a treaty determines what the minimum standard will be for admitting immigrants into a sovereign nation, the Union is intruding into the internal social/cultural affairs of member nations. The text of Article 73m, which promotes the compatibility of rules between member states if

necessary for states to work smoothly together, supports this argument. In addition, Article 75 that says before features of transport can be decided upon the Economic and Social Committee and the Committee of Regions must be consulted. Article 100a ends this section with provisions for harmonization of health and safety and protections for consumer and the environment at the highest level. The treaty is supporting a particular set of social values, perhaps for economic practicalities, but certainly with broader consequences for the member nations.

Title VIa – Employment- clarifies and extends employment policies set out in the foundation treaties. In Articles, 109n-109s there is the push toward coordinated national policies

Title VIIa- Customs Cooperation- is an extensive section including Articles 116-236. (Articles 117 to 120 are replacement articles.) The thrust of this text is almost exclusively economic. However, there are some changes that reflect the social trends noted earlier in this treaty. For example, Article 117 is enacted under the European Social Charter of 1961 and the 1989 Community Charter of the Fundamental Social Rights of Workers. The notion expressed in this text is that the dictates of these two charters will result in a better functioning common market because following these charters will result in disparate social systems coming closer together. A harmonization of social systems may specifically refer to the social system that sustains the common market, but also

promises a certain standard of rights for workers regardless of the particular national situation.

In Article 118a, coordination of action in areas of social policy is encouraged, even in this type of an article that is primarily administrative in nature. Articles 125 and 127.4 can be categorized as being both social and economic since they call for EU Council decisions to be made after consulting the Economic and Social Committee and the Committee of the Regions, while Articles 128,129, 129a and 129d,130a,130e,130I,130o, and 130s are all primarily social, although sometimes with administrative functions included. Article 130r allows member nations to make temporary decisions regarding non-economic environmental situations as long as the EU can inspect what has been done. In this case, it is difficult to surmise whose sovereignty is being infringed on, as it would seem that a member state should have the right to take its own decisions regarding the extent of its non-economic environmental concerns.

The amendments or replacements of TEEC articles 137,138,151, 158,163, 173,188e, 189b, 191a are all administrative in nature. Articles 138 and 227 are both social and administrative, with Article 138 ensuring that provisions are made for universal suffrage (certainly a value laden issue), and Article 227 allowing that exceptions to the economic requirements of the treaty be made in the case of outside territories who have particular social and economic situations. Only Articles 209 and 213a are devoted solely to economic concerns. Article 209

directs that measures be taken to counter fraud within Union activities, and Article 213a directs the production of statistics reflecting the Union's economic activities.

Articles 3 and 4 of the Treaty of Amsterdam were not included in the analysis because they added to or amended the Coal and Steel Treaty and the European Atomic Energy treaties which were not included in this research. Similarly, Part Two –Simplification -of the Treaty of Amsterdam was not analyzed, but will be commented on briefly.

The section entitled Simplification makes some interesting changes under the idea of simplifying the text. Simplifying text after the time when it was written will almost always result in changes in meaning because the connotative meanings of the language will have changed (perhaps even the denotative meanings of the language) and the individuals making the changes will be approaching the text from another context. In a sense, the simplification of the treaties will resemble revisionist history, even though much of the simplification is merely changing or excluding specific dates in the text, deleting small words that have no semantic impact on the content, renumbering the content, or repealing certain provisions to make everything easier. The most interesting simplifications occur in the instances where new words are substituted words for the original texts.

For example, in Article 3 the word prohibition replaces the word elimination. There is a great deal more power behind directing that something be prohibited rather than asking that someone eliminate something. Direction that something will happen indicates the right and power to determine a course of action. Asking that something will happen implies only the desire that something will occur. The change of the word “elimination” to “prohibition” is also important because while both terms result in the absence of something, the word prohibition entails a much stronger more negative view of the activity to be changed. The simple change in wording in Article 3 increases the perception of EU authority.

Also, the replacement in Article 43 and Article 112 of ‘acting unanimously during the first two stages and by a qualified majority thereafter’ with words ‘acting by a qualified majority’ implies a very different relationship – that of having given power over to the rule of the majority. In the case of issues related to national sovereignty, this is a very important concession.

The Annexes to the Treaty of Amsterdam are mainly concerned with the various Protocols and Declarations accompanying the treaty process. The Protocols typically relate to particular conditions for individual member nations or to particular products. There are administrative protocols for the European Investment Bank, System of Central Banks, Court of Justice, and Monetary Institute to name a few. There are also protocols for the earlier treaties’

relationships with the Court of Justice and for the lapsed portions of the Coal and Steel Treaty and the European Atomic Energy Treaty.

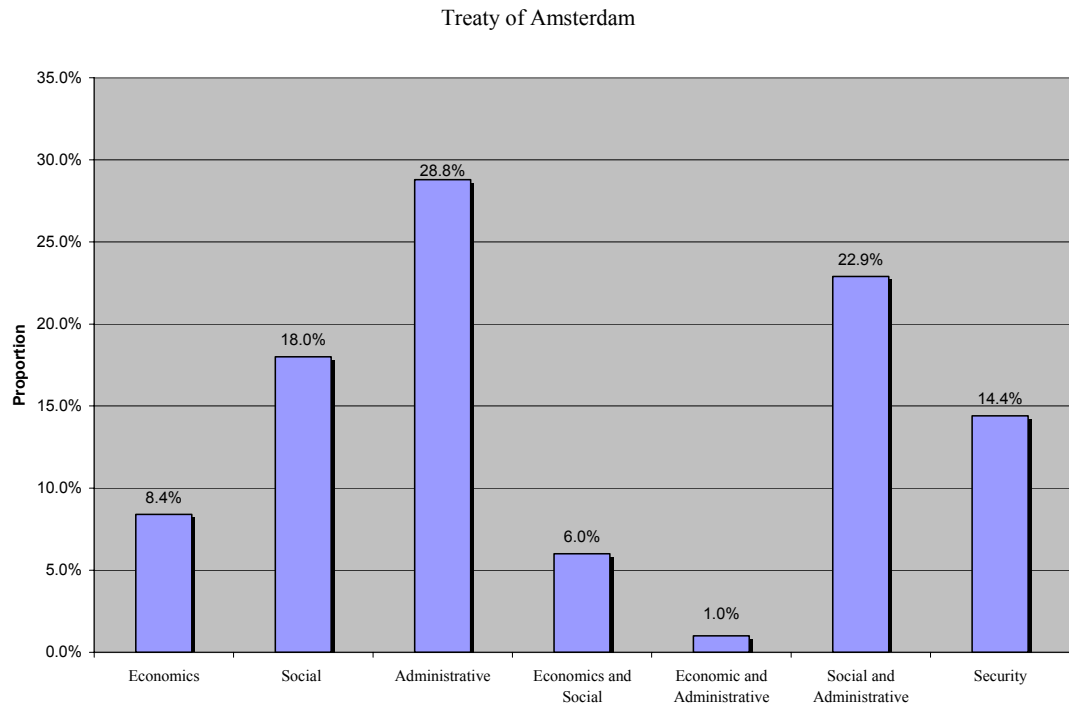
Even more interesting for the purposes of this research are the protocols that extend into non-economic areas. One such protocol is that dealing with the application of principles of subsidiarity and proportionality. This protocol directly addresses the potential conflicts between EU laws and regulations and Member States laws and regulations. Another protocol of interest (because it has the potential to interfere with member nations' internal cultural values) is the protocol concerned with the protection and welfare of animals. Once again, in this protocol, the potential conflict between EU policy and Member States' traditions is apparent. (What constitutes acceptable behavior with animals is certainly debatable and undoubtedly cultural.)

Within the Declarations attached to the Treaty of Amsterdam, the majority of the declarations relate to economic matters, but others are concerned with subjects such as the death penalty, sport, voluntary service, and the status of churches and non-confessional organizations. There are also declarations regarding individual Member States and even a declaration regarding enlargement of the Union. Part Three – General and Final Provisions- discusses the renumbering of the articles between the Treaty of Amsterdam and the earlier treaties, concludes the treaty, discusses the ratification requirements, and designates the languages of publication.

In many ways, the Treaty of Amsterdam is the further explication of the Treaty of the European Union. However, there are some subtle –and not so subtle- changes in the Amsterdam Treaty which indicate a strong social trend in the direction of the growth of the European Union. The social trend is indicated in the 18% of the content that relates to social issues and the 6% of the content that is both social and economic, but even more importantly, the social trend is confirmed in the 23% of the treaty content that ties administrative functions to the social initiatives. (Anderson, 1983, sees the administrative function as critical in legitimizing social structures. Chapter 6 includes a more thorough discussion.) While the Treaty of the European Union introduced some form of many of these social initiatives, the Treaty of Amsterdam solidifies these initiatives administratively. Further confirming that the EU treaty relationship has gone far beyond economic concerns, in the Amsterdam Treaty, Articles J and K, which both relate to security concerns, comprise 14% of the treaty content. Clearly, with the approval of the Treaty of Amsterdam, European Union policies are influencing nearly every aspect of the lives of individual Europeans. In a sense, one of the original purposes of the European community – coming together to increase economic prosperity (and eventually the standard of living of member states’ citizens) has finally been completely realized as the EU treaty process reaches the Amsterdam Treaty.

Treaty of Amsterdam

Figure 3. Percentage of identified thematic categories in the articles of the Treaty of Amsterdam.



Note: Figure 3 illustrates that more than 50% of the Treaty of Amsterdam is centered on some type of administrative function. This confirms that the Amsterdam agreement was critical for solidifying the provisions of the TEU. Also, approximately 46% of the combined content is social in nature. The security content remains consistent with the TEU. Topics related to economics are less evident than are those provisions for administrative, social, or security issues.

The Treaty of Nice

The Treaty of Nice of 2001 is officially the Treaty Amending The Treaty On European Union, The Treaties Establishing the European Communities and Certain Related Acts. The Nice Treaty includes twenty-two amendments to the TEU, forty-eight amendments to the EEC, twenty-four amendments to the European Atomic Energy Treaty, and twenty-two amendments to the Coal and Steel Treaty.

Part One – Substantive Amendments- Article 1 first amends the Treaty of the European Union. First, Article 7 is replaced to include text that prescribes what to do if the member state breaches the principles of the Union and there is a suspension of rights. This article is both administrative and social in content. The article makes administrative provisions for dealing with a breach in EU principles. In the case where the EU principles reflect social values, the right to enact punitive measures to the extent of suspending rights within the EU means that failure to find social cohesion with other EU member nations—regardless of the effect on internal domestic policies- could become a serious violation of the EU treaty relationship.

Another important amendment is within Article 17 that replaces the previous article in the Treaty of Amsterdam by expanding the language of the common foreign and security policy to allow the construction of a common defense policy if the European Council determines to do so. The addition of the

right of the Council to decide is a change from the TEU; this change is significant because it empowers elected representatives to move the Union into the direction of even closer ties through the formation of a European defense force. This article involves the theme of peace and security, one of the underlying reasons for the development of the EU, and furthers extends EU authority. The individual nations' governments do have to vote to authorize military forces to participate in an EU action, but there is really no choice about agreeing to the EU policy in the end if the nations are to remain in compliance with EU mandates.

Articles 24, 25, 27a, and 27d all combine economic and social issues. Article 24 allows the President of the Council to make agreements with other nations – whether economic or not. This is significant because it increases the power of the Council President. This increase in power could have significant consequences when making particular national or political decisions that might or might not be the best for individual nations.

Similarly, Article 25, 27 a, and 27d increase the power of the EU. Article 25 gives the Union the right to monitor international situations in terms of the common security and defense policy and to make decisions about what should be done. Article 27a safeguards values and serves the interests of the Union as a whole by asserting an EU identity, and Article 27d ensures that institutions within the Union will be kept informed of common foreign and security policy decisions. Each of the above articles has, at its base, a concern for maintaining security, but

the content of the article has deep social implications for each member state as well. As the power to influence many of the domestic policies of individual member states is transferred to the European Union, a social strain may result due to the possible incompatibility between EU policies and national policies.

Article 29 is both social and administrative because it involves closer judicial cooperation, as does Article 31 which also calls for common action on judicial matters in order to ensure rule compatibility. Articles 40, 40a, and 40b focus on enhanced cooperation in order to help the EU develop more thoroughly into a region of “freedom, security, and justice”. Each of these articles contains a social and an administrative component.

Title VII –Provisions On Enhanced cooperation is inserted into the TEU at this point. In this section of the Nice Treaty, Article 43 is replaced, and 43a and 43b are inserted. These articles provide direction for situations where Member States intend to enhance cooperative relationships with other nations. These articles are both social and administrative in nature, as is Article 44 that dictates how the Council adopts decisions. However, Article 44a is economic and administrative as it deals with the budgetary concerns surrounding Article 44, and Article 45 is administrative, further explaining how Article 44 will work.

Article 2 of the Treaty of Nice includes the insertions and amendments to the Treaty of the European of the European Economic Community. The first modifications in Articles 11 and 13 are administrative in nature. Article 18,

however, is primarily social. This article assures freedom of movement of citizens, including provisions for passports, identity cards, residence permits, etc. These documents are economically motivated in the sense of ensuring ease of employment, but the existence of documents such as these also encourages the notion of an EU identity.

Interestingly, the insertion of Article 67 in the Nice Treaty differentiates legal procedures necessary for the function of the EU from aspects of family law. This is a clear distinction between social laws for individual nations and laws for the Union, what Cobosh (1995) would probably consider as the distinction between “customary law” and “treaty law”. Article 100 is both social and economic since it allows the Council to consider particular situations with regard to the supply of certain products. Article 11 is both economic and administrative as the Council is empowered to decide on a community position for issues relating to economic and monetary union. Article 123(4) is purely economic as it deals with the Councils determination of the conversion rates for the common currency. Article 133 is also economic, but it is equally administrative as it sets out the basis for the common commercial policy and explains how such a policy will be implemented. Article 139(2) is also administrative as it stipulates whether a qualified majority or unanimity is required to act. Article 144 is replaced in the TEEC with this article that is both social and economic in nature since it tasks the

Social Protection Committee to act as an overseer to ensure that member states are complying with the development of social protection policies.

Article 157(3) and Article 159 are also social and economic in nature since these articles empower the Council to act in economic situations after consulting the Economic and Social Committee. Article 161 is purely administrative in content, describing how the Council acts after approval by the Commission, etc., and Article 175(2) is mainly economic with a social edge, because this article directs the adoption of provisions of a fiscal nature, but the areas under consideration have a social component. For example, the area “town and country planning” involves much more than just a concern about economic factors.

Title XXI- Economic, Financial, and Technical Cooperation With Third Countries- is inserted in Part Three of the Nice Treaty. Article 181a describes how Member States should carry out relationships with third countries by cooperating in economic, financial, and technical affairs. This first part of this article reassures that such policies shall complement those of member nations and at the same time be within the development policy expected by the community. This article is ostensibly administrative, but at the same time, as it reaffirms that member states’ should make decisions compatible with those expected within the EU, the article is further legitimizing EU requirements. The second paragraph of this part is clearly social stating that, “Community policy in this area shall contribute to the general objectives of developing and consolidating democracy

and the rule of law, and the objective of respecting human rights and fundamental freedoms” (Treaty of Nice, 2001).

The remainder of the amendments to the Nice Treaty is nearly all administrative in nature. Articles: 190(5), 191,207,210, 214(2), 215, 220, 245, 247, and 259 are all specific information about how some aspect of the community will be administered. Article 217 is mostly administrative, but the coders and the researcher also identify a social component instructing the Commission to work under the political guidance of its President. In this instance, the term political implies other social and ideological relationships beyond the scope of the Union or the text of the treaty.

Article 229a is both economic and administrative as it lays out provisions for conferring jurisdiction in disputes relating to Community industrial property rights. Article 230 is both economic and social as it grants jurisdiction to the Court of Justice for actions brought by the Court of Auditors and the ECB. Article 258 is also both social and economic since it specifies the number of members on the Economic and Social Committee and it allows the committee members to act independently in making decisions as long as they make choices for the good of the whole community. This means that the Committee will determine what the best interest of the community is. The same situation occurs again in Article 263 where the same allowance is made for the members of the Committee of the Regions in their decision-making process. This committee is

dedicated to ensuring that regional interests and concerns of peoples within the EU are addressed, regardless of the individual nation's political or social attitudes to any particular group. The Basque people in Northern Spain and the Roma people who live in enclaves in various cities throughout Europe are just two examples of such regional groups.

Article 266 is purely economic as it lays down the statutes for the European Investment Bank. Article 279 is also economic, but with an administrative component as this article describes the process for the Council to make financial regulations and lay down financial rules for various financial officers.

The last amendment to the Nice Treaty to be considered is Article 290, which is both administrative and social in nature. The issue here is the rules for determining the languages of the Community institutions. This article gives the Council, acting unanimously, the power to make the decisions about which languages will be used. The official web site for the European Union (Europa) provides EU information in all of the languages of the EU member nations, but the EU television programming (Euronews) reports in English even in Germany. Throughout Europe, English seems to be used as a "neutral" language that allows EU citizens to avoid the uncomfortable historical associations with some other languages. In the Netherlands, for example, speaking German evokes a very different response to the same request than does speaking English.

Articles 3 and 4 of the Nice Treaty are additions or amendments to the Coal and Steel Treaty and the European Atomic Energy Treaty. These treaties were not analyzed in this research. Article 5 of the Nice Treaty is the amendment of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank. Article 6 of the Nice Treaty is the amendment of the Protocol on the privileges and immunities of the European Communities.

Part Two of the Nice Treaty is Transitional and Final Provisions. Articles 7, 8, 9, 10 are all concerned with the Court of Justice or the Court of First Instance. Article 11 concludes the Nice Treaty. Article 12 discusses the ratification of the treaty, and Article 13 reports the languages in which the treaty was drawn up.

Within the section on Protocols to the Nice Treaty, there is a Protocol on the enlargement of the European Union that is to be annexed to the TEU and to the treaties establishing the European Communities. There is also a Protocol on the Statute of the Court of Justice that is to be added to the EEC and Atomic Energy treaties. In addition, there is a Protocol on the financial consequences of the expiry of the Coal and Steel Treaty and on the research fund for coal and steel.

Finally, there is a Protocol on Article 67 of the Treaty establishing the European Community. The sole article in this protocol says that, "From 1 May 2004, the Council shall act by a qualified majority, on a proposal from the Commission and after consulting the European Parliament, in order to adopt the

measures referred to in Article 66 of the Treaty establishing the European Community” (Treaty of Nice, 2001). Article 66 in the TEEC is the simple statement that applies Articles 55-58 to all of the content mentioned in the articles preceding Article 66. Articles 55-58 explain that even as EU members enact provisions of the treaty, no member state is obligated to do anything that violates its own national laws, and the Council may make special provisions for individual situations.

In addition to the protocols, the Conference of the Nice Treaty adopts declarations that tend to reinforce or to clarify existing aspects of the treaty content. One such declaration is made regarding the future of the Union. In this declaration, an important concession proclaims that in order to bring citizens closer together, it is necessary to ensure that the Union and its institutions are transparent in their operations and reflect a legitimate democracy. This declaration is important because it addresses the biggest concerns of EU citizens who often question the democratic legitimacy of the EU and who speak of being isolated from the EU institutions.

Typically, the Treaty of Nice is spoken of as being primarily an administrative document. The results of the content analysis indicate that this is the case with nearly 30% of the changes to the treaty being purely administrative, another nearly 23% being administrative and social, and 1% being administrative

and economic. The remaining text breaks down into relatively small amounts of the content devoted to economic and social matters.

In a real sense, the Nice agreement seems to be pulling together the loose ends from the earlier treaties. After all, the monetary policies are in place to regulate the economics of the EU. The CSFP is in place to ensure the maintenance of domestic and international security, and Article K covers the areas of Justice and Home Affairs. The Committee of the Regions ensures the avoidance of policies that may discriminate against small regional groups. Finally, a Social Policy Agenda is in place to work toward a full achievement of human rights as specified in the European Social Charter.

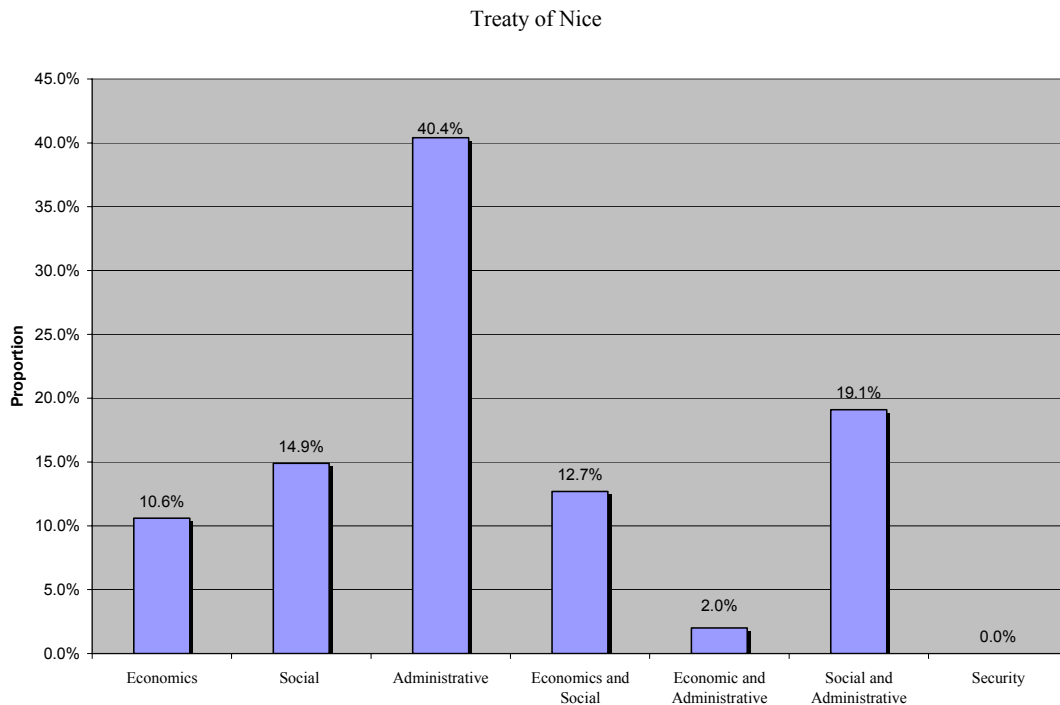
In another way, the Treaty of Nice is simply the final necessary stage before the introduction of the proposed EU Constitution. Considered together, all of the factors listed in the previous paragraph point to something more than an economically motivated organization. From the change in the name of the organization with the Treaty of European Union, to the bold monetary and defense policies, the EU really has taken on a unique identity.

One last comment should be made about the additions and amendments to the EU treaties. The majority of changes within the analyzed European Union treaties expanded the EU organization, amended out-dated parts of the earlier treaties, or refined the administrative procedures for carrying out the EU functions

specified in the earlier documents. However, regardless of the particular treaty modifications (even as the social dimensions increase in the treaty content) the integrity of the original documents is generally maintained. In spite of the subtle shifts in language or content that often result in important changes in the perception of the organization as a whole, the original vision of the European Union as primarily an economic community, and a means of bringing the nations of Europe closer together, remains.

Treaty of Nice

Figure 4. Percentages of identified thematic categories in the Treaty of Nice.



Note: Figure 4 reinforces the notion held by many EU observers that the Treaty of Nice is mainly an administrative document with few new proposals for the EU organization. Sixty percent of the additions and amendments are administrative in nature. The combined social components are 47%. There are no provisions relating to security issues, but after the CFSP provisions in the two previous treaties, there is no other role left to play for the EU other than the actual creation of an EU armed force.

Chapter 6

A Comparative Analysis of the Additions and Amendments to the Primary EU Treaties

This chapter begins with a discussion of the introductory material to the EU treaties. Before engaging in a cross-treaty comparison of the treaty additions and amendments, it is important to consider what the stated purpose is of each treaty. After considering the purpose of each treaty, the treaty additions and amendments are compared. These comparisons are arranged in terms of the thematic categories that were the focus of the research reported on in this paper: economic, social, administrative, and security. The content of the additions and amendments to the treaties is central for determining whether the EU has maintained its original purpose of improving the economic well being of member nations and bringing the peoples of Europe into an even closer union, or whether changes to the treaties indicates movement toward a different type of organization. Reflecting on the changes (between treaties and across time) allows feasible conclusions to be made about the integration of the EU and the direction of the expansion of the European community.

A Comparison of the Introductory Text of the Analyzed Treaties

With the opening clause of the Treaty of the European Economic Community, “Determined to establish an ever closer union among the peoples of

Europe... through economic measures which will improve overall the lives of Europeans while simultaneously ensuring the security of the region “(Treaty of the European Community, 1957). Economic issues are the central concern in this foundation treaty, but a necessary adjunct to the improvement of economic conditions must be the “concerted action” (TEEC, 1957) of the peoples of Europe. With the use of the phrase “concerted action” in the introduction to the treaty articles, it is apparent that the purpose of the TEEC treaty is to bring Europeans together in order to improve their economic conditions. Improved security in the region is an under-lying motive of the treaty agreement. The tone of the introductory text is practical and to the point. Economics is the primary focus of the treaty, but economic well being will result in a more united safer Europe.

The introduction to the Treaty of the European Union (TEU) sets a very different tone. In this case, the text begins by renaming the TEEC the European Union and proclaiming that, “This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen” (TEU, 1991). Referring to the Union, the treaty states that, “Its task shall be to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and their peoples” (TEU, 1991).

Like the EEC Treaty, a primary goal of the TEU remains that of furthering economic development. Social development is also a priority, as the treaty

indicates how the relations among citizens are to be organized. Beyond these introductory statements, this treaty also promotes cooperative efforts in the areas of justice and home affairs, the right of citizenship within the union, and the right, “to assert its identity on the international scene, particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy” (TEU, 1991). Significantly, the TEU introductory comments reaffirm the Union’s respect for national identities and its subsidiarity to national laws. The introduction also directly states that, “The objectives of the Union shall be achieved as provided in this Treaty and in accordance with the condition and the timetable set out therein while respecting the principle of subsidiarity as defined in Article 3b of the Treaty establishing the European Community” (TEU,1991).

The Treaty of Amsterdam begins with amendments to the Treaty of the European Union that make substantive changes, first, confirming the social rights of individuals as outlined in the European Social Charter and then contending that areas of economic growth must parallel social progress. In this text, the notion of “union”, as stated in the TEEC and then as extended in the TEU, is again amended. This time the article states that, “This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen” (Treaty of Amsterdam, 1997). (The emphasis on *openly* is may be due to the

perception of some Europeans that the operations of the EU are hidden from the average citizen.) The objectives of this document extend the mandate of the Union, seeking to ignore internal borders and to increase economic and social cohesiveness among Europeans. Most importantly, the Treaty of Amsterdam refines and then makes provision for implementing Article J.7- a Common Foreign and Security Policy- and Article K.1 that provides for the Provisions On Police and Judicial Cooperation in Criminal Matters

Unlike the other earlier treaties, the Treaty of Nice of 2001 makes no real changes to the common provisions in the introductory material. Article 1 of the Nice Treaty first amends Article 7 of the EEC Treaty, an article dealing with the management of a member state's breach of the Union treaties. However, no changes are made in the essential objectives of the EU organization.

A consideration of the introductory materials to each treaty reveals that while the EEC Treaty touches on security issues and emphasizes economic concerns over social issues, the TEU generally expands EU organizational influence into many non-economic or security areas of national life. This is not new information since this fact was recognized from the beginning of the ratification process of this treaty. However, one of the concerns of this research was whether- and to what extent- the treaty additions and amendments made to the various treaties through the years had veered away from the original intent of

the EU organization, perhaps revealing a different purpose in the underlying sub-text of the documents.

A partial answer to this question is hinted at in the introductory material to the Amsterdam Treaty where there is somewhat of an attempt to mollify the anxiety over the Treaty of European Union's dramatic initiatives (i.e. monetary union, common currency, etc.). The introductory material of the Treaty of Amsterdam stresses the importance of the "openness" of the decision-making process within the EU. This wording may be an attempt to reassure EU citizens that EU leaders and institutions are acting in a democratic manner rather than making decisions without the consent of the people.

At the same time, the introduction to this treaty further stresses the Common Foreign and Security Policy and the importance of increased cooperation in police matters. Since the Common Foreign and Security Policy reinforces security initiatives (one of the under-lying motivating factors for the development of the EU organization) then it is clear that the treaties are extending the organization beyond economic areas.

Unlike the other treaties, the introductory material to the Treaty of Nice prefaces a treaty dealing with more administrative concerns than anything else. Although the focus on administrative issues may seem trivial, compared to some of the more dramatic additions and amendments to the other documents, the emphasis in the Nice Treaty on administrative practice (40% of the total treaty)

may be significant if one concurs with Benedict Anderson in his text Imagined Communities (1991). Here, Anderson argues that, “To see how administrative units could, over time, come to be conceived as fatherlands, not merely in the Americas but in other parts of the world, one has to look at the ways in which administrative organizations create meaning” (p. 53). Anderson (1991) then provides examples of nation states that have arisen in the Americas from just such situations. Assuming Anderson is correct, then the EU administrative functions increase the perception that the EU is a reality shared by all EU citizens.

Content Comparison of the Primary EU Treaties

The following sections compare the content and changes in identified categories between the four treaties under analysis. The research questions involve categories relating to: economic issues, security issues, social issues, administrative functions, or a combination of any of the above. In the following discussion, the percentages for single categories and for over-lapping categories are combined in a single percentage when considering the treaty as a whole. The graphs at the end of each section illustrate the percentages for the combined categories.

A Comparison of the Economic Content in the Primary Treaties

The Treaty of the European Economic Community is the starting point for analysis in this research project. This treaty proposes a very different kind of relationship among European nations (who join in the treaty) than what had ever existed prior to this document; this treaty creates a new economic organization that binds signatory nations to one another. In addition to providing for this new organization, the EEC treaty also extends and revises the earlier Coal and Steel and European Atomic Energy treaties, treaties not analyzed in this research.

The TEEC document is almost exclusively an economic document. Ninety percent of the 248 articles included in this treaty relate to economic issues and to the administrative practices put in place to accomplish these economic goals. Since this treaty is generally seen as the founding document for the European Union, it is logical that economics and administration would be interwoven. The initiation of economic policies and practices and the administrative means to accomplish the goals of the treaty, must be carefully articulated. The TEEC lays out the Customs Union and the rules for buying, selling, and controlling the flow of trade goods in all areas from agriculture to industry. Although the introduction to the treaty does refer to the security benefits of the treaty arrangement, only a negligible amount of the content focuses on security matters.

Unlike the EEC Treaty, only 37 ½ % of the articles in the Treaty of the European Union (TEU) relate to economic matters. This is a dramatic shift from

the earlier treaty, so it might seem that something other than economics is gaining importance. However, a look at the content of the economic additions to the treaty process reveals the addition of a critical new section to the treaties. Title II becomes Title VI - Economic and Monetary Policy- and in this section amends the TEEC. (Later in the additions to the TEU, Title VI is Provisions On Cooperation In The Fields of Justice and Home Affairs.) This powerful new title, containing only 26 articles, lays out the plans for monetary union within the European Community. Under this title heading, there are chapters on economic and monetary policies and institutional and transitional provisions. It is this section of the Treaty of European Union that gives birth to a central banking system for the European Union and to a common currency. Although less of the TEU is devoted to economics than is the TEEC, the move toward a common currency and monetary policy far exceeds the ambitions of the original customs union described in the earlier treaty. Four percent of the TEU is both administrative and economic and 7 ½ % is social and economic, so 49 % of the treaty is actually centered on economic issues.

With the Treaty of Amsterdam, there is a dramatic shift downward with only 8.4% of the treaty devoted solely to economic issues, 6% to economic and social issues, and 1% to economic and administrative issues. So, only 15% of the entire Amsterdam Treaty relates to economic issues in some manner.

The situation changes a bit with the Treaty of Nice where the proportion of purely economic article rises to nearly 11%. The social and economic articles are nearly 13%, and the economic and administrative articles are 2%. Combining these percentages reveals that approximately 26% - roughly one fourth – of the most recent treaty, concerns economic issues in some way.

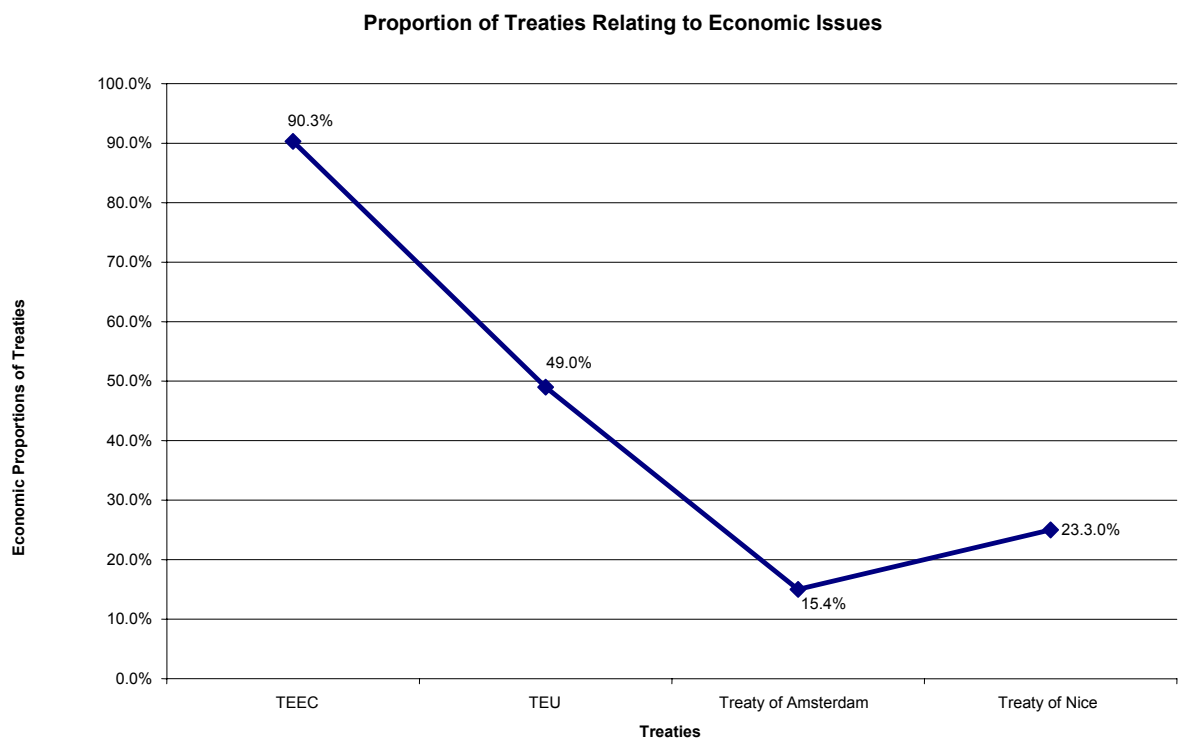
It is clear that economic matters have consistently been a central theme in the evolution of the European Union treaties. The dominant feature in the EEC Treaty, economic concerns appear to be less important in Treaty of the European Union, but only until one considers the dramatic monetary changes that take place because of the TEU document. The slide in economic content (down to 15%) in the Treaty of Amsterdam might be explained by concluding that the TEU had made the big steps forward with the establishment of the European Central Bank and the single currency, and there was no where else to go with economic policies. In the Treaty of Nice, the percentage of economic articles again increases, rising to 26% of the total. Most of these articles are simply the fine-tuning of prior articles until the introduction of Title XXI Economic, Financial, and Technical Cooperation With Third Countries. With this new title, one cannot help but see the parallels with the relationships suggested here between the EU and third countries and the relationship between original Customs Union members and third countries.

One thing is evident. One of the original purposes for the European Community- economic well-being- remains a crucial aspect of the evolving European Union. By signing on to the EU treaties, Member States have demonstrated their willingness to relinquish some of their traditionally sovereign rights in order to enjoy the economic benefits of EU membership. This choice has served member states well in the global marketplace where being part of the EU economic giant is more financially beneficial than is operating as a single nation.

Economic Issues

Figure 5. Proportion of analyzed treaties related to economic issues.

These percentages include the total economic content identified in all thematic categories.



Note: Figure 5 reveals a steady decline in economic content in the TEU and again in the Treaty of Amsterdam, with an increase in economic issues in the Treaty of Nice. Economic issues have remained part of the on-going treaty process, reflecting comprehensive policies in the EU.

A Comparison of the Security Content in the Primary Treaties

The urgency to maintain security in Europe after the great world wars was one of the underlying reasons for the development of the Coal and Steel Community and the subsequent relationships that grew into the European Community. Although the need to ensure security is briefly referred to in the introductory text to the Treaty of the European Economic Community, only two articles specifically focus on this issue. Not even one percent of the treaty stresses what may be one of the underlying reasons for the existence of the European Community.

There are probably a number of feasible arguments to make to explain this situation, but perhaps the most obvious is the existence of the European Atomic Energy Treaty that has run parallel to the EU treaties and EU development, providing necessary controls to help to keep the peace and maintain the security in Europe. The EURATOM Treaty remains in effect until 2007, but as times and technology have changed, the threats to peace and security have also changed. Perhaps this is the real explanation for the pattern that emerges as comparisons are made between the various treaties.

Title V – Provisions On A Common Foreign And Security Policy- is one of the most significant parts of the Treaty of the European Union. Under this title, Article J provides 12 provisions for ensuring the peace and security of the European Union. This Article sets out a framework for cooperative policies to

protect the EU in international relations with third nations. The various parts of this article provide for a common policy in order to give the Union a stronger voice in the global environment. Additionally, this article paves the way for creating a common European policy and common defense force at some time in the future. (Treaty of European Union, 1991)

Also, involved with security, is Title V Article K first introduced in the TEU and later revised in the Amsterdam and Nice treaties. This article relates to member states' domestic security, obligating Union members not only to control domestic criminal behaviors, but also to work with other member states to enforce controls over criminal behaviors that may spill across borders.

Because of Article J and its component parts, and Article K that makes provisions for EU influence in member states' domestic security, 15% of the TEU is devoted to security matters. This is an impressive change percentage wise from the Treaty of the European Economic Community, where less than 1% of the content is devoted to security issues. However, the implications of the possibility of a common defense are the most striking. In the Treaty of Amsterdam, the fine-tuning of Articles J and K are the focus of 14% of the additions and revisions to the text. The changes tend to be administrative in nature, so that there can be an efficient implementation of the provisions of these important articles. The Treaty of Nice has no additions or amendments relating to security issues since the

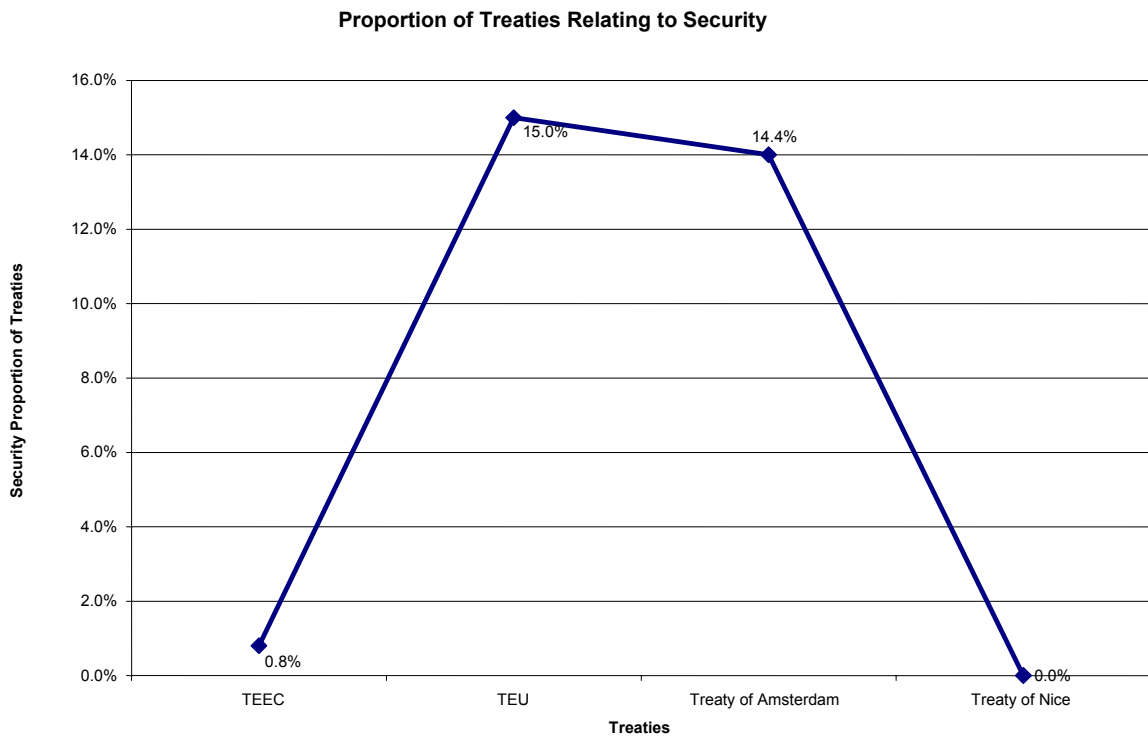
combination of Article J and Article K concludes a comprehensive plan for maintaining security in the European Union.

Although peace and security concerns are briefly mentioned from the very beginning of the EU treaty process, steps were not taken to apply wide-ranging measures beyond the European Atomic Energy Treaty until the Treaty of the European Union and its dramatic expansions into a wide range of areas of European life. Then, the necessary provisions for both internal and external security controls were put into place in the TEU (Articles J and K) and the issue of security was resolved. The revisions of these articles in the Treaty of Amsterdam smoothed out the rough areas, so no changes were needed in the Nice Treaty. The means for managing EU security concerns are neatly outlined in the text of the treaties that bind the member states together in a compellingly reciprocal relationship. Essentially, all aspects of security are under EU control.

Security Issues

Figure 6. Proportion of analyzed treaties related to issues of security.

These percentages include the total security content identified in all thematic categories.



Note: Figure 6 reveals that the proportion of EU Treaties committed to security concerns has never been greater than 15% of the total treaty content. The organization began with less than 1% of the text focused on security concerns, and the Treaty of Nice includes no new security provisions. The TEU and the Treaty of Amsterdam have nearly the same proportion of security content, perhaps due to the CFSP.

A Comparison of the Social Content in the Primary Treaties

The Treaty of the European Economic Community provided for an economic relationship - not a social relationship – between the peoples of Europe. Social relationships are at the base of every human interaction to some degree, but even considering the EEC Treaty in that light, only approximately 8% of the EEC Treaty was dedicated to social issues. This was not the case in the Treaty of the European Union where 28% of the treaty contents had some type of social component, whether economic, administrative, or purely social.

Reviewing the contents to the Treaty of the European Union, reveals that only 12 ½% of the text can be identified as being purely social, while the other 16% of articles with a social component are combined with economic or administrative issues. In the Treaty of Amsterdam, 16% of the content is identified as purely social, while 29% more of the text is, either social and economic (6%), or social and administrative (23%). Combining the totals from all three categories reveals that 46% -- nearly half-- of the Amsterdam Treaty relates directly or indirectly to social areas.

The same holds true for the Nice Treaty where 46 % of the content reflects social issues, the greatest percentage (19%) in the areas combining social issues and administrative practices. Again, this last statistic is particularly important in institutionalizing a social practice through an administrative function. A comparison might be made between Anderson's (1991) idea of a "fatherland"

and the ritualized behavior that becomes a tradition, carried on without question because time and practice give the behavior legitimacy.

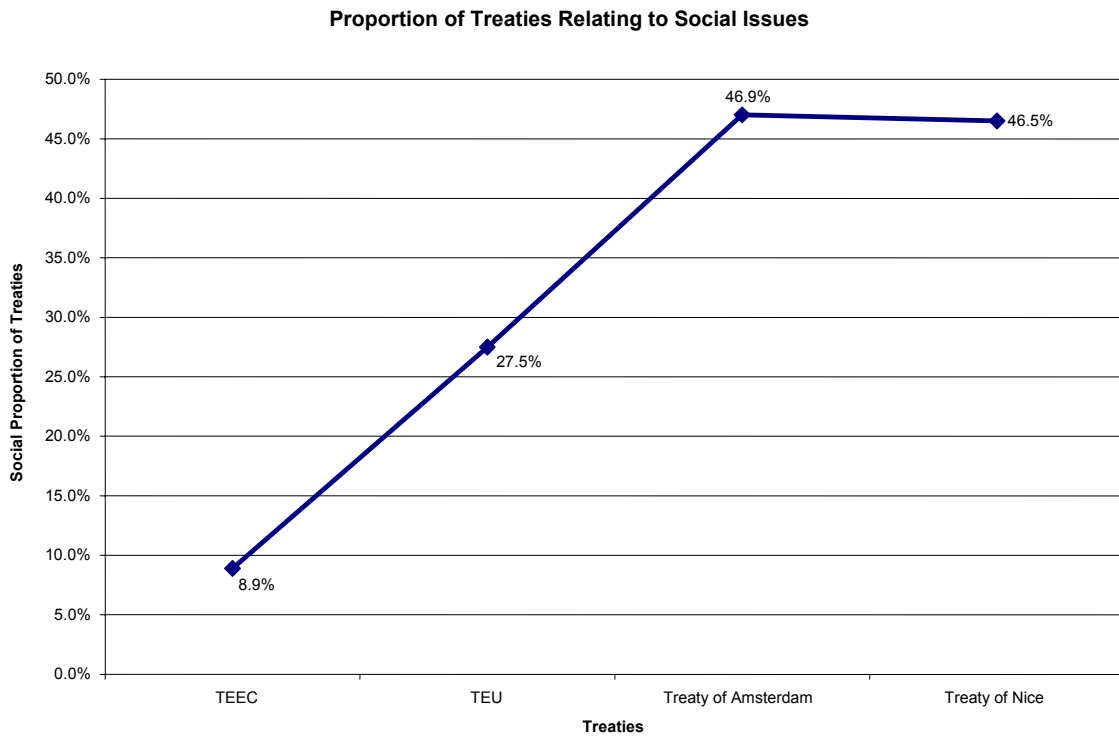
Many people who are knowledgeable about the European Union argue that the granting of citizenship in the Treaty of the European Union is the most dramatic shift in the EU concept, because neither economic concerns nor even security issues are the driving force behind citizenship. Others say that citizenship facilitates freedom of movement among Europeans, so employment and economic gain are at the root of the push toward EU citizenship. Euroskeptics might express the view that the granting of citizenship is an action destined to change the very fabric of the individual European nations, because identity is no longer tied to a national heritage, but is now the result of membership in a treaty relationship. Koslowski (1999) writes, “The establishment of citizenship has been central to the Commission’s efforts to build EU legitimacy” (p.161).

The final chapter of this research project discusses the results of the treaty analysis. An argument is made to account for the subtle and powerful impact of the text of the treaties and the role the treaties have played in European integration. Finally, the importance of text in fostering organizational traditions and increasing organizational legitimacy is considered.

Social Issues

Figure 7. Proportion of analyzed treaties related to social issues.

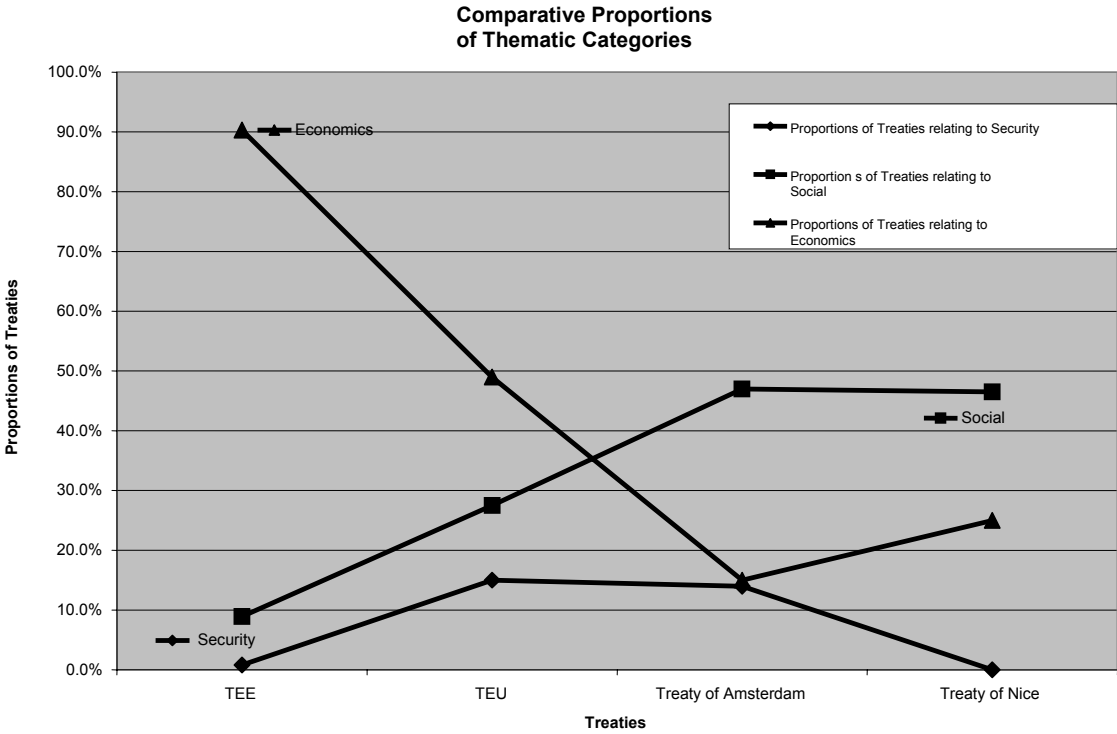
These percentages include the total social content identified in all thematic categories.



Note: Figure 7 illustrates the dramatic increase in social content throughout the treaty process, with the last two treaty agreements reflecting the largest proportion (nearly 50%) of text relating to social matters. After the introduction of citizenship in the TEU and the reframing of the organization as a ‘union’ of peoples, social concerns seem to have acquired an increased legitimacy in the treaty arrangements.

Comparison of Thematic Categories in the Analyzed Treaties

Figure 8. Comparison of the proportions of identified thematic categories in the analyzed treaties. These percentages include the total content identified in all thematic categories.



Note: Figure 8 reveals that until the Treaty of Amsterdam, the proportion of treaty content devoted to economic issues steadily decreased while the proportion of content focused on social concerns steadily increased. After the Amsterdam agreement, the social content in the Nice Treaty remained proportionally the same, but the economic content began to increase again. This increase may reinforce one of the primary reasons for the existence of the EU.

Chapter 7

Discussion, Findings and Conclusions

This research is important because it provides a unique metaperspective of the additions and amendments to the European Union treaties. These treaties are the foundation of the EU and they have sustained the organization's existence for nearly 50 years. A comparative analysis of the additions and amendments to the major treaties reveals the direction of development of the European Union, and at the same time shows how incremental changes in text may become the manifestation of an evolving shared vision within an organization.

Andrew Moravcisk (2001), a noted EU scholar from Harvard, says that, "Most scholars today view the EU as a series of pragmatic responses to economic and geopolitical interdependence, influenced by all of its most important member states (France, Germany, and the United Kingdom)." (p. 117) Certainly, this statement is borne out if one considers the process of treaty reforms that has led to today's European Union. The treaties themselves are the concrete reflection of the pragmatic responses to the economic and geopolitical issues facing EU member states, and they may be the answer to how and why European integration has been able to progress.

The treaties may be the secret to European integration, not in the obvious sense that the treaty provisions underlie everything that occurs in the EU, but because in being part of the European Union treaty relationship and recognizing

the legitimacy of the treaties and the treaty process, EU member nations have obligated themselves to upholding the treaty mandates. Even in situations where a particular aspect of a treaty may be less than desirable for an individual nation, the mandate must be upheld by EU member states. The EU member states recognize that there are times when the interests of Europe take precedence over those of their own nation-state.

A perfect example of this acceptance is a recent BBC news account of parliament member David Cameron's push to continue to hold Afghan prisoners without charge because of the possibility they might be terrorists. Mr. Cameron wants the British government to follow the US lead and detain these potential threats, but in choosing this course, the British government would be violating the EU mandate of following the Human Rights Convention. As one reporter remarked, "Cameron wants two human rights policies: one for this situation and one in order to follow EU rules" (BBC News, June 25, 2006). The second reporter said something to the effect that there must be a means of meeting the needs of both situations. The other reporter replied (correctly) that there is not if the British government wishes to remain in compliance with EU policies.

This necessary acceptance of policies that may not accord with national domestic policies, but that follow EU mandates, has led to the evolution of a shared vision for EU member nations. This is not a shared vision in the sense that Europeans have consciously chosen to share a particular view of the European

world as reflected in the EU treaties; rather this is a shared vision in the sense that a shared vision of the EU has subtly evolved through incremental changes in the treaties. For example, the provisions in the Treaty of European Union relating to the central bank and the single currency are so dramatic that changing the name of the organization from a community to a union may seem relatively unimportant. However, the differences between being part of a community and being a member of a union are significant. The term “community” may refer to a group of people who have something in common, but a “union” implies the notion of uniting for a purpose. With the shift in emphasis in these two terms, individuals may begin to see themselves differently in terms of the organization. Seeing oneself differently in terms of the organization is even more the case when the treaty grants EU citizenship and makes possible an EU passport. These changes create tension between national and EU identities, but nonetheless, the changes take place as the treaty provisions are implemented. The average European citizen has almost no part in the treaty ratification process and tacitly accepts the decisions of the elected delegates to the EU institutions. Furthermore, the formality of the treaty documents legitimizes the content.

In instances when provisions of the treaties seriously conflict with individual national policies, it would seem likely that some individuals, or even whole member states, would want to opt out of the treaty agreement rather than

accept these EU directives. But, in fact, no nation has left the European Union after becoming a member of the organization.

England might have decided to leave the EU when the British rejected the monetary policy and decided to remain with the pound since there was so much public opposition to adoption of the single currency, but this did not happen. In a study investigating aggregate support for European integration, Chiftchi (2005) found that public support for the EU generally fell after the Treaty of the European Union, in part because, “Economic or social/political factors may come to the fore during periods of integration to shape people’s collective responses...” (pg.487) This lack of public support for the European Union was certainly true, with respect to the British and the proposed currency change, where the public’s collective response vetoed the Euro. However, England remains within the structure of the EU and the EU directives (as the earlier BBC news report shows).

Another example of EU provisions with far-reaching consequences can be found in the provisions (in Article J of the TEU) to manage foreign policy so that the EU will be more successful in a global economy. The move to determine foreign policy on the basis of economic factors may make clear economic sense, but mandating the foreign policy for all of the EU member states is something that ultimately has more than economic consequences. Also, agreeing to Article K that affects how member nations will manage domestic security certainly is inserting the EU into aspects of life that extend beyond economic concerns, and

the fact that all members nations must follow the same rules regarding education, employment, or even the distribution of consumer goods undoubtedly challenges the individual nation's culture, values, and traditions

Yet, the EU continues to enlarge even as its role expands into the lives of EU citizens. The comparative analysis of thematic content discussed in Chapter 6 demonstrated that this is the case. The trend of EU development has been to expand from its original economic base into a much more powerful organization with increasingly obvious social and security components. However, in every treaty, there is some amount of content related to economic issues, continually reinforcing the belief that the EU is primarily an economic organization, even though the majority of the additions or amendments to the text of the most recent treaties emphasizes social or security issues. One of the reasons this situation seems to be occurring in the EU is because of the very nature of treaty documents.

Very few citizens consider the far-reaching implications of treaties, unless there is a particular issue that directly affects them (for example, issues relating to trade or weapons of some type). DeLaet and Scott (2006) contend that partisan politics generally enter into treaty agreements only when, "...electoral and partisan calculations in congress increase on foreign policy issues with economic or distributional or distributional components, such as foreign aid, trade, and defense spending" (p. 178). Further, DeLaet and Scott (2006) comment that some topics appear to be above partisanship, "Both the issue area (weapons of mass

destruction) and the vehicle (treaties) are traditionally considered safe, if not immune from politics” (p.178). Nor do people typically read such legalistic texts. First, there is little opportunity to interact with the text of treaties if one is not in a political role or in some position of authority. Usually, reading and interpreting treaties is left to specialized agents of some type or another. Second, treaties are not inviting documents to read. The language style is formal and tedious and the vocabulary tends to be specialized. For example, over the past two years, many of the European Union treaties available on the official European Union web site, Europa, through the link to the Archives of the European Union documents, have been consolidated to make the text more appealing to European citizens.

However, the formal linguistic style of treaties does convey a sense of importance, and along with the sense of importance and the level of formality of the documents, comes a belief in the legitimacy of the content. In fact, this research affirms the view that text reifies and legitimizes institutions, ultimately influencing individual and institutional beliefs and behaviors. In an article entitled *The Intersection Between International Law and International Relations*, John Setear (1997) might have been writing about the effect of the treaty text that specifies behaviors among EU member states when he writes:

Regardless of terminological or definitional niceties, the basic idea is that the rules and expectations promoted by institutions ease the difficulties of

coordination. The existence of stable institutions facilitates the sort of repeated interaction that assists the evolution of cooperation. (Section A)

The use of text to reify and legitimize occurs in the case of the EU treaties even when treaty content might appear to infringe somewhat on national sovereignty.

Findings

This research sought to answer three questions. Simply put, has the EU retained its original purpose of promoting economic well-being for its member nations? To what extent are security issues included in the additions and amendments? To what degree are social issues reflected in the treaty additions and amendments? Although a longitudinal comparative analysis of changes to the treaty content may appear to be a simple exercise, the outcome of such an analysis is a metaperspective of EU development. This overview helps to clarify the patterns of EU growth and provides insights into the role that institutional documents may play in promoting or sustaining the operation of organizational or institutional structures and functions.

The first question in this research was whether the frequency of treaty additions and amendments referring to economic issues had increased, decreased, or remained about the same over the course of the development of the EU treaties? Analysis of the treaties reveals that while the number of additions and amendments relating to economic issues has decreased throughout the treaty

process, the treaties have nonetheless all sustained a strong economic base, thus maintaining the most important reason for the existence of the EU.

The second question addressed was whether the frequency of additions and amendments to the treaty content relating to security issues had increased, decreased, or remained about the same throughout the treaty process. The content analysis shows increases in security concerns in the Treaty of European Union and the Treaty of Amsterdam. While the percentage of each of these treaties relating to security issues has never represented more than 15% of the total text, the content is critical. The Common Foreign and Security Policy (CSFP), Article J of the Treaty of European Union regularizes the foreign and security policies of member states, transferring much of the control in these areas to the European Union and affecting the sovereign rights of EU member states.

The third research question was whether the amount of treaty content referring to social issues had increased, decreased, or remained about the same over the course of the development of the EU treaties. The content analysis revealed that there has been an increase in social content throughout the treaty process, so that social concerns now comprise only a little less than 50% of the content of the two most recent EU treaties. Equally significant, perhaps, is that the analysis reveals that the content generally is not directly related to economic matters when the treaties address social areas. (The connection between social

issues and security concerns was not analyzed since the coders felt that all security concerns were naturally social.)

Additionally, this research examined how frequently economic and social issues are related to administrative functions. The results revealed that the introduction of new economic or social content into the treaties has consistently resulted in parallel administrative actions. These actions may have occurred in the treaty in which the new provisions were introduced, or in subsequent document where administrative practices were refined. In either case, administrative functions transform abstract policies into concrete actions, thus reinforcing the legitimacy of the EU organization.

Conclusions

There is no easy answer to the question of why the EU has evolved in the direction it has. Perhaps, from the beginning, the European Community leaders intended to create a united Europe, or maybe the evolution of the Union is a predictable response to changes in the European nations and in the world as a whole. Perhaps the economic and security relationships are so important and have been so successful that concomitant social relationships are simply the logical and practical outcome of the process. It may be that the concept of the nation state is undergoing a change around the world, and the idea of small regional collectives of individuals with shared customs who live within a larger

economic and security relationship is gaining relevance. The position of Moravcsik (2001) and other EU scholars, that EU integration is the result of pragmatic responses to economic and geopolitical factors, seems the most logical idea since it comfortably accounts for changes that occur within different space and time periods.

These scholars have given a great deal of credit to various leaders for influencing EU policies. Certainly, the EU would not exist today without Jean Monnet's influence as one of the founders of the organization. (Hooghe & Marks, 2001) And modern leaders such as Jacques Chirac, Gerhard Schröder, and Tony Blair have all played key roles, whether in promoting a "United Europe of States" as Chirac did (Deighton, 2003) or in trying to reduce the "democratic deficit" in the EU as Blair and Schröder have done (Cox, 2003). However, my research is concentrating on the effects of documents, believing that the impact of the text of the treaties is a significant factor in terms of the evolution of the European Union.

This view of European integration is further reinforced if one considers the role played by the primary treaties of the European Union. Each of the treaties ratified in the EU has been a document that was a response to previous EU treaties. Since each treaty was built on those treaties that came before it, each new agreement has added new provisions while at the same time revising or replacing existing content.

The EEC treaty was based on the idea of pulling a war torn Europe back into the light of economic well-being and peace and security. The reason behind the drafting of this early document evoked a strong response from nations who had faced the horror of two world wars in one century, and this same notion of creating economic well-being for member nations, has been one of the consistent threads pulling all of the EU treaties together. The need of Europeans for economic well-being, and the security that accompanies it, has not changed. The economic purpose is just as powerful as it was in the beginning, and it continues to be the basis for the community as reflected in the EU treaties, regardless of how far into the social domain the treaties seem to have moved. As Peterson (2003) remarks in reaction to discussion about the perceived democratic deficit in the EU and the problems of EU foreign policy:

Perhaps the central problem is that when the EU strays beyond the economic realm, it encounters weak incentives for policy co-operation. The Monnet method has worked wonders as a spur to market integration, but it remains mostly impractical as a means to achieve foreign policy integration. In foreign policy, it is much more difficult to privilege process over result on the assumption that ultimately process can become substance (p.376).

In a very real sense, the European Union treaty process has been operating on the notion that the iterative process of adding to and amending the EU treaties will

become the substance of how member states actually interact with one another. However, as Leeds (2003) and DeLaete & Scott (2006) have found, the willingness to comply with treaty provisions is directly related to the “cost” of the compliance. If there are high stakes in the relationship among signatories (i.e. particularly if leaders support the treaty mandates) treaties are more likely to be upheld. (Leeds, 2003) Treaty mandates are also more likely to be adhered to if the “cost” in terms of partisan politics is not too great. (DeLaet & Scotte, 2006)

The concept of a treaty is very powerful not only because it creates a bridge between nation states, but also because it provides some sense of being a part of a ‘bigger idea’. In fact, for Europeans, the various treaties of the EU are probably nearly interchangeable with each other. They may represent different times, and some issues and outcomes may be more or less desirable, but the treaties still symbolize the ‘bigger idea’ of the European Union. Frenchmen or Germans can readily imagine that there are other people just like them, but in another nation or geographical location, who are wondering about the treaty that influences their lives. The treaties evoke some type of conscious response resembling nationalism.

Anderson (1991) refers to this idea as that of “simultaneity”. This notion is the same as that shared by members of religious groups who speak different languages, live in different cultures, but at the same time understand a simultaneous ritual religious response because they are part of a larger religious

community. Further, Anderson says that this idea of simultaneity is an idea that acquired a new meaning once one could consider “print –as- commodity”, where diverse peoples experiencing the same text feel themselves connected within an imagined community of readers. The treaties of the EU have provided just such a connection among Europeans. One need only consider the role of the treaties in the formation and promotion of the European Central Bank, the single currency, the Common Foreign and Security Policy, issues relating to justice and home affairs, etc. to know that EU member nations are inextricably linked in a very real –however dissimilar- community.

The most obvious and thought-provoking question that arises after researching some aspect of the European Union is where this organization is going in its development. One possible answer is that a constitution will be passed to truly unite Europeans under a type of nation-state kind of system. A perspective on the constitution (that is particularly appropriate to this research) was expressed on Euronews on Sunday, June 11, 2006 when two political party members were discussing the future of the constitution. They both agreed that the only way that a constitution would pass would be if the document included all of the existing treaties, plus a few added changes. After all, said one of the men, “We don’t want the individual nations ‘cherry-picking’ out only what they think is good for them.” This is exactly what the subtle incremental changes in the EU treaties have been able to avoid, but it is unlikely that this will work when it

comes to an EU constitution. It is a very big question about whether EU integration will continue so that an autonomous nation eventually evolves. The difficulties that the proposed EU constitution faced in 2005 would seem to indicate a negative response to an even more integrated Europe. Experts such as Moravcsik (2001) believe that the EU may ultimately exist as “looser concentric circles of commitment” and finally as a “European economic zone” (p. 121) However, consideration must be given to another of Anderson’s arguments for imagined communities – the role of the creole in creating the imagined community.

This idea is analogous in a sense to what has developed through the growth of the EU. In Imagined Communities (1991), referring specifically to the growth of the nations of the Americas, Anderson describes the creoles – the mixture of two groups of people-conquered/plebian and the conqueror/nobility. In this sense, the creoles come to represent something outside of either previous reality. They do not have the power of the conqueror, but they are not as far from power as the plebian. They reflect another reality that eventually gains its own power in its own context. This power is reinforced through administrative functions and print/text that outlines the expectations within a particular context, until the function of the creoles begins to take precedence even over the original “conqueror”.

Something similar occurs with the EU, as committees of professionals or politicians meet to make decisions about particular topics. These committee members soon relinquish the identity that they brought to the committee and take on the committee membership as their primary identity when they are in that decision-making role. In a sense, the individuals develop a type of EU ‘national consciousness’ of the significance of what they are doing.

Keeping in mind this idea of the EU as some sort of a *Creole* organization, it is possible to imagine an EU community that is in many ways a nation of Europe. But at the same time, it is difficult to imagine what the real advantages to such a nation might be, and this may be the crux of the question of the EU emerging as a nation state. The European community began as a means to promote economic well-being and consequently ensure security for member nations while bringing the nations of Europe closer together. This research has demonstrated that this original purpose of ensuring economic well-being continues to be a critical part of the basis for the community as reflected in the EU treaties. Regardless of how far beyond economic issues the treaties seem to have moved, even apparently social issues often relate to economics in some manner, and this is true of security matters as well. This consistent reinforcement of the original purpose for the EU helps to confirm and sustain the legitimacy of the complex organization of the European Union.

Throughout this research project, I continually queried Europeans informally about their feelings regarding the EU. Without exception, these Europeans expressed the belief that what they derive from EU membership is more significant than what they have given away in terms of their own national sovereignty. From the retired German banker mentioned earlier, to the young Portuguese man heading maintenance at a five star hotel in the Netherlands, and all sorts of people in between, Europeans believe that EU membership is an advantage, even though they have concerns in some areas.

These concerns range from problems finding employment in their own nation because less expensive workers may come from other EU member states, to difficulties with internal legislation that may conflict with EU laws, or legitimate value differences arising between the former Eastern bloc nations who are new EU members just learning about democracy and capitalism. As the Portuguese maintenance man said, “I am afraid of a time when even Russia might join the EU. I had a Russian girlfriend but we had to break up. Her ideas of right and wrong were just not the same as ours.” (Personal Communication, January 2006)

Citizens of Western Europe, who were reared within a democratic capitalist social model, naturally conceive of the notions of ‘community’ or even ‘nation’ somewhat differently than individuals who did not grow up within a democratic sovereign state model of society. What are the implications for such a

difference in understanding one of the basic underlying concepts of the European Union? What about all of the other differences in understanding that naturally occur in such a complex web of institutions, rules, regulations, and member states?

The attachment to the solid originating ideal of the community- economic well-being -seems to have been the most persuasive factor in allowing the dramatic expansion of the EU influence as reflected in the modern treaties. Although, in reality, the benefit to member states to being part of the EU in the global marketplace may have fallen short of predicted economic expectations; nonetheless, there is still an obvious economic advantage to EU membership, and in an unstable world, the security benefits of being under the protective EU umbrella cannot be minimized.

With this view of the European Union treaties, it may be unimportant to speculate about what the future holds for the EU. After all, with the policies already in place as a result of the treaty process, EU member states and their citizens are inextricably connected to one another. European Union policies may be loosely followed or even ignored completely in certain situations; nonetheless the ties remain. Having become a major trading block with a common monetary policy, and with policies toward economic and social cohesion, EU member states are bound to one another. The treaties represent a major force in influencing the

direction of the organizational growth of the European Union and in binding EU member states together.

Directions for Future Study

As a result of this research, it seems that there are many possibilities for future study. Two of the most obvious are discussed below.

First, research should be done on the role that official documents (style and content) play in the creation and maintenance of an organization, whether the organization is public or private, local, national, or international. Due to my examination of the EU treaties, I believe that subtle incremental shifts in the language of the treaties (i.e. changing wording from “member states may” to “member states shall”) have led to extending and legitimizing EU authority to an extent that was unanticipated when the text of the treaty was initially drafted.

EU institutional agents make decisions based on their interpretation of the text of the treaty mandates. The understanding of a single word can dramatically effect what is decided. I think that a close look at changes in EU treaty text from one document to the next would reveal that ostensibly slight linguistic changes have -over time- reshaped the perception of the EU as mainly an economic arrangement into the belief that the EU is a political and social entity in its own right. Perhaps the best example of this is the change in Treaty of the European Union from referring to the organization as a community and renaming the organization as a “union”. The word “union” implies not only that member states are united in particular matters, but also that member states are part of a bigger thing – in this case the EU.

What has happened in terms of the official EU treaty documents is important in other contexts where slight changes to official documents may result in dramatic shifts in not only the perception of the organization, but in the extent of the authority of the organization as well. This progressive change in perception is further facilitated if the language and style of the documents is formal as it is in the case of treaties or other legal texts. I am convinced that had the treaties been written in a less formal style (a style more accessible for the average citizen), the EU organization would not have been able to expand into the areas of member state sovereignty in which the EU is involved today. Strong national tendencies would have prevented EU incursion because citizens of member nations would have felt threatened by the notion of the growth of some type of EU super-state.

In the same vein, other research should concentrate on determining the importance of documents in sustaining communities or organizations where leadership roles are of minimal importance or are of a temporary nature. The manner and degree to which legal/official documents influence and impact the substantiation of particular realities, and the role that such documents play in promoting a sense of identity should also be investigated, as should the way that such documents sustain popular ideas? The existence of official text can take on an almost mythical importance, even if the average person has never read it. I think that the text of the EU treaties has acquired such a sense of mythical importance to EU citizens. The treaty documents represent a commitment that

has reassured EU citizens not only of available economic opportunities, but also that the potential for another great war within Europe is not looming on the horizon.

Also, in terms of the development of an EU identity, research should examine how the evolution of such an identity is effecting the individual member states' national cultures. It seems to me that with the enactment of open border policies and the introduction of the single currency, a gradual neutralization of European cultures is beginning to occur. A close look at changes in laws or other policies reflecting cultural values would reveal if such a neutralization seems to be occurring.

Second, future study should focus on an in-depth analysis of the process underlying the formulation of the treaties of the European Union, including attention to the social and political factors that may have influenced decisions with regard to treaty content. This would be a daunting task in some respects, but it would provide a very different picture of EU development than that derived from the examination of only parts of the treaties as they relate to certain topics. It is unclear what the true motivation has been for the growth of the EU into the organization it is today. I believe that economic interests are the most basic reasons for EU development. But economic and security issues are so intimately connected, that it is conceivable that EU membership is viewed as the best hope of avoiding national conflict. It is reasonable to imagine that the former Eastern

Bloc nation states (in particular), who are now a part of the EU, are relieved to be out of the reach of any potential threats from former countries of the USSR.

The integration of the European Union remains a much-investigated topic, but with no consensus to explain with certainty how integration has occurred or what is happening in terms of an organizational culture or an EU identity. I think the treaty language and style combined with the treaty process are the simple answer to explaining integration within the European Union organization. The results of this research reveal the patterns of EU development. More investigation of the treaty documents would expand understanding of EU development.

Appendix A

Coding Instructions

Identification of Thematic Categories In Additions and Amendments To Primary EU Treaties

Unit of Analysis: Each single numbered article or each single numbered sub-part of a multi-part article.

Thematic Categories To Be Identified:

- economic: text relates primarily to economic issues
- social: text relates primarily to social issues
- security: text relates primarily to security issues
- administrative: text relates primarily to administrative issues

Category Overlap: If it is impossible to assign text to a single thematic category, indicate all of the thematic categories that apply.

Analysis Process:

Step 1- Independent of the other coder, determine which color you will use to identify each of the thematic categories.

Step 2- Carefully read each numbered article or numbered article sub-part.

Step 3- Respond to the text, categorizing it by marking it with the color you have chosen for that thematic category.

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